

**Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 18 May 2016**

Agenda Item No	Topic	Decision
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**Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.**

**Part A – Items considered in public**

<b>A1</b>	APPLICATION AGAINST INTERIM STEPS - CIRCUIT 36-38 NORTH STREET, ROMFORD, RM1 1BH	<b>Licensing Act 2003 Notice of Decision</b>										
			<p><b>PREMISES</b> Circuit 36-38 North Street Romford RM1 1BH</p> <p><b>DETAILS OF APPLICATION</b></p> <p>Application against the interim step made under section 53A of the Licensing Act 2003. The application was received by Havering’s Licensing Authority on 16 May 2016 and the hearing was held on 18 May 2016.</p> <p><b>APPLICANT</b> Dadds Solicitors On behalf of the Buddha RT Ltd t/a Circuit, 36/38 North Street, Romford. RM1 1BH</p> <p><b>1. Details of existing licensable activities</b></p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of alcohol.</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Monday to Tuesday</td> <td align="center">11:00</td> <td align="center">00:00</td> </tr> <tr> <td align="center">Wednesday to Thursday</td> <td align="center">11:00</td> <td align="center">01:00</td> </tr> </tbody> </table>	Supply of alcohol.			Day	Start	Finish	Monday to Tuesday	11:00	00:00
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		<ul style="list-style-type: none"> <li>• That the premises holder wished to have an opportunity to be heard and to make further representations and provide the aforementioned at a hearing</li> </ul> <p>The application stated that the premises “Circuit” was failing to promote at least three of the licensing objectives namely; prevention of crime &amp; disorder, protection of the public safety and prevention of public nuisance. The Police were primarily concerned about the lack of regard the premises licence holders had in the promotion and upholding of the licensing conditions. Additionally it was alleged that errors and breaches of the licence conditions existed whilst violence on the site had occurred.</p> <p><b>3. Requirements upon the Licensing Authority</b></p> <p>This application was made under the provisions of s.53A of the Act. As such, s.53A(2)(a) required that within 48 hours of the receipt of the application the licensing authority considers whether it was necessary to take interim steps pending the determination of the review application. A first interim hearing was heard within the 48 hour time frame and took place on the morning of 12 May 2016. It was the licensing sub-committee’s decision to exercise its discretion with regard to the provisions of s.53B (2) and to not give the premises licence holder an opportunity to make representations to the licensing authority at that stage.</p> <p>Subsequent to Police representation the licensing sub-committee decided to suspend the licence from midday 12 May 2016 pending the full review hearing in line with its powers under s.53B(3)(d). The relevant decision notice was provided to the premises licence holder on 12 May.</p> <p>The premises licence holder made representation to the licensing authority against this interim decision on 12 May 2016 and in line with its duty under s.53B(6) the licensing authority organised a hearing within 48 hours, for the 16 May 2016. The hearing was to</p>

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		<p>enable the premises licence holder to make representation against the interim decision to suspend the licence pending the full hearing.</p> <p>The Sub-committee was not convinced by the efficacy of the proposed conditions and determined that the interim suspension of the premises licence should remain in place.</p> <p>The premises licence holder sought a further interim hearing to petition the Sub-Committee further to modify the decision to suspend the premises licence for the interim period. This third interim hearing, therefore, was to enable the premises licence holder to persuade the Sub-Committee to lift the suspension on the licence pending the full hearing.</p> <p><b>4. Details of Representation</b></p> <p><b>Premises Licence Holder</b></p> <p>At the beginning of the hearing the Chairman addressed all parties stating that at the previous hearing, on 16 May 2016, the Sub-Committee asked if there was any further representations for consideration as the Sub-Committee did not curtail any party from making any further presentation.</p> <p>Mr Dadds responded to the comments of the Chairman accepted that his client had received a fair hearing at the meeting of 16 May 2016.</p> <p>Mr Dadds informed the Sub-Committee that he was seeking to persuade Members to re-open the premises as he was of the opinion that some sense of proportionality could be achieved.</p>

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		<p>The main thrust of the argument for a re-opening related to section 2.6 of the guidance which took in to consideration the effect of a closure which was significant in this case as it related to the employment of about 60 people; all but three of whom would lose their jobs.</p> <p>The Sub-Committee was also informed that stock would still need to be paid for which all added up to an income loss to the premises in the current circumstances.</p> <p>The Sub-Committee was informed that under paragraph 11.20 of the Section 182 guidance to the Licensing Act 2003 the Police were not exercising their right to seek the removal of the designated premises supervisor, for example, because they consider that the problems are the result of poor management.</p> <p>Mr Dadds suggested that the authority’s determination should be evidence based and proportional.</p> <p>Mr Dadds was of the view that the main cause of concern was the incident of 2 May 2016 that led to a serious breakdown and failure by the contracted security company. The Sub-Committee was informed that the premises was not expecting the actions of one or two doormen to lead to a failure of personnel.</p> <p>A new SIA accredited security company with the highest of standard and accreditation had been contracted.</p> <p>Mr Dadds was of the view that the Sub-Committee should have confidence that having undertaken a complete risk assessment the premises was in a position to move forward.</p>

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		<p>The Sub-Committee was informed that had a doorman been present within the VIP area, the incident would likely have been avoided. Further to investigations and review, the premises have now identified and can confirm that all patrons within the VIP area were scanned and searched on entry to the venue. The premises accepted punches were thrown but no guns or weapon was present during the incident.</p> <p>Mr Dadds also made the following reassurance to the Sub-Committee:</p> <ul style="list-style-type: none"> <li>• The premises had appropriate signage in place and also under took searches of all patrons.</li> <li>• The staff at the premises had a programme of checking every 30 minutes for vulnerable persons.</li> <li>• The toilet attendant was paid a reasonable wage for the work carried out.</li> <li>• All senior staff at the premises have received training do meet maintain standards</li> <li>• The premises was offering an additional condition to have an extra security personnel stationed in the office monitoring the CCTV system</li> <li>• The premises understood the severity of drug issue.</li> <li>• Guarantee that a log of drug seizure was maintained at the premises.</li> <li>• The premises was not aware of any breaches of any of its conditions.</li> <li>• With the change of door staff, the premises was seeking to address the concern of the sub-committee.</li> </ul> <p>In response to the delay in complying with the request for CCTV coverage, Mr Dadds informed the Sub-Committee that the premises had assisted the Police at every point but on receipt of the request the DPS (Mr Howe) was away but on his return the request was compiled with.</p>

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		<p>Mr Dadds added that it was usual for the Police to request CCTV coverage for 30 days hence the request from the premises for the appropriate forms be completed.</p> <p>The Sub-Committee was informed that the legal representative from Dadds Solicitors was not available during the police visit to request a copy of the CCTV footage and it was proposed that representative of the premises and the Police view the footage together.</p> <p>Mr Dadds also stated that apart from the delay due to Mr Howe’s absence, the premises had acted reasonably and would look to improve its current practice.</p> <p>The Sub-Committee noted that the Police had suggested conditions following an incident in March 2016 which had not been implemented by the premises.</p> <p>The Sub-Committee also noted that an issue of intoxication in this matter; it noted that the patrons in the VIP area had been in the premises since 22:00 hours but had admitted they started drinking at 13:00 hours.</p> <p>Mr Dadds informed the Sub-Committee that the premises staffs undertake floor watch to identify intoxicated persons. The Sub-Committee heard that the premises approach was about how a response was carried out to show that the premises was a responsible operator who wanted to remain open.</p> <p><b>Police Submission</b></p> <p>Mr Rankin addressed the Sub-Committee stating that the origin of the review was about serious crime and disorder that occurred at the premises on 2 May 2016 and that</p>

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		<p>summary reviews are not for reducing a gang culture of using guns and knives, as in the evidence of DJ Butterworth.</p> <p>Mr Rankin informed the Sub-Committee that following further review of the CCTV footage, the Police have identified that drug taking was evident at the premises.</p> <p>Mr Rankin also stated that the Police were disputing the timeline of events in respect of the request for CCTV footage from the premises. The Sub-Committee was informed that the Police do not require a data protection form to be completed on issues of crime and disorder.</p> <p>The Sub-Committee was also informed that the former Police Licensing Officer in the borough was in the process of seeking a review on the premises before his redeployment.</p> <p>Mr Rankin concluded by stating that the Sub-Committee had enough evidence to reach a decision on the interim review. The Police were agreeable to the conditions in order for the premises to re-open and still reserved their position at the full review hearing to seek a revocation of the Premises Licence.</p> <p><b>5. Determination of Application</b></p> <p>Consequent upon the hearing held on 18 May 2016 the Sub-Committee’s decision regarding the expedited review of the premises licence for Circuit, 36-38 North Street, Romford, RM1 1BH is set out below, for the reasons shown:</p> <p>The Sub-Committee was obliged to determine this application with a view to promoting</p>



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		<p>the licensing objectives, which are:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <p>In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering’s Licensing Policy.</p> <p>In addition the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 of the First Protocol of the Human Rights Act 1998.</p> <p>The Sub-Committee informed all parties present that it was aware of a press release from the premises that was not totally factual. In response, Mr Dadds accepted that his firm had assisted in drafting the press release following the hearing of 12 May 2016.</p> <p><b>Decision:</b></p> <p>The Sub-Committee having considered very carefully all the oral and written submissions and having viewed the CCTV evidence and accepted that every opportunity had been given for both parties to fully express their views.</p> <p>The Sub-Committee continue to have concerns regarding the overall management of Circuit, especially the acknowledgement that drug taking occurs despite drugs searches taking place on entry.</p> <p>The Sub-Committee continue to recognise that a number of serious incidents have</p>

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		<p>taken place in the past six months.</p> <p>The Sub-Committee also acknowledged the need to reach a decision which is proportionate. Given all these issues the Sub-Committee had considered, the suspension of the Premises Licence shall continue until 21:00 hours on 20 May 2016. The Sub-Committee imposed the further conditions until the full review of the Premises Licence:</p> <ol style="list-style-type: none"> <li>1. Fifteen (15) SIA accredited door staff to be on duty at all times during the provision of Licensable activity; this includes one static door staff at each of the VIP areas.</li> <li>2. One additional door staff be located in the office to continuously monitor the CCTV system.</li> <li>3. There shall be waiter/waitress service only in the VIP areas and there shall be no self-service of alcohol.</li> <li>4. There shall be a briefing prior to the re-opening of the premises by the Police.</li> <li>5. CCTV shall operate in all public areas of both male and female toilets which shall include continuous coverage of the toilet attendant.</li> <li>6. No door staff who were in post before or on 2 May 2016 shall be re-employed at the premises.</li> <li>7. Within the current condition 11 of the premises licence; in respect of ID scans, The word “may” is deleted and replaced by the word “shall” making it mandatory for all patrons to be scanned.</li> <li>8. Anyone suspected of being intoxicated on entry shall be breathalysed or refused entry.</li> </ol>

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		<p><b>6. Right of Appeal</b></p> <p>The premises licence holder may make representations within 48 hours against the interim step to suspend the premises licence.</p>
A1		
A2		