

**MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE  
Council Chamber - Town Hall  
18 May 2016 (10.30 am - 1.30 pm)**

**Present:**

**COUNCILLORS**

|   |                                |
|---|--------------------------------|
| <b>Conservative Group</b>                 | Linda Trew                     |
| <b>Residents' Group</b>                   | John Wood                      |
| <b>East Havering<br/>Residents' Group</b> | Linda Van den Hende (Chairman) |

Present at the hearing were Mr Stephen Clarke, Mr Rob Howe and Mr Tony McNicholl representing the premises – Circuit along with Mr David Dadds, Mr Alan Aylott and Ms Natasha Nunn legal representatives for the premises.

Representing the Metropolitan Police were James Rankin – Police Legal representative, Police Licensing Officers PC Oisin Daly and Paul De-Angelis and Havering Licensing Officers Paul Jones and Arthur Hunt.

Also present were the Legal Advisor to the Sub-Committee and the clerk to the Licensing sub-committee.

Councillor Dilip Patel was also present for parts of the hearing.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

No interests were disclosed at the meeting.

**1 APPLICATION AGAINST INTERIM STEPS - CIRCUIT 36-38 NORTH STREET, ROMFORD, RM1 1BH**

**PREMISES**

Circuit  
36-38 North Street  
Romford  
RM1 1BH

## DETAILS OF APPLICATION

Application against the interim steps 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.

### APPLICANT

Dadds Solicitors  
On behalf of the Buddha RT Ltd t/a Circuit,  
36/38 North Street,  
Romford  
RM1 1BH

#### 1. Details of existing licensable activities

| <b>Supply of alcohol.</b> |              |               |
|---------------------------|--------------|---------------|
| <b>Day</b>                | <b>Start</b> | <b>Finish</b> |
| Monday to Tuesday         | 11:00        | 00:00         |
| Wednesday to Thursday     | 11:00        | 01:00         |
| Friday to Saturday        | 11:00        | 03:45         |
| Sunday                    | 11:00        | 00:30         |

| <b>Film, Live Music, Recorded Music, performance of dance, anything of a similar description to music or dance</b> |              |               |
|--|--------------|---------------|
| <b>Day</b>   | <b>Start</b> | <b>Finish</b> |
| Monday to Tuesday  | 11:00        | 00:00         |
| Wednesday to Thursday  | 11:00        | 02:00         |
| Friday to Saturday   | 11:00        | 04:00         |
| Sunday   | 11:00        | 01:30         |

| <b>Late Night Refreshment</b> |              |               |
|-------------------------------|--------------|---------------|
| <b>Day</b>                    | <b>Start</b> | <b>Finish</b> |
| Monday to Tuesday             | 23:00        | 00:00         |
| Wednesday to Thursday         | 23:00        | 02:00         |
| Friday to Saturday            | 23:00        | 04:00         |
| Sunday                        | 23:00        | 01:30         |

#### 2. Grounds for Review

The application for an expedited premises licence review had been served under section 53A of the Licensing Act 2003. A formal notice of representation under section 53B (6) was made in accordance with section 53B (9) (c) on following grounds:

- That the interim steps to suspend the licence were disproportionate and not necessary, and

- That the premises holder wished to have an opportunity to be heard and to make further representations and provide the aforementioned at a hearing

The application stated that the premises "Circuit" had failed to promote at least three of the licensing objectives namely; prevention of crime & 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.

### **3. Requirements upon the Licensing Authority**

The 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 had to consider 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.

Subsequent to the 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.

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 16 May 2016. The hearing was to enable the premises licence holder to make representation against the interim decision to suspend the licence pending the full hearing.

The Sub-Committee was not convinced by the efficacy of the proposed conditions in order for the suspension be lifted pending the full hearing, and determined that the interim suspension of the premises licence should remain in place.

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. The third interim hearing, was therefore to enable the premises licence holder to seek to persuade the Sub-Committee to lift the suspension of the licence pending the full hearing.

#### **4. Details of Representation**

##### **Premises Licence Holder Submission**

At the beginning of the hearing the Chairman addressed all parties stating that at the previous hearing, on 16 May 2016, the Sub-Committee had asked if there were any further representations for consideration as the Sub-Committee did not wish to curtail any party from making any further representation.

Mr Dadds responded to the comments of the Chairman accepting that his client had received a fair hearing at the meeting of 16 May 2016.

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.

The main thrust of the argument for a re-opening related to section 2.6 of the guidance which took into 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.

The Sub-Committee was also informed that stock would still need to be paid for which all constituted an income loss to the premises in the current circumstances.

The Sub-Committee was informed that under paragraph 11.20 of the Section 182 guidance to the Licensing Act 2003 the Police had the right to seek the removal of the Designated Premises Holder but they had decided not to exercise this right in this instance.

Mr Dadds suggested that the authority's determination should be evidence based and proportional.

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 to deal with the incident in a professional manner.

A new SIA accredited security company with the highest standards and accreditation had been contracted.

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.

The Sub-Committee was informed that had a doorman been present within the VIP area, the incident would likely have been avoided.

Following investigations, the premises had confirmed that all patrons within the VIP area at the time of the incident had been scanned and searched on entry to the venue. The premises accepted that punches were thrown but no guns or weapons were present during the incident.

Mr Dadds also made the following reassurances to the Sub-Committee:

- The premises had appropriate signage in place and also undertook searches of all patrons.
- The staff at the premises had a programme of checking every 30 minutes for vulnerable persons.
- The toilet attendant was paid a reasonable wage for the work carried out.
- All senior staff at the premises had received training to maintain standards.
- The premises had offered an additional condition to have an extra security personnel stationed in the office monitoring the CCTV system.
- The premises understood the severity of drug use on the premises.
- A guarantee that a log of drug seizures was maintained at the premises.
- The premises was not aware of any breaches of any of its conditions.
- With the change of door staff, the premises was seeking to address the concern of the sub-committee.

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; on his return however the request was compiled with.

Mr Dadds added that it was unusual for the Police to request CCTV coverage for 30 days hence the request from the premises for the appropriate forms to be completed.

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 representatives of the premises and the Police view the footage together.

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.

The Sub-Committee noted that following an incident in March 2016, the Police had suggested conditions which had not been implemented by the premises.

The Sub-Committee also noted 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 that day.

Mr Dadds informed the Sub-Committee that the premises staff undertook floor watches to identify intoxicated persons. The Sub-Committee also heard that the premises approach to dealing with intoxicated patrons was to show that the premises was a responsible operator who wanted to remain open.

### **Police Submission**

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 summary reviews were not for reducing a gang culture of using guns and knives, as in the evidence of DJ Butterworth – Licensing and Security Compliance Consultant for the premises.

Mr Rankin informed the Sub-Committee that following further review of the CCTV footage, the Police had identified that drug taking was evident at the premises.

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 application to be completed on issues of crime and disorder.

The Sub-Committee was also informed that the former Police Licensing Officer in the borough was in the process of seeking a review of the premises' licence prior to his redeployment.

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.

## **5. Determination of Application**

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 was as set out below, for the reasons shown:

The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

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.

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.

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 company had assisted in drafting the press release following the hearing of 12 May 2016.

**Decision:**

The Sub-Committee had considered carefully all the oral and written submissions and having viewed the relevant CCTV evidence and accepted that every opportunity had been given for both parties to fully express their views.

The Sub-Committee continued to have concerns regarding the overall management of the premises - Circuit, especially the acknowledgement that drug taking occurred despite drugs searches taking place on entry.

The Sub-Committee continued to recognise that a number of serious incidents had taken place in the past six months.

The Sub-Committee also acknowledged the need to reach a decision which was proportionate. Given all these issues the Sub-Committee had decided that the suspension of the Premises Licence shall continue until 21:00 hours on 20 May 2016. The Sub-Committee imposed the following further conditions until the full review of the Premises Licence:

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 member at each of the VIP areas.
2. One additional door staff member to be located in the office to continuously monitor the CCTV system.

3. There shall be waiter/waitress service only in the VIP areas and there shall be no self-service of alcohol.
4. There shall be a briefing by the Police prior to the re-opening of the premises.
5. CCTV shall operate in all public areas of both male and female toilets which shall include continuous coverage of the toilet attendant.
6. No door staff that were in post before or on 2 May 2016 shall be re-employed at the premises.
7. Within the current condition 11 of the premises licence; in respect of ID scans, the word “may” to be deleted and replaced by the word “shall” making it mandatory for all patrons to be scanned.
8. Anyone suspected of being intoxicated on entry shall be breathalysed or refused entry.

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**Chairman**