



# Haverling

LONDON BOROUGH

## LICENSING SUB-COMMITTEE CIRCUIT - SECTION 53A REVIEW

### AGENDA

<b>10.30 am</b>	<b>Wednesday 18 May 2016</b>	<b>Council Chamber - Town Hall</b>
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Members 3: Quorum 2

**COUNCILLORS:**

Linda Van den Hende (Chairman)  
John Wood  
Linda Trew

**For information about the meeting please contact:  
Taiwo Adeoye - 01708 433079  
[taiwo.adeoye@onesouce.co.uk](mailto:taiwo.adeoye@onesouce.co.uk)**

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

**AGENDA ITEMS**

**1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive

**2 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any interest in an item at any time prior to the consideration of the matter.*

**3 CHAIRMAN'S ANNOUNCEMENT**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

**4 REPORT OF THE CLERK (Pages 1 - 4)**

**5 REPORT OF THE LICENSING OFFICER (Pages 5 - 6)**

Application for interim step of suspension to be modified in accordance with conditions agreed by the Police Service and the premise licence holder.

**6 APPLICATION AGAINST INTERIM STEPS - CIRCUIT 36-38 NORTH STREET, ROMFORD, RM1 1BH (Pages 7 - 10)**

Additional grounds for interim step of suspension to be modified in accordance with conditions agreed by the Police Service and the Premise Licence Holder.

**Andrew Beesley**  
**Committee Administration Manager**

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## LICENSING SUB-COMMITTEE

## REPORT

Subject Heading:

Procedure for the Hearing: Under  
Section 53A Expedited Premises  
Licence Review – Licensing Act 2003

Report Author and contact details:

Taiwo Adeoye – 01708 433079  
[taiwo.adeoye@onesource.co.uk](mailto:taiwo.adeoye@onesource.co.uk)

### PROCEDURE FOR THE HEARING:

This is a hearing to consider an application under section 53A; expedited premises licence review (Licensing Act 2003). The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

#### 1. Membership of the Sub-Committee:

1.1 The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. **Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.**

1.2 A member of the Licensing Committee will be excluded from hearing an application where he or she:

1.2.1 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or

1.2.2 has a personal interest in the application.

#### 2. Roles of other participants:

2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.

- 2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

**3. Chairman's Briefing meeting:**

- 3.1 Prior to this hearing, the Sub-Committee Chairman will have met the Legal Advisor and/or Clerk to determine whether further clarification is required of any issues contained in the review application or any representation.
- 3.2 During this representation validation meeting, no decision will have been made or discussion held regarding the substantive merits of the review application or representations.

**4. Location and facilities:**

- 4.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 4.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

**5. Notification of attendance:**

- 5.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

**6. Procedural matters:**

- 6.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether the application to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 6.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

### **Introduction of the application:**

The party requesting the review will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

### **Documentary evidence:**

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

### **Representations:**

- The Chairman will invite parties present at the hearing or their representatives sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Licensing Authority;
- the Chief Officer of Police;

## **7. Failure of parties to attend the hearing:**

- 7.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-

Committee will still consider the application, representation or notice submitted by that party.

**8. Sub-Committee's determination of the hearing:**

- 8.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.
- 8.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 8.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

**9. Power to exclude people from hearing:**

- 9.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
  - it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or
  - that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

**10. Recording of proceedings:**

- 10.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

**11. Power to vary procedure:**

- 11.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.



# LICENSING SUB-COMMITTEE

18 May 2016

# REPORT

**Subject heading:**

**Circuit  
36-38 North Street Romford RM1 1BH  
s.53A expedited premises licence  
review**

**Report author and contact details:**

**Paul Jones, Licensing Officer  
c/o Town Hall, Romford  
paul.jones@havering.gov.uk**

**This application for an expedited premises licence review is made by PC Oisin Daly on the behalf of the Metropolitan Police under s.53A of the Licensing Act 2003. The application was received by Havering's Licensing Authority at 14:26 on 10<sup>th</sup> May 2016.**

Further to this application being submitted an interim hearing was heard within the prescribed 48 hour time frame and took place on the morning of 12<sup>th</sup> May 2016. Subsequent to Police representation the licensing sub-committee chose to suspend the licence from midday 12<sup>th</sup> May 2016 pending the full review hearing, in line with its powers under s.53B(3)(d).

The premises licence holder made representation to the licensing authority against this interim decision on 12<sup>th</sup> May 2016. The licensing authority organised a second interim hearing within the prescribed 48 hour period. Immediately prior to this second hearing the Police and the premises licence holder requested a period of mediation during which a series of conditions was agreed between both parties to the effect that, pending licensing sub-committee agreement, the premises may re-open during the interim period with the adoption of these additional conditions by the premises licence holder. The licensing 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.

The premises licence holder sought a further interim hearing to petition the licensing sub-committee further to modify the decision to suspend the premises licence for the interim period. Today's third interim hearing, therefore, is to enable the premises licence holder to do this.

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Licensing Authority  
London Borough of Havering  
Mercury House  
Mercury Gardens  
London, RM1 3SL

Our Ref: dd/lb/NIC1-13

Your Ref:

17<sup>th</sup> May 2016

Dear Sirs,

**Re: Circuit, 36-38 South Street, Romford, RM1 1BH**

As you are aware we are instructed to act on behalf of Buddha RT Ltd for the above premises.

We understand an expedited review under S53A has been made in respect of the above premises and the Licensing Sub-Committee has made the decision to suspend the Premises Licence.

We wish to make application against the interim steps made under S.53A. Please accept this letter as formal notice of representation under S.53B(6). Please confirm safe receipt.

In accordance with Section 53B (9) (C) the relevant licensing authority must consider the representations made by the holder of the premises licence made at the hearing.

Our client will say, amongst other things:-

1. That the interim steps to suspend the licence is disproportionate and not necessary, and
2. That they wish to have an opportunity to be heard to make further representations and provide the aforementioned at a hearing.

We look forward to hearing from you and would be grateful if you could advise the date and time of the hearing. We understand the hearing will be held tomorrow, 18<sup>th</sup> May at either 10am or 10.30am.

Yours faithfully

*Dadds*  
DADDS LLP

**Dadds Solicitors**

Crescent House, 51 High Street, Billericay, Essex CM12 9AX  
T: 01277 631811 F: 01277 631055 E: office@dadds.co.uk  
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Page 7



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Mr Kamaljit Jandu  
London Borough of Newham  
DX: 4706 EAST HAM

Our Ref: dd/lb/NIC1-13

Your Ref:

17<sup>th</sup> May 2016

[Kamaljit.Jandu@onesource.co.uk](mailto:Kamaljit.Jandu@onesource.co.uk)

Dear Sirs,

**Re: Circuit, 36-38 North Street, Romford, RM1 1BH**  
**Expedited Review**

We write with reference to the above and further to your email of today's date.

As you will be aware there is nothing in the legislation that prohibits the premise licence holder seeking a further interim steps hearing. The reason why we are seeking an additional interim steps hearing is two-fold. One, to make further submissions on fact and law, and two, to introduce additional supporting evidence on behalf of the premise licence holder.

As you will be aware Dadds LLP made submissions before the licensing sub-committee which were curtailed in part because of the discussions had by the police service prior to the hearing. You will note within your Minutes that our Mr Dadds did set out that he had prepared submissions but had changed them given the agreement that had been reached by the police service. Therefore, the submissions made were summarised and only the salient points came out through questioning and comments made by members during the police submission.

It is not unusual for submissions to be summarised or curtailed so as to focus on the matters at hand. As you are aware the police, who were the applicant to the review, and the premise licence holder both agreed what conditions would need to be in place so as to promote the licensing objectives in the interim. It would be somewhat unusual to make further submissions on matters outside of that given the agreed position. Of course the licensing authority did not agree with those conditions and made some observations regarding the premises licence conditions, alleged drug taking and comment further about the seriousness of the incident. Our client wishes to make further submissions regarding those points, particularly in relation to the drugs as that was the first time that matter had been raised, secondly in relation to the cameras and has additional conditions to offer. Further evidence is available and witness statements can be provided this afternoon.

## Dadds Solicitors

Crescent House, 51 High Street, Billericay, Essex CM12 9AX  
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Page 9



In relation to the seriousness of the incident and whether the conditions are appropriate, our expert is compiling a further report to comment upon that, and that evidence we wish to adduce before a licensing sub-committee. Our client also has supporting evidence from Pubwatch and further information from the Door Company which will assist the licensing authority.

With the above additional information and submissions, we are confident that the licensing authority will agree with us that interim steps can be modified.

We anticipate to have the additional documents over by early afternoon so that they can be circulated in good time for members to read them overnight. We have spoken to Mr Rankin yesterday and will ensure he also receives the additional papers.

Should you require any further information please do not hesitate to ask.

Yours faithfully



**DADDS LLP**