

Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 3 June 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

<p>A1</p>	<p>Circuit, 36-38 North Street, Romford, RM1 1BH - s.53A expedited premises licence review</p>	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Circuit 36-38 North Street Romford RM1 1BH</p> <p>DETAILS OF APPLICATION</p> <p>Application for an expedited review made by PC Oisin Daly, on behalf of the Metropolitan Police, under section 53A of the Licensing Act 2003. The application was received by Havering’s Licensing Authority on 10 May 2016.</p> <p>APPLICANT PC Oisin Daly On behalf of the Metropolitan Police, 19 Main Road, Romford RM1 1B7</p> <p>1. Details of existing licensable activities</p> <table border="1" data-bbox="969 1353 2022 1393"> <tr> <td>Supply of alcohol.</td> </tr> </table>	Supply of alcohol.
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		<p>The application for an expedited premises licence review had been served under section 53A of the Licensing Act 2003. This application had been prompted by an incident which had occurred at the premises in the early hours of 2nd May 2016 during which a number of male patrons had been ejected from the premises by door supervisors. One patron had been rendered unconscious during the ejection process.</p> <p>In accordance with S.53A(3)(c) of the Act required the Licensing Authority to advertise the review, inviting representations to be made by responsible authorities or interested parties. An appropriately worded public notice advertising this application had been placed at the premises, at Havering Town Hall and on Havering’s website on 11th May 2016.</p> <p>3. Requirements upon the Licensing Authority</p> <p>This application had been 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 considered whether it was necessary to take interim steps pending the determination of the review application. An interim hearing had been held within the 48 hour time frame and had taken place on the morning of 12 May 2016. The Licensing Sub-Committee having sought legal advice had taken the 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>

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		<p>Having considered the Police representation the Licensing Sub-Committee had decided to suspend the licence with effect from midday 12 May 2016 pending the full review hearing. The decision notice had been provided to the premises licence holder on 12 May.</p> <p>The Premises Licence Holder had made representation to the Licensing Authority against this interim decision on 12 May 2016 and in accordance with s.53B(6) a hearing had been arranged within 48 hours, for the 16 May 2016. The hearing had been to 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 had not been convinced by the efficacy of the proposed conditions and had determined that the interim suspension of the premises licence should remain in place.</p> <p>The premises licence holder had 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. The Licensing Sub-Committee had agreed to lift the interim suspension of the licence and had imposed a number of interim conditions if had felt would serve to promote the licensing conditions until the full expedited review hearing.</p> <p>4. Details of Representation</p> <p>Police Submission</p>

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		<p>Mr Rankin addressed the Sub-Committee stating that he and local officers had met with Mr Dadds and the Premises Licence Holder and had agreed a way forward. He had referred to the process to date and the three hearings which had preceded this hearing.</p> <p>On 2 May at approximately 02:59 events started in the VIP area at Circuit. A group of individuals, who had been drinking since 13:00, had hired one of the VIP areas and around 03:00 an interloper had tried to steal their drinks. A fight had broken out and the eventual reaction of the SIA door staff was over zealous. Under the terms of the clubs agreement with the Police a member of the SIA door staff should have been stationed in the VIP area. A second viewing of the CCTV footage by the Police had revealed at least 10 incidents of drug taking in the VIP area and in other parts of the club.</p> <p>When the door staff became involved they had forced the protagonists out of the rear door. These patrons had then tried to storm the door and a member of the SIA door staff had been seen knocking one of the patrons down and kicking them in the head.</p> <p>There had been an unnecessary delay in the police being provided with the CCTV footage.</p> <p>The question for the police had been how do we take this matter forward?</p> <p>A daylong meeting had been held with Mr Dadds and the Premises Licence</p>

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		<p>Holder and a series of conditions had been agreed. The Police’s view had been that the problems could be contained by imposing extra conditions on the licence and cutting back on the opening hours. Mr Rankin had stressed that this was the ‘last chance saloon’ for Circuit, any further failures would result in a further review with the Police seeking revocation of the licence.</p> <p>The conditions agreed between the Police and Premises Licence Holder had been:</p> <ol style="list-style-type: none"> I. Reduce the hours for the sale of alcohol to 11:00 to 03:15 Friday and Saturdays; II. Reduce the hours of other licensable activities to 11:00 to 03:45 Friday to Saturday; III. Reduce the opening hours to 11:00 to 03:45 Fridays to Saturdays. IV. Amend Condition 11 of Annex 2 to the current licence to read ‘The Premises Licence Holder shall ensure that the premises adopts a club ID scan, or a suitable equivalent, which will be utilised as part of the conditions of entry after 21:00 on any day when SIA door supervisors are engaged. Patrons shall only be admitted on production of a passport, photo driving licence or Passcard.’ <p>Mr Rankin had explained that with the club ID scan a patrons details including photograph and fingerprint was retained in the system. The machine could provide patrons with a barcode, sent to their mobile</p>

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		<p>phone, so they did not have to bring their physical ID everytime they entered the premises. A scan of the barcode would bring up the patrons photo to compare with the person seeking entry.</p> <p>V. The Premises Licence Holder shall ensure that where door supervisors are so engaged, a minimum of two door supervisors, deployed at the entrance to the venue after 21:00, shall wear body camera equipment (body cams) to record until the premises close of business the following day.</p> <p>VI. The Premises Licence Holder shall ensure that the body cameras equipment shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month and made available within a reasonable time upon request by the police on production of the relevant Data Protection form. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.</p> <p>VII. The Premises Licence Holder shall ensure that where SIA door supervisors are so engaged, three personnel will be situated at the VIP booths (as detailed on the plans agreed with the police); one to be engaged in the CCTV control room. A total of ten personnel are to be on duty before midnight with 12 personnel thereafter.</p>

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		<p>VIII. The Premises Licence Holder shall ensure that any door companies employed at the premises shall be accredited with the SIA Approved Contractor Scheme.</p> <p>IX. The Premises Licence Holder shall ensure that there shall be no self-service of alcohol at any time.</p> <p>The Sub-Committee were advised that the drinks supplied with the VIP package would be placed in a locked refrigerator and the drinks served to patrons by either a waiter or waitress.</p> <p>X. The Premises Licence Holder shall ensure that a list of all external promotions and DJ's coming to the venue will be provided to police in advance of each event taking place by way of form 696 Metropolitan Police Risk Assessment form which will be submitted to the police no later than 7 days prior to the event. A list of house DJs shall be provided to the police and updated whenever any of the DJs changed.</p> <p>XI. Whilst the premises are open to the public a marshal shall be stationed in The Mews at the rear of the premises.</p> <p>XII. In the event of a patron being ejected from the premises through the rear exit at least two SIA doormen shall be in attendance.</p> <p>PC Daly had confirmed that he was satisfied that the new conditions would</p>

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		<p>improve matters.</p> <p>Mr Dadds Submission</p> <p>Mr Dadds had reminded the Sub-Committee that talk of the premises being in the 'Last Chance Saloon' was unnecessary each application must be considered on its own merits.</p> <p>The premises had always worked well with the police and licensing authority. When requested CCTV footage had always been provided. However, in this instance the police request had been for a copy of all 30 day footage, this was excessive and not justifiable.</p> <p>Mr Dadds had claimed that the Premises had volunteered to install club scan, but the condition as worded had been unenforceable. Evidence showed that the use of club scan had reduced crime by 70%. However, if had to be accepted that whatever steps were taken you could never eradicate all the problems.</p> <p>He had admitted that on 2 May the door supervisors had failed to deal with the problem in a satisfactory way. There had been a catastrophic failure by door staff. On previous occasions the premises had responded and assisted the police as required. The premises had responded by removing that company and employing a new SIA accredited company to provide door staff.</p> <p>In relation to the CCTV the premises were prepared to accept the presence of an independent person in the control room.</p>

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		<p>With regard to the reduced hours, the club had previously operated under those conditions and were prepared to do so again.</p> <p>Mr Dadds had also referred to the issue of body cams. His clients needed to check to see how long it would take to download footage from the body cams to computer or other device and the amount of storage required to accommodate this footage. There was also an issue with regard to employing a door company who was accredited with the SIA Approved Contractor Scheme had companies were finding the cost of becoming accredited was becoming prohibitive.</p> <p>Mr Dadds reminded the Sub-Committee that in accordance with paragraph 2.1 of the guidance the police should be the main source of advice on crime & disorder.</p> <p>Mr Dadds had also indicated that if the Sub-Committee were minded not to revoke the licence he would be asking the Sub-Committee to modify the interim conditions. He had also indicated that neither the police nor his client felt that the interim condition requiring anyone suspected of being intoxicated on entry to be breathalysed or refused entry was necessary.</p> <p>In response to questions from the Sub-Committee Mr Dadds had indicated that the CCTV cameras in the toilets would be directed to the wash hand basins and monitor the toilet attendants. In addition the toilets would be inspected every 30 minutes. In the event of problems the attendants were provided with a hidden panic button.</p>

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		<p>Licensing Authority submissions</p> <p>Arthur Hunt, on behalf of the Licensing Authority advised the Sub-Committee that the premises had been required to introduce scan net as part of the review in 2013.</p> <p>After the incident in March 2016 the police and licensing had met the Premises Licence Holders and had made it quite clear that a member of the door staff needed to be available in the VIP area at all times. If that person had been in place in May it was likely matters would not have got out of hand.</p> <p>Mr Hunt had indicated that if the Police were satisfied that the new conditions would improve the situation significantly Licensing would support their stance.</p> <p>In response Mr Dadds had agreed that the premises were aware of the need to have a member of the door team on duty in the VIP area. The Premises Licence Holder had relayed those instructions to the door company and they were not aware of why that requirement had not been followed on 2 May.</p> <p>5. Determination of Application</p> <p>Consequent upon the hearing held on 3 June 2016 the Sub-Committee’s decision regarding the review of the premises licence for Circuit, 36-38 North Street, Romford, RM1 1BH is set out below, for the reasons shown:</p>

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		<p>The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <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>Decision:</p> <p>The Sub-Committee having considered very carefully all the oral and written submissions presented by the various parties, continued to have concerns regarding the overall management of the premises and have noted from the police disclosures that in 2016 alone there had been seven serious incidents recorded.</p> <p>The Sub-Committee had taken on board the fact that the premises had implemented the interim conditions imposed on 18 May 2016.</p>

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		<p>The Sub-Committee advised that should the premises be subject to a further review the hitherto poor record of the premises would be a significant factor in their determination as to what steps to take.</p> <p>The Sub-Committee had no desire to revoke the licence but would modify the existing conditions and impose the following new conditions as set out below:</p> <ul style="list-style-type: none"> • <u>Modified Conditions</u> <ol style="list-style-type: none"> 1. Reduction of hours: <ul style="list-style-type: none"> Supply of Alcohol Friday and Saturday 11:00 – 03:15 Films, Live Music, Recorded Music, Performance of Dance etc. Friday and Saturday 11:00 – 03:45 Late Night Refreshment Friday and Saturday 11:00 – 03:45 Opening hours Friday and Saturday 11:00 - 03.45 2. <i>Modify condition 11</i> – The Premises License Holder shall ensure that the premises shall adopt a club ID scan or suitable equivalent which will be utilised as part of the conditions of entry after 21:00. Any patron in the premises prior to

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		<p>21:00 hours shall be required to leave the premises and re-enter. Patrons shall only be admitted on production of a passport, photographic driving licence or passcard.</p> <ul style="list-style-type: none"> • <u>Additional Conditions</u> <ol style="list-style-type: none"> 3. The Premises License Holder shall ensure that when SIA door supervisors are engaged, a minimum of two door supervisors, deployed at the entrance to the venue after 21:00hours, are wearing body camera equipment [“bodycam”] to record until the premise close of business the following day. The Premises Licence Holder shall ensure that the “bodycam” footage recordings are securely stored for a minimum of one calendar month and made available within a reasonable time upon request by the police on production of the relevant Data Protection form. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system shall comply with other essential legislation, and all signs as required will be clearly displayed. 4. The Premises License Holder shall ensure that any designated VIP area shall be supervised at all times by at least 1 SIA supervisor. 5. At all times that licensable activity is taking a SIA supervisor employed by the security firm shall be engaged in the CCTV control room. 6. A total of Thirteen (13) door personnel are to be on duty before midnight and a total of fifteen (15) after midnight.

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		<p>7. The Premises License Holder shall ensure that any door companies employed at the premises shall be accredited with the SIA Approved Contractor Scheme. No door staff that were employed and working at the premises on the 2 May 2016 shall be re-employed at the premises.</p> <p>8. The Premises Licence Holder shall ensure that there shall be no self-service of alcohol in the premises at any time, and that any service of alcohol shall be carried out by bar staff and/or waiter/waitress.</p> <p>9. The Premises License Holder shall ensure that a list of all external promotions and DJ's coming to the venue will be provided to police in advance of each event taking place by way of form 696 Metropolitan Police Risk Assessment form which will be submitted to the police no later than 7 days prior to the event. A list of house DJs is to be produced to the police and updated as and when any amendment is made.</p> <p>10. At all times that the premises are open to the public a marshal shall be stationed at the rear of the premises. In the event of an ejection at the rear of the premises, no less than 2 SIA personnel shall be involved.</p> <p>11. CCTV shall operate in all public areas of both male and female toilets which shall consist of continuous coverage of the toilet attendant.</p> <p>12. Anyone suspected of being intoxicated on entry shall be breathalysed or refused entry.</p>

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		<p>The Sub-Committee had also agreed that the interim conditions shall remain in place until the modified and new conditions shall come into force.</p> <p>Mr Dadds had asked that the Sub-Committee reconsider their decision to retain the interim conditions and either revoke or modify them. The Sub-Committee called for a recess to consider this request.</p> <p>Representatives of the three parties were called back to clarify some issues for the Sub-Committee and Mr Dadds informed the Sub-Committee that if the interim conditions were modified, being replaced by the conditions set out above the premises would be able to comply all of the conditions. If not the premises would not open.</p> <p>All parties present were called back in to the hearing to hear the Sub-Committee’s decision on Mr Dadds’ request.</p> <p>The Sub-Committee having heard from Mr Dadds, Mr Rankin and Mr Hunt had agreed to modify the interim conditions and replace them with the conditions set out above, which would now come in to effect with immediate effect.</p> <p>6. Right of Appeal</p> <p>Any party to the decision or anyone who has made a relevant representation</p>

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		<p>[including a responsible authority or interested party] in relation to the application may appeal to the Magistrates' Court <u>within 21 days of notification of the decision</u>. On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. dismiss the appeal; or 2. substitute the decision for another decision which could have been made by the Sub Committee; or 3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. make an order for costs as it sees fit. <p>James K Goodwin Clerk to the Sub-Committee</p>
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