



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE

CIRCUIT (REVIEW)

AGENDA

| | | |
|-----------------|-------------------------------|----------------------------------------|
| 10.30 am | Friday 3 June 2016 | Council Chamber - Town Hall |
|-----------------|-------------------------------|----------------------------------------|

Members 3: Quorum 2

COUNCILLORS:

Linda Trew (Chairman)
Robert Benham
Jody Ganly

**For information about the meeting please contact:
James Goodwin 01708 432432
james.goodwin@onesource.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 EARLIER DECISIONS (Pages 1 - 18)

Attached for the Sub-Committee's information are copies of the decision notices following the earlier meetings on 12th May, 16th May and 18th May 2016.

5 REPORT OF THE CLERK (Pages 19 - 24)

6 CIRCUIT, 36-38 NORTH STREET, ROMFORD, RM1 1BH - S.53A EXPEDITED PREMISES LICENCE REVIEW (Pages 25 - 92)

Andrew Beesley
Committee Administration Manager

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Havering

LONDON BOROUGH

Licensing Act 2003 Notice of Decision

PREMISES

Circuit
36-38 North Street
Romford
RM1 1BH

DETAILS OF APPLICATION

Application for an expedited premises licence review was made by on behalf of the Metropolitan Police Service under section 53A of the Licensing Act 2003. The application was received by Havering's Licensing Authority at 14:26 on 10 May 2016.

APPLICANT

PC Oisin Daly,
On behalf of the Commissioner of the Metropolitan Police Service,
Romford Police Station,
19 Main Road,
Romford.
RM1 1BJ

1. Details of existing licensable activities

| Supply of alcohol. | | |
|---------------------------|--------------|---------------|
| Day | Start | Finish |
| 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 |

| Film, Live Music, Recorded Music, performance of dance, anything of a similar description to music or dance | | |
|--------------------------------------------------------------------------------------------------------------------|--------------|---------------|
| Day | Start | Finish |
| 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 |

| Late Night Refreshment | | |
|-------------------------------|--------------|---------------|
| Day | Start | Finish |
| 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 under three grounds:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

The application stated that the premises "Circuit" was failing 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 received by Havering's Licensing Authority at 14:26 hours on 10 May 2016.

The application was made under the provisions of section 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. This hearing was to enable the licensing authority to comply with this duty.

Section 53B (3) required that the licensing authority must consider whether to take the following interim steps:

- (a) the modification of the conditions of the premises licence
- (b) the exclusion of the sale of alcohol by retail from the scope of the licence
- (c) the removal of the designated premises supervisor from the licence
- (d) the suspension of the licence

The consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the licensing authority (s.53B (2)). Any decision the licensing authority may make takes effect immediately or as soon after as the licensing authority directs (s.53B (5) (a)). The licensing authority must then give immediate notice of its of its decision to the premises licence holder and the chief officer of Police.

4. Details of Representation

Metropolitan Police

James Rankin and PC Oisin Daly, on behalf of the Metropolitan Police Service took the Sub-Committee through the CCTV footage and written evidence. The Sub-Committee was informed that this incident was so severe that measures were needed to be put in to place immediately in order to protect the public, to prevent crime and disorder. The management had delayed producing a CCTV footage which showed violent disorder and potential evidence of a serious assault by door staff which had rendered a male unconscious. It was also stated that the premises had not followed its own procedures whilst this incident was occurring. The police had grave concerns with the door staff currently in place and the overall management of the venue; the premises licence holders. The Sub-Committee was informed that this incident followed on from a GBH incident that occurred in March 2016.

The Police were therefore seeking an immediate suspension of the premises licence.

5. Determination of Application

Consequent upon the hearing held on 12 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:

The Sub-Committee was obliged to determine this 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.

Decision:

The Sub-Committee having viewed the CCTV footage and read and heard the Police evidence, was concerned that there have been serious breaches of the Licensing objectives and licence conditions.

This had an impact on three of the four licensing objectives; namely Serious Crime & Disorder, Public Safety and Public Nuisance. The Sub-Committee therefore suspend the premises licence from midday, 12 May 2016 as an interim measure pending the full review hearing.

6. Right of Appeal

The premises licence holder may make representations within 48 hours, by Monday 16 May 2016 against the interim step to suspend the premises licence.

A handwritten signature in black ink, appearing to be 'Taiwo Adeoye', written over a horizontal line.

Taiwo Adeoye
Clerk to the Licensing Sub-Committee



Licensing Act 2003 Notice of Decision

PREMISES

Circuit
36-38 North Street
Romford
RM1 1BH

DETAILS OF APPLICATION

Application against the interim step made under section 53A of the Licensing Act 2003. The application was received by Haverling's Licensing Authority on 12 May 2016 and the hearing was held on 16 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

| Supply of alcohol. | | |
|---------------------------|--------------|---------------|
| Day | Start | Finish |
| Monday to Tuesday | 11:00 | 00:00 |
| Wednesday to Thursday | 11:00 | 01:00 |
| Friday to Saturday | 11:00 | 03:45 |
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| Film, Live Music, Recorded Music, performance of dance, anything of a similar description to music or dance | | |
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| Late Night Refreshment | | |
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| Monday to Tuesday | 23:00 | 00:00 |
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| 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 was 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" was failing 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

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.

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.

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 the hearing within 48 hours. The hearing was therefore to enable the premises licence holder to make representation against the interim decision to suspend the licence pending the full hearing.

4. Details of Representation

Metropolitan Police

At the beginning of the hearing the sub-committee was informed that both legal representatives for the premises and on behalf of the Commissioner of the Metropolitan Police Service were in discussion on the interim decision seeking a common ground to present to the sub-committee.

Mr Dadds requested for a twenty minutes adjournment in order for negotiation to be completed with James Rankin and PC Oisin Daly, on behalf of the Metropolitan Police Service.

The Sub-Committee agreed to the request and adjourned until 11.05 am.

At the resumption of the hearing, Mr James Rankin was invited to summarise his submission of 12 May 2016. The Sub-Committee was informed that there had been serious breaches of the Licensing objectives and Licence conditions at the premises. Having spoken with Mr Dadds, various proposals had been put forward by the premises to enable the venue re-open subject to a full review.

Mr Rankin detailed the following amendment conditions that had been agreed between both parties:

1. All patrons to the premises shall be scanned for entry.
2. Fifteen door staffs shall be employed at all times the premises is open for business.
3. The VIP area; Alcohol shall be supplied only by a waiter/waitress. (There shall be no self service)
4. All VIP areas shall be monitored by at least one SIA security personnel.
5. PC Oisin Daly would be allowed to brief all SIA door personnel from the new company at 21:00 hours on 20 May 2016
6. No door staffs present on the incident of 2 May 2016 are to be re-employed at the premises.
7. CCTV shall be installed in the male and female toilet and focussed on the toilet attendant. (As a result of the drug abuse concern at the premises)

Mr Rankin concluded stating that even though the Police were acceptable to the conditions in order for the premises to re-open, the decision was in the hands of the Sub-Committee.

The Sub-Committee was informed that the Police reserved their position for the full review hearing to seek a revocation of the Premises Licence.

5. Applicant's Reply

Mr Dadds (legal representative to the applicant) addressed the Sub-Committee stating that it was most usual for the premises not to be allowed to respond to an expedited review of the premises licence hearing as was the case on 12 May 2016.

Mr Dadds made the following submissions in respect of the conditions outlined by Mr Rankin (legal representative for the Commissioner of the Metropolitan Police Service)

- Disputed that a camera had been removed from its location at the back of the premises.
- The premises was in agreement with the conditions agreed with the Police following negotiation.
- The premises voluntarily offered the club scan system following a previous review.
- The SIA company that was contracted to the premises had previously received a commendation for the work practise. Following this incident the contract had been terminated.
- Steps had been taken to employ a new SIA registered company to be in place for Friday, 20 May 2016.
- A representative of Dadds Solicitors would be briefing the new company personnel
- Suggested that the decision of the Sub-Committee must be evidence based and proportionate to the issues.
- The objectives of this step were to provide the premises with an opportunity to talk to the Police and take steps to remedy any concern.
- Suggested that there were no drug issues as all patrons were searched before entry in to the venue.
- That historically, there had been a good relationship between the premises and the Police.
- That the premises always cooperated with the Police.

The Chairman addressed all parties present that its decision to not allow any representations from the premises licence holder was taken following legal guidance. The Sub-Committee decided to exercise its discretion with regard to the provisions of s.53B (2) to not give the premises licence holder an opportunity to make representations at that stage.

The Sub-Committee noted that the premises had not submitted a revised CCTV plan to the responsible authorities. It was clarified to the Sub-Committee that a doorman will be dedicated to each of the VIP areas and the daily register will be made available for inspection.

6. Determination of Application

Consequent upon the hearing held on 16 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:

The Sub-Committee was obliged to determine this 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.

Decision:

The Sub-Committee stated that following careful consideration of all information including the offer of agreed additional conditions, the sub-committee remain of the view that the interim suspension is an appropriate and proportionate decision given the concerns that the current licensing conditions are not being fully met, for example evidence of an initial reluctance to release CCTV footage requested to the Police in a timely manner and an initial insistence that it be viewed at the premises with representatives of the licence holder and as the sub-committee had heard today, evidence of overt drug taking.

The gravity of the incidents which occurred on 2 May and the apparent lack of an acceptable response led the sub-committee to have concerns regarding the public safety and crime & disorder licensing objectives.

Therefore the sub-committee's decision was to continue the interim suspension of the premise licence pending the full review.

7. Right of Appeal

The premises licence holder may make representations within 48 hours, by Wednesday 18 May 2016 against the interim step to suspend the premises licence.

A handwritten signature in black ink, appearing to be 'Taiwo Adeoye', written over a horizontal line.

Taiwo Adeoye
Clerk to the Licensing Sub-Committee



Licensing Act 2003 Notice of Decision

PREMISES

Circuit
36-38 North Street
Romford
RM1 1BH

DETAILS OF APPLICATION

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.

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

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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 was 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" was failing 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

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.

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.

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 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 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. 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.

4. Details of Representation

Premises Licence Holder

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.

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.

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 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.

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.

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.

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 of personnel.

A new SIA accredited security company with the highest of standard 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. 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.

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

- The premises had appropriate signage in place and also under took 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 have received training do meet maintain standards
- The premises was offering an additional condition to have an extra security personnel stationed in the office monitoring the CCTV system
- The premises understood the severity of drug issue.
- Guarantee that a log of drug seizure 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 but on his return the request was compiled with.

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.

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.

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 the Police had suggested conditions following an incident in March 2016 which had not been implemented by the premises.

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.

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.

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 are not for reducing a gang culture of using guns and knives, as in the evidence of DJ Butterworth.

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.

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.

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.

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 is set out below, for the reasons shown:

The Sub-Committee was obliged to determine this 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 firm had assisted in drafting the press release following the hearing of 12 May 2016.

Decision:

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.

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.

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

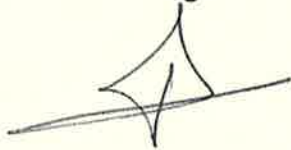
The Sub-Committee also acknowledged the need to reach a decision which is proportionate. Given all these issues the Sub-Committee had considered, the suspension of the Premises Licence shall continue until 21:00 hours on 20 May 2016. The Sub-Committee imposed the further conditions until the full review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

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.

2. One additional door staff 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 prior to the re-opening of the premises by the Police.
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 who 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" is 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.

6. Right of Appeal

The premises licence holder may make representations within 48 hours against the interim step to suspend the premises licence.



Taiwo Adeoye
Clerk to the Licensing Sub-Committee



LICENSING SUB-COMMITTEE

3 June 2016

REPORT

Subject Heading:

Procedure for the Hearing
Licensing Act 2003

Report Author and contact details:

James Goodwin – Committee Officer
01708 432432
James.goodwin@onesource.co.uk

REPORT OF THE CLERK

PROCEDURE FOR THE HEARING: LICENSING ACT 2003 (REVIEW OF LICENCE)

This is a hearing to consider an application for a review of a licence under section 51 of the 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 has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or
 - 1.2.2 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or
 - 1.2.3 is a Ward Councillor for a Ward which is likely to be affected by the application or;
 - 1.2.4 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 their applications 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 at least 7 clear working days 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 each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points on which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- 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 party requesting the review of the licence
- the Chief Officer of Police;
- the Fire Authority;
- the Health and Safety at Work Enforcing Authority;
- the Local Planning Authority;
- the Local Environmental Health Authority;
- the Local Weights and Measures Authority;
- the Authority Responsible for the Protection of Children from Harm;
- a navigation or other authority responsible for waterways; and
- any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee;
- the party whose premises is the subject of the licence review.

At the discretion of the Sub-Committee the above order may be varied.

Cross-Examination:

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only where it is necessary to assist it in considering the representations or application.

Relevance:

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

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

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. Adjournments and extension of time:

- 8.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:
- Review of premises licences following closure orders made under the Licensing Act 2003 where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.
 - Other reviews of premises licenses where the Sub-Committee must make a determination within 28 days of the end of the statutory consultation period.

9. Sub-Committee's determination of the hearing:

- 9.1 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.
- 9.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 9.3 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.

10. Power to exclude people from hearing:

- 10.1 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.

11. Recording of proceedings:

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

12. Power to vary procedure:

- 12.1 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.

5
**LICENSING
 SUB-COMMITTEE**
REPORT3rd June 2016**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 Act*). The application was received by Havering's Licensing Authority at 14:26 on 10th May 2016.

Geographical description of the area and description of the building

Circuit nightclub is located at the south end of North Street which places the premises within the ring road. This area is therefore subject to a special policy further to cumulative impact. The immediate vicinity in which the premises reside is a pedestrianized section of North Street and contains commercial and residential properties.

Comments and observations on the application

This s.53A application for an expedited review was submitted on 10th May 2016 by PC Oisin Daly on the behalf of the Metropolitan Police. The application was certified by a Chief Superintendent. The expedited review application was prompted by an incident which occurred at the premises in the early hours of 2nd May 2016 during which a number of male patrons were ejected from the premises by door supervisors. One patron was rendered unconscious during the ejection process.

S.53A(3)(c) of the Act requires 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 was placed at the premises on 11th May 2016, at Havering Town Hall and on Havering's website.

Further to the application's submission on 10th May 2016 an interim hearing was heard within the prescribed 48 hour time frame and took place on the morning of 12th May 2016. Subsequent to Police representation the licensing sub-committee chose to suspend the licence from midday 12th 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 at a second interim hearing on 16th May 2016. Immediately prior to this second interim hearing the Police and the premises licence holder undertook mediation during which a series of conditions was agreed between both parties to the effect that, pending licensing sub-committee approval, 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 declined to accept the adequacy of these measures to serve to promote the licensing objectives and determined that the interim suspension of the premises licence should remain in force.

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. In response the licensing sub-committee lifted its interim suspension of the licence and imposed a series of interim conditions it felt would serve to promote the licensing objectives until the full expedited review hearing.

S.53C(2) of the Act dictates that the Licensing Authority is required to:

- (a) hold a hearing to consider the application for the review and any relevant representations;
- (b) take such steps mentioned in subsection (3) (if any) as it considers necessary for the promotion of the licensing objectives; and
- (c) secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect (except so far as they are comprised in steps taken in accordance with paragraph (b)).

S.53C(3) defines those steps as:

- (a) the modification of the conditions of the premises licence,
- (b) the exclusion of a licensable activity from the scope of the licence,
- (c) the removal of the designated premises supervisor from the licence,
- (d) the suspension of the licence for a period not exceeding three months, or
- (e) the revocation of the licence.

Today's hearing therefore is to determine the outcome of the expedited review application in line with the Licensing Authority's duty under s.53C(2).

Summary

There were no representations against this application from interested persons.

There was one representation against this application from a responsible authority.

Details of representations

Valid representations may only address the following licensing objectives:

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

Responsible authorities' representations

Licensing Officer Arthur Hunt makes representation in support of this application on the behalf of Havering's Licensing Authority. Mr Hunt's representation details his concerns further to the promotion of the public safety and prevention of crime and disorder licensing objectives.



Part A

Premises licence number

016800

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Circuit
36-38 North Street, Romford RM1 1BH

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Films, Live Music, Recorded Music, Performances of Dance
Activity like music/dance, Late Night Refreshment, Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol

Monday & Tuesday - 11:00 to 00:00
Wednesday & Thursday - 11:00 to 01:00
Friday & Saturday - 11:00 to 03:45
Sunday - 11:00 to 00:30

Films, Live Music, Recorded Music, Performances of Dance

Activity like music/dance

Monday & Tuesday - 11:00 to 00:00
Wednesday & Thursday - 11:00 to 02:00
Friday & Saturday - 11:00 to 04:00
Sunday - 11:00 to 01:30

Late Night Refreshment

Monday & Tuesday - 23:00 to 00:00
Wednesday & Thursday - 23:00 to 02:00
Friday & Saturday - 23:00 to 04:00
Sunday - 23:00 to 01:30

- From the end of permitted hours on New Year's Eve to the start of permitted hours the following day;
- On the trading day on which the clocks go forward (i.e. the start of British Summer Time) permitted hours may be extended for an additional hour;
- The permitted hours may be extended until 04:00 on any day immediately preceding a bank holiday; and
- The permitted hours may be extended until 05:00 on Christmas Eve and Boxing Day.

The opening hours of the premises

Monday & Tuesday - 11:00 to 00:15
Wednesday & Thursday - 11:00 to 02:00
Friday & Saturday - 11:00 to 04:15
Sunday - 11:00 to 01:30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On and Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Buddha RT Limited
PO Box 2944, Romford RM7 1QF

Registered number of holder, for example company number, charity number (where applicable)

08592895

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Robert Howe
32 Epping Close, Romford, Essex RM7 8BH
01708 743192

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

London Borough of Havering - 009406

Mandatory Conditions

- 1. No supply of alcohol may be made under the Premises Licence;**
 - (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or**
 - (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.**
- 2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.**
- 3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—**
 - (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to—**
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);**

- (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) A holographic mark, or
 - (b) An ultraviolet feature.
6. The responsible person must ensure that—
- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory Conditions cont'd

- 7. The admission of children, that is persons aged under 18, to the exhibition of any film shall be restricted in accordance with any recommendation made by the film classification body designated by section 4 of the Video Recordings Act 1984.**
- 8. If at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.**
- 9. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. Full details of this Mandatory Condition can be found at:-
<http://www.legislation.gov.uk/ukdsi/2014/9780111109120>**

Annex 2 – Conditions consistent with the operating schedule

- 1 The Premises Licence Holder shall ensure that the Designated Premises Supervisor is to be present on the premises, whenever any licensable activity is undertaken. (If the DPS is temporarily away e.g. because of holidays or sickness another personal licence holder may be nominated to fulfil the DPS's role on a temporary basis).**
- 2 The Premises Licence Holder shall ensure that intoxicating liquor shall not be sold or supplied prior to 19:00 hours other than to persons attending a bona fide pre-booked function involving, on the whole, the provision of substantial refreshments and/or music and dancing.**
- 3 The Premises Licence Holder shall ensure that no customers carrying open bottles upon entry are admitted to the premises at any time the premises are open to the public.**
- 4 The Premises Licence Holder shall ensure that alcoholic and other drinks are not removed from the premises in open containers, save for consumption in any external area provided for that purpose.**
- 5 The Premises Licence Holder shall ensure that all drinking vessels used at the premises are either toughened glass or made of polycarbonate and, as far as possible, used vessels shall be collected on a basis whereby areas are kept clear of these items.**
- 6 The Premises Licence Holder shall ensure that where appropriate, prominent, clear and legible notices are displayed at all exits requesting the patrons to respect the needs of local residents and to leave the premises and area quietly. A notice visible from outside shall provide a telephone number to which complaints may be made.**
- 7 The Premises Licence Holder shall ensure that noise or vibrations do not emanate for the premises which could cause a nuisance to nearby premises. Except for ingress and egress through the entrance, the inner lobby doors and windows shall be kept closed whilst regulated entertainment is taking place.**
- 8 The Premises Licence Holder or DPS shall be a member of the local Pub Watch (or similar) Scheme, if in operation, and a representative shall attend any meetings.**

9. The Premises Licence Holder shall implement and incorporate policies on the following matters. Policies should be reviewed periodically and not changed without consultation with the police. The key points to be covered will include:-

Drugs:

- 9.1• There shall be a policy of zero tolerance to the use of illegal drugs ensuring staff are aware of, and react to, the policy, recording each incident, drug related or otherwise, in the site incident book;
- Drugs awareness posters shall be displayed on site;
 - A secure drugs box shall be installed at the premises for any confiscated items which are, or are believed to be drugs. Any such confiscations are to be entered into a drug seizures log, which is to remain in close proximity to the drugs box. The drugs log shall be in a durable format, recording the time/date and location of the seizure; the member of staff seizing the item; the name or description of the customer from whom the item was taken and any action taken at the time to contact Police regarding the item seized (i.e. CAD number or details of officer in attendance);
 - The management of the premises shall contact Police at least once every calendar month, for an officer to attend the premises, empty the drug box, and sign the drugs log accordingly;
 - At all times when licensable activity is undertaken at the premises, at least one member of staff must be present in each set of toilets, at all times to monitor customer activity. These staff members shall be trained to be proactive in deterring and preventing any unlawful activity;
 - Any customer or member of staff found using, possessing or supplying illegal drugs on the premises shall be permanently excluded from the premises; a record of such exclusions shall be entered in the premises daily record. All reasonable steps shall be taken to ensure all staff are aware of the identity of excluded persons;
 - Signs shall be prominently displayed inside and outside the premises warning customers that drug use on the premises will not be tolerated, they will be searched on entry and the police may be called if drugs are found;
 - The DPS must hold a National Certificate of Drug Awareness qualification, run by the BIIAB, or similar accredited body.

9.2 **Security:**

- There shall be radio communication between the premises and the Town Centre Incident Desk;
- When door staff are employed at the premises they shall all be individually registered with the Security Industry Authority (SIA) and comply with the regulations governing that authority;
- All door staff shall enter their full details in the 'Premises Daily Register' at the commencement of work. This shall record their full name, home address and contact telephone number, the door staff's SIA registration number and the time they commenced and concluded working. Details of any SIA agency shall also be recorded including the name of the agency, the registered business address and a contact telephone number.

- All door staff working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'High Visibility Clothing.'
 - Door staff duties shall include searching and control of patrons inside the premises, control of patrons while queuing to enter the premises and conducting regular checks of all areas;
 - Door staff of both sexes shall be on duty at all times the premises are engaged in regulated entertainment. The premises shall be permitted to operate without female door staff subject only to one being appointed and employed within a reasonable time; any 'pat down' searches of female customers shall be performed by female door staff ONLY;
 - The four persons listed on the review decision notice may not be employed or work at the premises in any managerial or supervisory capacity. Additionally, they may not be employed in any other capacity at the premises without the written consent of the Police;
 - Upon entry to the premises every customer must be hand searched. These searches will include the searching of the customers' person, wallets, purses, bags and any other items carried on or by the customer. All searches shall be conducted by door staff and must be carried out in an area covered by the premises CCTV system. Any person not submitting to a search shall be refused entry to the premises;
 - The premises shall oblige customers to deposit overcoats and outdoor clothing (but not jackets/blazers, etc.) in the cloakroom on arrival. Similarly, all bags (but not ladies' handbags) shall be deposited within the cloakroom upon arrival. Such customers who are not prepared to comply with these requirements shall not be granted entry to the premises;
 - Details of ejections will be recorded in the premises daily register. This is to detail the exact entry/exit point through which the ejection is made, reasons for the ejection and all staff involved in the ejection. Where applicable, any ejections recorded on CCTV shall be kept on the premises CCTV system for a minimum of one calendar month.
- 9.3 • Bottle Bins shall be provided at the exit doors and staff shall prevent bottles and glasses being taken from the premises;
- The premises shall be cleared of customers and closed no more than 30 minutes after the conclusion of the last licensable activity.
- 9.4 Responsible drinking
- 9.5 Queue Management
- 9.6 Crime Prevention
- 10 The Premises Licence Holder shall ensure that the premises adopts and maintains the "Challenge 21" scheme whereby any person to whom alcohol is sold or supplied who appears under the age of 21 years shall be challenged to prove they are over 18 by providing identification by means of passport, photographic identity driver's licence or identification card approved by the Proof of Age Standards Scheme (PASS) and bearing the PASS logo.

Annex 2 – Conditions consistent with the operating schedule cont'd

- 11 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 seeking to enter may then be subject to the entry process whereby a photograph may be taken, fingerprints may be taken or documentation is required or other means to enable identification to take place.
- 12 The Premises Licence Holder shall ensure that all staff are suitably trained for their job function for the premises. The training shall be recorded, on-going and under constant review and these records must be available to a relevant Responsible Authority when called upon.
- 13 The Premises Licence Holder shall ensure that a 'Premises Daily Register' shall be maintained and kept at the premises for a minimum of 12 months and is readily available for inspection by an Authorised Person throughout the trading hours of the premises. The register shall record:-
 - The name of the person responsible for the premises on each given day;
 - All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti-social behaviour by persons attending or leaving the premises including the details of the caller, the time and date of the call, the time and date of the incident about which the call is made and any actions to deal with the call;
 - All incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises including the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved.
- 14 The Premises Licence Holder shall ensure that a properly specified and fully operational CCTV system is maintained to a satisfactory standard. The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk should have coverage appropriate to the risk. The positions of the CCTV cameras shall be clearly shown on a set of plans and any alteration to the system should only made after written approval of Havering Police and the licensing authority.
- 15 The Premises Licence Holder shall ensure that a qualified user of the CCTV system will be present at the premises whenever licensable activity is undertaken. The positions of all CCTV cameras shall be clearly shown on a set of plans and any alteration to the system should only be carried out after written approval of Havering Police and the licensing authority.
- 16 The Premises Licence Holder shall ensure that a clear head and shoulders image of every person entering the premises on the CCTV system is obtained. Persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.

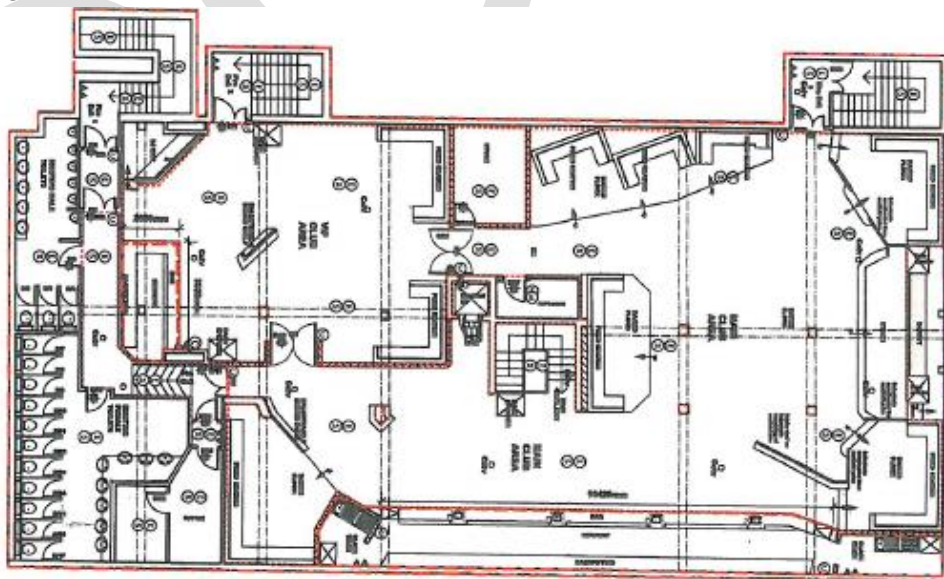
Annex 2 – Conditions consistent with the operating schedule cont'd

17. The Premises Licence Holder shall ensure that the CCTV system incorporates 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 shall comply with other essential legislation, and all signs as required will be clearly displayed. The system shall be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
18. The Premises Licence Holder shall ensure that persons under the age of 18 are not permitted on the premises after 18:00 hours except for pre-booked functions where the terminal hour for persons under the age of 18 shall be 22:00 hours. If the club hosts an under 18 promotion for disco, bands or competitions alcohol shall not be served.
19. The premises Licence Holder shall ensure that last admission to the premises on a Friday and Saturday shall be no later than 03:00.
20. The Premises Licence holder shall ensure that the rubbish and glass refuse bins are kept at the rear of the premises away from public access. They shall also ensure that the footpath immediately outside the front of the entire premises is kept clear of refuse emanating from the premises by regular inspection both during and immediately after operating hours.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

None

Annex 4 – Plans





Part B

Premises licence summary

Premises licence number

016800

Premises details

Postal address of premises, if any, or if none, ordnance survey map reference or description

Circuit
36-38 North Street, Romford RM1 1BH

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Films, Live Music, Recorded Music, Performances of Dance
Activity like music/dance, Late Night Refreshment, Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol

Monday & Tuesday - 11:00 to 00:00
Wednesday & Thursday - 11:00 to 01:00
Friday & Saturday - 11:00 to 03:45
Sunday - 11:00 to 00:30

Films, Live Music, Recorded Music, Performances of Dance

Activity like music/dance

Monday & Tuesday - 11:00 to 00:00
Wednesday & Thursday - 11:00 to 02:00
Friday & Saturday - 11:00 to 04:00
Sunday - 11:00 to 01:30

Late Night Refreshment

Monday & Tuesday - 23:00 to 00:00
Wednesday & Thursday - 23:00 to 02:00
Friday & Saturday - 23:00 to 04:00
Sunday - 23:00 to 01:30

- From the end of permitted hours on New Year's Eve to the start of permitted hours the following day;
- On the trading day on which the clocks go forward (i.e. the start of British Summer Time) permitted hours may be extended for an additional hour;
- The permitted hours may be extended until 04:00 on any day immediately preceding a bank holiday; and
- The permitted hours may be extended until 05:00 on Christmas Eve and Boxing Day.

1 of 2

The opening hours of the premises

Monday & Tuesday - 11:00 to 00:15
Wednesday & Thursday - 11:00 to 02:00
Friday & Saturday - 11:00 to 04:15
Sunday - 11:00 to 01:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On and Off Supplies

Name, (registered) address of holder of premises licence

Buddha RT Limited
PO Box 2944, Romford RM7 1QF

Registered number of holder, for example company number, charity number (where applicable)

08592895

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Robert Howe

State whether access to the premises by children is restricted or prohibited

Restricted

2 of 2



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Circuit 36-38 North Street Romford RM1 1BH



Scale: 1:1000
 Date: 10 May 2016
 Size: A4



London Borough of Havering
 Town Hall, Main Road, Romford, RM1 3BD
 Tel: 01708 434343

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 Ordnance Survey 100024327



**METROPOLITAN
POLICE**

TOTAL POLICING

Form for Applying for a Summary Licence Review

Application for the review of a premises licence under section 53A of the Licensing Act 2003
(premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:

Name: Metropolitan Police Service

Address:

19 Main Road Romford

Post town: Romford

Post code: RM1 1BJ

Ref. No.:

I Police Constable Oisin Daly 364KD

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

CIRCUIT 36 - 38 North Street

Post town: ROMFORD

Post code: RM1 1BH
(if known)

2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):

BUDDHA RT LTD PC BOX 2944, Romford RM7 1QF

Number of premises licence or club premises certificate (if known):

08592895

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:

PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both

(Please read guidance note 2)

Monday 2nd May 2016 02:59hrs a group of males were in the venue they had hired one of the VIP area booths on the first floor. This area has glass bottles and customers pour their own drinks. A male who does not belong to the group sits within the area and starts to drink the alcohol that belongs to the males who have paid for the drink. One of the males then takes exception to this and tries to grab the drink from the other males hand. There is a bit of an altercation within the VIP area and this then spills out onto the dance floor area. This continues for around 11 seconds when one door staff appears and tries to separate the males. Another door staff arrives and the male who took the drink is standing beside one of the door staff when another male rushes to him and hits him in the face. The male then hides behind the doorstaff and other members come along and the other males in the VIP start to argue and run around the venue. Door staff start to struggle with the males and then try to eject them out of the back door exit which leads on to a small platform and then down the stairs at the back. One member of door staff is outside with around 5-6 males and they are surrounding him. The doorstaff then hits one of the males in the face and then starts to punch the rest of the males erratically, reigning punches down on more than one of the males. They then go down the stairs with the door man following them and then there are some more customers ejected outside. The males then loiter around outside the back of the venue and they pick up the bollards from around the back door and start to throw them around and at the marshalls that are at the back of the venue. The males are then seen to rush towards the back door and one of the doorstaff comes out and pushes the males back, one of the males falls to the floor backwards and the doorstaff kicks the male in the head whilst he is on the floor rendering him unconscious for around 3-4 minutes. No first aid is offered to the male his friends put him in the recovery position and then police attend some minutes later. The venue lost total control of the incident, there was a lot of violent disorder in and out of the venue resulting in injury.

Signature of applicant

| | | | |
|------------|-----------------------------------------------------------------------------------|-------|------------|
| Signature: |  | Date: | 10/05/2016 |
| Capacity: | Havering Police licensing officer | | |

Contact details for matters concerning this application

| | | | |
|------------|--------------|--------------|------------------------------|
| Surname: | Daly | First Names: | Oisin |
| Address: | 19 Main Road | | |
| Post town: | ROMFORD | Post code: | RM1 1BJ |
| Tel. No.: | | Email: | Oisin.Daly@met.pnn.police.uk |

Notes for guidance

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years
MP 146/12



**METROPOLITAN
POLICE**

TOTAL POLICING

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

**I hereby certify that in my opinion the premises described below are associated with:
both serious crime and serious disorder**

Premises (Include business name and address and any other relevant identifying details):

Postal address of premises or club premises, or if none, ordnance survey map reference or description:
36 - 38 North Street

| | | | |
|-------------------|---------|----------------------------------|---------|
| Post town: | ROMFORD | Post code: (if known) | RM1 1BH |
|-------------------|---------|----------------------------------|---------|

Premises licence number (if known):
08592895

Name of premises supervisor (if known):
Robert Howe

I am a Chief Superintendant* in the Metropolitan Police Service.

*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

I AM OF THE OPINION THAT THIS INCIDENT IS SO SEVERE THAT MEASURES ARE NEEDED TO BE PUT INTO PLACE IMMEDIATELY IN ORDER TO PROTECT THE PUBLIC, AND TO PREVENT CRIME AND DISORDER. THE MANAGEMENT HAVE DELAYED PRODUCING CCTV WHICH SHOWED VIOLENT DISORDER AND POTENTIAL EVIDENCE OF A SERIOUS ASSAULT BY DOOR STAFF WHICH RENDERED A MALE UNCONCIOUS. THE VENUE HAVE NOT FOLLOWED THEIR OWN PROCEDURES WHILST THIS INCIDENT IS OCCURING. POLICE HAVE GRAVE CONCERNS WITH THE DOOR STAFF CURRENTLY IN PLACE AND THE OVERALL MANAGEMENT OF THE VENUE BY THE PREMISES LICENCE HOLDERS. THIS CURRENT INCIDENT FOLLOWS ON FROM A GBH THAT OCCURRED IN MARCH 2016.

Signature

| | |
|---------------------------|--------------------------------|
| <p>Signature: </p> | <p>Date: 10/05/2016</p> |
|---------------------------|--------------------------------|

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of PC DALY 364KD URN:

| | | | |
|----|----|--|----|
| 01 | KD | | 16 |
|----|----|--|----|

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: POLICE OFFICER

This statement (consisting of: **6**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 10/05/2016


Tick if witness evidence is visually recorded (supply witness details on rear)

I AM PC DALY 364KD and am one of the Licensing Officers for the London Borough of Havering. I have been in this position since February 2016. I have previously worked as a Police Licensing Officer on the London Borough of Brent and on the Met Police Central Licensing Unit.

On the 02nd May 2016 at approx 0259hrs an incident occurred at Circuit Nightclub, North Street, Romford. The incident was brought to the attention of the Police Licensing Team at Havering on Tuesday 03rd May. PC GOODWIN made several requests for the CCTV to the venue and the venues agents. They insisted on a meeting with all parties at the venue. The meeting took place at Circuit nightclub at 12:30hrs on the 09th May 2016. Present were myself, PC GOODWIN the DPS, Rob Howe, the premises licence holder, Tony Nicholls, an agent for the venue from Dadds solicitors, Alan Aylott and another male who provided his first name but did not clarify his position.

The venue then proceeded to show us CCTV, whilst showing us the footage Mr Aylott repeatedly attempted to give a running commentary on events. He was asked on numerous occasions to let the footage play without attempting to influence opinion with commentary. During the course of viewing the footage it became clear the reasons for all the parties involved in the business being present at the meeting, it was also clear why they had delayed allowing us access to the footage.

The footage shows incidents of assault between patrons within the venue, patrons on door staff, door staff on patrons, poor management of a violent situation, affray, and criminal damage and concludes with a member of door staff kicking a male in the head whilst he is on

Signature:  Signature witnessed by:

Continuation of Statement of Paul Howe

the ground rendering him unconscious for several minutes.

The footage shows a litany of serious failures in the ability of the venue of manage incidents of disorder, the door staff show little ability to manage violence and are seen using extreme force, far beyond what could be deemed reasonable, in ejecting a group of males from the premises. There is no evidence of any management intervention in the incident, there does not appear to be any supervision from the footage provided.

At the point of seeing the slow motion replay of the door staff kicking the male in the head I called the meeting to a close. I pointed out the kick in the head to all parties present who all stated that they had not seen it.

In spite of having six days to view the footage and feeling it necessary to have solicitors present at a meeting, they would not acknowledge they had seen the kick which caused the male to be knocked out.

The only call for assistance to the police 999 system was from police who arrived at the incident and were requesting an ambulance for the victim.

There was no aftercare for the victim provided by the venue whatsoever, in fact it was his friends who placed him in the recovery position.

Following calling the meeting to a close I was given two discs of CCTV footage from Rob Howe.

The discs contained CCTV footage from the venue.

Using a Packard Bell NEW65 laptop computer I downloaded the files from the discs. The files were contained in a .dat format. The files were then transferred to Windows Movie Maker, a computer program for editing and converting video files. On the 09th May 2015 I edited the files provided to remove any non-pertinent content, I then added captions and titles and converted the file into an Mpeg-4 file to allow viewing on multiple platforms. The completed project is entitled Circuit 02052016 1080, it is 23 minutes 12 seconds in length and is 822mb in size. At no point was any footage added from any other sources nor the footage provided digitally altered in any way.

Paul Howe

Signature: *Paul Howe*

Signature witnessed by: _____

Continuation of Statement of R. Paul 36415D.

restrained he is punched twice in the face at close range by another doorman

13:56 - Doorman leans over banister and punches one of the males in the head as male is walking away

14:04 - Unknown IC3 male attempts to calm down males

14:06 - Doorman appears to spit down on males leaving via fire exit

14:37 - Additional male is ejected who appears to be kicked/kneed by door staff as he is leaving

14:55 - Male kicks at closed door

15:15 - Males begin to make their way to rear of club down stairs

15:27 - Males remonstrate with taxi steward at rear of club

16:19 - Males begin to move towards back doors

16:35 - Alternate angle of rear of premises

17:50 - Males begin coming down from stairs

18:55 - Male pulls down barrier as he is moving toward rear door being followed by door staff

19:08 - Male pulls up barrier to get at rear door

19:44 - Males converge on back door

19:49 - Males are pushed back from door

19:56 - Males converge on back door again,

20:00 - Males are pushed back from door again, this time a member of door staff comes out with group of males and appears to stamp on the head of one of the males

20:05 - Male lies unconscious on ground

20:22 - Group then attempt to assist male on ground, placing him in recovery position, he remains lifeless, some go back to the rear door one of whom proceeds to end up on his hands and knees for several seconds.

22:24 - Door staff return in shot, no obvious assistance offered

22:32 - Unconscious male lifts his head from floor, police can be seen entering shot from top right of footage

22:39 - Replay at full speed of door staff kicking male in the head

22:53 - Replay of door staff kicking male reduced to half speed

23:13 - Footage ends

Signature: R. Paul 36415D.

Signature witnessed by:

Continuation of Statement of

*P. R. S. G. D.***Summary of CCTV**

In summary of CCTV the timings correspond to the timings on the video playback.

Different camera angles are shown consecutively, each angle shows the actual time of events in the top right hand corner.

I exhibit this CCTV as OVD/1. →

00:20 - IC4 male with beard is ejected from VIP area

00:55 - IC4 male is punched to ground by IC1 male

01:34 - Door staff speak to IC4 male

01:39 - Door staff and IC4 male return to VIP area

02:17 - IC4 male is then punched by IC1 male in view of door staff

03:12 - Door staff begin ejecting males out of rear fire exit

04:28 - IC1 male with earpiece and torch appears to right of screen, appears to be connected with venue

04:43 - Doorstaff continue to tussle with patrons

05:20 - Patron resisting ejection moves away from door staff and is restrained at top left of screen

05:42 - Male is pulled backwards by door staff onto the ground and is dragged away

06:30 - Door staff eject female and male via front door

07:10 - Staff member begins mopping up

07:32 - Shot of fire exit corridor

08:05 - Ejections commence

09:23 - Male is ejected by three door staff, one of whom appears to gouge his eye

09:53 - Door staff shut fire exit door, holding it closed with their feet

10:30 - Additional males ejected via rear exit, females also involved in incident

11:32 - Dance floor stairs open

12:09 - Ejections commence

12:29 - Scuffles ensue between door staff and males leaving one member of door staff stranded on his own

13:24 - Lone doorman fights group away

13:34 - Male is being restrained from behind by door staff as he is taken out fire door, whilst

Signature:

P. R. S. G. D.

Signature witnessed by:

Continuation of Statement of Paul 3640

Having viewed the footage with the benefit of time it shows members of door staff commit offences of GBH, ABH and common assault.

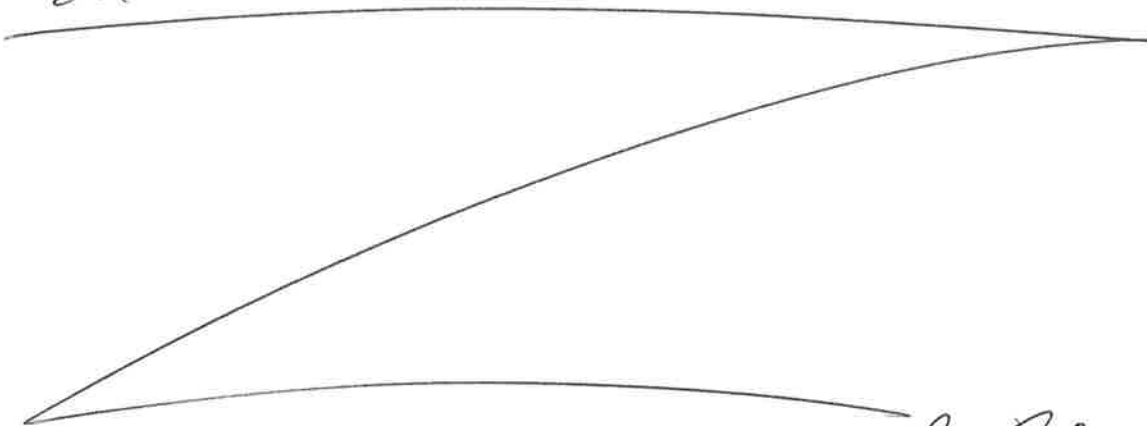
This incident has a harrowing similarity to the tragic death of Lee Rayner in similar circumstances in 2007. Rayner and others had been refused entry to the same venue, called the Opium Lounge at the time, when one of them subsequently spat on a member of door staff. A group of door staff then followed the group before one or more of them stamped on his head fracturing his skull across the circumference. Several members of door staff were jailed following the incident.

The premises licence holder, Tony Nicholls, when he purchased the venue stated that he was aware of the history and incidents at the venue and wanted a fresh start, specifically door staff policies.

There has been clear evidence of violence used by door staff. There has been no apparent intervention by any management at the venue, no aftercare provided to a male left unconscious on the street and reluctance from the venue to provide CCTV when requested. There is a blatant disregard for the licensing objectives and a definite risk to members of the public should the venue be allowed to continue to trade in its current form.

For these reasons Police request an immediate suspension of the licence.

Paul 3640

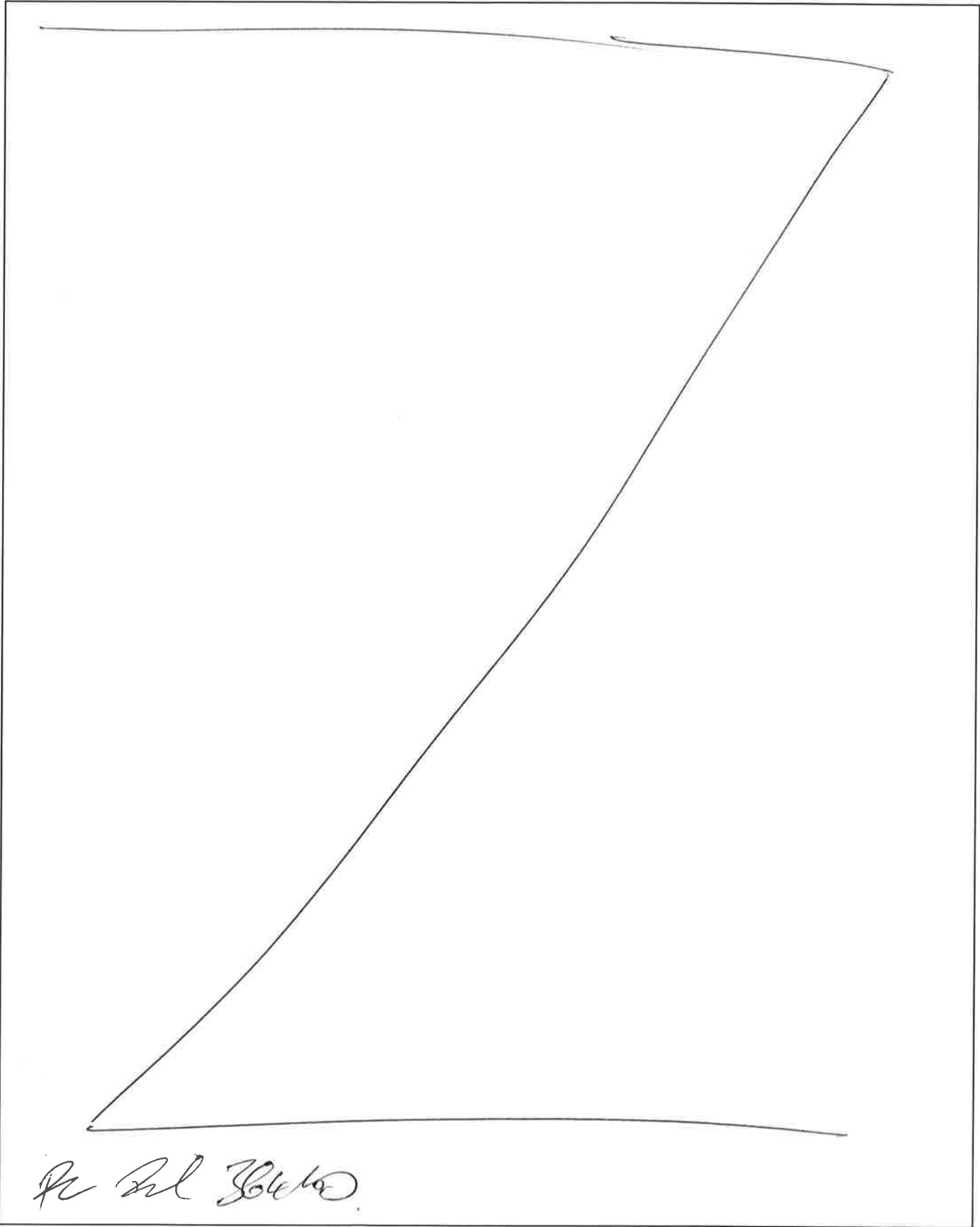


Paul 3640

Signature: Paul 3640

Signature witnessed by:

Continuation of Statement of Re Paul Zwick



Signature: Re Paul Zwick

Signature witnessed by: _____

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

| | | | |
|--|--|--|--|
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Statement of: Belinda GOODWIN

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 4page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature:  Date: 10/05/2016

I am a Police licensing officer for the borough of Havering. I have been in this role for 12 months and it is my duty to ensure that the licensed venues within the borough of Havering adhere to and uphold the four licensing objectives.

Our working day consists of scanning through our crime reports first thing in the morning checking any allegations of crime for the whole of the borough that are linked to any licensed premises. On Tuesday 3rd May 2016 I conducted a search and found that there had been an incident of affray at a venue called CIRCUIT 36-38 North Street Romford RM1 1BH. PS Ruane who is one of the Town centre sergeants and who was on duty that night came and spoke to myself and PC DALY 364KD with concerns about the incident that occurred at Cricuit and that the males involved had severe cuts on their faces and one male had been knocked to the floor. One of the officers on the team had viewed the CCTV at the time and one of the cameras (13) had blacked out and he could not view this, but what he did see was some fighting and the males being ejected from the venue, they returned and they were acting disorderly at the back of the venue. No arrests were made at the time, the males were all aggressive towards police and the allegations that door staff had assaulted them had not been substantiated by the officer who viewed the CCTV at the time. The males had also said that they had been drinking since 1pm that previous day and that they had paid £600 for the booth in the VIP area and that they were angry that this male had come and took their drinks and that they got thrown out for it.

Once I had been told this information I e-mailed Mr Rob Howe and Mr Tony Nicholls at 13:08hrs and requested the CCTV of the incident. I did not get any response so I e-mailed again the next day at 11:34hrs requesting the CCTV again. I then got a response from Mr Nicholls a few minutes later and then from Mr Howe who said that he would sort a copy of the CCTV out for me. On Thursday 5th May 2016 at around 1400hrs I was at Mercury House with PC Daly 364kd and we received a call from Mr Alan Aylott who is one of the licensing legal agents that acts on behalf of CIRCUIT and who I have had previous dealings with, and he stated that he would prefer that we look at the CCTV together as he has viewed it and in his words " there is some learning that needs to come from this" I expressed my concerns about what was on the CCTV and he said it is not that bad but he thinks that it would be better if we viewed together as he could explain what was happening whilst we were watching it. I again stated that I would like to take a copy for us to view first and he said that it was difficult as there would be no-one there for us to collect it from. As I have dealt with Mr Aylott previously I trusted that what he has seen was not too severe and would just need

Witness Signature: 

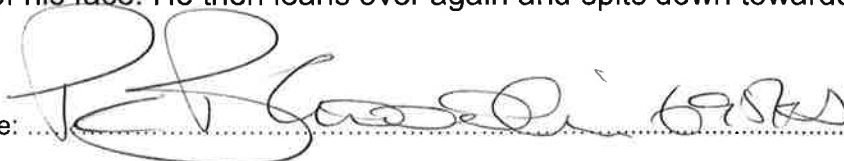
Signature Witnessed by Signature:.....

Continuation of Statement of:

some work around the back where the taxi marshalls are so I was reluctant but agreed to us meeting with Mr Aylott on Monday 9th May 2016 for 12:30.

Myself and PC DALY 364KD arrived at the venue CIRCUIT just before 12:30 on the 9th May and were met by Mr Rob Howe, Mr Tony Nicholls, Mr Alan Aylott and another male who did identify himself but I cannot remember his name and am not sure what capacity he was at the meeting as, but he sat at the back of the CCT V room and office taking notes. Mr Howe started to show us the CCTV, I asked that we summarise why we were there, that we had told by Sergeant Ruane who was on that night that he had concerns about the males who had been in the venue with regards to the cuts on their faces and that one male had been knocked unconscious. Mr Aylott did not seem to be aware that there was an allegation of an assault. Mr Howe continued to show the CCTV and we started to view it. At 02:59hrs the camera that is just above one of the VIP booths shows two tables that are around 5 feet apart with bottles of drink and glasses on them. There are around 7 or 8 males and 2 females that are in the area. There is one male who is sitting at the far end and he is seen to pick up a glass and take a drink. One of the other males sees this and seems to try and grab the drink from his hand, this then escalates and the male then pushes the other male off the VIP area into the dance floor area and then the other males who are in this area get involved. There are some punches that are thrown and the male makes off pushing past other customers in an attempt to get away. This incident is happening for around 11 seconds before any door staff start to see it and intervene. The male who took the drink then comes back round and stands with the door staff, there are two of them then and one of the other males comes round again and punches the male knocking him backwards. The male then runs behind one of the door staff and they are trying to keep them apart. Two more door staff turn up and there is another male who is black who is not in uniform who appears to know the male who took the drink and he seems to know the door staff and he gets the male who took the drink away and he is seen to say something to the door staff who then starts to grab the other males in the VIP area and take them out the back exit. Some of the males then make off towards the back of the venue, door staff give chase and they are grabbed and dragged out of the club towards the back door. We were then shown the camera by the back door and it shows a number of door men grabbing the males and literally throwing them out the door onto a small metal platform. One of the door men is seen to gouge a male on his face and around his eye area whilst taking him out the door. There is a female that is seen to come out who is very petite and the door men are seen to be quite heavy handed with her pushing her back in through the door to the club. We are then shown another camera outside where the platform area is and there are up to 5 males who have been ejected in this small area, along with 1 door man who is standing up against the door. One of the males seems to touch the door man on his face and the other males then seem to crowd around him and he then brings back his right arm and hits one of the males in the face, the other males seem to move back and the door man then brings his right arm up and hit out erratically at two or three of the male to his left, reigning punches down on the males who then jump up and make for the stairs. The doors to the club open and there are more males who are being ejected out and they make their way down the stairs. As the males are walking away one of the door men leans over the railing towards the stairs and with his right arm brings it back and throws a punch towards one of the males and seems to connect with the right side of his face. He then leans over again and spits down towards the males.

Witness Signature:



Signature Witnessed by Signature:

Page 2 of 4

Continuation of Statement of:

One of the males then comes back up to the platform and attempts to kick the door. Another male comes out who was involved previously who is trying to talk to the males and get them to go down the stairs. The males then get down the bottom of the stairs and are loitering around at the back of the venue around where the taxi marshalls are and they are seen to approach one of the taxi marshalls and surround him. One of the males then picks up one of the bollards that are surrounding the back doors and tries to throw them at the back of the doors. The males are then seen to rush to the back doors and some of them go out of camera. This goes on for a couple of minutes when a male is seen to come out and push the group over, and one chap is on the floor laying very still. I asked to see the footage brought back to see how the male had fell and Mr Howe slowed the camera down and it is seen that the male who comes flying out of the venue kicks out his right leg towards the male who lands on his back and is then seen to stamp on some part of the males body and then move back. The other males crouch down towards him and immediately place him in the recovery position. This incident happened at 03:07 hours and seems to be unconscious until police attend at 03:09 hours. Not at any time do staff or anyone from the club attend to this male. The other males who are with him are now very calm and not acting aggressively they are standing around and look concerned at the situation.

All the way through the showing of the CCTV Mr Aylott is trying to give us commentary about what is happening and is trying to guide us through. Once we saw the incident of the male lying on the floor PC Daly 364KD asked for the meeting to be terminated and we left.

On Sunday 10th January 2016 at 02:00hours an allegation of ABH in the VIP area. Males were ejected from the venue and the CCTV showed that there was one door staff left outside the platform area with him and he was vulnerable and I made representations on 12th January when I visited the venue that there should be at least two door staff dealing at any one time.

On Saturday 5th March 2016 at 03:00hrs there was another incident within the venue at the VIP area where a male picked up a large bottle of champagne and with both hands he hit another male who was on the dance floor with the bottle causing GBH injuries to him. I attended the venue 07/03/2016 and we discussed the incident at length and we agreed to the following recommendations

VIP AREA - To have one SIA monitoring each area once a bottle has been served and to continuously monitor whilst there are bottles on the tables.

REFRESHER TRAINING - VIP waitresses to be re-educated around collecting empty bottles

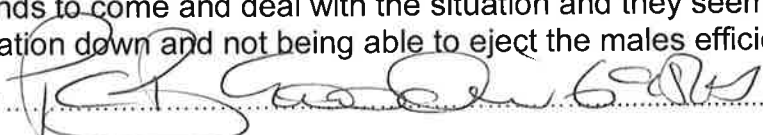
EXTRA GLASS COLLECTORS

CCTV to be monitored more intensely on the dance area whilst SIA staff are concentrating on the VIP areas

At this stage we are not asking that this be included in the licence, however this may be a consideration if there is another incident of this nature.

It is clear from this latest incident that there were no door staff static to the VIP area because if there was this incident would have been seen and dealt with a lot sooner. Door staff take around 11 seconds to come and deal with the situation and they seem to have trouble in calming the situation down and not being able to eject the males efficiently. Once the door

Witness Signature:



Signature Witnessed by Signature:

Continuation of Statement of:

staff have the males out on the back platform they are seen to lose total control and are seen to assault the males whilst they are walking away and causing no threat to them. The managers or door staff did not put a call into the police not even when the males are at the back of the venue throwing the bollards around. There is also opportunity for the back doors to be closed but instead this is when one male from the venue rushes out towards the males and kicks one of the males in his body knocking him unconscious. There is also no attempt to administer first aid to the male who is lying still on the floor for around 3 minutes until the police arrive. In the meeting that was conducted yesterday I asked why yet again there was one door staff out on the platform on his own and they said that he chose to do that. I asked why there was no door staff at the VIP booth and they could not answer.

Police have grave concerns and do not feel that the licensing objectives are being met and fear for the public safety of potential customers and that there will be future crime and disorder at the venue whilst these issues are not dealt with. Police therefore ask for suspension of the premise licence at this time.

[Handwritten signature]



Witness Signature: *[Handwritten signature]*

Signature Witnessed by Signature:

Goodwin Belinda'B' - KD

From: Goodwin Belinda'B' - KD
Sent: 03 May 2016 13:08
To: 'Rob Howe'; 'Tony Nicholls'
Cc: Daly Oisin P - KD
Subject: Incident Sunday 01/05/2016 Affray

Rob,

Would it be possible to obtain the CCTV for the disturbance that occurred inside and outside the premises on the above date please

I can collect tomorrow

Regards

Belinda Goodwin 695kd

Licensing Officer - Metropolitan Police - Havering

Met Phone 712804 | Direct 01708 779162 or 01708 432781 | Fax 01708 432554

Address - **ROMFORD POLICE STATION 19 MAIN ROAD, ROMFORD, ESSEX RM1 3BJ or 5th Floor, Mercury House, Mercury Gardens, RM1 3SL**

E mail - Belinda.goodwin@met.pnn.police.uk

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A handwritten signature in black ink, appearing to read 'Belinda Goodwin', with the number '695kd' written to its right. A long, thin line extends from the bottom left of the signature across the page.

Goodwin Belinda'B' - KD

From: Goodwin Belinda'B' - KD
Sent: 04 May 2016 11:34
To: 'Rob Howe'; 'Tony Nicholls'; 'Alan Aylott'
Cc: Daly Oisin P - KD
Subject: Incident Sunday 01/05/2016 Affray

Hi All,

Any update on the cctv please, we can come anytime to collect

Regards

Belinda

From: Goodwin Belinda'B' - KD
Sent: 03 May 2016 13:08
To: 'Rob Howe'; 'Tony Nicholls'
Cc: Daly Oisin P - KD
Subject: Incident Sunday 01/05/2016 Affray

Rob,

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I can collect tomorrow

Regards

Belinda Goodwin 695kd

Licensing Officer - Metropolitan Police - Havering

Met Phone **712804** | Direct **01708 779162** or **01708 432781** | Fax **01708 432554**

Address - **ROMFORD POLICE STATION 19 MAIN ROAD, ROMFORD, ESSEX RM1 3BJ** or **5th Floor, Mercury House, Mercury Gardens, RM1 3SL**

E mail - Belinda.goodwin@met.pnn.police.uk

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WITNESS STATEMENT

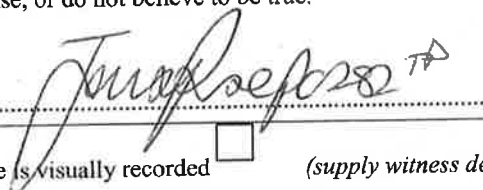
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27:1

Statement of **Jason ROSE** URN:

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: **3**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: 

Date: 23/05/2016

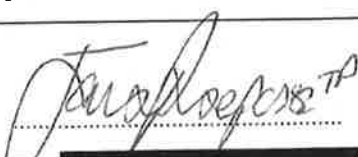
Tick if witness evidence is visually recorded (supply witness details on rear)

I am a serving Police Officer employed by the Metropolitan Police Service currently attached to the Central Licensing Unit based at Empress State Building. Prior to taking this post I was employed as a local licensing officer for the borough of Havering, working from Romford Police Station. My role included working with ALL licensed premises within Havering and implementing safeguarding measures to help promote the Licensing objectives. I have carried out this role from May 2013 until February 2016.

During my tenure I had occasion to engage and interact with the following venue on a large number of occasions as a town center night time economy venue: Circuit, 36-38 South Street, Romford, RM1 1BH. The venue has been previously known under different trading names, the most recent was Buddha. Issues were identified by police at this venue resulting in the premises license being reviewed by myself in October 2013. The subcommittee heard the evidence leading to the following outcome and measures being put in place:

- New Designated Premises Supervisor (DPS) and Premises Licence holder (PHL) to be approved by Police
- Friday - the premises opening hours to be reduced by 30 minutes (0400hrs to 0330hrs).
- Saturday - the alcohol sales to be reduced by 30 minutes (0430hrs to 0400hrs) and premises to close 30 minutes earlier (0430hrs not 0500hrs).
- Mondays and Tuesdays licensable activities to cease at 0000hrs and not 0200hrs, except where these days fall between the 19 December and 30 December then 2 am to remain
- Mondays and Tuesdays closing time at 0000hrs and not 0200hrs, except where these days fall between the 19 December and 30 December then 2am to remain
- Last admission to the premises no later than 1 hour and half hours (90 mins) before closing time.
- The premises shall oblige customers to deposit overcoats and outdoor clothing (but not jackets/blazers etc) in the cloakroom on arrival. Similarly, all bags (but not lady's handbags) shall be deposited within the cloakroom upon arrival. Such customers that are unprepared to comply with these requirements will not be granted entry to the premises.
- A dispersal policy is to be agreed in order to minimise noise on departure is all agreed.
- Scan Net initiative (Or such like) to be installed and become a condition of entry into the club by 15th December 2013. No entry unless Identified via scan net (or such like)

From that hearing, the venue became "Circuit" with a new PLH, DPS, management structure, security team and a number of operating procedures. Many meetings then took place between the new team, legal advisors and I to confirm my expectations for the venue. One of these expectations was for the DPS to use best practice measures such as notifying me of incidents that the premises have. Over the forthcoming months I interacted with the venue on a number of occasions including visits, crime prevention advice, Safe & Sound meetings, Banning scheme meetings and general engagements of an administrative nature.

Signature: 

Signature witnessed by: 

Continuation of Statement of **Jason ROSE**.....

This interaction was an ongoing piece of work that saw both Police and Local authority work in partnership with all venues to implement measures within Havering town centre's cumulative impact zone (CIZ) in an attempt to make the town center a safer place. Upon any crime and disorder allegations concerning Circuit, either Pc DAVIES or Pc GOODWIN or I would have some form of interaction with the premises to a) establish what had happened, b) to see if the premises could have prevented such an incident and c) what measures were put in place to safeguard future incidents and offences taking place. Throughout the remainder of 2013 and well into 2014 I worked extremely closely with the venue, advising on such measures, completing primary licensing investigations to any allegations that became apparent. The two way partnership was effective, however the premises, due to the nature of the hours would inevitably have reoccurring issues with allegations of violence in different degrees.

At all junctions, Police would interact and make constant assessments in relation to the safe guard measures in place and the need for any further steps, graduating their response and utilising the stepped approach guidance of the licencing legislation. However during the end of October 2014 two offences took place over the same weekend at the location that on face value displayed significant serious crime and disorder. The two incidents were:

GBH: 24th October 2015 @ 03:55 CRIS: 5416624/15

Vehicle is believed to be driven directly at the Victim on Angel Way hitting her in the arm and causing her fall to the floor.

GBH, 25TH October 2015 @ 0315hrs, CRIS: 5416684/15:

Victim stabbed in the left side whilst sat in the front passenger seat of a car at the rear of Circuit club through an open window, investigation ongoing.

Rob HOWE (DPS) sent the following e mail to me dated Sat 24/10/2015 and timed at 05:33am –

"Jason/Belinda, On Saturday morning at 04.05 (Friday Night) as we were closing an altercation has happened outside between 2 groups of males and females. The incident was quickly broken up by door staff, as door staff were defusing the situation and getting people away from the area. There has been another incident were a car sped off at speed, colliding with a young female. Door staff chased the car as they were alerting mercury to the situation. Other door staff attended to the injured victim and the scene was prevented. Police had already been called for the 1st incident and Ambulance was also called. I believe the car involved was found along with a suspect near angle way. CCTV footage was burnt straight away and taken by 164KD (Adam Williams) Many Thanks"

In response to these matters I called Mr David DADDS (venue legal advisor) to arrange an urgent meeting which was agreed by all parties. Inspector GOODWIN (Licensing Inspector) and I attend the premises on Tuesday 27th October 2015 at 11:00am to ascertain the facts and complete the primary licensing investigations into these allegations. Present at the meeting was Mr Rob HOWE (DPS), Mr Tony NIICHOLLS (Part owner) and Mr David DADDS (Legal advisor). Insp GOODWIN and I spent over two hours on scene at the premises viewing CCTV of the incidents and discussing the venues response to the allegations. We explained that both situations in themselves could have brought a closure notice if Insp GOODWIN was on duty on the nights in question. We worked through the venues current processes and policy's when dealing with such matters. Whilst apparent the two incidents were of a serious nature, Police could not ignore the facts of each incident and the venues response to each, both being positive in the very first instance. Insp GOODWIN again explained our expectations and we suggested a number of measures with the venue that may prevent these issues from reoccurring in the future. We left the premises at approx. 1320hrs advising them that all options were still open to us including activating a premises review. All parties present stated they fully understood the severity of the offences and stated they would implement the following measures we had discussed immediately whilst police decided the possibility of review and sought legal advice:

- More Door Staff
- Review current dispersal policy and make amendments

Signature:



Signature witnessed by:

2003(1)

Continuation of Statement of **Jason ROSE**.....

- Better organisation at front and rear of premises
- Taxi rank at back of the premises including 2 additional Door Staff
- 2 stewards from 02:30 hrs, assisting with dispersal at the front of the premises and assist with welfare.
- Taxi Marshall present throughout the dispersal hours
- 5 security type lights installed at rear
- Camera angles changed to prevent blind spots at the rear of the premises

Later that same afternoon (17:15hrs) Police received an updated draft dispersal policy for the venue from Mr David DADDS, I enclose this policy and exhibit it as JJR/1 Police also received an agreed e mail stating all the above points will be implemented. These swift changes to procedure most certainly removed the instant concern from Mr GOODWIN for an expedited review at that stage. Over the forthcoming days Insp GOODWIN and I agreed the decision of not taking the premises to licensing review, but to monitor the venue closely over the next few weekends to see if the safe guard measures we had all agreed would reduce the risk of incidents and actively promote the licensing objectives. This decision making process was also worked through with the Police sergeants covering Romford Town Center night time economy and once again, fully agreed.

Four days later when the premises had reopened On Saturday 31st October 2015 a Full licence inspection was conducted with Insp GOODWIN, Sgt RUANE and three other uniformed officers. A walk through the whole venue was completed including the smoking area and toilets. The area at the back where the incident had taken place was thoroughly checked. No breaches were identified at that time and all the measures discussed and agreed were clearly implemented. Regular visual checks were then completed with the assistance of the town center night time economy team.

Dadds solicitors then later served the final revised dispersal policy to me, I include this document with this statement and exhibit the policy as JJR/2. I continued to have regular interaction and engagement with the venue until I left Havering in Feb 2016.

Signature: 

Signature witnessed by: 

Witness contact details

Home address: c/o Empress State Building, Lillie Road, London, SW9 1TR

Postcode: _____

Home telephone number: _____ Work telephone number: 0207 161 4972

Mobile/pager number: _____ Email address: Jason.Rose@met.police.uk

Preferred means of contact: _____

Male / ~~Female~~ (delete as applicable) Date and place of birth: Over 21

Former name: _____ Ethnicity Code (16+1): _____ Religion/belief: _____

Dates of witness non-availability: Not available 16-19 June and 21-27 June 2016

Witness care

- a) Is the witness willing and likely to attend court? **Yes** If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: _____ Print name: _____

Signature of parent/guardian/appropriate adult: _____ Print name: _____

Address and telephone number if different from above: _____

Statement taken by (print name): Jason Rose PC 282 TP Station: ESB

Time and place statement taken: Monday 23rd May 2016 @ 1500 hrs.

DISPERSAL POLICY

Any reference to Door Supervisors in this policy refers to Security Industry Approved (SIA) members who are employed by the security company who, for the time being, are currently contracted by Circuit.

Circuit is committed to promoting the four Licensing Objectives, as set out in the Licensing Act 2003, namely:

- The Prevention of Crime and Disorder;
- The Prevention of Public Nuisance;
- Public Safety; and
- The Protection of Children from Harm

Definition

The Dispersal Policy is to assist in addressing matters of concern, if any arise, in order to minimise any impact on residents or businesses in the vicinity.

The Dispersal Procedure is dedicated to exercising pro-active measures for the dispersal of customers, towards and at the end of trading.

Circuit intends to move customers from the premises and its immediate area in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business.

Dispersal Procedure

1. When engaged, Circuit door staff shall periodically patrol the curtilage of the premises throughout the evening and at closing time to encourage patrons to move away from the venue and disperse from the area.
2. Staff will be trained to ask customers to leave quietly and respect our neighbours.
3. Signage will be put in place to inform persons that they are required to leave the premises quietly and respect our neighbours; service will be refused to those who do not follow these instructions.

4. Persons who do not behave or adhere to the standards set out in this policy will be refused service in the future.

5. CCTV monitoring is in place outside the premises for the effective monitoring of customers. The Management will regularly review the CCTV images to ensure this procedure is being adhered to.

6. Appropriate lighting levels will be maintained outside the premises to ensure the CCTV is effective.

7. Patrons will be directed to use a designated smoking area at all times when smoking. Failure to do so will result in service being refused.

8. In order to extend the period of dispersal, Circuit will operate a structured music policy (with appropriate lighting levels), that will enhance customer awareness of the approaching end of the function and create a calmer environment:-

- 30mins to bar closure: Slower Songs
- 30mins to premises closure: Reduced Music volume

9. Promotion of soft drinks rather than alcoholic drinks will be encouraged during the last period of trading with a view to ensuring customers do not 'bank' alcoholic drinks.

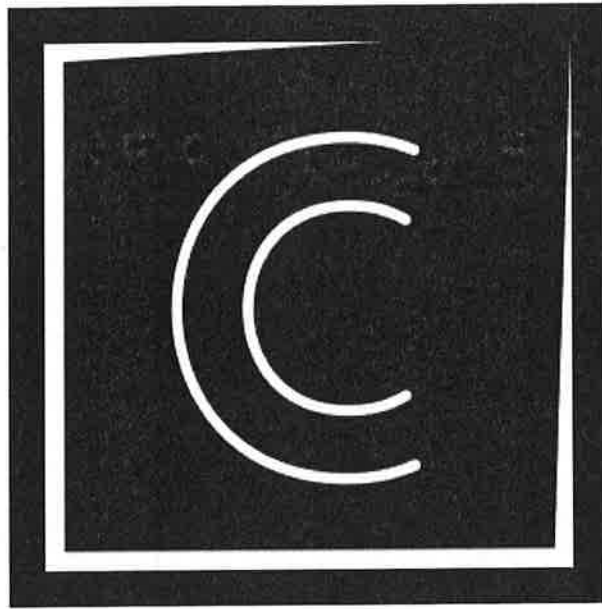
10. There will also be encouragement of gradual dispersal during the last period of trading and during the drinking-up period with staff reminding customers of the need to leave quietly and consider local residents when leaving the premises and the surrounding area.

11. Dispersal – Private Hire Pick-up Point

Should a Private Hire Pick-up Point be established at the rear of the premises, the following steps will be taken:

1. The area should be monitored from 02:30 until closing; by no less than 2 SIA Door Supervisors and no less than 2 Stewards.
2. There will be a Taxi Marshall.
3. Barriers shall be erected to control queuing.
4. The queue shall be monitored by the Stewards and/or SIA staff.
5. There shall be adequate CCTV of the Taxi/Private Hire pick-up Point.
6. Signs indicating where to collect your taxi should be displayed.
7. Signs will be displayed advising customers to keep noise to a minimum.
8. There shall be adequate lighting in the area of the Private Hire Pick-up Point.
9. This section of the Policy shall be reviewed by the Police and Premise Licence Holder within four weeks of implementation.

V1. 27.10.15



CIRCUIT

36-38 South Street, Romford, RM1 1BH

Dispersal Policy

Introduction

It is agreed by the Premises Licence Holder that there be a Dispersal Policy so as to assist in the promotion of the licensing objectives.

Any reference to Door Supervisors in this policy refers to Security Industry Approved (SIA) members who are employed by the security company who, for the time being, are currently contracted by Circuit.

Circuit is committed to promoting the four Licensing Objectives, as set out in the Licensing Act 2003, namely:

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- Public Safety; and
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4. Persons who do not behave or adhere to the standards set out in this policy will be refused service in the future.

5. CCTV monitoring is in place outside the premises for the effective monitoring of customers. The Management will regularly review the CCTV images to ensure this procedure is being adhered to.

6. Appropriate lighting levels will be maintained outside the premises to ensure the CCTV is effective.

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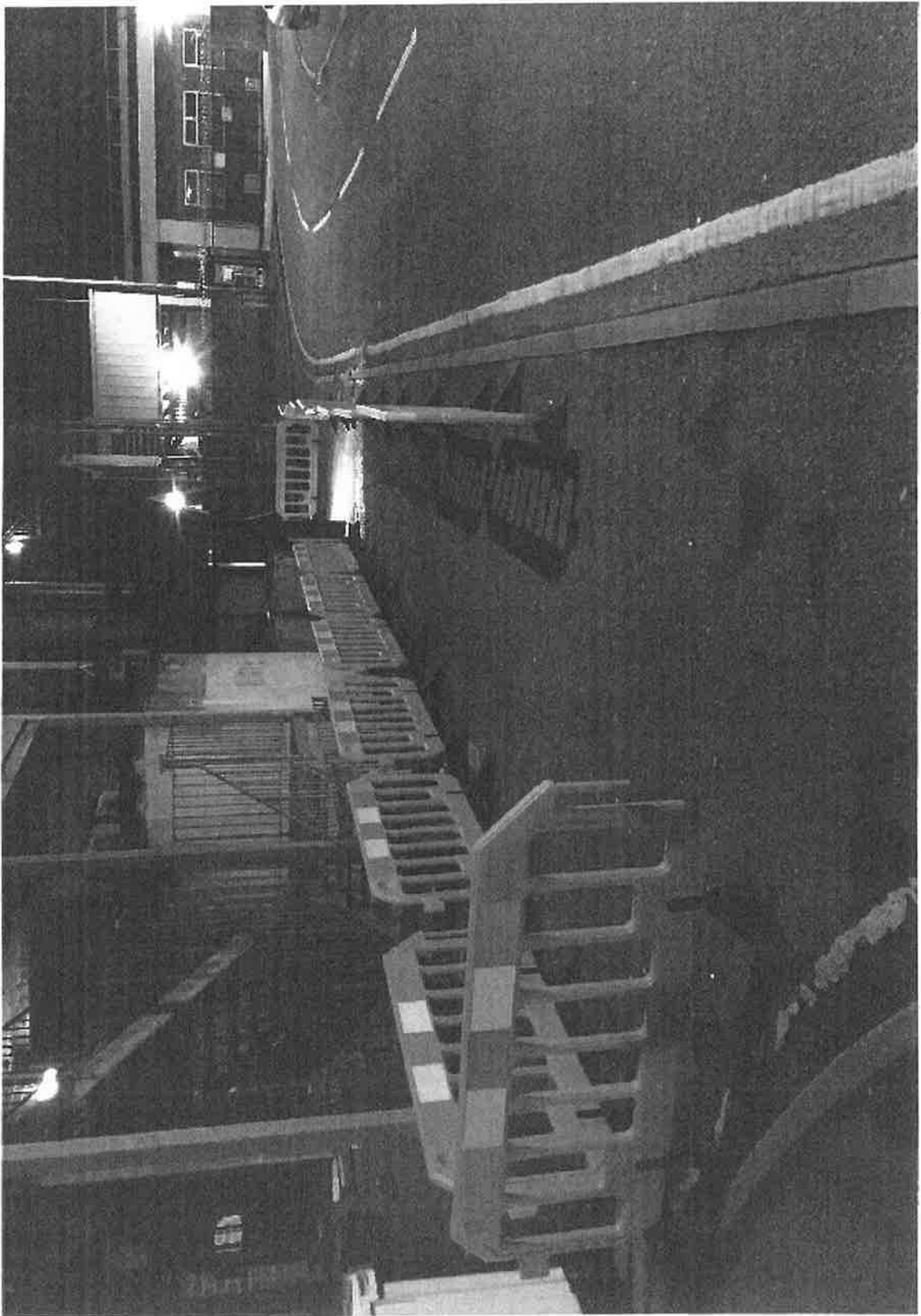
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8. There shall be adequate lighting in the area of the Private Hire Pick-up Point.
9. This section of the Policy shall be reviewed by the Police and Premise Licence Holder within four weeks of implementation.

12. Pick-up Point



WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of PC DALY 364KD URN:

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: POLICE OFFICER

This statement (consisting of: 7..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 24/05/2016.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC DALY 364KD and am one of the Licensing Officers for Havering Borough; I have been in this role since March 2016. Prior to this appointment I was a Licensing Officer on the London Borough of Brent as well as on the Met Police Central Licensing Unit. Prior to joining the police I was a General Manager for a market leading pub company, I operated several licensed venues with a presence in the night time economy.

Upon taking post in Havering I received a full briefing from PC ROSE on venues which had come to notice over his tenure. One of these venues was CIRCUIT. PC ROSE informed me of the incidents detailed below which occurred in October 2015 and the response from the venue. PC Rose also detailed significant engagement over the past three years.


I have already given evidence at hearing regarding the incident which triggered the summary review, I refer to this incident as CRIS 5407269/16 exhibit OPD/9.

Further to the submission of evidence for the summary review of Circuit Nightclub Romford I wish to add the following to the agenda:

1. Levels of intoxication

The group of "victims" who occupied the VIP area order several bottles of neat vodka throughout the night and are allowed self service of these drinks. There is little or no supervision from waitresses on their levels of intoxication and very little interaction from door staff at the table.

According to the price list on Circuit's website it is possible to purchase a three litre bottle of Ciroc vodka for £600 (excluding a 10% service charge).

Signature:  Signature witnessed by:

Continuation of Statement of PC DAY

This is equivalent to 120 single measures of alcohol being available to patrons to dispense at their discretion.

2. Drugs

From the footage the group can be seen to consume what is believed to be cocaine at various points including:

23:41:20 in the top left of the booth near
 23:44 at the bottom left of the footage
 23:45 again sharing cocaine at the bottom of the footage
 00:11:45 at the top left of booth
 00:15 top left booth
 00:18 top left
 00:20 top left
 01:04 top left
 01:05 top left
 02:00 bottom right

Drug use is not limited to this group it can also be seen at another VIP table
 The camera entitled DJ1+2 shows a group arrive at approx 23:45 and at 23:55 are delivered four bottles of vodka to their table, this table is a VIP table with a sectioned off part of the main bar. At 00:36 some more of the group arrive and shortly another bottle of vodka is delivered. At 01:47 one of the group is ejected from the booth after one of the other males has a word with a bouncer.
 At the same time (03:05) as the violence is going on one of these males is seen to vomit into an ice bucket, he does this in full view of the bar and a waitress standing beside him.

This group can be seen to consume cocaine at
 00:21 right side of booth towards bar
 00:23 again to right of booth

3. GBH: 24th October 2015, CRIS: 5416624/15 (OPD/1)

Initial comments of crime report detail:

Police were called to the location by CCTV who had seen the aftermath of a vehicle hit a pedestrian. Police attended where PC 954KD Newby went to the Victim. The victim was lying on her side. Witness 1 was comforting her. Both Victim and Witness 1 are friends and were extremely drunk after attending Circuit nightclub. The victim was complaining of pain in her left shoulder, arm and back.

Signature: 

Signature witnessed by:

Continuation of Statement of

PC Rose

Witness 1 states that a white male aged approx 30 years old with short spiky hair wearing a blue possibly Ralph Lauren polo top had a fight outside circuit with other males. The male then got into a black vehicle drove at a male who got out the way, the vehicle then reversed mounting the kerb and drove back in the same direction directly towards the victim hitting and knocking her to the floor. Witness 1 states that there were a lot of people around and the vehicle appeared to be driving at everyone and anyone that was there. Witness 1 was heavily intoxicated.

The incident involves a female customer who is run over by a car having left the venue at approx 4am. Door staff state there was a fight involving approx 30 persons outside Circuit. The suspects and the victims had both been drinking in Circuit and were part of the group fighting. This has culminated in one of the suspects reversing the car at a male involved in the fight and inadvertently hitting a female victim. She has attended hospital and has a sprained left shoulder, bruised left arm. Bruising to her bottom and legs. The female had a very stiff neck and experienced shooting pains in her back and legs.

No suspects were charged on the advice of the Crown Prosecution Service due to identification issues.

4. GBH, 25TH October 2015, CRIS: 5416684/15 (OPD/2)

The incident occurred at approx 03:15hrs at the rear taxi rank of the venue. Customers from the venue had got into a taxi and one of them had been stabbed repeatedly by another customer. This incident remains an ongoing investigation.

PC Rose details the engagement with the venue following this incident and the incident of the 24th October.

5. ABH: 10th January 2016, CRIS: 5400610/16 (OPD/3)

Initial comments of crime report are taken from a call to police via CAD:

^Inft....Me and friends were sat around a booth at the nightclub which we paid £750 for, another group were trying to use the booth, there were some words between us, and then all of a sudden a glass was thrown at me, and I was thrown across a table, I fell on the floor and was stamped on by a group of males, my friends were also attacked by the group.

The bouncers got involved and the suspects were taken away, we left shortly after as our cab was there.

No police or LAS were called.

The Bouncers assured us that the suspects would be arrested, however we have since found out they

Signature:

PC Rose

Signature witnessed by:

Continuation of Statement of

PC DALY

haven't.

Would like to report to Police.

KD^OP do you require email to be sent to Herts Police with req for Police to attend H/A to take statement.

^Op no serious injury, she said mark on her chest, no medical assistance.

^Inft...believe the Bouncers may have been friendly with the suspects which is why they didn't call Police and just let them go.

The report then continues to detail how the victim had booked a VIP table, an altercation had occurred with another group who wished to use the table with a drink being thrown over the victim. This has then escalated and the victim has been punched and kicked, at one point in the crime report the victim details how she believes she may have been knocked out due to not having a full recollection of events. The victim states that she received bruising to her body.

When spoken to the victim stated:

She is of the belief that as the bouncers were talking to the group outside the venue that the group may be known to them and are covering up the incident as apparently the venue is used by celebrities.

VI has not sought any medical assistance for her injuries.

She was unable to give any further details of the suspect as she was being hit about the head and face and had put her arms up to defend herself and therefore received lots of bruising to her arms whilst being kicked on the floor.

The report ultimately concludes with no persons being arrested. The supervisors comments at the conclusions detail the rationale behind this:

Supervisor Review

I note the updates from the OIC. He confirms that the CCTV doesn't assist in identifying any possible Suspects or corroborating the Victims account. It's not suitable for circulation. Other lines of enquiry such as scan-net will not assist without clear images of the Suspects. The door staff had no details of the Suspects.

Report Complete

Outcome Code:- 14 Evidential Difficulties Suspects not Identified

Signature:

Signature witnessed by:

Continuation of Statement of

pc DASH



PC GOODWIN attended the venue and spoke with Rob Howe on the 12th January regarding the incident. This concluded with Pc Goodwin pointing out to the venue the need for SIA staff to adopt a contact and cover policy and not to be left on their own dealing with angry patrons.

6. GBH 05th March 2016, CRIS: 5403865/16 (OPD/4)

An incident occurred whereby the victim was sitting in a VIP area along with others. The suspect has then hit him in the head with a glass bottle. This has resulted in lacerations to the victims head consistent with GBH. This case is currently ongoing.

7. Sexual Assault 17th April 2016, 5406330/16 (OPD/5)

A customer at the venue had made several attempts to touch one of the female waitresses; he eventually did and ran a hand up her inner thigh. He was ejected as officers were outside dealing with another incident. An allegation was made to police and the suspect was arrested for sexual assault by touching. The victim began making a statement, during the course of making this she spoke to the entertainments manager, "N*****", upon returning to police she declined to finish making a statement. No further action was taken against the suspect.

The report reads:

On SUNDAY 17th APRIL 2016 officers were on patrol in the town centre when we was flagged down by one of the door staff of CIRCUIT nightclub. Officers went over to find out that 2 females had initially been denied entry and were causing a nuisance. The 2 females were spoken to by officers who then left on their own accord. Whilst this was occurring another male was ejected by door staff at the venue. When police intervened, door staff stated that the eject male had spat at one of the door staff and that he had placed his hands in between VIW legs. The suspect was detained and arrested by officers on scene.

A statement was partially taken from VIW who refused to support or assist any prosecution from the police which has been mentioned in the statement and signed. VIW stated that the reasons were that she was used to that behaviour and that it was something that went part and parcel with her role and is something she is used to. VIW then stated that she did not want the male arrested and just wanted him ejected and felt that all police intervention was something that was irrelevant and uncalled for. She was asked for swabs to be taken to which she refused and re iterated the above comments in relation tot he reasons why.

VIW1 was willing to provide a statement to police was in the middle of doing this however when she was asked to step outside by her manager N***** quickly. She returned and stated she no longer wished to pursue an allegation. Officers were not privy to the conversation between N***** and VIW1

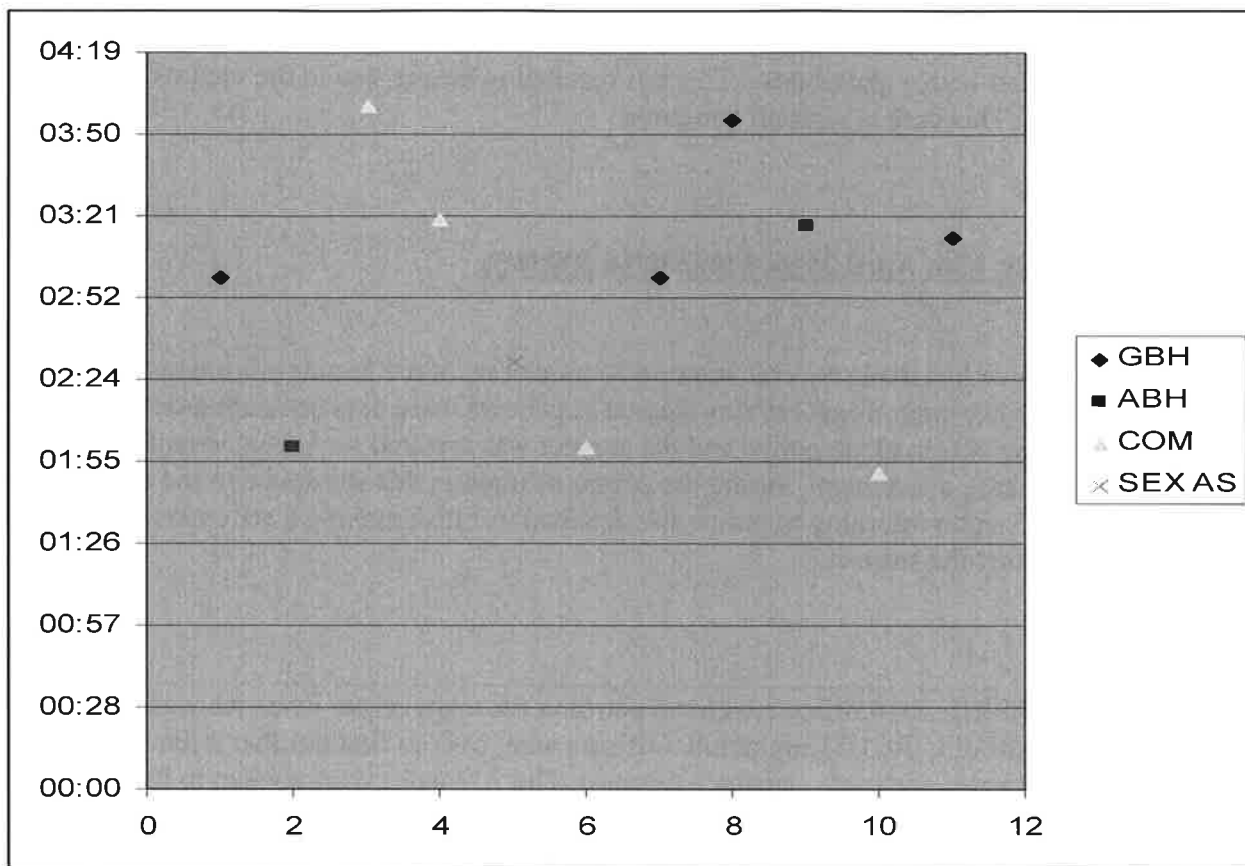
Signature:

Signature witnessed by:

Continuation of Statement of pc Day

8. Scatter Chart of Times of Incidents (October 2015 to May 2016):

The chart below shows the times that incidents have occurred. This detail comes from the CRIS crime reporting system. The incidents referenced occurred between October 2015 and May 2016.



These incidents are referenced as follows:

| | GBH | ABH | COM | SEX AS |
|---------------------|-------|-------|-------|--------|
| 5403865/16 (OPD/4) | 03:00 | | | |
| 5400610/16 (OPD/3) | | 02:00 | | |
| 5403868/16 (OPD/6) | | | 04:00 | |
| 5405859/16 (OPD/7) | | | 03:20 | |
| 5406330/16 (OPD/5) | | | | 02:30 |
| 3904812/16 (OPD/8) | | | 02:00 | |
| 5407269/16 (OPD/9) | 03:00 | | | |
| 5416624/15 (OPD/1) | 03:55 | | | |
| 5416676/15 (OPD/10) | | 03:18 | | |
| 5417075/15 (OPD/11) | | | 01:51 | |
| 5416684/15 (OPD/2) | 03:14 | | | |

Signature: [Handwritten Signature] Signature witnessed by: _____

Continuation of Statement of

PC DAVY



9. Conclusion

Police have serious concerns in respect of the ability of the venue to uphold the licensing objectives, primarily the prevention of crime and disorder.

Following previous incidents the venue have promised to ensure that conditions of their licence are adhered to, PC ROSE details the conditions added to the licence following the hearing in 2013. They included a reduction in hours and an identity scanning condition.

Following the incidents in October 2015 the venue agreed to additional door staff, including two at the rear taxi rank. At the time of the May 02nd incident it is clear from CCTV that this was not being adhered to. A visit to the venue on the 31st October 2015 by PC Goodwin details fourteen door staff on duty, the venue was operating on a total of ten door staff on the date of the 02nd May 2016.

The majority of incidents occur between the hours of 1am and 4:30am on a Friday and Saturday night.

The four GBH incidents at the venue since October 2015 have all occurred after 3am.

Police would ask that the terminal hour of the premises be changed to 1am.

In view of the evidence presented Police would also ask the following conditions to be added:

1. That the current IdScan condition be re-worded to replace the word "may" with the word "shall" and that all customers will be required to produce suitable identification prior to entry.
2. Any door companies employed at the premises to have SIA Approved Contractor Scheme accreditation.
3. Body cams to be utilised by all door staff and to be recording during times that the premises is open to the public. Body Cams shall be subject to the same conditions as CCTV.
4. A total of Six Door Staff to be situated one at each VIP booth during the times they are being used by customers as detailed on plans agreed with the police. Two door staff to be situated at the rear taxi rank during its period of operation. One member of door staff to operate the CCTV control room who is independent to the management of the venue and employed by the nominated security company. A total of sixteen members of door staff to be employed at the venue during its operating hours .
5. No self-service of alcohol to be permitted at any time.
6. Form 696 to be completed for all external promotions and DJs coming to venue, list of house DJs to be recorded with Police Licensing.

Signature:

Signature witnessed by:

Witness contact details

Home address: c/o Romford PDL STN, MAIN RD. Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken: Romford PDL STN, 24/05/2016, 10:10

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Carl Mumford 559KD URN: [] [] [] []

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Constable p233114.....

This statement (consisting of: 3..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Signature] 559 KD Date: 11th May 2016

Tick if witness evidence is visually recorded [] (supply witness details on rear)

I am currently employed by The Metropolitan Police Service and have been a Police Constable since 19th December 2011. I am posted to the Town Centre Team and my role is to deal with night time economy disorder within Romford Town Centre. On 2nd May 2016 I was on duty in full uniform with PS Ruane 76KD, PC Leggatt 324KD, PC Boon 263KD and PC Gerard 951KD. At approximately 0309hrs we were on routine patrol in North Street, Romford near to Circuit, Romford when I saw an IC1 male with a nose injury near to the junction of The Market Place. When we approached him he stated that the door staff at Circuit had assaulted him. A police officer remained with the victim who I now know to be James ALBOROUGH. Police including myself then drove up to Circuit further along North Street. A male I recognise as door staff member of Circuit approached police and stated that there was an incident taking place at the rear of Circuit nightclub which was in The Mews. I walked through an alleyway linking North Street and The Mews and saw that there was a large group of IC1 males in an agitated state walking around and approaching the rear exit of Circuit. I also saw an IC1 male lying on his back on the floor that appeared to be unconscious; I now know this male to be Daniel ALBOROUGH. Police officers at the scene attended to this male and I spoke to an IC3 male door staff member whose name I do not know. He identified himself as the door staff manager and I asked him what had happened. At this point I could see that the IC1 male who had a nose injury that I had seen near the Market Place had joined police in The Mews. My colleagues were speaking to a group of approximately 6-8 males who had been involved in an altercation inside Circuit Nightclub. The door staff manager stated that there had been a fight inside the venue where an unwanted male had been consuming drinks from a VIP inside the table. The users of that table wanted him removed so as they pushed him off of the table that male punched the IC1 male who sustained the nose injury. The whole group were then ejected from inside by door staff where the group of males then proceeded to try and assault door staff and re-enter the venue. The door staff manager stated that he did not know how the male who was unconscious on the floor sustained his injuries. Whilst talking to the door staff manager an unknown IC1 male approached me randomly and stated in the presence of that door staff manager that the door staff manager had been involved in the assault on the group of males. James ALBOROUGH then approached me and stated to me that the door staff manager had helped him in the situation by trying to resolve the matter. James ALBOROUGH was unable to identify any particular suspect for the punch to his nose; he did not identify any door staff member that was present. The incident became very confusing because different males in the group had made different accounts to police. The large group of males were unwilling to talk to police at times; they were walking around

Signature: [Signature] 559 KD Signature witnessed by:

Continuation of Statement of **Carl Mumford 559KD**

very irate and appeared under the influence of alcohol. It was very hard to establish what had actually happened because of the volatile environment and an assault which had clearly happened, the group appeared angry and wanted to take revenge on who had assaulted them. They were verbally aggressive to police and door staff alike which made dealing with the situation very hard. I was aware that an ambulance had been called by police for James ALBOROUGH and Daniel ALBOROUGH. At this point I then asked to see the CCTV footage of the venue to attempt to establish what had happened. I was directed to an office where there were multiple screens with an active CCTV system. I then spoke to a male who identified himself as the manager who operated the CCTV footage. I would describe the manager as an IC2 male with a foreign accent. He showed me footage from approximately 0305hrs to 0309hrs when police arrived on scene at the rear of the venue. He showed me two camera angles of the incident, one of a corridor where the group of males were ejected and one at the rear of the venue where the group of males were alleged to have tried to force entry into to Circuit. I did not operate the playback of this footage because I do not know how to use the system. I viewed the footage in real time and I watched the following. At the beginning of the incident that I was showed I saw multiple door staff ejecting several males from the venue. I could see door staff using their arms to grab hold of the males who appeared to me to be trying to re-enter the venue. When I witnessed this footage I did not believe I saw any excessive force used in the removal of the males who they did not want in their venue. The camera footage is very quick and there are hands and arms trailing everywhere from different people. I did not see any intentional punches or intentional assaults. I then viewed the camera angle at the rear of the premises and saw several males being ejected. The group then start throwing barriers around outside the venue and approximately 8 males are seen to try and force entry inside. The group are then seen to be pushed back by door staff and at this point I believed I saw a male trip backwards and remain on the floor. Again this is a very quick incident and I could not see individual actions in amongst the group of people. I did not view the footage in slow motion and after replaying the footage multiple times I did not change my conclusion. I spent approximately twenty minutes with the manager rewinding footage a couple of times to see if I could see any assault taking place. From the footage that I viewed that evening I did not see any assault taking place by door staff that I believed to be excessive. I then returned to The Mews at the rear of Circuit and spoke to Daniel ALBOROUGH who stated to me that an assault had actually taken place in the stairwell which leads from the dance floor. He stated that the door staff had punched members of the group as they were being ejected. I did not remember seeing a stairwell exit when I was reviewing the footage so I returned to the manager's office where the CCTV system was. I then asked to look at the camera covering the stairwell which leads to The Mews. The manager stated to me that the camera appeared to be broken. It was completely black and it was not recording anything. He rewound the camera footage to 0003hrs and stated that the camera appeared to have stopped working then. He was unable to show me any footage from the camera. I asked him why this camera was not working and he stated that it was working earlier and he had no idea why it had stopped. There was another IC2 male with a foreign accent inside the manager's office at this point whose name I do not know. I believe he was also a manager at the venue. He said to me in a jokily manner that that must look strange now that the camera does not work. I said to him that it was the camera that would have apparently captured an assault. At this time I advised them to burn all footage they had of the incident that evening as it is likely that it would be collected by police at a later date. The manager stated that I would not be able to collect the footage that evening as it would need to be burned off. I then returned to The Mews and was informed by my colleagues that the large group of males had left the area and had declined LAS treatment. At the time the incident took place and from the footage I had viewed I did not believe that the door staff had assaulted the group of males. However I was unable to view a camera angle covering the stairwell as the camera was not working. I was not shown any

Signature:

B.M. 559KD

Signature witnessed by:

Continuation of Statement of **Carl Mumford 559KD**

footage of incident the venue when the initial incident happened where a male was at a table that he was not supposed to be at. I viewed this footage very quickly and was not able to sit down and look at it frame by frame at the time due to the impracticality of this as I was working on a busy Romford Town Centre shift. After this incident was concluded I collected details of those involved from my colleagues and recorded a crime report. The group of males involved had left when I returned from watching the CCTV and I was also informed that they did not wish to make any allegations at the time. I was unable to obtain any further details about the incident from different witnesses. Therefore I recorded this incident as a crime related incident and documented the full circumstances of what I had seen and what had apparently taken place to the best of my ability.

CBM 559KD

Signature:

CBM 559KD

Signature witnessed by:

Witness contact details

Home address: **C/O Romford Police Station, 19 Main Road, Romford, Essex**.....

Postcode: **RM13BJ**.....

Home telephone number Work telephone number

Mobile/pager number Email address: **carl.mumford2@met.police.uk**.....

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability See MG10

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **559KD p233114 PC Mumford**..... Station: **Romford Police Station**.....

Time and place statement taken: **1147hrs Central NPT office**.....

Licensing Act 2003 Responsible Authority representation

This representation is made by a responsible Authority for the London Borough of Havering concerning an application by the Metropolitan Police to review the premises licence as detailed below.

Premises Name and address: Circuit 36-38 North Street, Romford, 1BH

Your Name: Arthur Hunt

Organisation name/name of body you represent: London Borough of Havering
:-Licensing

Your Address: 5th Floor, Mercury House, Mercury Gardens, Romford, RM1 3SL

Email: arthur.hunt@havering.gov.uk

Contact telephone number: 01708 433585

Summary of Objection: Support for an application to review the premises licence brought by the Metropolitan Police based upon the public safety and crime and disorder licensing objectives.

Policy Considerations

Licensing Policy 1

In considering applications for new licences, variations to existing licences and licence reviews the Licensing Authority will take the matters listed below into account:

- whether the premises is located in an area of cumulative impact;
- the type of premises and their cumulative impact on the area and the mix of premises in the area;
- the location of the premises and the character of the area;
- the views of the responsible authorities;
- the views of other persons;
- past compliance history of current management;
- the proposed hours of operation;
- the type and number of customers likely to attend the premises;
- whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in the Safe and Sound meetings and pub watch.

Licensing Policy 8

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- Can demonstrate comprehensive knowledge of best practice
- Has sought advice from the responsible authorities
- Has implemented any advice that has been given by the responsible

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authorities

- Is able to understand verbal and written advice and legal requirements
- Can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003
- Is able to run their business lawfully and in accordance with good business practices
- Is able to demonstrate a track record of compliance with legal requirements.

Licensing Policy 10

The Licensing Authority expects licensees to operate to the highest standards of management, and to cooperate with responsible authorities to prevent:

- The sale of alcohol to underage children;
- Drunkenness on premises;
- Irresponsible drinks promotions.

Where the Licensing Authority receives representations from responsible authorities that the management of a premise is supporting such activities, or that there is strong evidence linking patrons with alcohol related crime, disorder or antisocial behaviour the Licensing Authority will consider reviewing the licences to impose additional restrictions and controls to prevent or minimise the impact.

Licensing Policy 25

The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:

- Restricting hours of operation
- Removing licensable activities from the premises licence
- Imposing additional conditions
- Requiring the removal of a designated premises supervisor
- Suspending a licence
- Revoking a licence

Representation

I wish to make representation as a Responsible Authority under the public safety and prevention of crime and disorder licensing objectives in supporting the application made by the Metropolitan Police.

The Police sought a review of the premises licence under section 53A of the Licensing Act 2003. This was as a consequence of an incident that had occurred on the 2 May 2016.

Crime and Disorder

As a Licensing Authority we rely on the guidance issued under section 182 of the Licensing Act 2003 (the guidance). Para 2.1 states:

Licensing Authorities should look to the police as the main source of advice on crime and disorder.

Taking that at face value, if the Police are concerned about the crime and disorder at a premises it would be remiss of the Licensing Authority not to have the same concerns. Having viewed the CCTV of events on the 2 May 2016 those concerns regarding the actions of the door staff employed on the evening are reinforced.

Havering's licensing policy 8 states:

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- *Has implemented any advice that has been given by the responsible authorities*

On the 7 March 2016 I attended the premises in the company of PC Goodwin. She was dealing with a report of an assault at the premises involving the use of a bottle in the VIP area. We met with Rob Howe (DPS), Tony Nicholls and their legal advisor Alan Aylott, to discuss the incident and view the CCTV of the incident. As a result PC Goodwin advised the management that the VIP area should have a static SIA door staff position. In fact the premises indicated that there was such a position already in place. The re-positioning of CCTV cameras to assist with views of the VIP area was also discussed.

It is clear that should the advice regarding the siting of security staff have been heeded then the incident of the 2 May could possibly have been prevented.

The guidance at para 11.10 states:

Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

The visit on the 7 March was one such occasion where the licence holder was advised of steps that could be taken to address the concerns of the Police and seemingly ignored.

Public Safety

The CCTV is quite clear in that in the latter part of the incident the group of males previously ejected attempted to re-enter the premises via the rear ground floor door. It was at this stage that the security staff once again became involved and a male is left apparently unconscious on the ground. The only first aid rendered to this male is by his friends who appear to place him in the recovery position. No one from the premises attends to him. It would appear that an ambulance is not called or the Police informed. Enquiries with Havering's CCTV centre, which monitors the town radio link, have no record of the premises using the town radio link to call for an ambulance.

The guidance states at para 2.6:

Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above.

A male was left unconscious for a period of nearly three minutes without any first aid being rendered by premises' staff, including the calling of an ambulance. The premises have a duty of care to this person which they clearly failed to undertake.

There must also be concerns about the way that a member of door staff was left “marooned” outside the fire exit on his own on the stairway surrounded by the party that had been ejected. There was no apparent help and his only course of action appeared to be for him to fight his way out. It seems incomprehensible that this is a safe working practice and ultimately he has been placed in danger by the working practices of the premises (i.e. the door staff company).

Conclusion

This incident raised a number of questions that apparently have yet to be answered.

- When this incident occurred where was the management of the premises in supervising the incident? None can be seen on the CCTV.
- Where was the management of the door supervisors? Once again, none are visible on the CCTV.
- Who is the individual who seems to have unfettered access to the premises but as yet remains unidentified? We have been led to believe that the premises’ management does not know who this individual is; however, if he was a customer, the management has assured the Licensing Sub-Committee at more than one interim hearing that all customers went through the scan net device. Yet no identification has been forthcoming. He appears known to the door staff but his identity remains unknown.
- This incident seems to have been initiated by a single person entering the VIP area. Why was it prudent to eject the party that had paid for the area rather than the one person? It seems (on the CCTV viewed so far) that this person may be associated with the unidentified person. Was this the reason that he was not ejected?

Havering’s licensing Policy 10 is quite clear in that:-

“The Licensing Authority expects licensees to operate to the highest standards of management”

This incident seems to indicate a management standard of less than the “highest standards”. In fact a press release on their website seemingly points at the “draconian approach” of the Police rather than the premises’ responsibility with regards to the management of the premises and the security team.

It is unclear what further conditions can be placed on the premises licence in order to promote the licensing objectives.

Complaint and Inspection History (if applicable)

| | |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Nov 05 | Opium Lounge premises licence No. 2141 granted to Property Investors Guild Ltd. |
| Feb 06 | An application to vary the premises licence granted: hours extended to 04:40 with a 05:00 close |
| Dec 07 | Police submit <u>expedited review</u> of premises licence based upon blatant use and supply of class A drugs, a history of violent incidents and a charge of murder brought against a door supervisor pursuant to an incident at the club. |
| Jan 08 | Review hearing held. |

| | |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| May 09 | Variation application received to modify premises' layout. |
| Jul 09 | Police submit second <u>review</u> application based upon misuse of drugs at premises. |
| Feb 10 | Minor variation application submitted and accepted seeking to "remove out of date conditions" which were conditions imposed in response to previous police review applications. Police objection made. Application rejected. Full variation application not subsequently made. |
| Mar 10 | Premises licence transferred to Joseph Fletcher |
| May 10 | Premises' name changed to Buddha Lounge |
| Nov 12 | Minor variation to the premises licence granted to remove restriction upon AWP machines in premises |
| Jul 13 | Premises licence transferred to T J Events Ltd. |
| Sep 13 | <u>Review</u> number 3 made by police based upon increasing level of violent incidents, extreme levels of customer intoxication, licence breaches and management failures. |
| Oct 13 | Premises licence transferred to Free Trade (Romford) Ltd. |
| Nov 13 | Premises licence transferred to current holder Buddha RT Ltd |
| Aug 14 | Licensing inspection of premises completed. (Letter detailing inspection attached for information) |
| Dec 14 | DPS Jose Martins varied to Robert Howe |
| Jun 15 | Application made for second Circuit premises licence by Buddha RT Ltd; application granted Sep 15: premises licence no. 16800 |
| Sep 15 | Premises licence no. 2141 surrendered |
| May 16 | <u>Expedited review</u> submitted against premises licence no. 16800 |

Other documents attached

Inspection Letter dated 4 August 2014

Press release from Circuit website.



Signed

Dated 23 May 2016



Public Protection

London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

Buddha RT Ltd t/a Buddha Lounge
PO Box 2944
Romford
Essex
RM7 1QF

Telephone: 01708 433585
Fax: 01708 432554
email: arthur.hunt@havering.gov.uk
Textphone ☎: 01708 433175

Date: 4 August 2014

My Reference: AGH//SR 031241

Dear Sir/Madam

Buddha Lounge, 36-38 North Street, Romford, RM1 1BH

In relation to the visit I made to the above premises on 1 August 2014 the following items need to be addressed :-

- **Section 57(2) Licensing Act 2003 states:-**
The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of—
 - ***(a) the holder of the licence, or***
 - ***(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.***

The premises licence was not available for inspection. All that was produced was a non-certified copy of Part B of the licence. There seems to be some confusion where the actual licence is located. Enquiries have been made by Mr Nicholls who was under the impression that the premises licence had been sent to the company registered address in Southend. This is not the case, it was sent recorded delivery to the companies solicitor, Dadds LLP. The Royal Mail website indicates that this letter was delivered on the 1 July 2014. I understand that further enquiries will be conducted with Mr Dadds.

- **Annex 3 Condition - *The Licence Holder shall implement a written Drugs Policy. This shall detail the strategies to minimise the use and supply of illegal drugs within the premises. The Drugs Policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises, which will be delivered to all staff. This Policy shall be approved in writing by Havering Police and LBH Drug action Team.***
No written Drugs policy could be produced. Mr Martins indicated that it was stored in a binder, but he was unable to locate that binder.
- **Annex 3 Condition - *The licence holder shall implement a written ejections policy. This policy will detail the manner in which ejections are made from the premises and include the following:***

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- ***The exact entry/exit point through which the ejection is made shall be detailed in the premises daily register.***
- ***Details of the reasons for the ejection, and all of the staff involved in the ejection will be recorded in the premises daily register.***
- ***Any ejections will be recorded in full on the premises CCTV system.*** Once again the policy was not available for inspection.
- ***Annex 3 Condition - The Licence Holder shall implement a written crime prevention policy aimed to reduce crime within the premises. The policy shall be approved in writing by Havering Police.*** This policy was not available for inspection.
- ***Annex 3 Condition - The Licence Holder shall implement a written responsible drinking policy to be agreed in writing by Havering Police.*** Policy not available for inspection.
- ***Annex 3 Condition - Premises which have a policy that includes the searching of persons shall have Door Supervisors of both sexes on duty at all times. The premises shall be permitted to operate without female door staff subject only to one being appointed and employed within a reasonable time. Any “pat down” searches of female customers only to be performed by female door staff.*** No search policy was available.
- ***Annex 3 Condition - The Licence Holder shall implement a written queue management policy. All queuing outside the premises shall be managed in such a way that prevents noisy or rowdy behaviour and therefore minimises disturbance or nuisance to neighbours. The policy shall be approved in writing by the Licensing Authority and Havering Police.*** The policy was not available.
- ***Annex 3 Condition - The Licence Holder shall implement a written dispersal policy, to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority and Havering Police.*** This policy was not available.
- ***Annex 2 Condition - Door staff shall wear high visibility jackets with the name of the premises and ID number stated thereon.*** There were at least 2 door staff who were outside the premises but not wearing high visibility jackets.
-

My next visit will be in 12 - 24 months (this may be sooner if circumstances dictate) on that occasion I will need to inspect the following items to check compliance :-

- Premises Licence
- Part “B” of the licence correctly displayed
- Door supervisors record book
- Record book of incidents
- Record book of complaints
- Records that need to be kept in accordance with the Premises Licence
- Any refuse to serve book / record
- Designated Premises Supervisors Personal Licence

I have requested that PC Davies contact you with a view to emptying your drugs safe.

If you need any help or assistance please contact me at the over.

Yours faithfully

Arthur Hunt
Licensing Officer

PRESS RELEASE

Circuit

The Police Service have asked the local authority to suspend our premises licence at a hearing without our involvement and without asking us to attend. In turn the local authority have refused to invite us to comment upon the police's application. We do not entirely agree with the police viewpoint.

Notwithstanding the application, we do accept that a third party contractor i.e. a security person, was involved in an incident with a member of the public. This member of public was involved in a prior incident within the premises in which the door security person intervened. The full details of what happened is under investigation by the police and we are fully cooperating with them. However, we cannot comment any more until that investigation is concluded. In any event, we offered all CCTV and details of those involved to the police officer who attended on the night but he declined to receive it; as at the time the officer did not believe it was necessary. Circuit have cooperated throughout.

The premises is a safe environment to attend and has always worked extremely well with the police service; always had a good relationship in particular with the previous licensing officer. The premises licence holder is disappointed that the new police licensing officer has taken such a draconian approach. We will enquire why this officer has taken such an approach and whether any other licensee has similar problems with this new licensing officer.

As a result of this incident, the premises has suspended the services of the door supervisor company and has contracted a new SIA accredited firm. We have already appealed the decision to suspend the licence and hope to have a hearing within the next 48 hours so that the licensing authority can hear about the conduct of the current police licensing officer. In addition, we will be able to detail what steps we have taken in the past, the steps we are taking now and also in the future, working with responsible authorities to promote the licensing objectives. We are confident that all that is required to alleviate the police concern, is a replacement of the door supervisor company. This view is supported by one of the police service employees and also an external licensing consultant (a retired police officer with many years of licensing experience). The premises is a safe environment for our customers who know our commitment to public safety. We hope to be open as soon as possible and are confident that the licensing authority, having heard our evidence, will allow us to open for next weekend. If you wish to assist us, we welcome any letters of support. Please send them to Tony Nicholls or Rob Howe at Circuit or Alan Aylott at Dadds Solicitors.

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