

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 9 July 2018

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

Part A – Items considered in public

A1	<p>APPLICATION FOR AN EXPEDITED PREMISES LICENCE REVIEW - HAVERING WELL PH, RUSH GREEN ROAD, ROMFORD, RM7 0QA</p>	<p style="text-align: right;">Licensing Act 2003 Notice of Decision</p> <p>PREMISES</p> <p>Havering Well PH Rush Green Road Romford RM7 0QA</p> <p>DETAILS OF APPLICATION</p> <p>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 15:56 on 5 July 2018.</p> <p>APPLICANT</p> <p>PC Belinda Goodwin, On behalf of the Commissioner of the Metropolitan Police Service, Romford Police Station, 19 Main Road, Romford. RM1 1BJ</p> <p>1. Details of existing licensable activities</p>
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		<table border="1"> <tr> <td colspan="3">Films, Indoor sporting events</td></tr> <tr> <td>Day</td><td>Start</td><td>Finish</td></tr> <tr> <td>Monday to Thursday</td><td>10:00</td><td>23:00</td></tr> <tr> <td>Friday to Saturday</td><td>10:00</td><td>00:00</td></tr> <tr> <td>Sunday</td><td>10:00</td><td>23:00</td></tr> </table> <table border="1"> <tr> <td colspan="3">Supply of Alcohol</td></tr> <tr> <td>Day</td><td>Start</td><td>Finish</td></tr> <tr> <td>Monday to Thursday</td><td>10:00</td><td>23:00</td></tr> <tr> <td>Friday to Saturday</td><td>10:00</td><td>00:00</td></tr> <tr> <td>Sunday</td><td>10:00</td><td>23:00</td></tr> </table> <table border="1"> <tr> <td colspan="3">Live Music, performance of dance</td></tr> <tr> <td>Day</td><td>Start</td><td>Finish</td></tr> <tr> <td>Monday to Thursday</td><td>20:00</td><td>23:00</td></tr> <tr> <td>Friday to Saturday</td><td>20:00</td><td>00:00</td></tr> <tr> <td>Sunday</td><td>20:00</td><td>23:00</td></tr> </table> <table border="1"> <tr> <td colspan="3">Late Night Refreshment</td></tr> <tr> <td>Day</td><td>Start</td><td>Finish</td></tr> <tr> <td>Friday & Saturday</td><td>23:00</td><td>00:00</td></tr> </table> <table border="1"> <tr> <td colspan="3">Recorded Music</td></tr> </table>	Films, Indoor sporting events			Day	Start	Finish	Monday to Thursday	10:00	23:00	Friday to Saturday	10:00	00:00	Sunday	10:00	23:00	Supply of Alcohol			Day	Start	Finish	Monday to Thursday	10:00	23:00	Friday to Saturday	10:00	00:00	Sunday	10:00	23:00	Live Music, performance of dance			Day	Start	Finish	Monday to Thursday	20:00	23:00	Friday to Saturday	20:00	00:00	Sunday	20:00	23:00	Late Night Refreshment			Day	Start	Finish	Friday & Saturday	23:00	00:00	Recorded Music		
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		<p>Summerfield was interviewed under caution and stated that the CCTV was removed two days prior to incident with water damage, and the hard drive was with a man called Steve Brown (whom the Police were unable to contact despite several attempts) and denied any involvement in the assault on the victim. When questioned at the scene by Licensing Officers PC Adam Williams and PC Michael Sear, Ms Summerfield indicated that there was a fight, the victim was aggressive and asked to leave, and had no idea what had happened. Officers were unable to locate the blue handled knife however they were able to seize a USB of CCTV from the petrol station showing the victim with his injury being led by Ms Summerfield from the premises. Police have interviewed Ms Summerfield under caution in relation to concerns of perverting the course of justice by driving Mr Fleming from the scene of a crime and removing the CCTV hard drive. Mr Fleming has now been charged with section 18 GBH with intent and was remanded to appear in Court on 5 July 2018.</p> <p>The Presenting Licensing Officer, confirmed the premises licence holder had submitted an application to transfer the DPS to Joanna Black on Monday 9 July 2018. PC Goodwin indicated that Joanna Black was questioned by the Police as she was present at the premises on the date of the incident however Ms Joanna Black did not say anything on camera. The Sub-Committee heard oral submissions from PC Belinda Goodwin in support of the application, Police photographs were shown of the victim's injuries, PC Goodwin confirmed that the Police were unable to contact the CCTV engineer Steve Brown, and since Mr Fleming was charged he was remanded on conditional bail which included residing at an address in Lincoln and being excluded from entering the Borough of Havering.</p> <p>The Licensing Sub-Committee carefully considered the application for the Expedited</p>

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		<p>Review, the Computer Aided Dispatch report of the incident, photographs from the Police of the victim's injuries and a copy of the existing premises licence (which now indicated the new DPS as Joanna Black) and the oral submissions from the Police. In reaching their decision, the Sub-Committee had regard to the relevant Home Office 'Summary Review Guidance on Section 53A-C of the Licensing Act 2003'.</p> <p>The Licensing Sub-Committee are of the view there is no alternative but to;</p> <p>A) Suspend the premises licence.</p> <p>B) Add a new condition to the premises licence 'Maria Summerfield and Jay Fleming are excluded from the premises at all times'.</p> <p>The reasons are as follows;</p> <ul style="list-style-type: none"> • The incident was of a serious nature in view of the severity of the injuries caused to the victim which led to Mr Fleming being charged with the criminal offence of Section 18 GBH with intent. • The Sub-Committee have grave concerns of the circumstances of the incident such as the removal of the CCTV evidence at the premises by Maria Summerfield, the timing of which is suspicious, driving Mr Fleming away from the scene of a crime in her car (both actions which may amount to a separate criminal offence), the Police being unable to locate the knife at the premises, and Ms Summerfield's denial of the knowing what happened despite the Police confirming CCTV at the petrol station showing her leading the victim with the

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		<p>injury away from the premises, (with the Police also administering first aid due to blood loss).</p> <ul style="list-style-type: none"> • The Sub-Committee do not have any faith or confidence that the premises will continue to operate responsibly within the law. Although the premises licence holder has submitted an application to change DPS to Joanna Black on 9 July 2018, concerns remain she was present at the premises on the date of incident. There are no effective management and measures already in place which is reflected by the clear breach of licence conditions for CCTV, the ambulance service directly calling the police to the scene, and at present, the CCTV hard drive for the premises is still not retrieved despite attempts to do so by the Police. • Overall there has been a clear disregard of the licensing objectives such as the prevention of crime and disorder and protection of public safety. • Since Mr Fleming and Ms Summerfield remain as tenants of the premises, in view of their recent conduct as set out above, their exclusion from the premises will act as an additional safeguard from any further incidents and allow the effective continuation of the ongoing police investigation. • The Sub-Committee do not believe other interim steps such as further modifications of the conditions of the licence and / or exclusion of sale of alcohol would be effective in this instance. <p>In conclusion, for the reasons set out above, this decision is proportionate and</p>

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		<p>reasonable to promote the licensing objectives of the prevention of crime and disorder, protection of children from harm and the protection of public safety.</p> <p>Right of Appeal</p> <p>The premises licence holder may make representations within 48 hours, against the interim step to suspend the premises licence.</p>