

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
9 July 2018 (10.00 - 11.20 am)**

Present:

COUNCILLORS

Conservative Group Christine Vickery (Chairman)

Residents' Group Reg Whitney and Sally Miller

Present at the hearing were Police Licensing Officers PCs Belinda Goodwin, Oisin Daly and Adam Williams and Havering Licensing Officer Paul Jones,

Councillor Melvin Wallace and a member of the Press also attended.

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

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

No interests were disclosed at the meeting.

**1 APPLICATION FOR AN EXPEDITED PREMISES LICENCE REVIEW -
HAVERING WELL PH, RUSH GREEN ROAD, ROMFORD, RM7 0QA**

PREMISES

Havering Well PH
Rush Green Road
Romford
RM7 0QA

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 15:56 on 5 July 2018.

APPLICANT

PC Belinda Goodwin,
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

| 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 | | |
|--------------------|-------|--------|
| Day | Start | Finish |
| Monday to Thursday | 10:00 | 00:00 |
| Friday to Saturday | 10:00 | 23:00 |
| Sunday | 12:00 | 23:00 |

Decision:

The Licensing Sub-Committee considered an application by the Metropolitan Police for an Expedited Summary Review under Section 53A of the Licensing Act 2003 in respect of the premises The Havering Well public house located at Rush Green Road, Romford, RM7 0QA.

The premises was a local pub which had no venues in immediate vicinity and was also visited by families. The basis of the application was that on 3

July 2018 at Havering Well Public House at approximately 2200 hours the victim entered the public house. At approximately 2310 hours the victim received a large laceration to his arm and bleeding, he walked from the pub to the forecourt of the nearby petrol station. The Ambulance Services were then called. All staff were spoken to and said they had not witnessed the incident. The victim informed officers 'Jay' had done this and that a blue handled knife had caused the injury. Officers at the scene identified Jay Fleming (DPS at the time) and established that he had left the scene having been driven home by his partner Maria Summerfield who then afterwards, returned to the premises. Ms Summerfield was also a director of the company who holds the premises licence. Officers conducted enquiries for CCTV at the premises only to discover that the hard drive was missing and the wires were still warm as if it had been recently unplugged. Ms Summerfield was interviewed under caution and she 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). Ms Summerfield 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 was asked to leave, and had no idea what happened afterward. 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 had now been charged with section 18 GBH with intent and was remanded to appear in Court on 5 July 2018.

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.

The Licensing Sub-Committee carefully considered the application for the Expedited 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'.

The Licensing Sub-Committee was of the view there was no alternative but to;

- A) Suspend the premises licence.
- B) Add a new condition to the premises licence 'Maria Summerfield and Jay Fleming are excluded from the premises at all times'.

The reasons were as follows;

- 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 had 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 was 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 injury away from the premises.
- The Sub-Committee did not have any faith or confidence that the premises would continue to operate responsibly within the law. Although the premises licence holder had 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 were no effective management and measures in place which was reflected by the clear breach of licence conditions for CCTV, the Ambulance Services directly calling the Police to the scene and at present the CCTV hard drive for the premises was 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, their exclusion from the premises would act as an additional safeguard from any further incidents and allow for the effective continuation of the ongoing Police investigation.
- The Sub-Committee did not believe that any other interim steps such as further modifications of the conditions of the licence or exclusion of sale of alcohol would be effective in this instance.

In conclusion, for the reasons set out above, the decision was proportionate and reasonable to promote the licensing objectives of the prevention of crime and disorder, protection of children from harm and the protection of public safety.

Chairman