



# Haverling

LONDON BOROUGH

## LICENSING SUB-COMMITTEE HAVERING WELL PUBLIC HOUSE - FULL REVIEW

### AGENDA

**10.30 am**

**Wednesday  
1 August 2018**

**Council Chamber -  
Town Hall**

Members 3: Quorum 2

**COUNCILLORS:**

Philippa Crowder (Chairman)  
Bob Perry  
Sally Miller

**For information about the meeting please contact:  
Victoria Freeman - 01708 433862  
victoria.freeman@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:-

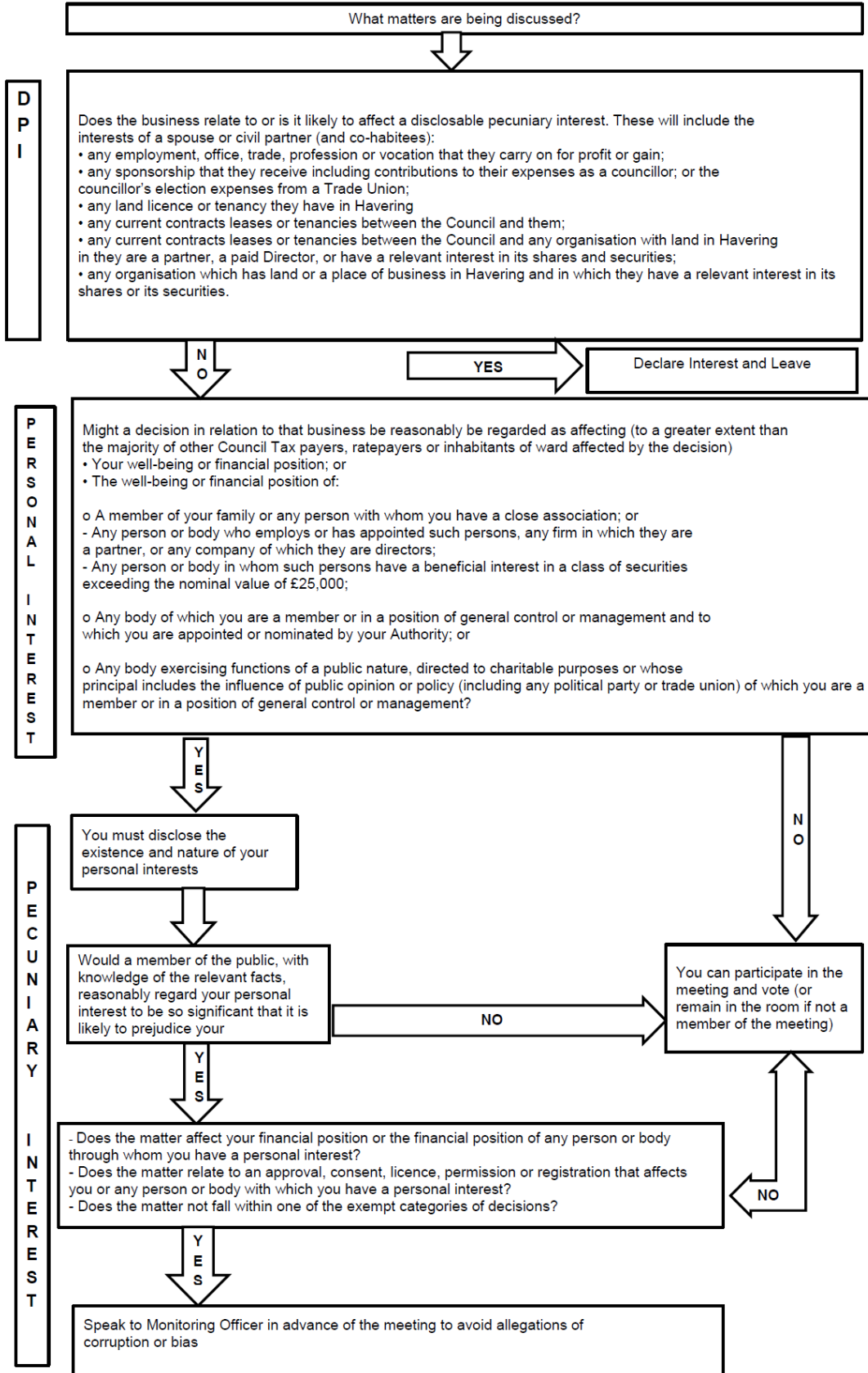
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing,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

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



**AGENDA ITEMS**

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

(if any) - receive

**2 DISCLOSURE OF INTERESTS**

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

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

**3 CHAIRMAN'S ANNOUNCEMENT**

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

**4 REPORT OF THE CLERK (Pages 1 - 6)**

**5 APPLICATION FOR A FULL REVIEW/CLOSURE ORDER - HAVERING WELL PH (Pages 7 - 28)**

**6 POLICE SUBMISSION (Pages 29 - 78)**

**7 REPRESENTATION (Pages 79 - 80)**

**8 PREMISES SUBMISSION (Pages 81 - 84)**

**Andrew Beesley  
Head of Democratic Services**



## LICENSING SUB-COMMITTEE

## REPORT

1 August 2018

Subject Heading:

Procedure for the Hearing  
Licensing Act 2003

Report Author and contact details:

Victoria Freeman – Democratic Services  
Officer - 01708 433862  
[Victoria.freeman@onesource.co.uk](mailto:Victoria.freeman@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. Location and facilities:**

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

## **4. Notification of attendance:**

- 4.1 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.

## **5. Procedural matters:**

- 5.1 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.
- 5.2 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.**

**6. Failure of parties to attend the hearing:**

- 6.1 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.

**7. Adjournments and extension of time:**

- 7.1 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.

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

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

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

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

#### **10. Recording of proceedings:**

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

#### **11. Power to vary procedure:**

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



# LICENSING SUB-COMMITTEE

# REPORT

1 August 2018

**Subject heading:**

Havering Well  
148 Rush Green Road Romford  
RM7 0QA  
s.53A expedited premises licence  
review

**Report author and contact details:**

Paul Jones, Licensing Officer  
01708 432777

An application for an expedited premises licence review was made by PC Goodwin on the behalf of the Metropolitan Police under s.53A of the Licensing Act 2003 (*the Act*) on 5<sup>th</sup> July 2018. Subsequently PC Daly obtained a Closure Order against the premises from Barkingside Magistrates' Court. A copy of this order was received by Havering's Licensing Authority on 11<sup>th</sup> July 2018. Receipt of the Closure Order initiated a second review under the provisions of s.167 of the Act.

### Geographical description of the area

The Havering Well PH is located at the junction of Rush Green Road and Dagenham Road. The immediate vicinity is mixed commercial and residential properties.

### Comments and observations on the application

A s.53A application for an expedited review was submitted on 5<sup>th</sup> July 2018 by PC Goodwin 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 on 3<sup>rd</sup> July 2018 at which the Police were in attendance.

S.53A(3)(c) of the Act requires the Licensing Authority to advertise the review, inviting representations to be made by responsible authorities or any other person. An appropriately worded public notice advertising this application was placed at the premises on 6<sup>th</sup> July 2018, at Havering Town Hall's public notice board and on Havering's website.

On 4<sup>th</sup> July 2018, the day before the s.53A expedited review application was submitted, the premises licence holder submitted an application to vary the premises licence under the provisions of s.34 of the Act. This s.34 application was to add a series of Police-

approved conditions to the licence. This application is ongoing and its consultation period will end on 1<sup>st</sup> August 2018.

On 9<sup>th</sup> July 2018 the Licensing Authority received an application to replace the current DPS further to Police input. The DPS to be replaced was the individual alleged to have carried out the incident which prompted the s.53A review application.

In response to the s.53A expedited review application's submission an interim hearing was heard on 9<sup>th</sup> July 2018. Subsequent to Police representation the licensing sub-committee chose to add a condition to the licence excluding two named individuals from the premises and then to suspend the licence utilising its s.53B(3) powers.

On 10<sup>th</sup> July 2018 the Metropolitan Police obtained a Closure Order from Barkingside Magistrates' Court under the provisions of s.80 of the Anti-social Behaviour, Crime & Policing Act 2014. This Closure Order indicates that one of the aforementioned named individuals Havering had excluded from the premises may attend the premises. The Licensing Authority's receipt of the Closure Order initiated a second review hearing under the provisions of s.167 of the Act which commenced on 11<sup>th</sup> July 2018.

The premises licence holder made representation to the Licensing Authority against Havering's licensing sub-committee's s.53B(3) interim decision at a second interim hearing held on 17<sup>th</sup> July 2018. The outcome of this second interim hearing was that the condition added to the licence further to the named individuals was withdrawn.

The sequence of events may therefore be summarised thus:

3 <sup>rd</sup> July	a serious incident occurs at the premises
4 <sup>th</sup> July	s.34 major variation application submitted by premises licence holder
5 <sup>th</sup> July	s.53A expedited review application submitted by Police
9 <sup>th</sup> July	s.37 DPS variation submitted by premises licence holder
	s.53A interim hearing takes place imposing two interim steps:
	<ul style="list-style-type: none"><li>• a condition is added excluding two named individuals from the premises</li><li>• the premises licence is suspended</li></ul>
10 <sup>th</sup> July	the Police obtain a Closure Order against the premises from Barkingside Magistrates' Court
11 <sup>th</sup> July	the Licensing Authority receives a copy of the Closure Order, thus initiating a s.167 review
17 <sup>th</sup> July	a second s.53A interim hearing takes place at which the condition excluding individuals from the premises is removed

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

- hold a hearing to consider the application for the review and any relevant representations;
- take such steps mentioned in subsection (3) (if any) as it considers necessary for the promotion of the licensing objectives; and
- 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.

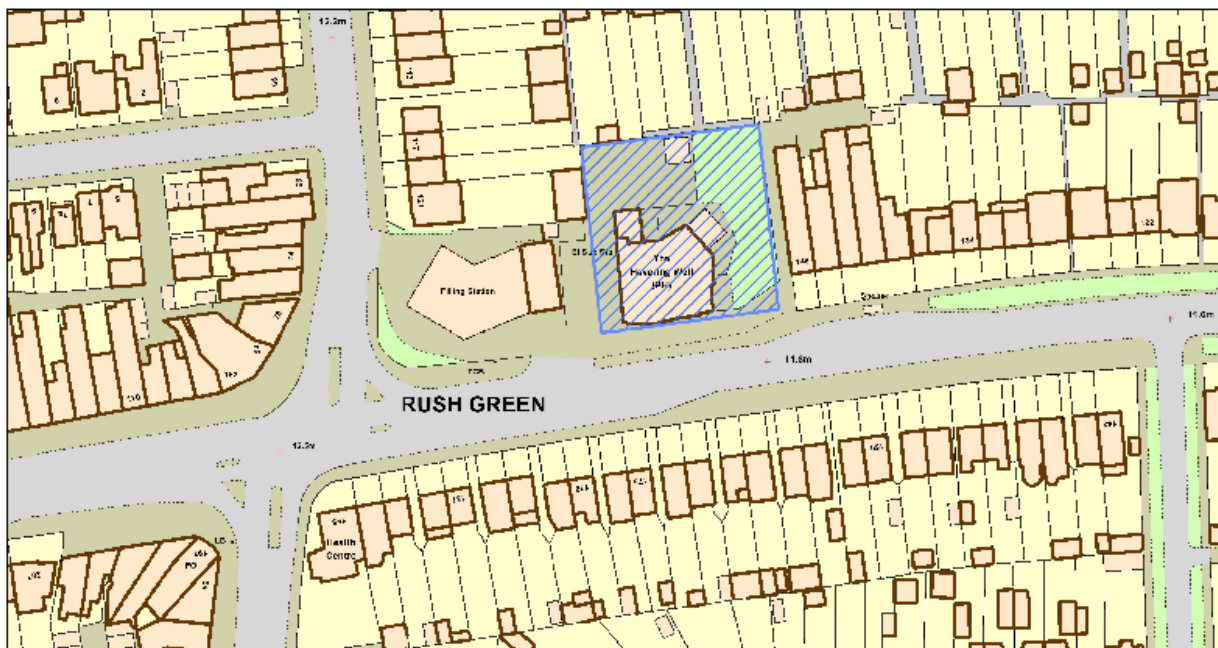
The steps detailed above further to s.53C(3) are also those identified further to determining a s.167 review under s.167(6).

Today's hearing therefore is to determine the outcome of the s.53A expedited review application and the s.167 Closure Order review application in line with the Licensing Authority's duties under s.53C(2) and s.167(5).

### Summary

There was one representation made in support of this application made by the premises' freeholder.

There were no representations in support of or against this application made by any responsible authority.



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## Part A

Premises licence number

001856

### Part 1 – Premises details

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

Havering Well  
148 Rush Green Road Romford RM7 0QA

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Films, indoor sporting events, live music, recorded music,  
performances of dance, late night refreshment, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Films, indoor sporting events

Monday to Thursday – 10:00 to 23:00

Friday & Saturday – 10:00 to 00:00

Sunday – 10:00 to 23:00

Supply of alcohol

Monday to Thursday – 10:00 to 23:00

Friday & Saturday – 10:00 to 00:00

Sunday – 10:00 to 23:00

Good Friday – 10:00 to 00:00

Christmas Eve & New Year's Eve – 10:00 to 01:30

Live music, performances of dance

Monday to Thursday – 20:00 to 23:00

Friday & Saturday – 20:00 to 00:00

Sunday – 20:00 to 23:00

Recorded music

Monday to Thursday – 10:00 to 23:00

Friday & Saturday – 10:00 to 00:00

Sunday – 12:00 to 23:00

Late night refreshment

Friday & Saturday – 23:00 to 00:00

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The opening hours of the premises

**Sunday to Thursday – 10:00 to 23:30**  
**Friday & Saturday – 10:00 to 00:30**  
**Good Friday – 10:00 to 00:30**  
**Christmas Eve & New Year's Eve – 10:00 to 02:00**

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

**On and off supplies**

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

**Lloyd John Enterprises Ltd**  
**Havering Well 148 Rush Green Road Romford RM7 0QA**  
**01708 740249 / haveringwell@hotmail.com**

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

**07095548**

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

**Ms Joanna Black**

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

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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—**

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2 of 8



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**Mandatory conditions – contd.**

- (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

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**Mandatory conditions – contd.**

- (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.
7. 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.
8. For the purposes of the condition set out in paragraph 7 —
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula —
- $$P=D+(D \times V)$$
- where —
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence —
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
9. Where the permitted price given by paragraph (b) of paragraph 8 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
10. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 8 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
11. 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.
12. 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.

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**Annex 2 – conditions consistent with the operating schedule**

- 1. Staff shall monitor customers' behaviour at all times.**
- 2. Fire equipment shall be checked and maintained regularly.**
- 3. External sound levels shall be inspected on a regular basis.**
- 4. Staff shall encourage customers to disperse in an orderly manner.**
- 5. Staff shall refuse to sell alcohol to anyone under the age of 18.**
- 6. Anyone under the age of 16 shall remain the responsibility of the accompanying adult when using the premises and/or exterior area.**
- 7. In addition to the use of temporary event notices allowed under the Licensing Act 2003 the premises may open on 12 non-standard occasions in line with the Association of Chief Police Officers guidelines subject to a minimum of 10 working days' notice being given to the Licensing Authority and the Police for each occasion. The prior written consent of the Police shall be obtained and the Police shall have an absolute right to refuse any occasion. A register shall be kept at the premises in the manner required by the Police and Licensing Authority and available for inspection by the Police or an authorised officer of the Licensing Authority and details of each occasion shall be recorded in it including the written consent of the Police.**
- 8. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied except alcohol sold or supplied:**
  - (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;**
  - (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;**
  - (c) to a canteen or mess.**
- 9. Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means:**
  - (a) on weekdays as stated above;**
  - (b) on Sundays as stated above;**
  - (c) on Good Friday as stated above;**
  - (d) on Christmas Day 12:00 to 15:00 & 19:00 to 22:30;**
  - (e) on New Year's Eve 10:00 to 01:30.**

**The above restrictions do not prohibit:**

  - (i) the consumption of the alcohol on the premises during the first twenty minutes after the above hours;**
  - (ii) the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel during the first thirty minutes after the above hours;**
  - (iii) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours if the alcohol was supplied for consumption ancillary to those meals;**
  - (iv) consumption of the alcohol on the premises by, or the taking, sale or supply of alcohol to, any person residing in the licensed premises;**
  - (v) the ordering of alcohol to be consumed off the premises or the despatch by the vendor of the alcohol so ordered;**

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**Annex 2 – conditions consistent with the operating schedule – contd.**

- (vi) the sale of alcohol to a trader or club for the purposes of the trade or club;**
  - (vii) the sale or supply of alcohol to any canteen or mess being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;**
  - (viii) the taking of alcohol from the premises by a person residing there;**
  - (ix) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense or the consumption of alcohol by persons so supplied; or**
  - (x) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence or the consumption of liquor so supplied if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.**
- 10. The external area shall always be staffed when it is open to the public. It shall be covered by CCTV and shall be constantly monitored by staff.**
  - 11. Fire equipment shall be installed, checked and maintained. CCTV shall be in place and staff shall constantly monitor it.**
  - 12. Staff shall discourage loudness.**
  - 13. External sound shall be inspected on a regular basis and turned off at the appropriate time.**
  - 14. The serving of food shall cease at 21:00 every day to prevent noise nuisance.**
  - 15. The external bar shall close at 23:00.**
  - 16. No amplified music or speech shall be played or reproduced in the external seating area at any time.**
  - 17. Anyone under the age of 16 years shall remain the responsibility of the accompanying adult when using the premises.**

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**Annex 3 – conditions attached after a hearing by the Licensing Authority**

- 1. In conjunction with the Metropolitan Police a written drug and alcohol policy and a written child protection policy shall be developed.**

**6 of 8**

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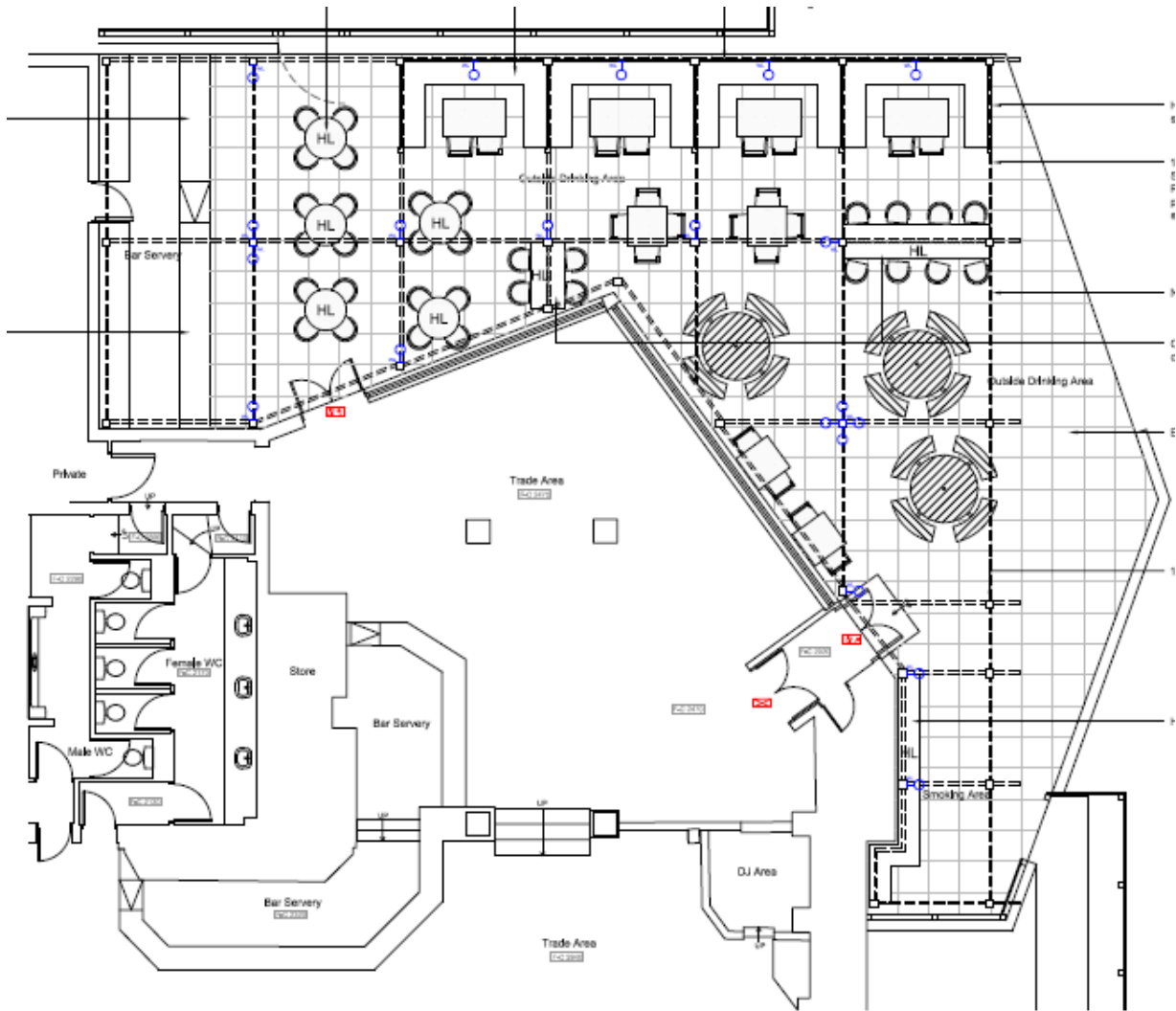
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Annex 4 – premises plans

Original premises plans are held by the Licensing Authority of the London Borough of Havering.



Annex 4 – premises plans – contd.





## Part B

### Premises licence summary

Premises licence number

001856

### Premises details

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

Havering Well  
148 Rush Green Road Romford RM7 0QA

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Films, indoor sporting events, live music, recorded music,  
performances of dance, late night refreshment, supply of alcohol

The times the licence authorises the carrying out of licensable activities

#### Films, indoor sporting events

Monday to Thursday – 10:00 to 23:00

Friday & Saturday – 10:00 to 00:00

Sunday – 10:00 to 23:00

#### Supply of alcohol

Monday to Thursday – 10:00 to 23:00

Friday & Saturday – 10:00 to 00:00

Sunday – 10:00 to 23:00

Good Friday – 10:00 to 00:00

Christmas Eve & New Year's Eve – 10:00 to 01:30

#### Live music, performances of dance

Monday to Thursday – 20:00 to 23:00

Friday & Saturday – 20:00 to 00:00

Sunday – 20:00 to 23:00

#### Recorded music

Monday to Thursday – 10:00 to 23:00

Friday & Saturday – 10:00 to 00:00

Sunday – 12:00 to 23:00

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The times the licence authorises the carrying out of licensable activities – contd.

**Late night refreshment  
Friday & Saturday – 23:00 to 00:00**

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The opening hours of the premises

**Sunday to Thursday – 10:00 to 23:30  
Friday & Saturday – 10:00 to 00:30  
Good Friday – 10:00 to 00:30  
Christmas Eve & New Year's Eve – 10:00 to 02:00**

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

**On and off supplies**

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Name, (registered) address of holder of premises licence

**Lloyd John Enterprises Ltd  
Havering Well 148 Rush Green Road Romford RM7 0QA**

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

**07095548**

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

**Ms Joanna Black**

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

**Restricted**

**2 of 2**

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## Licensing Act 2003 Notice of Decision

### 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 is a local pub which has no venues in immediate vicinity and is also visited by families. The basis of the application is 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 service 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 is also a director of the company who holds the premises licence. Officers conducted enquiries for CCTV at the premises only to discover the hard drive was missing and the wires were still warm as if it has been recently unplugged. Ms 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.

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 are of the view there is 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 are 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 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 injury away from the premises, (with the Police also administering first aid due to blood loss).
- 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.

In conclusion, for the reasons set out above, this decision is 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.

### **3. 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 Act 2003  
Notice of Decision**

**PREMISES**

Havering Well PH  
Rush Green Road  
Romford  
RM7 0QA

**DETAILS OF APPLICATION**

Application to Make Representations Against Interim Steps was made on behalf of Lloyd John Enterprises Ltd by GT Licensing Consultants. The application was received by Havering's Licensing Authority on the 13 July 2018.

**APPLICANT**

Lloyd John Enterprises Ltd  
The Havering Well Public House  
148 Rush Green Road  
Romford  
Essex  
RM7 0QA

The representations made against the decision of the Licensing Sub-Committee on the 9 July 2018 were:

1. The premises licence holder had immediately agreed to implement the measures requested by PC Williams to promote the Licensing Objectives in his email dated 4 July and submitted a variation to add them to the Premises Licence.
2. The decision taken by the Sub-Committee to ban Mr Fleming and Mrs Summerfield from the residential property at the premises which is not part of the licensed premises and of which they are the lawful tenants is lawful and unenforceable.
3. That having suspended the Premises Licence the Licence is no longer operational and that the decision to ban Mr Fleming and Ms Summerfield from the premises is not necessary to promote the Licensing Objectives, is unlawful for this reason, erroneous and unenforceable.
4. Conditions on a suspended Premises Licence are not in force and are unenforceable.
5. That proceedings have been duplicated and effectively superseded by the Order of Barkingside Magistrates Court dated 10 July. Under the Court Order Ms Summerfield and Ms Black are allowed on the premises to operate the take away food business but no licensable activity may take place. The Interim Steps Decision is in excess of that determined by the Court in that Ms Summerfield is not allowed on the premises at any time. This is disproportionate and in excess of what is required to promote the Licensing Objectives and has a serious effect on the viability of the business.

**Decision:**

The Sub-Committee considered representations made by the licence holder in respect of interim steps taken on 9<sup>th</sup> July 2018 by the licensing authority in respect of the Havering Well Public House, 148 Rush Green Road, Romford RM7 0QA.

The steps were taken pursuant to section 53B of the Licensing Act 2003, in the context of an application by the police for a summary review of the premises licence under Section 53A, following an incident of serious violence at the premises on 3 July 2018.

The steps taken were as follows:

- (A) To suspend the licence pending the final determination of the review; and
- (B) To add a new condition to the premises licence excluding Maria Summerfield and Jay Fleming from the premises at all times.

Written representations were submitted by Graham Hopkins of GT Licensing on behalf of the licence holder.

A witness statement from PC Daly was also received on behalf of the police, though this related principally to an application by the police to the Magistrates' Court for a closure order.

Ms Summerfield attended on behalf of the licence holder, accompanied by Ms Black the new interim designated premises supervisor. Mr Hopkins made oral submissions on behalf of the licence holder.

No one attended or made representations on behalf of the police.

The Sub-Committee must promote the licensing objectives and must have regard both to the Revised Guidance issued under Section 182 of the Licensing Act 2003 and to the Council's own Statement of Licensing Policy. In the present case, regard was also had to the Home Office's 'Summary Review Guidance'.

The Sub-Committee noted that the licence holder was not seeking to lift the suspension of the licence pending the determination of the review, but only to remove the 'exclusion condition' that had been imposed on Ms Summerfield, in order to enable her to carry on a takeaway food business in the meantime.

The Sub-Committee took the view that, given that the licence was suspended and no licensable activity could therefore take place on the premises, it was not necessary or appropriate for the promotion of the licensing objectives to seek to prohibit Ms Summerfield from conducting other lawful activities on the premises pending the final review.

The Sub-Committee therefore decided, pursuant to section 53B(8) of the Licensing Act 2003, to withdraw interim step (B) above. The suspension of the licence however remains in force until the final determination of the review.

Further representations against the interim steps may only be made if there has been a material change in circumstances since the authority made its determination.

Victoria Freeman  
Clerk to the Licensing Sub-Committee





By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Agenda Item 7

**From:** Clare Johnson [mailto: [REDACTED]]  
**Sent:** 18 July 2018 15:15  
**To:** Paul Jones  
**Subject:** RE: Havering Well GTE:00122000006486

Dear Mr Jones

I refer to my two previous emails and our subsequent telephone conversation. What I have unfortunately failed to make clear in my previous correspondence is Ei Group PLC's concern over the alleged incident which has triggered the review and the issues arising therefrom.

As a company concerned in a business in the locality Ei Group PLC is obviously anxious to ensure that the licensing objectives are promoted and that the premises operate in a responsible fashion both for the company's benefit and for the benefit of those persons who work and live in the vicinity.

It is obviously important to Ei Group PLC that the operation of these premises enhances the community which the premises serve and that its operation does not cause problems with regard to crime and disorder, public safety or nuisance. The review is of course designed to establish what measures to promote the licensing objectives need to be implemented as a result of the incident which is alleged to have occurred.

Please confirm that the representation can now be accepted in respect of both the expedited review proceedings and the review proceedings issued following the closure order.

I look forward to hearing from you.

Kind regards  
Clare

**Clare Johnson** | Partner | Licensing

Gosschalks, Queens Gardens, Kingston Upon Hull, HU1 3DZ

**DD:** [REDACTED] | **F:** [REDACTED] | **M:** [REDACTED] | **Switch:** [REDACTED] | [www.gosschalks.co.uk](http://www.gosschalks.co.uk)

**Anti-fraud notice – please read carefully: We will not change our bank details during the course of this matter.**

If, during the course of this matter, you receive an email or phone call purporting to be from Gosschalks informing you that our bank details have changed, it is likely to be an attempted fraud. If this happens, please report it immediately to our Cashiers Department on 01482 590203 who will verify our bank details and, if necessary, report the matter to the police.

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# Agenda Item 8

GT Licensing Consultants,  
55 Codenham Green,  
Basildon,  
Essex.  
SS16 5DT  
Tel 07810 826778  
em: gtlicensingconsultants@googlemail.com  
13/07/18

Mr P Jones,  
Licensing Officer,  
London Borough of Havering,  
Licensing Section,  
Mercury House,  
Mercury Gardens,  
Romford,  
Essex,  
RM1 3SL

Dear Mr Jones,

**Application to Make Representations Against Interim Steps //**  
**Lloyd John Enterprises Ltd t/a The Havering Well PH, 148 Rush Green**  
**Road, Romford, Essex, RM7 0QA**

Our client makes representations against the Interim Steps Decision under all four Licensing Objectives which we believe are engaged.

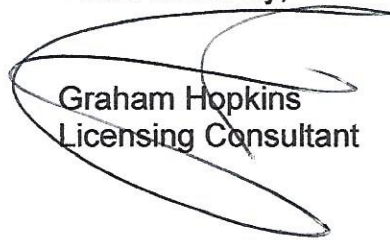
Specifically:

- 1) The premises licence holder had immediately agreed to implement the measures requested by PC Williams to promote the Licensing Objectives in his email dated 4<sup>th</sup> July and submitted a variation to add them to the Premises Licence;
- 2) The decision taken by the Sub Committee to ban Mr Fleming & Ms Summerfield from the residential property at the premises which is not part of the licensed premises and of which they are the lawful tenants is unlawful and unenforceable;
- 3) That having suspended the Premises Licence the Licence is no longer operational and that the decision to ban Mr Fleming and Ms Summerfield from the premises is not necessary to promote the Licensing Objectives, is unlawful for this reason, erroneous and unenforceable;
- 4) Conditions on a suspended Premises Licence are not in force and are

unenforceable:

5) That proceedings have been duplicated and effectively superseded by the Order of Barkingside Magistrates Court dated 10<sup>th</sup> July. Under the Court Order Ms Summerfield & Ms Black are allowed on the premises to operate the take away food business but no licensable activity may take place. The Interim Steps Decision is in excess of that determined by the Court in that Ms Summerfield is not allowed on the premises at any time. This is disproportionate and in excess of what is required to promote the Licensing Objectives and has a serious effect on the viability of the business.

Yours sincerely,



Graham Hopkins  
Licensing Consultant



GT Licensing Consultants,  
55 Codenham Green,  
Basildon,  
Essex.  
SS16 5DT  
Tel 07810 826778  
em: gtlicensingconsultants@googlemail.com  
13/07/18

Mr P Jones,  
Licensing Officer,  
London Borough of Havering,  
Licensing Section,  
Mercury House,  
Mercury Gardens,  
Romford,  
Essex,  
RM1 3SL

Dear Mr Jones,

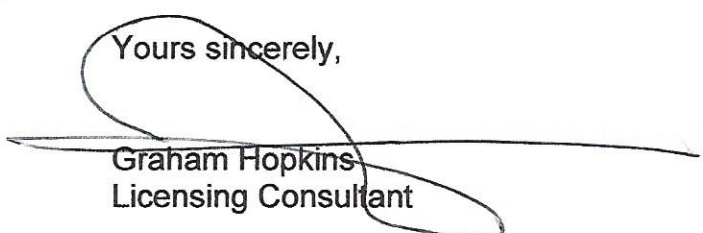
**Application to Make Representations Against Interim Steps //**  
**Lloyd John Enterprises Ltd t/a The Havering Well PH, 148 Rush Green**  
**Road, Romford, Essex, RM7 0QA**

We are the duly authorised Licensing Consultants acting for Lloyd John Enterprises Ltd the premises licence holders for The Havering Well Public House. Ms Maria Summerfield is a Director of the Company.

Our client wishes to make application to the London Borough of Havering Licensing Authority to make Representations in respect of the Interim Steps imposed by the Licensing Sub Committee on 9th July 2018 following the application for an Expedited Review made by the Metropolitan Police Service.

Due to the fact that a criminal case is pending we request that the Hearing is held in private with the Press and Public excluded to ensure that a future trial is not prejudiced. Further in line with the rules of natural justice we request that this application is heard by a differently constituted Sub Committee from that which heard the initial Hearing.

Yours sincerely,

  
Graham Hopkins  
Licensing Consultant

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