

Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 31 August 2022

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	APPLICATION FOR PREMISE LICENSE REVIEW - THE RISING SUN PH, RM12 4UW	<p style="text-align: right;">Licensing Act 2003 Notice of Decision</p> <p>PREMISES The Rising Sub & VLT 64-68 High Street Hornchurch RM12 4UW</p> <p>APPLICANT PC Chris Stockman</p> <p>1. Details of requested licensable activities</p> <p>This application to review a premises licence is made by PC Chris Stockman under s.51 of the Licensing Act 2003. Havering's Licensing Authority received the application on 15th July 2022.</p> <p>The application is to revoke the license of the premise.</p> <p><u>SUMMARY</u></p> <p>The Licensing Sub-Committee has considered an application from PC Chris Stockman to review the existing premises licence in respect of the premises known as The Rising Sun &</p>
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		<p>VLT, 64-68 High Street, Hornchurch, RM12 4UW</p> <p>The application sought to revoke the premise's license.</p> <p><u>EXCLUSION OF THE PUBLIC</u></p> <p>The Licensing Sub-Committee ruled to hold the session in private pursuant to Section 100A(4) of the 1972 Act and s.100I and Sch.12A of the 1972 Act), as the Police's representations consisted of information relating actions taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p> <p><u>DECISION</u></p> <p>The Sub-Committee considered an application for a review of premises licences 'The Rising Sun' situated at the 64-68 High Street, Hornchurch, RM12 4UW. The premises licence permits The Rising Sun and VLT to operate within the premises as stated in the licensing officer's report.</p> <p>The review was called by the Police's Licensing Team on the grounds of the prevention of crime and disorder and public safety.</p> <p>Having read all written representations and hearing all oral representations the Licensing Sub-Committee decided to suspend both premises licence for a period of 8 weeks and to impose additional conditions to promote the licensing objectives of prevention of crime and disorder and public safety.</p>

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		<p><u>REASONS</u></p> <p>The Licensing Sub-Committee noted that from August 2021 to May 2022, the Police recorded four incidents of crime and disorder, three incidents at the Rising Sun and one incident at VLT. All incidents shared the same nexus of crime and disorder, in particular violent crime, and failure by the premises licence holder to prevent such serious incidents. The Licensing Sub-Committee reminded themselves that the Police are their main source of advice in regard to crime and disorder and that the Police have a key role in managing the night-time economy. The Licensing Sub-Committee decided the Police's representations to be relevant and proportionate, and accepted that all four incidents to be of serious violence.</p> <p>The respondent on behalf of the Premises, in reply to the Police's representation, provided the Licensing Sub-Committee with a breakdown of each incident and their version of events. In summary, the respondent stated</p> <ul style="list-style-type: none"> - The incident in August 2021 was due to a door man acting under his own accord and the responsibility lie with him. - The incident in January 2022 was not a 20 man brawl as the Police described but rather an incident involving 2 persons. - The incident on 20 March 2022 accept there was an incident - The incident on 28 May 2022, there was no primary evidence of criminality and the individual ran under the doorman and fell down the stairs. <p>The respondent largely submitted that there was no primary evidence in each incident save for the incident in August 2021 and that the only condition which may have been breached was on 20 March 2022 where there was no Doorman employed during the televised football match at the premises. The respondent stated that they have worked with the Police following each</p>

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		<p>incident and volunteered conditions to minimize future risks. They also have changed their Designated Premises Supervisor in June 2022 to ensure the licensing objectives are not undermined.</p> <p>The Licensing Sub-Committee reconciled the respondent's submissions with the Police's representation and very simply, could not depart from the fact that there has been serious crime and disorder at the premises, which from August 2021 to May 2022 translates to extremely serious violence every 2 months under the management of the premises licence holder.</p> <p>The Licensing Sub-Committee were also cognisant of the Secretary of state's guidance, which states, that Licensing authority's role when determining such a review is not to establish the guilt or innocence of any individual, but to ensure the promotion of the licensing objective. It also states Licensing authorities do not have the power to judge the criminality or otherwise of any issue. In applying this guidance, the Licensing Sub-Committee accepted that PC Stockman's statement with the accompanying CAD and CRIS reports as sufficient evidence of issue of crime and disorder and public safety at the premises without needing to judge the level of criminality for each incident. The prima facie evidence presented by the Police was sufficient for the Licensing Sub-Committee to accept that the licensing objectives of crime and disorder and public safety.</p> <p>In addition, the Licensing Sub-Committee found it deeply worrying that on 20 March 2022, where an individual was stabbed, the premises appeared to breach their licensing condition by televising a football game without having a doorman at the premises. In addition, the Licensing Sub-Committee could also not ignore that after the stabbing, blood/evidence was cleaned up under the supervision of the premises licence holder and that the premises licence holder did not call the Police themselves following such a serious incident. This incident, along with the other 3 incidents demonstrates there appears to either be a serious lack of understanding of</p>

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		<p>the licencing regime by the premises licence holder.</p> <p>Finally the Licensing Sub-Committee noted that although one incident was at VLT and 3 incidents at the Rising Sun, both licences are managed by the same premises licence holder and thus the member's determination is based on a holistic view of the premises as one.</p> <p>Given the above, the Licensing Sub-Committee considered which step is the most appropriate to promote the licensing objectives.</p> <p><u>Revocation</u></p> <p>The Licensing Sub-Committee decided that revoking the licence is a disproportionate response in this case and unfair to the wider users of the night-time economy or this premises. The Licensing Sub-Committee also decided that the respondent have always and continue to work with the Police to address the issues at the premises and revoking the licence is a disproportionate response.</p> <p><u>Suspension</u></p> <p>The Licensing Sub-Committee decided that an 8 week suspension to be most the appropriate decision to promote the licencing objectives. The suspension would give the premises licence holder sufficient time to retrain all staff with refresher training, the premises licence holder to be trained as responsible premises licence operators any and act as a deterrence from allowing the problems that gave rise to the review not to happen again.</p>

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		<p><u>Suspension with conditions</u></p> <p>The Licensing Sub-Committee cited the same reasons as above (suspension).</p> <p><u>No Action</u></p> <p>The Licensing Sub-Committee decided taking no action or giving an informal warning will undermined the licensing objectives and not tackle the issues identified at the premises. The Licensing Sub-Committee a noted that the Police submitted they have worked with the respondent to address the issues but were forced to call a review hearing.</p> <p><u>Exclusion of licensable activity</u></p> <p>The Licensing Sub-Committee decided the relevant licensable activity here is the provision of sale of alcohol. Excluding this activity is a disproportionate response.</p> <p><u>Removal of DPS</u></p> <p>The Licensing Sub-Committee noted that the respondent has already changed the DPS on 20.06.2022.</p> <p><u>Modify conditions</u></p> <p>The Licensing Sub-Committee decided that the following additional conditions must be imposed on both licences.</p>

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		<ol style="list-style-type: none"> 1. The premises shall provide refresher training to all staff before the expiry of the suspension. The training must be accordingly to their role, particular at the point of service where they will be trained in respect of licensing offences, licence conditions and made aware of the Licensing objectives 2. Staff will be appropriately trained in accordance with their role particularly at the point of service where they will be trained in respect of licensing offences, licence conditions and made aware of the Licensing objectives. Refresher training will be provided to all staff members every 6 months and training records of the refresher training shall be made available for inspection upon request by a Police Officer or an authorised officer of Havering Council. 3. The premises shall adopt a club identification scan or a suitable equivalent which shall be utilised when West Ham football matches are being shown at the premises from at least an hour before kick-off time until at least an hour after the match finishes. This will cover The Rising Sun PH and The VLT. 4. A Personal Licence Holder, Premises Licence Holder, or the DPS to be present at the premises at all times during licensing hours. <p>The Licensing Sub-Committee find these conditions are justifiable and propionate to promote the licensing objectives. The conditions will ensure that all staff members, whether it is the licence holder itself or a short term staff member is aware of the licencing objectives, the conditions, the purpose and spirit of the licensing regime. This will ensure that conditions are adhered to and thus minimise risk at both premises.</p>

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		<p>Right of Appeal</p> <p>Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision</u>.</p> <p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. Dismiss the appeal; or 2. Substitute the decision for another decision which could have been made by the Sub Committee; or 3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. Make an order for costs as it sees fit.
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A2		