

Minutes**LICENSING SUB COMMITTEE (SOUTH)**

4 October 2013


HILLINGDON
 LONDON

**Meeting held at Committee Room 3a - Civic
 Centre, High Street, Uxbridge UB8 1UW**

	<p>Committee Members Present:</p> <p>Councillors Peter Kemp, Janet Gardner (Labour Lead), Dominic Gilham (Chairman) and Carol Melvin</p> <p>Also Present:</p> <p>Rory Clark - Legal Representative for the Metropolitan Police Inspector David George - Metropolitan Police PC Ian Wares - Metropolitan Police Philip Somarakis - Legal Representative for the Licence Holder Richard Bell - Licence Holder Dean Smith - Business Partner of the Licence Holder Pastor Alton Bell - Witness for Licence Holder John Anderson - Security Consultant</p> <p>LBH Officers Present:</p> <p>Ian Meens - Licensing Officer Tim Brown - Legal Services Gill Osswell - Democratic Services</p>
40.	<p>APPOINTMENT OF CHAIRMAN <i>(Agenda Item 1)</i></p> <p>Councillor Dominic Gilham was nominated as chairman as there were no further nominations Cllr Gilham was appointed as Chairman for this meeting.</p>
41.	<p>APOLOGIES FOR ABSENCE <i>(Agenda Item 2)</i></p> <p>Apologies had been received from Councillors David Yarrow and Josephine Barrett with Councillors Dominic Gilham and Carol Melvin substituting. Apologies had been received from Councillor Mike Bull with no substitute.</p>
42.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING <i>(Agenda Item 3)</i></p> <p>There were no declarations of interest notified.</p>
43.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE <i>(Agenda Item 4)</i></p> <p>It was confirmed that all items would be discussed in Part 1. If any information being discussed was deemed to be confidential the meeting would move into Part 2 and the Public and Press would be excluded.</p>

44.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 5</i>)</p> <p>The usual notice period for Licensing Sub-Committee meetings had not been given in this instance as this was an expedited review. The review was as the result of a Closure Notice being served on the Licence holder, following an incident at the venue.</p>
45.	<p>REVIEW OF PREMISES LICENCE FOLLOWING CLOSURE ORDER (<i>Agenda Item 6</i>)</p>
	<p>The Sub-Committee were considering a review of a premises licence as a result of a closure order being issued by the Police on 13 September 2013. The closure followed an incident at the venue and was followed by a Magistrates Court order for the closure to remain in force until a review of the licence had taken place.</p> <p>The Legal adviser informed the Sub-Committee that there had been inquiries regarding the status of the premises licence. This was due to the licence being granted on 24 May 2013 but not issued by the Licensing Authority. The reason for the licence not being issued was that 2 of the conditions in relation to CCTV and safety railings on the access stairwell had not been installed.</p> <p>The Licensing Officer advised the Sub-Committee that the Licensing Authority had not been informed that the 2 conditions referred to had been complied with so the licence, although granted had not been issued.</p> <p>In answer to a questions raised the Licensing Officer informed the meeting that the name of the Designated Premises Supervisor had not been notified to the Licensing Authority.</p> <p>The Sub-Committee heard representations on the issue of the status of the licence from both parties and agreed that there was a licence to review.</p> <p>At this point in the proceedings the meeting went into to Part 2 and the public and press were excluded from the meeting.</p> <p>The Sub-Committee heard from the Police's Legal representative who gave details of the objections raised to the licence and advised the Sub-Committee that the licence should be revoked.</p> <p>Inspector George and PC Wares gave a brief outline of the statements that had been made in relation to the events that led to the closure notice being served on the Licence Holder.</p> <p>The Licence Holder's Legal Representative provided details of the events that led to the closure notice being served and asked the Licence Holder a number of questions on the events that took place on the 13 September 2013. The Sub-Committee was informed that a Specialist Security Adviser had visited the premises and produced a report with 14 recommendations. It was suggested that these recommendations should be conditions added to the current licence.</p> <p>The Sub-Committee heard from a witness for the Licence Holder who gave an account of the event until the time he left the premises prior to the incident taking place.</p> <p>The Sub-Committee after hearing closing submissions from both parties adjourned to consider their decision.</p>

The Sub-Committee re-convened to deliver their decision.

The Sub-Committee had considered all the relevant evidence and representations made available to it and in doing so had taken into account the provisions of the Licensing Act 2003, the Guidance issued by the Secretary of State pursuant to the Act, the Council's Statement of Licensing Policy and the Licensing objectives.

Decisions

The Sub-Committee revoked the licence for the following reasons:-

- 1. The Sub-Committee was satisfied that on 13 September 2013 the premises license holder failed to take reasonable measures when holding an event at the premises to uphold the licensing objectives of public safety and the prevention of crime and disorder.**
- 2. The Sub-Committee accepted the strong Police evidence of a serious failure of by the premises license holder and staff to manage a violent situation on the premises, involving crime and disorder and impacting public safety. This presents an unacceptable risk that Premises will fail to uphold the licensing objectives of public safety and the prevention of crime and disorder in the future.**
- 3. The premises license holder failed to demonstrate knowledge and understanding of the legal, regulatory and safety requirements necessary for the safe management of premises.**
- 4. The premises carried out a licensable activity without compliance with existing license conditions which impacted the objective of the prevention of crime and disorder, for example operating without functioning CCTV system.**
- 5. The premises license holder failed to engage with or adequately assist the police on 13 September 2013 and this demonstrates a clear risk that the operation of the premises in the future will harm the objective of the prevention of crime and disorder.**
- 6. The premises license holder has failed to engage with the Licensing Authority or take steps required by the premises license.**

The meeting, which commenced at 9.30 am, closed at 12.45 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Gill Oswell on (01895) 250693 . Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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