



HILLINGDON
LONDON



Notice of Hearing Licensing Sub Committee

Date: MONDAY
22 DECEMBER 2014

Time: 3.00 PM
(or on the conclusion of the
previous case but no
earlier than 3 pm)

Venue: COMMITTEE ROOM 6
CIVIC CENTRE
HIGH STREET
UXBRIDGE
UB8 1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

Councillors on the Sub-Committee:

Dominic Gilham, (Chairman)
Lynne Allen
Carol Melvin

Important Information

On receipt of this notice, you **MUST** notify the Committee Clerk (contact details below) by the following date:

Wednesday 17 December 2014

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

- 1) Whether you intend to attend or to be represented by someone at the hearing;
- 2) If you consider a hearing to be unnecessary and;
- 3) Whether to request that another person attends (other than your representative) as a witness

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Published: Friday, 12 December 2014

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Email: democratic@hillington.gov.uk

This Agenda is available online at:

<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=352&Year=0>

Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk

Useful information for residents and visitors

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In the event of a SECURITY INCIDENT, follow instructions issued via the tannoy, a Fire Marshal or a Security Officer. Those unable to evacuate using the stairs, should make their way to the signed refuge locations.



Agenda

Hearing Protocol - Reviews - Premises Licences & Certificates

Pages 1 - 9

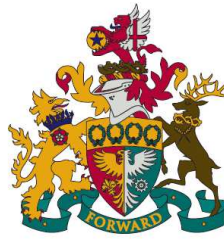
Part I - Members, Public and Press

	Title of Report / Address of application	Ward	Time	Pages
6	Blue Lagoon, Wood End Green Road, Hayes	Botwell	3pm or on the conclusion of the previous case but no earlier than 3 pm	9 - 12 69 - 92

Part II - Members Only

6	Blue Lagoon, Wood End Green Road, Hayes Appendix 1	Botwell		13 - 68
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HILLINGDON
LONDON

Licensing Act 2003

Sub-Committee Hearings Protocol for determining applications for Reviews of Premises Licences or Club Premises Certificates

This protocol outlines the procedures that will apply:

Full details of the regulations surrounding sub-committee hearings are available for download on the Department of Culture, Media and Sport's website by [clicking here](#).

It is important that you carefully read these procedures if you wish to attend and be heard at a Licensing sub-committee hearing

1. On receiving the Notice of Hearing

What is the Notice of Hearing?

Hillingdon Democratic Services will give appropriate notice of the hearing, which depends upon the type of application to be considered. Exact timings are shown on the front page of the Agenda (attached to the front of the Notice of Hearing).

A Notice of the Hearing will be sent to all parties accompanied by:

- Date, time and location of the actual hearing and a procedural briefing to be held beforehand;
- This procedure note, the report from the Council's Licensing Officer with relevant requests attached;
- Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
- Confirmation that a party to the hearing may address the authority, give further information on a point on which the authority requires clarification and, if considered by the authority to be required, question another party to the hearing;
- The consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the party's absence); and
- A note of any particular points on which the Hillingdon Licensing Service wants clarification.

Contact Information:

To give notice or any queries relating to the hearing please contact:

Clerk to the Committee

Tel: 01895 277655

Email: democratic@hillington.gov.uk

Write to: Clerk to the Committee, Cabinet Office, 3E/05, Civic Centre, Uxbridge, UB8 1UW

What do I do when I receive the Notice of Hearing?

On receipt of the Notice of Hearing, all parties must inform the Clerk to the Committee – **normally no later than 2 working days before the hearing*** – whether they:

- Intend to attend or to be represented at the hearing;
- Consider a hearing to be unnecessary; and
- Wish to request that another person appear at the hearing (other than their representative) as a witness. If such a request is made, it should be accompanied by details of the name of that person and a full description of the points about which that person may be able to assist the hearing.

*Full details are given in the front of the Notice of Hearing of the deadline by which you should give your notice. All those who have made a request and the premises licence holder are also reminded of their right to have a legal representative at the hearing.

If a party does not notify the above to the Clerk to the Committee before the relevant deadline they will not be entitled to speaking rights at the hearing.

IT IS IMPORTANT THAT YOU REPLY TO THE NOTICE

If I want to withdraw my request - how do I do this?

Any party may withdraw their request by contacting the Clerk to the Committee by telephone, letter or email, providing they give notice no later than 24 hours before the hearing. If, during the hearing, any party wishes to withdraw their request they may do so orally by informing the Chairman.

What happens if I cannot attend the sub-committee hearing?

When a party informs the authority that he/she cannot attend the hearing or, without prior notice, fails to attend or be represented at the hearing, the sub-committee may either adjourn the hearing to a specified date, but **only** where it considers this to be necessary in the public interest or necessary for its consideration of any representations. Alternatively, the sub-committee may hold the hearing in the party's absence.

Where the sub-committee adjourns the hearing it shall notify the parties of the new date, time and place to which the hearing has been adjourned. Where the hearing is held in the absence of a party the sub-committee will still consider the application or any representations submitted by that party.

Can the date of the hearing be changed?

Only if the Licensing sub-committee scheduled to hear the review considers it to be necessary in the public interest or necessary for its consideration of any representations made by a party. In all other circumstances, the licensing authority cannot be flexible in the dates for hearings as the Licensing Act 2003 sets a strict legal deadline by which hearings must be heard.

Can you accommodate any special needs I may have?

Yes, if any person, who intends to be present at the hearing, has any special needs, (for example in connection with access, hearing, language or vision) this should be brought to the attention of the Clerk to the Committee prior to the hearing in order that appropriate provision may be made.

2. Before the Hearing

You will have been notified of the date and time of the Licensing sub-committee hearing. The hearings will normally take place at the Civic Centre, High Street, Uxbridge in one of the Committee Rooms.

How do I get to the Civic Centre?

Parking may be available via the entrance to the Civic Centre in the High Street by contacting the Clerk to the Committee in advance. Parking is also available in the nearby Chimes Shopping Centre Car Park. Bus routes 607, 427, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away.

Please enter from the main reception where you will be directed to the relevant Committee Room. Please switch off your mobile phone when entering the room and note that Hillingdon Council operates a no-smoking policy in its offices.

Will the hearing be in public?

There may be other members of the public and press that attend the hearing to observe the proceedings, but they will not be allowed to speak. At any hearing, the person who has requested the review may attend in person or, if the review is made by an organisation or corporate body, a duly authorised representative may be present, who is able to speak on their behalf can do so.

The hearing will take place in public. However, in exceptional circumstances, when the sub-committee considers that it is in the public interest, it may exclude the public from all or any part of a hearing. Hearings will normally take place during the day.

I have some new evidence - may I present it?

The sub-committee **will not** normally allow the production of new written evidence not previously submitted by any party. In the case where the sub-committee does allow new evidence, all other parties must give their consent before it is heard.

If new material is permitted, the hearing may need to be adjourned to allow time to consider it and for other parties to respond to it. Accordingly, any application to have new material considered should demonstrate exceptional reasons for its admission. It is, therefore important for parties to ensure that all evidence is submitted in writing as soon as possible and in accordance with the relevant timescales.

Will I be briefed on procedure before the hearing?

Yes, in the notice of hearing, you will have been asked to attend a procedural briefing before the hearing starts. All parties will be asked to attend this briefing so that the Council's Legal Advisor can outline the procedures to be followed at the hearing.

What if there is more than one Applicant or a number of different Parties to the review attend the hearing?

At the briefing, the Legal Advisor may ask that a spokesman is agreed amongst those present who have similar requests for a review or representations in support.

Who are the people on the Licensing sub-committee?

Three elected councillors of the London Borough of Hillingdon sit on a Licensing sub-committee and it is only they who can determine the application. Its minimum membership is two. Councillors who sit on the sub-committees have been trained in the new Licensing regulations and have experience of determining applications of various kinds.

One of the Councillors will be the Chairman of the hearing and it will be he/she who will call interested parties and responsible authorities to speak and ensure time limits are adhered to as set out in the procedures.

Other people who will be present along with the Councillors include:

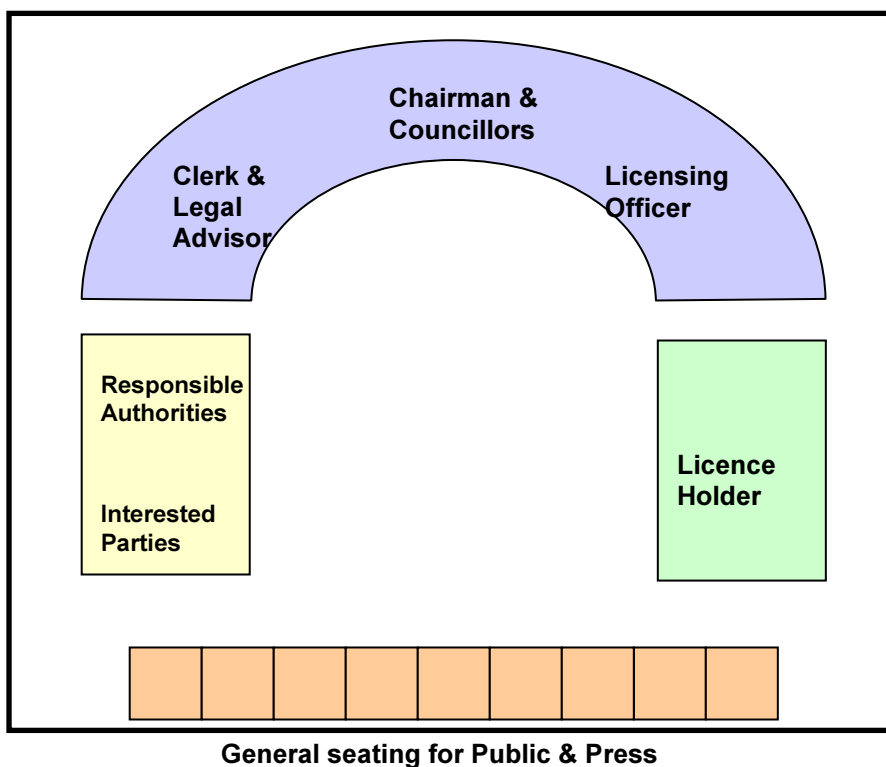
- The **Council’s Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Advisor** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and record decisions on individual matters and to provide help and assistance to members of the public attending such meetings.

3. During the Hearing

The procedure at the sub-committee hearing will, in general, be based on those used in a court of law. Although the strict rules of evidence will not apply, they will be observed to a great extent, because this is the best way of hearing the evidence from all parties. The hearing will take the form of a discussion led by the sub-committee councillors. The sub-committee will seek clarification on the issues from the parties as it considers appropriate.

Where shall I sit at the hearing?

The hearing will begin immediately after the procedural briefing and the set up of the room for those involved will generally be as shown below:



In general, how will the hearing be conducted?

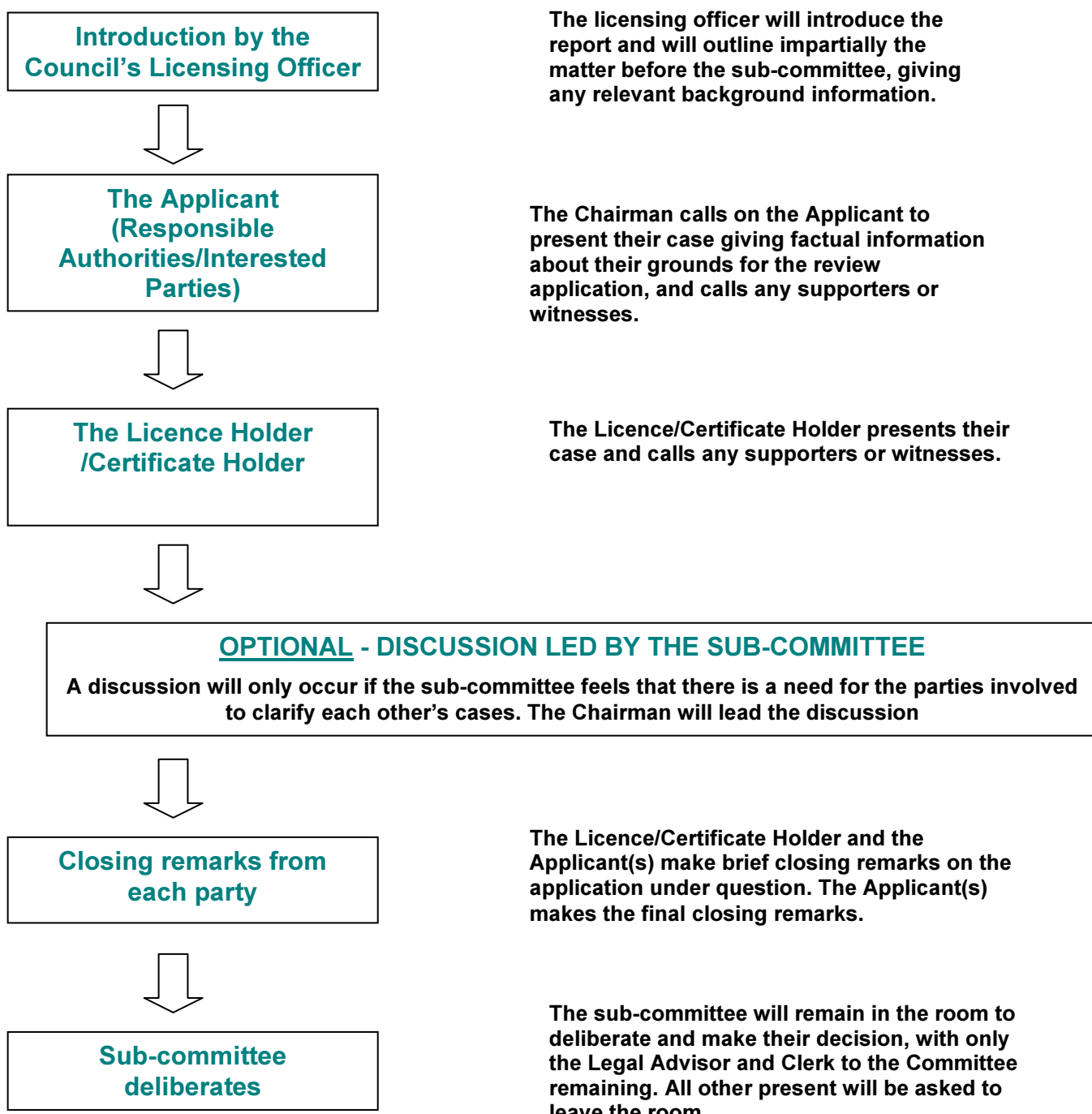
The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may consider any request from a party for another person to appear at the hearing as their representative.

It is important to note that cross-examination will not normally be permitted. Evidence, discussion and address must be relevant to the four licensing objectives. Repetition should also be avoided. The sub-committee will seek to prevent irrelevant and repetitive matters.

If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point the hearing may be reconvened to deal with that issue. The sub-committee can also ask for procedural, technical or legal matter from officers present at any time during the proceedings.

What is the order of proceedings?

The Chairman of the sub-committee will open the hearing by introducing the Councillors explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing, which will have been prepared in advance by the Clerk to the Committee and will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:





Chairman announces the decision

Parties may return to the room when asked and the Chairman announces the decision. The Chairman reminds the Licence/Certificate Holder that the decision will be sent to them in writing. There can be no further questions or statements.

Can a councillor sit on a sub-committee if the application is in their ward?

Councillors who sit on a sub-committee are advised to take steps to minimise their involvement in any application prior to its consideration by the sub-committee so that decisions are seen to be reached at the hearing impartially and with an open mind. Councillors should not appear to be acting both as an advocate on behalf of their residents and as an adjudicator on an application.

If a Councillor on the sub-committee has already taken a view on an application in advance of the hearing, they should not be present for the hearing of the application and should leave the meeting room for that item. They should also not visit any premises under consideration prior to the hearing. In any cases of doubt, the Councillor should not sit on the sub-committee for a particular application. In this instance, a substitute Councillor may need to be found from the main Licensing committee of the Council or the hearing may continue as long as two of the three Councillors are still present.

The agenda papers will show which ward each Councillor sits for and the reports from the Council's Licensing Officer will detail which ward the application is in.

Can a ward Councillor make a representation and or speak at a hearing?

If a ward Councillor, who does not sit on the sub-committee, wishes to make a formal objection to an application they may only do so if they make a written relevant representation as would apply to an Interested Party and in the same way as any other member of the public using the procedures outlined in this protocol. If the ward Councillor believes they have a personal or prejudicial interest in the application, they may still submit a relevant representation.

Ward Councillors, who do not sit on the sub-committee, may also speak at a sub-committee hearing in support or against an application, for example on behalf of their constituents without notice. They may also speak as an advocate or witness on behalf of the applicant or an Interested Party, even if they believe they have a personal or prejudicial interest. However, for the purposes of transparency, at the hearing, the ward Councillor should disclose what their personal or prejudicial interest is and whether they have been in contact with the applicant, agent, Interested Party or responsible authority beforehand or have visited the premises concerned.

Ward Councillors making either a written relevant representation or wish to speak at a hearing should not communicate about the application before the hearing with any Councillors who sit on the sub-committee. This is so the sub-committee makes their decision with an open mind.

What power does the Chairman have to control the meeting?

Under the Licensing act 2003, the Chairman may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or may permit the person to return only on such conditions as he or she may specify.

How will the sub-committee make its final decision?

Once the sub-committee has heard from officers and the parties to the hearing and has had answers to its questions, the sub-committee will usually withdraw to make its decision on the application. The sub-committee must disregard any information given or evidence produced by a party or witness, which is not relevant to the application, representations or notice or the promotion of the licensing objectives.

Members of the sub-committee have a duty to behave impartially, not to predetermine the issue and not to discuss matters with press or residents. In making its decision the sub-committee must state the reasons for that decision, taking into account the evidence presented by all parties during the hearing.

4. After the Hearing

When will we get formal notice of the decision?

The Chairman will normally announce the Sub-committee's decision in public at the end of the hearing and the reasons for the sub-committee's decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

The Council's Legal Advisor will send the premises licence holder a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the licence. In addition, a copy of the decision letter will be sent to all those who made an application for a review in connection with the premises. This will confirm the decision made; any conditions attached to a review application or the reasons for revocation. Details of the respective appeal rights will also be sent with this notice.

The minutes of the meeting will be made available on the Council's website at: www.hillingdon.gov.uk

Can we appeal against the decision?

Following the decision, the premises licence holder or any person who has made an application for a review can appeal to the Magistrates Court.

How can I find out about other applications in my area?

The council's Licensing Service is required to arrange for a poster to be displayed at, or near, the premises in question when applications for Reviews of premises licences or club premises certificates are received. A poster is also displayed at the Civic Centre.

All applications once they are lodged will be available for viewing on Hillingdon Council's website at www.hillingdon.gov.uk and in the Civic Centre Offices by appointment with the Licensing Service during working hours.

Agenda Item 6

REVIEW OF PREMISES LICENCE FOLLOWING AN EXPEDITED REVIEW - BLUE LAGOON PUBLIC HOUSE.

Committee	Licensing Sub-Committee
Officer Contact	Claire Freeman, Residents Services - 01895 277433
Papers with report	Part 1 - Appendices 2-5 Part 2 - Appendix 1
Ward(s) affected	Botwell

SUMMARY

To carry out a review pursuant to Section (S) 53A of the Licensing Act 2003 in relation to the Blue Lagoon Public House, Wood End Green Road, Hayes UB3 2SB.

RECOMMENDATION

That the Licensing Sub-Committee considers the application by the Metropolitan Police for the review of the Premises Licence under S53A of the Licensing Act 2003 (the Act) granted to Mahadev Pubco Ltd of the premises known as Blue Lagoon, Wood End Green Road Hayes, UB3 2SB.

HISTORY

Under S53A of the Licensing Act 2003, as inserted by S21 of the Violent Crime Reduction Act 2006, the Chief Officer of Police for the area in which a premise is situated may apply to the Licensing Authority for a summary review of a premises licence where a senior police officer has issued a certificate that in their opinion, the premises was associated with serious crime or serious disorder (or both).

An application was received from Detective Chief Superintendent Nicholas Downing, Hillingdon Borough Metropolitan Police on the 2nd December 2014 accompanied by the Certificate and statement contained in the Licensing Sub Committee Report at **Appendix 1**.

This was supported by statement from the Police Licensing Officer, Acting Sergeant Ian Wares, also contained within **Appendix 1**.

An initial expedited review hearing was held on the 4th December 2014. Evidence was given at the hearing by Acting Sergeant Wares and Sergeant Nick Davies. The licence holders were represented by the director of Mahadev Pubco Ltd Mrs Poona Patel and her husband Mr Prashant Patel.

The decision of the Sub-Committee was to impose a number of interim steps onto the premises licence namely the addition of conditions as shown in the Decision Notice at **Appendix 2**.

Licensing Sub-Committee - 22 December 2014

Part 1 - Members, Public & Press

INFORMATION

The review of the premises licence

The licensing authority must hold a review of the premises licence within 28 days after the day of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations.

The review consultation period ended on 16th December 2014.

During the consultation period, the Authority received a letter of representation on behalf of the Licensing Authority. This is attached as **Appendix 3**.

Matters for Consideration

A premises licence once issued remains valid unless it is specified to have effect for a limited period, surrendered or revoked.

The premises is a public house (PH) situated on Wood End Green Road in Hayes and is licensed to provide regulated entertainment, in the form of live music, recorded music and performance of dance and entertainment of a similar description, late night refreshment and the sale of alcohol. A copy of the current premises licence is included in **Appendix 1**.

The premise has been licensed under the Licensing Act 2003 since 2005. The current premises licence holders transferring onto the licence in August 2013 and the current DPS going onto the licence in September 2014.

At 7pm on the 21st November 2014 there was a large disturbance involving violent public order at the premises which resulted in a number of persons being attacked by a group of customers. Two of the victims were assaulted by a male who was supported by many others in the attack whereby the group were armed with knives, and various other items. The initial victims sustained serious facial cuts following being slashed by a knife. A further female victim received cuts and other injuries brought about by kicks and being stamped on by the said group.

Following the incident the police sought to impose 10 voluntary conditions to be undertaken in the premises and received the licence holders consent to these on the 28th November 2014. (As referred to in A/PS Wares Supporting Statement in **Appendix 1**.)

There followed a further assault on the 30th November 2014 whereby a youth of 17 years was assaulted with a bottle whilst at the premises.

Evidence before the Sub-Committee

Appendix 1 - Full Report in respect of the Expedited Review Hearing on 4th December 2014

Appendix 2 - Decision Notice from the Expedited Review Hearing on 4th December 2014

Appendix 3 - Representation from the Licensing Authority

Appendix 4 - Image of the premises from Wood End Green Road

Appendix 5 - Plan of the immediate area.

Licensing Sub-Committee - 22 December 2014

Part 1 - Members, Public & Press

LEGAL IMPLICATIONS

Following an application by the Chief Police Officer for summary review of a premises licence under section 53A of the Licensing Act 2003 the licensing authority must convene a hearing and determine a review licence within 28 days of receipt of that application. Owing to the tight timescales to commence the hearing, normal notice periods for the hearing are suspended. The review is required to be advertised for a period not less than seven consecutive days starting with the day after the application was received.

The Licensing Sub-Committee is required to consider:

- the application for review and any relevant representations by the applicant for review;
- representations by the premises licence holder; and
- any other relevant representations made.

Relevant representations are those that relate to one or more of the licensing objectives, have not been withdrawn and are made within the period of 10 consecutive working days beginning on the date the notice was first published.

Members must take such steps (if any) as they consider appropriate for the promotion of the licensing objectives. The Licensing Sub-Committee may:

- Modify the conditions of the licence (this includes the power to omit or alter existing conditions and add new conditions)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence.

The Sub-Committee must also secure that from the coming into force of 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 by the Sub-Committee in the review). However, any interim steps may have effect until after the review decision has come into effect, either after the expiry of a period of 21 days after the parties are notified of the review decision, or if the decision is appealed, once the appeal has been dispensed with by the Magistrates' Court.

Conditions

Members are also referred to the Secretary of State's guidance on conditions, which states that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions will not be necessary if they duplicate a current statutory requirement.

Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Reasons

If the Sub-Committee determines that it is necessary to take any steps in relation to the premises licence, it must give reasons for its decision.

The Role of the Licensing Sub-Committee

Members should note that the Licensing Sub-Committee is meeting on this occasion solely to perform the role of licensing authority. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon licensing law, relevant guidance and the Council's Statement of Licensing Policy.

As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say, material which tends logically to show the existence or non-existence of relevant facts, the occurrence of which would be relevant.

The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.

The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the licence holder and those making representations when making their decision. The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.

Appeals

Responsible Authorities, persons making relevant representations and the licence holder will have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government (Access to Information) Act 1985 as amended.

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HILLINGDON
LONDON

Licensing Sub-Committee


Decision Notice

**Application by the Metropolitan Police for
Summary Review of the Premises Licence
of the Blue Lagoon Public House,
Hayes, UB3 2SB**

Hearing: 4 December 2014

Sub-Committee: Cllr Dominic Gilham (*Chairman*)
Cllr Brian Stead
Cllr Lynn Allen

Legal Adviser: Tim Brown
Licensing Officer: Stephanie Waterford
Committee Clerk: Charles Francis

Chairman.....
Cllr Dominic Gilham

Dated: 4 December 2014

This notice confirms the decision of the Licensing Sub-Committee made at a meeting on Thursday 4 December 2014

THE APPLICATION

The London Borough of Hillingdon received an application at ~14:30 hours on 2 December 2014 for summary review of the Premises Licence of Blue Lagoon Public House, Hayes, UB3 2SB ('the Premises') under section 53A Licensing Act 2003 ('the Act'). The Application consisted of the form completed by PC Ian Wares on behalf of the Commissioner of the Metropolitan Police, a Certificate pursuant to section 53A(1)(b) of the Act signed by Detective Chief Superintendent Downing, accompanying witness statements of Detective Chief Superintendant Downing and Acting Police Sergeant Ian Wares both dated 2 December 2014 and some supporting documentation including a letter and police incident reports.

The Sub-Committee convened a hearing to consider whether any interim steps are necessary pending the determination of a review of the Premises Licence as required by section 53A(2)(a) of the Act. This hearing was held at 11:00 hours on 4 December 2014.

ATTENDANCE

Stephanie Waterford, of the Licensing Service presented the report to the Sub-Committee. The Metropolitan Police Service was represented by Acting Police Sergeant Ian Wares and Sergeant Nick Davies.

Mr Prashant Patel and Ms Poona Sharma attended as representatives of Premises Licence Holder.

THE HEARING

Stephanie Waterford introduced the report to the Sub-Committee stating that an application was received from the Police at 14:30 hours on 2 December 2014 seeking summary review of the Premises Licence. Ms Waterford stated the application complied with the statutory requirements and explained the implications of the application. It was stated that this application triggers an automatic review of

the Premises Licence within 28 days of receipt of the application i.e on or before 30 December 2014.

It was noted that while the Licence Holders did not need to have been given the opportunity to make representations before interim steps are considered (in accordance with section 53B (2) of the Act), they had in any case been served with notice of the hearing (along with the documents) at 15:00 hours on 3 December 2014.

Ms Waterford explained the hearing today is to consider whether it is necessary to impose any interim steps in relation to the premise licences pending determination of the review and that it is mandatory for the Sub-Committee to consider interim steps within 48 hours of the application being received.

APS Wares introduced the application of the police. He stated that recent incidents of violence at the Premises, being serious crimes, had brought about the application. The most worrying incident was a large pre-planned violent attack on 21 November 2014. CCTV footage from 21 November 2014 was shown and APS Wares gave commentary on this. The time stamp on the CCTV footage was from around 19:00 - 19:06 and showed (the following being a non-exhaustive list):

1. An attack by a male on the main victim with a stanley knife;
2. A table with a large number of bottles and glasses on it;
3. Various attacks or attempted attacks with glasses and bottles;
4. Attacks and attempted attacks with chairs/bar stools;
5. A male holding a garden spade and another holding a garden fork;
6. A female running with two bottles in hand, slipping over and being set upon and kicked by a number of males; and
7. A male with a pickaxe handle attacking the main victim.

APS Wares made the following comments: the incident of 21 November 2014 was a family feud; the staff at the Premises called the police at 18:58; there was "*not a lot the staff could have done after the incident began*"; door staff were not on duty as the attack took place at circa 19:00 hours and the door staff were booked to start at

20.00 hours; and the licence holder had stated to the police that the DJ had heard rumours about tension in the family.

It was stated by APS Wares that the Police considered calling a summary review of the licence after the attack of 21 November 2014, but as the incident was pre-planned without a lot the staff could have done, it was instead agreed with the Licensing Service to attend the Premises, and request the Licence Holder to agree to place voluntary conditions on the licence while a minor variation application is made. A joint Police and Licensing Authority visit took place on 28 November 2014 where the Licence Holders agreed to voluntarily implement ten additional conditions (as set out in a letter from APS Wares dated 28 November 2014 (Appendix 4 in the hearing agenda pack), although it was noted that due to the Police seizing the CCTV hard drive from the Premises in connection with their investigations into the attack, the CCTV system was not operational due to this. It was accepted by APS Wares that save for the CCTV condition which was out of the Licence Holder's control; the conditions were implemented correctly under the voluntary procedure.

It was confirmed that the Police were seeking imposition of the ten suggested conditions at Appendix 4 as an interim step pending the full review of the Premises Licence.

APS Wares then stated that on 30 November 2014 a further incident occurred at the Premises, with an altercation involving five people for which the Police incident report states a 17 year old was bottled and received a small cut to the head onto the outside smoking area.

It was mentioned that the new owners took over the licence on 23 September 2014 and there had been three violent incidents since then (the third incident being 10 October 2014). APS Wares stated that he believed management were not in full control of the Premises. He also stated that the Premises should vet parties that hire the venue to ensure better control over private parties, for example taking up front deposits, credit card details and identification with bookings. Concerns were also raised that he has never had any contact with the Designated Premises Supervisor

(Mr Pattni), while the premises has frequently had patrons in concerning levels of intoxication.

Cllr Gilham asked whether the Police believed the 10 suggested conditions were sufficient to protect residents. APS Wares confirmed this.

Mr Patel, spoke on behalf of the Premises Licence Holder. He stated that the Premises would no longer be catering for large weddings or gatherings.

In relation to the incident on 30 November 2014, Mr Patel gained a statement from the door supervisor which stated the person was struck by a pint glass, not a bottle (the significance of the distinction being if he was struck by a bottle this would imply the voluntary condition of pouring bottles into plastic glass would not have been adhered to), the fight involved a father and son and they were not intoxicated.

Mr Patel accepted that the large number of bottles on tables were a problem, brought about due to people ordering two bottles at a time and not finishing one before the other, so bottles could not be collected. But now the new condition has been implemented this is no longer an issue. He has also hired new staff, who have experience of working in pubs, who are trained in promoting responsible drinking.

In relation to the night of 21 November 2014, he confirmed the DJ mentioned to him that there was a rumour of 'family tension' but not to the extent of gang violence, as such felt this rumour was insufficient to warrant calling the police.

Mrs Sharma stated that the attack on 21 November 2014 was at 19.00 hours and as such the patrons were not drunk, having only been around since 16.00 hours when they had a meal.

On a question from the legal advisor Mr Patel confirmed that all the Police's suggested conditions were already in place and thus capable of practical implementation should the Sub-Committee be minded to impose them with immediate effect as an interim step.

Cllr Gilham asked on the three occasions of violence (21 October, 21 and 28 November 2014) whether staff from the premises called the police. Mr Patel stated on each occasion either the pub staff or door supervisors call the police.

THE DECISION

The Sub-Committee has considered all the relevant representations made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of that Act, the Home Office Summary Review Guidance, the Council's Statement of Licensing Policy, the Licensing objectives and the Public Sector Equality Duty. The Licensing Sub-Committee has come to the following decision:

The Sub-Committee has decided on a balance of probabilities that it is proportionate to impose interim steps on the Premises Licence of the Blue Lagoon Public House pending determination of the review of the Premises licence (with immediate effect), namely the addition of conditions to the premises:

1. The installed CCTV system shall be maintained in effective working order whenever the premises are in use for the purposes of the licence and shall be capable of capturing the following images:
 - a. All public areas within the premises;
 - b. The outside smoking area and car park; and
 - c. A clear facial image of any person entering the premises by all public entrances.
2. The recorded CCTV images shall be stored in a secure location for a minimum period of thirty (30) days. The images shall be available for inspection on request by authorized officers of the Council and the Metropolitan Police Service.
3. Clear and visible signage shall be prominently displayed throughout the venue indicating CCTV recording is operational. This shall include signage at the entry and exit points and behind the bar.
4. On Friday and Saturday evenings after 18:00 hours until the venue closes to the public, a personal licence holder shall be on duty at the venue and responsible for authorising the sale of alcohol.
5. The premises shall employ a minimum of two (2) SIA licensed door supervisors on Friday and Saturday evenings after 18:00 hours until the venue closed and all customers have left the premises.

6. The premises shall employ and minimum of two (2) SIA licensed door supervisors whenever there is a private function booked at the premises for 25 persons or more and where alcohol is served, a minimum of three (3) SIA licensed door supervisors whenever there is a private function booked at the premises for 100 persons or more and a minimum of four (4) SIA licensed door supervisors whenever there is a private function booked at the premises for 150 persons or more. The door supervisors shall remain on duty until the function has finished.
7. There shall be a log book to record the start and finishing times of SIA door supervisors and the following information shall be recorded:
 - a. The printed name of the door supervisor;
 - b. The badge number;
 - c. The expiry date of the SIA licence; and
 - d. A signature of the door supervisorThe log book will record any incidents, refusals or persons being removed from the premises and this log will be available for inspection by the relevant authorities on request.
8. All pint and half pint glasses used on the premises shall be made from safety glasses.
9. All bottled drinks shall be decanted into toughened safety glasses.

The Sub-Committee noted that the interim steps will remain in place pending the determination of the full premises licence review, including the statutory appeal period and pending the outcome of any appeal lodged against that decision, unless a licensing Sub-Committee of Council determines otherwise.

Reasons

In reaching its decision, the Sub-Committee noted seriousness of the crimes reported by the Police and witnessed on the CCTV footage. They believed that measures were necessary in order to protect the public from the serious crime and serious disorder that had occurred at the Premises pending a review of the Premises Licence. The Licensing Sub-Committee has considered all options available to it in relation to the interim period before the full review of the Premises Licence, considering that the above conditions were reasonable, proportionate and necessary

in order to keep residents of the borough safe from serious crime, particularly in relation to violent assaults.

Right to Make Representations

The holder of the Premises Licence may make representations to the Licensing Authority about the Council's decision to take interim steps. Those representations should be sent to the Licensing Service, 3S/08, Civic Centre, High Street, Uxbridge UB8 1UW.

There is no separate right of appeal against this decision to the Magistrates Court.



HILLINGDON

LONDON

Claire Freeman
Regulatory Services
3S/09 Civic Centre

Reference; SW/14/

Your Reference;

Date; 11th December 2014

Dear Claire

BLUE LAGOON, WOOD END GREEN ROAD, HAYES THE LICENSING ACT 2003

With reference to the recent expedited review application and subsequent full review consultation in respect of the above premises, you are advised that I am writing to you as the Officer duly authorised to make representations on behalf of the Licensing Authority.

I have had the opportunity to assess the documentation contained within the Police application for the review and also to gather feedback from Licensing Officers on the premises.

Based on the assessment, I would to make representation to the Licensing Sub-Committee for the following reasons;

Prevention of Crime & Disorder

The information contained within the Police's Expedited Review application is concerning and it clearly demonstrates that the management practices at the premises were not to the standard expected by the Licensing Authority. The Licensing Authority would fully support the permanent imposition of the interim conditions imposed at the summary review hearing.

Public Safety

Upon assessment of the Inspecting Officers report, the Licensing Authority was concerned to learn of some of the current management practices which are undermining the Public Safety Licensing Objective. The Inspecting Officer has highlighted some fire safety concerns and has reported on the need for further training and the implementation of procedures regarding public safety in licensed premises.



Protection of Children from Harm

The Licensing Authority are concerned that the 17 year old male involved in the incident on 30th November 2014 was, in the opinion of the attending Police Officers, very intoxicated.

I have exhibited statements from Inspecting Licensing Officers, Stephanie Waterford and Ian Meens who will also be present at the hearing.

Yours faithfully



Shabeg Nagra
Public Protection Manager



INVESTOR IN PEOPLE

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF: Stephanie Waterford

Age of witness: (if over 18 enter "Over 18") Over 18

Occupation of witness: Licensing Officer

This statement consisting of 4 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

Dated the 11th day of December 2014 Signed: 

I am employed by the London Borough of Hillingdon as a Licensing Officer. I make this statement in response to the Expedited Premises Licence Review application made by the Metropolitan Police Service on 2nd December 2014 in respect of the Blue Lagoon Public House, Wood End Green Road, Hayes.

On Monday 24th November 2014 through a phonecall with Acting Police Sergeant Ian Wares, I was made aware of an incident at the Blue Lagoon Pub involving violent disorder. The incident was described to me as a pre planned attack on two males attending a family wedding which quickly escalated to a large brawl involving 20+ persons using a variety of weapons including bottles, glasses, garden forks, pick axe handles etc.

During the phonecall with Acting Sergeant Wares, I was aware of the involvement from the Central Police Licensing Unit and their preference to serve an expedited review application at that stage.

We discussed the incident and discussed the fact that there was very little that the Premises Licence Holder could have done to prevent the incident occurring as it appeared to be a pre-planned targeted attack against specific victims. We were, however concerned about some of the management

Signed: 

practices in place at the premises and the general handling of the incident by the staff.

It was decided at that stage to carry out a joint visit with a view to getting a number of remedial conditions imposed upon the premises licence by way of a Minor Variation application. On Friday 28th November 2014, Acting Police Sergeant Ian Wares and myself, visited the premises and met with Mr Prashant Patel. We discussed the violent disorder incident at length and served him with a letter outlining a number of remedial conditions recommended by the Police and supported by the Licensing Service. This letter, dated 28th November 2014 is attached to Acting Police Sergeant Ian Wares' submissions in the Expedited Review application.

Mr Patel was grateful for the opportunity to remedy the situation by working with A/PS Wares and myself and avoid the formality of a review.

Mr Patel signed the letter to say that he was happy to adopt the proposed conditions on a voluntary basis pending the determination of a Minor Variation.

During our visit, I spoke to Mr Patel about his procedures for taking bookings for private functions and enquired what assessments he made of the clientele prior to bookings being confirmed.

Mr Patel explained that his processes were not as vigorous as they could be. I made a number of recommendations to him to assist with the vetting of bookings for private functions and explained that he should be making individual assessments based on the vetting process which would determine extra control/management measures that he may need to provide e.g. extra door staff/security. The recommendations included gaining information on; the age group of the persons attending the private function; the number of persons attending; the demographic of the persons attending i.e. families, all male parties etc.

Statement of:

During my inspection of the premises, I noted that a number of designated fire exits were locked either with chains and padlocks or with bolts and padlocks. I also noted that one of the designated fire escape/exit lobbies was being used as a storage area thus making the fire exit unavailable in the case of emergency. I also noted that the premises were open for trade and that one customer was on the premises as well as a number of cleaning and maintenance staff. I asked Mr Patel when the doors were opened as part of their opening up routine. At first he said that he does not open the doors for security reasons and then corrected himself and said that he opens the pair of double doors in the dance floor area when there are functions taking place. Mr Patel confirmed that it was not part of the opening up routine to unchain the doors. I expressed my concern to Mr Patel about the public safety risk to members of the public on the premises and advised very strongly that he ought to make the doors available immediately and whenever the premises are open to the public. I also made enquiries regarding the current Fire Safety Risk Assessment for the premises. Mr Patel was unaware of the existence of any such document.

Upon my return to the office, I contacted the local Fire Safety Officer and reported my findings for further investigation.

On 2nd December 2014, the Licensing Service were made aware of a further incident of violent disorder at the premises, taking place just after midnight on Saturday 30th November 2014. The Police were therefore compelled to serve an Expedited Review application which arrived at our office on Tuesday 2nd December 2014.

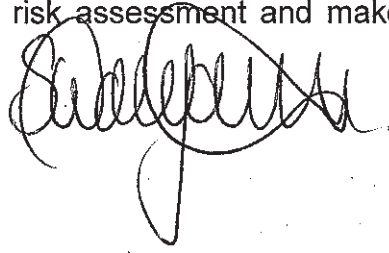
My colleague, Ian Meens visited the premises on 3rd December in order to serve the notice of review and also to make a follow up inspection of the premises. Mr Meens was accompanied by the Fire Officer, Derek Bird.

The findings of Mr Meens' visit are contained within his supporting statement.

On Thursday 11th December 2014, the Licensing Service received an update from Derek Bird where we were advised that the immediate fire safety

Statement of:

concerns had been addressed and that Mr Patel has employed a fire safety consultant to produce a risk assessment and make other recommendations regarding public safety.

A handwritten signature in black ink, appearing to be 'S. Patel', written over the end of the text.

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.2)
 Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Ian Meens

Age of witness: (if over 18 enter "Over 18") Over 18

Occupation of witness: Licensing Officer

This statement consisting of 2 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

Dated the 9th day of December 2014 Signed: Ian Meens

On the 3rd December 2014 at midday I visited the Blue Lagoon Pub Wood End Green Road Hayes. On arrival I found the pub locked with various lights on around the back and upstairs. I was joined at that time by Inspecting Officer Derek Bird from the London Fire Brigade. I had attended the venue to serve papers in-connection with a police application to the Licensing Authority for an expedited review. Unable to get into the premises or speak with any person I slid the papers under the front door. At this point a member of staff appeared and opened the door, I spoke to this man briefly before realising that he had a limited use of English but I was able to ask him to call the owner and see if they were able to attend. This he did and shortly after Mr Prashant Patel arrived. The pub had been opened and the first two customers had entered. This was a middle aged man with a woman. The man went to the bar ordered drinks and then sat at a table. The man appeared to have purchased a pint of lager; I was not able to see what drink the woman had chosen. They did not appear to order any food and in the whole time I was at the premise did any food arrive at their table.

The barman then proceeded to unlock the fire doors removing the padlocks. I explained to Mr Patel the procedures involved in an expedited review and we retrieved the letter and all the forms to assist the explanation. I then waited

Signed: Ian Meens

whilst Mr Bird spoke to Mr Patel about fire matters. During this time I noticed that there were three gaming machines situated in the premises. Two of the machines appeared to be class c machines and therefore properly registered. The third machine appeared to be a gaming machine with a £400 payout and the choice of different games such as roulette and poker. This type of machine is generally classed as a B3 machine and not permitted in Public Houses. The machine was switched on and all the lights and screen were working. I was able to select different games by touching the screen. I took a photo of this machine which I exhibit as IM1. It did not have the correct gambling warnings and I could not immediately see any classification on the machine. When I was again able to speak to Mr Patel and point out the concerns around this machine, I returned to the area where it had been situated and discovered that it had been moved. It was now located in the dancing area up against a wall divider and switched off. I pointed out the offence of having an authorised machine available for use to Mr Patel and he replied that he had only had it in the pub for four or so days and that the supplier had sent the wrong one by mistake and that he was waiting for it to be collected. I suggested therefore that it wouldn't be on the CCTV that has been seized by the police and he replied that it may have been there a bit longer than 4 days couldn't remember just how long. I didn't carry out any further examination of the machine. Having returned to the premises today, 9th December 2014, to deliver the decision notice, I checked over the premises whilst there and found that the illegally sited (£400) gaming machine was no longer in any of the public areas of the premises.





2 Wood End
Hayes, England
Street View - Aug 2014



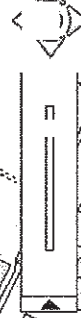
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SEARCH LOCATION TOOLS
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SUPPORT

Help



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