



HILLINGDON
LONDON



Notice of Hearing Licensing Sub-Committee

Date: FRIDAY, 6 NOVEMBER
2015

Time: 2.00 PM

Venue: COMMITTEE ROOM 5
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)
Jazz Dhillon
Brian Stead

Important Information

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

Tuesday 3 November 2015

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

Published: Thursday, 29 October 2015

Contact: Democratic Services
Tel: 01895 556454
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Hearing Protocol

This protocol outlines the procedures that will be followed in relation to hearings held under the Licensing Act 2003 and the Gambling Act 2005

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1. Introduction

- 1.1 The Licensing Act 2003 (Hearings) Regulations 2005 and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 ("together hereafter the Regulations") provide that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.2 These procedures set out the way in which the Licensing Authority will conduct hearings under the Licensing Act 2003 ("hereinafter the 2003 Act") and the Gambling Act 2005 ("hereafter 2005 Act") and the associated Regulations.
- 1.3 Appendix 1 of this protocol includes the procedure that will be adopted by the Licensing Authority in the event that an interim hearing must be held following notice of a Summary Review pursuant to Section 53A of the Act.

2. Timescales

- 2.1 Most hearings under the 2003 Act must take place within 20 working days from the last date in which representations can be made.
- 2.2 Exceptions under the 2003 Act:
 - Within 10 working days from the day after the Authority receives the notice for a review of the premises licence following a Closure Order.
 - Within 7 working days from after the end of the period within which the police can object to:
A temporary event notice (the police must give notice of their objection within 3 working days of being given a copy of the notice); and
 - Within 5 working days beginning with the day after the end of the last date for the police to object to an interim authority notice (the police must give notice of their objection within 2 working days of being given a copy of the notice).
- 2.3 For applications made under the 2005 Act the Authority must commence a hearing as soon as reasonably practicable after the expiry of the statutory period where representations can be received.
- 2.4 These matters are more fully set out in the Regulations.
- 2.5 Where a hearing will take more than one working day, the Authority must arrange for the hearing to take place on consecutive working days.

3. Timescales for Notice of Hearing to be given

3.1 In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held.

3.2 Exceptions under the 2003 Act:

- Review of a premises licence following a Closure Order;
- Summary Review of premises licence

At least two working days notice must be given to the parties to a hearing for determination of:

- Police objection to an Interim Authority Notice;
- Police objection to a Temporary Event Notice.

4. Persons who must be notified of a hearing

4.1 The persons who must be notified of a hearing are set out below as a summary:

- Any applicant for any licence, provisional statement or review made under the 2003 Act and the 2005 Act;
- The premises user who submitted the temporary event notice under the 2003 Act;
- Any person who has made relevant representations about an application for a licence or provisional statement or review;
 - Any police officer who has given notice of objection under the 2003 Act to a person specified as a Designated Premises Supervisor;
 - An interim authority;
 - Transfer of a premises licence;
 - Transfer of a club premises licence;
 - Transfer of a club premises certificate;
 - A temporary event notice;
 - A personal licence.
 - Any holder of a premises licence or club premises certificate when an application is made for review.

5. Information to be provided in a Notice of Hearing

5.1 The information and documentation that must accompany the Notice of Hearing relating to an application or notice under the 2003 Act includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;

- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party;
- The right to address the Authority;
- Notice of any particular on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;

5.2 The information and documentation that must accompany the Notice of Hearing relating to an application under the 2005 Act includes:

- The consequences where a party informs the Sub-Committee that he/she does not wish to attend or be represented at the hearing or fails to inform the Sub-Committee whether he/she will attend or be represented at the hearing;
- The requirements imposed on the Sub-Committee in conducting a hearing as set out in the Regulations;
- The consequences where a party has indicated that he/she wishes to attend or be represented at the hearing, but fails to attend or be represented at the hearing;
- The procedure to be followed at the hearing;
- The time limit and method by which a party should inform the Sub-Committee that he/she wishes to be assisted or represented by another person;
- The time limit and method by which a party should inform the Licensing Authority that he/she will want to call a witness to give evidence at the hearing, and the matters in relation to which he/she will want to call a witness to give evidence at the hearing and the matters in relation to which he/she wishes that witness to give evidence;
- The time limit and method by which a party should inform the Sub-Committee that he/she is willing to consent to the application being determined without a hearing;
- The matters on which the Sub-Committee considers at the time that it will want clarification at the hearing from a party.

5.3 The Notice of Hearing will ask all parties to attend a briefing session 20 minutes before the hearing begins. At this briefing the Council's Legal Advisor will be available to answer questions or provide any clarification.

6. Notice of Reply

6.1 On receipt of the Notice of Hearing, all parties must inform the Authority whether they:

- Intend to attend or 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 brief description of the point or points about which that person may be able to assist the hearing.

6.2 In the case of a hearing under-

- Section 48(3)(a) cancellation of interim authority notice following police objection; or
 - Section 105(2)(a) counter notice following police objection to Temporary Event Notice
- The party must return the notice no later than one working day before the day of the hearing.
 - In the case of a hearing under-
 - Section 167(5)(a) review of a premises licence following a closure order ; or
 - Section 53C review of premises licence following review notice; or
 - Paragraph 4(3)(a) of Schedule 8 conversion of an existing licence; or
 - Paragraph 16(3)(a) of Schedule 8 conversion of an existing club licence; or
 - Paragraph 26(3)(a) of Schedule 8 determination of application by holder of justices' licence for grant of personal licence
 - The party must return the notice no later than two working days before the day of the hearing.
 - In any other case, the party must give no later than five working days before the day of the hearing.

7. Failure of parties to attend the hearing

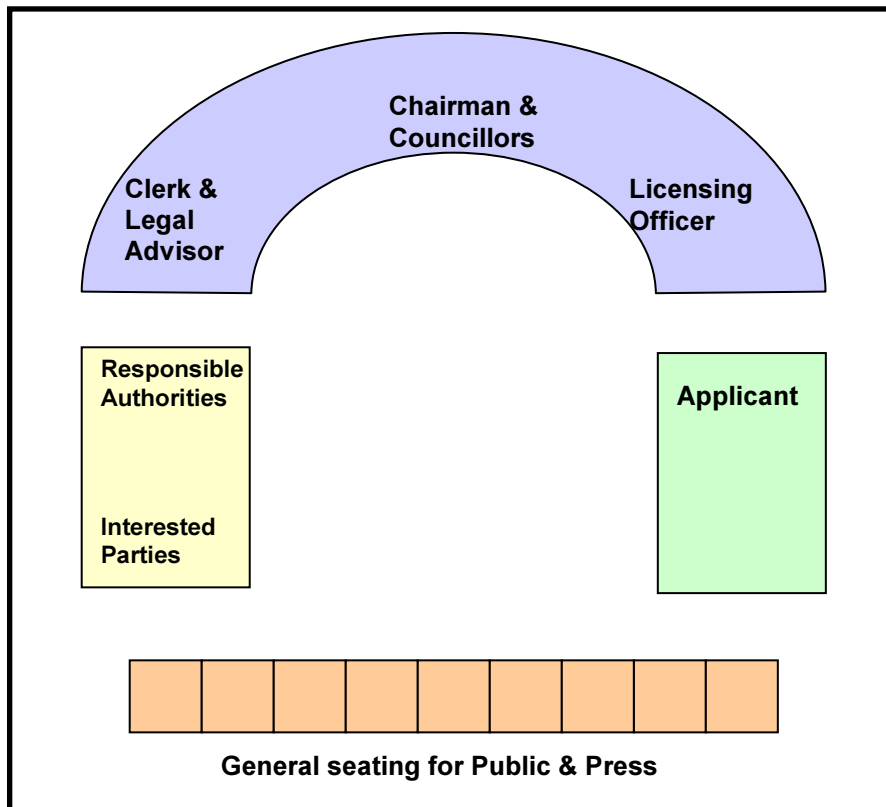
- 7.1 If a party has informed the Authority that they will not be attending or be represented at the hearing it may proceed in their absence.
- 7.2 If a party does not give notice that they will not be attending but fails to attend and is not represented the Authority may either:
- (a) Adjourn the hearing if it considers it to be necessary in the public interest; or
 - (b) Hold the hearing in the party's absence.
- 7.3 If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, the representation or notice given by the party.
- 7.4 If the Authority adjourns the hearing to a specified date it must forthwith (as soon as reasonably practicable under the Gambling Act regulations) notify the parties of the date, time and place to which the hearing has been adjourned.

8. Procedure at the hearing

- 8.1 Composition of Sub-Committee
- 8.2 The Sub-Committee will, usually consist of three members appointed from members of the Authority's Licensing Committee.

8.3 No business shall be transacted unless at least two members of the Sub-Committee are present and able to form a properly constituted Sub-Committee.

8.4 The usual room layout for the hearing will be as outlined below:



8.5 The usual order of proceedings will be as set out below:

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.

Introduction by the Council's Licensing Officer



The Applicant



Responsible Authorities (if present)



Interested Parties' Case (residents etc...)



DISCUSSION LED BY THE SUB-COMMITTEE

The Chairman will lead the discussion. This will be a chance for all parties to provide comments on any submissions that have been made to the Sub-Committee.



Closing remarks from each party



Sub-Committee deliberates



Chairman announces the decision

The Licensing Officer will introduce the report and will outline the matter before the Sub-Committee, giving any relevant background information. The Sub-Committee may ask questions of the officer.

The Applicant or the person representing him/her will be invited to address the Sub-Committee. The Applicant will normally be allowed [minutes] to present his/her case. The Sub-Committee may ask questions.

Responsible Authorities will be invited to address the Sub-Committee and will normally be allowed [minutes]. The Sub-Committee may ask questions of the Responsible Authorities.

Interested parties will be invited to address the Sub-Committee. Where there are a number of parties making similar representations the Chairman will expect the parties to nominate a spokesperson to make the representations and will be allowed [minutes]. The Sub-Committee may ask questions of the Interested Parties.

The Chairman will invite the Responsible Authorities and Interested Parties to make brief closing remarks on the application. The Applicant makes the final closing remarks.

The Sub-Committee will remain in the room to deliberate and make their decision, with only the Legal Advisor and the Clerk to the Sub-Committee remaining. All others present will be asked to leave the room.

Parties may return to the room when invited to do so and the Chairman will announce the decision. The Chairman will remind the Applicant that the decision will be sent to them in writing. There can be no further questions or statements.

- 8.6 The Sub-Committee may allow the parties to question any other party (if permission is given) and to address the Sub-Committee, but will seek in all cases to avoid repetition of matters (whether included in written material or otherwise) irrelevancy or any abuse of procedure.
- 8.7 The Sub-Committee will be guided by legal principles by determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- 8.8 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:
- (a) Before the hearing; or
 - (b) With the consent of all other parties at the hearing.
- 8.9 If documentary or other evidence is submitted late or at the hearing, the Sub-Committee may decide to adjourn the hearing so as to allow Members and any other party time to consider the information and that may involve an adjournment of proceedings to another date. The Sub-Committee may decide not to consider the information if no satisfactory explanation is provided for its late submission.
- 8.10 Any party may withdraw their representations by contacting the Democratic Services Department by phone, letter or email, providing they give notice no later than 24 hours before the first day of the hearing. If, during the hearing, any party wishes to withdraw their representations they may do so orally by informing the Chairman.
- 8.11 The Sub-Committee when determining an application or notice under the provisions of the 2003 Act will disregard any information given by a party, or any other person appearing at the hearing which is not relevant to:
- (a) Their application, representation or notice;
 - (b) In the case of another person, the application representation or notice of the party requesting their appearance;
 - (c) The promotion of the licensing objectives; or
 - (d) In relation to a hearing to consider a notice given by the Police the crime prevention objective.
- 8.12 A hearing under the 2003 Act shall take place in public save that:
- (a) The Sub-Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so;

- (b) The parties and any person representing them may be excluded in the same way as another member of the public.

8.13 A hearing under the 2005 Act shall take place in public save that:

- (a) The Sub-Committee may direct that all or part of a hearing must be in private if it is satisfied that it is necessary in all circumstances of the case, having regard to:

- Any unfairness to a party that is likely to result from a hearing in public; and
- The need to protect as far as possible, the commercial or other legitimate interests of a party.

8.14 The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- (a) Refuse to permit the person to return; or
(b) Allow them to return only on such conditions as the Authority may specify.

8.15 Any person excluded may, before the end of the hearing, 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 and the Sub-Committee will take that information into account in reaching a determination of the application or review.

9 Determination of the application and time limits

9.1 For applications determined under the 2003 Act the Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- (a) A review of a premises licence following a closure order;
(b) A summary review of a premises licence
(c) A personal licence by the holder of a justices licence;
(d) A counter notice following police objection to a temporary event notice.

9.2 In any other case, the Authority must make its determination within the period of five working days, beginning with the day or the last day on which the hearing was held.

9.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing) then the Authority must make its determination for the 2003 Act applications, reviews and notices within 10 working days beginning with the day the Authority gives such notices to the parties.

10 Record of Proceedings

10.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination.

Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

11 Irregularities

11.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Regulations.

11.1 Where the Authority considers that any person may have been prejudiced as a result of an irregularity relating to the Regulations, it will take such steps, as it thinks fit to cure the irregularity, before reaching its determination.

11.2 Clerical mistakes in any document recording a determination of the Authority or errors arising in such a document as a result of an accidental slip or omission may be corrected by the Authority.

12 Notices

12.1 Any notices under these regulations will be given in writing. Such a notice may be sent electronically, providing:

- (a) It can be accessed by the recipient in a legible form;
- (b) It is capable of being reproduced as a document for future reference;
- (c) The recipient has agreed in advance to receive it in such form;
- (d) A copy is sent in documentary form forthwith to the recipient.

13 Appeals.

13.1 Either those that have made an application or those who have made representations on an application may have the right to appeal the Authorities decision to the Magistrates' Court.

13.1 An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.

13.2 Notice of appeal should also be sent to the Authority's Legal Services Department.

14. Other information and contact details.

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

14.2 Applicants for new premises licences, club premises certificates, applications for provisional statements and applications for variations of existing premises licences or club premises certificates must display a notice on the premises and advertise the application in a local newspaper.

14.3 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 Regulatory Services Department during working hours.

14.4 The address and contact details for Democratic Services are:

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

14.5 The address and contact details for Legal Services are:

Legal Services Department
3E/04
London Borough of Hillingdon
Civic Centre
Uxbridge
UB8 1UW

DX: 45101 Uxbridge

Appendix 1

**Hearing Protocol for interim hearings held pursuant to
Section 53A to 53C of the Licensing Act 2003.**

1. Introduction.

- 1.1 The powers under Section 53A to 53C of Licensing Act 2003 ("the Act") are aimed at tackling serious crime and serious disorder.
- 1.2 The powers allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both) and the Licensing Authority to respond by taking interim steps quickly, where appropriate, pending a full review.

2. Triggering the expedited review.

- 2.1 The Chief Officer of Police for the area in which the premises are situated may apply to the Licensing Authority for an expedited licence review if a senior member of the force has issued a certificate that in his/her opinion a licensed premises is associated with serious crime and serious disorder (or both).

3. The Licensing Authority and the interim steps.

- 3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and the responsible authorities a copy of the application for review and a copy of the certificate and must also consider whether it is necessary to take interim steps pending the determination of the review applied for. When calculating the 48 hour period any non-working day will be disregarded.
- 3.2 Consideration of the interim steps may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant Licensing Sub-Committee. There is no requirement to hold a formal hearing in order to take interim steps. This means that the relevant Sub-Committee members can communicate by telephone or other means in order to reach a decision. In such circumstances, a written record will always be produced as soon as possible after a decision is reached.
- 3.3 The interim steps that the Licensing Authority must consider taking are-
 - The modification of the conditions of the premises licence;
 - The exclusion of the sale of alcohol by retail from the scope of the licence;
 - The removal of the designated premises supervisor from the licence;
 - The suspension of the licence.
- 3.4 In the event that the Licensing Authority decides to take one or more such steps-
 - (a) Its decision takes effect immediately or as soon after that as the Licensing Authority directs; but
 - (b) It must give immediate notice of its decision and of its reasons for making it to-
 - (i) the holder of the premises licence; and

(ii) the Chief Officer of the Police for the area in which the premises are situated.

3.5 The Act does not specify that the immediate notice has to be in writing. Where the Licensing Authority decides that the decision should take immediate effect and the licence holder was not present for the decision, then it will approach the licence holder by telephone and the call will be followed up as soon as possible with a written version of the decision and the reasons which is identical to or not significantly different from the version given by telephone.

4. Making representations against the interim steps.

4.1 The holder of the premises licence may make representations against the interim steps taken by a Licensing Authority.

4.2 There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which has to be completed within 28 days of the application being received by the Licensing Authority.

4.3 On receipt of a representation the Licensing Authority must, if the representations are not withdrawn, hold a hearing to consider those representations within 48 hours of the time of its receipt.

4.4 The Licensing Authority must give advance notice of the hearing to-

- (a) the holder of the premises licence;
- (b) the chief officer of police for the area in which the premises are situated.

4.5 At the hearing, the Licensing Authority must -

- (a) consider whether interim steps are appropriate for the promotion of the licensing objectives; and
- (b) determine whether to withdraw or modify the steps taken.

4.6 The Licensing Authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time.

4.7 The licence holder does not need to be present for the hearing to take place.

4.8 There is no timescale for notifying the licence holder of the hearing under this process, providing the notification takes place before the hearing is held. However, the Licensing Authority will aim to provide the licence holder with as much notice as is possible in the circumstances to afford the holder a maximum opportunity to prepare for and attend the hearing.

4.9 There is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

5. The review of the premises licence.

5.1 Within 28 days of receipt of an application under section 53A of the Act, the Licensing Authority must:

- hold a Sub-Committee hearing to consider the application for review and any relevant representations;
- take such steps as it considers appropriate for the promotion of the licensing objectives;
- 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.

5.2 Those steps are-

- (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) revocation of the licence.

5.3 The Licensing Authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days and if applicable on the Licensing Authority's website;
- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the Licensing Authority within 10 working days of the advertisement of the review appearing; and
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.

5.4 A party shall give to the Licensing Authority a notice no later than two working days before the day or first day of the hearing stating whether-

- he intends to attend or be represented at the hearing;
- he considers a hearing to be unnecessary
- he would like permission for any other person to appear at the hearing and if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005. They apply to final hearings under the section 53A(2)(b). The issues that these regulations deal with include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly where it is in the public interest, the regulations relating

to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

- 5.6 The Licensing Authority must notify the determination and its reasons for making it to-
- (a) the holder of the premises licence;
 - (b) any person who made relevant representations; and
 - (c) the chief officer of police for the area in which the premises are situated.
- 5.7 An appeal may be made to the Magistrates' Court within 21 days of the licence holder being notified of the Licensing Authority's determination on the review.
- 5.8 An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 5.9 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

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Agenda Item 5

Review of Premises Licence following a Summary Review

Committee	Licensing Sub-Committee
Officer Contact	Stephanie Waterford Licensing Officer 01895 277232
Papers with report	Appendix 1 - Recommendation of the Licensing Officer Appendix 2 - Police S53a Application Appendix 3 - Police Certificate Appendix 4 - Witness Statement of Ch Supt Nick Downing Appendix 5 - Witness Statement of PC Emly Mitchell Appendix 6 - Decision Notice of hearing 13 th October 2015 Appendix 7 - Representation from Premises Licence Holder Appendix 8 - Decision Notice of hearing 16 th October 2015 Appendix 9 - Representation from Police Appendix 10 - Representation from Licensing Authority Appendix 11 - Decision Notice of hearing 16 th September 2015 Appendix 12 - Current Premises Licence Appendix 13 - Site map and photos
Ward name	Eastcote & East Ruislip

1.0 SUMMARY

To carry out a review of the premises licence pursuant to Section 53C of the Licensing Act 2003 in relation to the RE Bar, 163 Field End Road, Eastcote.

2.0 RECOMMENDATION

That the Licensing Sub-Committee modify the conditions attached to the premises licence as detailed in Appendix 1.

3.0 INFORMATION

- 3.1 On Sunday 11th October 2015 at approx 01.00, a fatal stabbing took place on the above premises.
- 3.2 On Monday 12th October 2015, the Metropolitan Police Service applied to the Licensing Authority for a summary review of the premises licence issued in respect of the premises known as RE Bar, 163 Field End Road, Eastcote.
- 3.3 The required accompanying certificate has been signed by Detective Chief Superintendent Nick Downing of the Metropolitan Police for the Hillingdon area. He has certified that in his opinion, the premises are associated with serious crime or serious disorder or both.

- 3.4 The Police's application and the Chief Superintendent's Certificate are attached as **Appendices 2 and 3** respectively.
- 3.5 A Witness Statement from Sgt Nick Davies is attached as **Appendix 4**.
- 3.6 A Witness Statement from PC Emly Mitchell is attached as **Appendix 5**.
- 3.7 The Licensing Sub-Committee were convened on 13th October 2015 to determine interim steps to be taken in respect of the premises licence.
- 3.8 The Sub-Committee resolved to impose interim steps in the form of additional licence conditions as detailed in the decision notice attached as **Appendix 6**.
- 3.9 A representation against the interim steps relating to the wording of a condition, was sent to the Licensing Authority on 15th October 2015. The representation proposed a modification of the wording of a condition. A copy of the representation including the proposed change to wording of the condition, is attached as **Appendix 7**.
- 3.10 The Licensing Sub-Committee considered the representation at a hearing on 16th October 2015 whereby a determination was made not to modify the interim steps imposed at the hearing 13th October 2015. The Decision Notice of the hearing on 16th October 2015 is attached as **Appendix 8**.
- 3.11 Section 53C requires the Licensing Authority to hold a review of the Premises Licence within 28 days of receipt of an application for a summary review of the Premises Licence

4.0 CONSULTATION

- 4.1 As required by the legislation, a legal notice giving notice of the review was displayed at the premises, at the Council offices and also on the Councils website
- 4.2 Closing date for representations
27th October 2015
- 4.3 A total of two responses to the consultation were received. These are detailed below.

5.0 REPRESENTATIONS

- 5.1 The Metropolitan Police Service have provided an update in relation to the incident and have proposed a modification of the licence conditions. A copy of the Police's letter is attached as **Appendix 9**.
- 5.2 The Licensing Authority have made a representation supporting the Police position and also supporting the modification of the licence conditions. A copy of the Licensing Authority's letter is attached as **Appendix 10**.

6.0 BACKGROUND INFORMATION

- 6.1 Current Licences held
The premises have been licensed as a public house, under the Licensing Act 2003, since 24th November 2005.

6.2 Current Designated Premises Supervisor

Mr Darren Farrell

6.3 Description of the Premises

The premises occupies a small retail style unit inclusive of rear outdoor patio space. The premises is in a terraced position facing out onto Field End Road, Eastcote and adjoins two neighbouring retail outlets.

Directly positioned above the property are a number of residential dwellings.

There are no parking facilities at the premises but to the rear of the property runs a service road leading to two council operated car parks.

6.4 Existing Licensable Activities

<u>Activity</u>		<u>Permitted</u>
Sale of Alcohol:	Consumption on the premises	✓
	Consumption off the premises	
Regulated Entertainment:	Plays	
	Films	
	Live Music (Indoors Only)	✓
	Recorded Music (Indoors Only)	✓
	Performances of dance	
	Indoor Sporting Events	
	Boxing/Wrestling	
Late Night Refreshment (Indoors Only)		✓

6.5 Current Licensable Activity & Opening Hours

	Sale of Alcohol	Regulated Entertainment	Late Night Refreshment	Opening hours
Monday	10:00-00:00	10:00-00:00	23:00-00:00	10:00-00:30
Tuesday	10:00-00:00	10:00-00:00	23:00-00:00	10:00-00:30
Wednesday	10:00-00:00	10:00-00:00	23:00-00:00	10:00-00:30
Thursday	10:00-00:00	10:00-00:00	23:00-00:00	10:00-00:30
Friday	10:00-01:00	10:00-01:00	23:00-01:00	10.00-01.30
Saturday	10:00-01:00	10:00-01:00	23:00-01:00	10.00-01.30
Sunday	10:00-23:30	10:00-23:30	23:30-23:30	10.00-00:00

6.6 Applicant history

The RE Bar has been licensed under the Licensing Act 2003 since 2005 and in that time has seen 2 changes in management, Mr Darren Farrell being the third. The current occupier, Darren Farrell, has been the licence holder and DPS at the premises since February 2014.

A Minor Variation application was received in March 2015. This was to amend an existing condition which stipulated entry to the premises was restricted to persons aged 21 or over. The revised condition now reads "Persons under 18 years of age shall not be admitted into the premises"

A Premises Licence Variation was applied for in July 2015 to extend the licensable activity and opening hours of the premises. The application was opposed by a number of responsible authorities and interested parties. The application was considered by the Licensing Sub-Committee on 16th September 2015 and was refused on grounds relating to public nuisance. A copy of the decision notice is attached as **Appendix 11**.

A copy of the current premises licence is attached as **Appendix 12**.

A plan of the area and photos of the premises are attached as **Appendix 13**.

6.7 Other licensed premises nearby

The RE Bar is situated in a high street setting, nestled amongst various eateries and is sited approximately 68 metres from Champers Bar and 89m from The Ascott public house, which both currently hold premises licences and operate a similar style of business.

Details of these operations and activities are noted below:

Champers Bar -

The sale of alcohol by retail and regulated entertainment

Friday and Saturday between 10.00 and 01.30 the following day

Late night refreshment

Friday and Saturday between 23.00 and 02.00 the following day

Opening Hours

Friday and Saturday between 10.00 and 02.00 the following day

The Ascott public house

The sale of alcohol by retail and regulated entertainment

Thursday, Friday and Saturday between 11.00 hours and 01.00 hours the following day

Late night refreshment

Thursday, Friday and Saturday between 23.00 hours and 01.00 hours the following day

Opening Hours

Thursday, Friday and Saturday between 11.00 hours and 01.20 hours the following day

There are also a number of other licensed premises situated nearby. These include:

- Tesco Express closing at 23:00
- Budgens closing at 00:00 hours
- Shapla Restaurant operating Monday - Friday until 00:00
- Best Kebabs operating Sunday - Thursday until 00:00 and Friday-Saturday 02:00.

7.0 OFFICER'S OBSERVATIONS

7.1 Visits made by Licensing Officers

October 2014

A Licensing Officer visited the premises on 9th October 2014 following a complaint that the premises may have been operating outside of licensed hours. The Licensing Officer checked the CCTV system to ascertain whether the premises were in use after licensed hours and whether the CCTV system was compliant with the licence conditions detailed on the premises licence. The CCTV system did not produce the requested images and also appeared not to be retaining the images for the period of 30 days as required by the premises licence.

The Licensing Officer spoke to the premises licence holder who agreed to call an engineer to rectify the issues with the CCTV immediately. The Licensing Officer agreed to carry out a further check at a later date.

December 2014

Following the investigation in October 2014 regarding the non-compliant CCTV system, the same Licensing Officer visited the premises to check whether the issues had been resolved. The CCTV system was demonstrated to the Officer and was found to be recording images in compliance with the conditions on the premises licence. No further action was taken in respect of this matter.

August 2015

A compliance visit was made on 19th August 2015, during the consultation stage for this application. This was carried out by a Licensing Officer and the inspection was made by appointment.

The Officer met three members of staff Kevin Bates - Premises Assistant, Jane Hanson - Site Manager and Karen Dawood - Office Assistant.

The focus of the visit was to ensure all current conditions were currently being complied with and the findings overall were satisfactory.

CCTV footage was checked on the following dates and the noted observations were made:

- 18/07/2015 - security staff not seen until approximately 9pm (exact time of arrival was not confirmed)
- 07/08/2015 - One doorman seen at 20:00 hours, doorman number two did not arrive until 20:22
- 14/08/2015 - 1 doorman seen at 20:00 hours, doorman number 2 did not arrive until 20:08 hours

The Officer gave a verbal warning in relation to the contravention of the door supervisor condition imposed upon the licence.

September 2015

A visit was made by a Licensing Officer on 8th September 2015 in connection with the Licensing Sub Committee hearing on 16th September. The Officer reported that the majority of conditions were being complied with however, the CCTV system could not be accessed and the incident log, required by licence conditions, could not be located.

October 2015

Since the incident on Sunday 11th October, the premises have been closed. No visits have been carried out by Licensing Officers in relation to this review application.

7.2 Complaints received

A number of complaints and communications were received by Regulatory Services between 3rd May and 23rd June 2014 by a local resident of The Close, Eastcote. The resident contacted the service five times during this period complaining of loud noise and issues with noise escape, due to the doors opening to the rear patio area. The complainant was seeking remedial action from the Council.

These complaints resulted in an investigation by the Antisocial Behaviour Investigations Team (ASBIT) and the Environmental Protection Unit (EPU). A voluntary agreement was put in place between the licence holder, the EPU Officer and the ASBIT Officer, to close the rear doors at 10pm each night, however this agreement was not imposed upon the licence as no formal application was made. A Licensing Officer advised the complainant and the ASBIT Officer of the premises licence review process and explained how licence conditions are imposed.

This set of complaints was also the subject of a Members Enquiry.

7.3 Relevant Sections of the Government Guidance

Home Office Section 53a Licensing Act 2003 Summary Review Guidance

8.0 LEGAL COMMENTS

8.1 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 within 48 hours to determine any interim steps to be taken and review the licence fully within 28 days of receipt of that application.

8.2 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.

- 8.3 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.
- 8.4 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.
 - Determine that none of the above steps will help promote the licensing objectives. In such a situation, the Sub-Committee may determine not to make any changes to the Premises Licence.
- 8.5 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 (*93 Feet East Ltd v Tower Hamlets LBC* [2013] EWHC 2716 (Admin)).

Conditions

- 8.6 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.
- 8.7 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

- 8.8 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

- 8.9 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,

- 8.10 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.
- 8.11 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.
- 8.12 The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.
- 8.13 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.
- 8.14 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

- 8.15 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.

The recommendation of the Licensing Officer is to modify the conditions annexed to the premises licence as follows;

It is recommended that the following conditions are removed from Annex 2 of the Premises Licence;

- Two Door Supervisors shall be employed at the premises on Fridays and Saturdays from 20.00 hours until close of the premises.
- The public shall not be allowed to enter the premises during the last hour before the end of the licensable activities.
- Known troublemakers shall not be allowed into the premises

It is recommended that the following conditions are added to Annex 3 of the Premises Licence;

1. At least one female door supervisor and at least one male door supervisor shall be on duty at the premises from 20.00 hours until the close of premises on Fridays, Saturdays and 'Special Event' nights as listed on Page 2 of the premises licence.
2. The premises licence holder shall develop and implement a full search policy. Staff and door supervisors shall receive regular training regarding this policy. On Fridays, Saturdays and 'Special Event' nights as listed on Page 2 of the premises licence, all persons entering or re-entering the premises shall be searched by door supervisors, to include full bag searches and body 'pat down' searches, to prevent weapons, drugs or other prohibited items from being brought onto the premises.
3. There shall be a procedure agreed with the Metropolitan Police Service Licensing Officer relating to the storage and/or disposal of illegal drugs, weapons and other prohibited items found on the premises or found on persons attempting to enter the premises.
4. The installed CCTV system shall record activity at the main entrance to the premises at all times the premises are open to the public.
5. A visual display monitor shall be installed at the entrance to the premises showing CCTV footage of facial images of any person entering the premises via the main entrance/exit lobby. Persons wearing hoods, hats or any other item which obscures the face, shall be instructed to remove the item prior to entering the premises.
6. No entry, except for re-entry, to the premises shall be permitted after 00.00 hours (midnight) on Fridays, Saturdays and 'Special Event' nights as listed on Page 2 of the premises licence.

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**METROPOLITAN
POLICE****TOTAL POLICING**

Form 693

Form for Applying for a Summary Licence Review**Application for the review of a premises licence under section 53A of the Licensing Act 2003**
(premises associated with serious crime, serious disorder or both)**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:

Name:	London Borough of Hillingdon		
Address:	The Licensing Services, Uxbridge Civic Centre		
Post town:	Uxbridge	Post code:	UB8 1UW.
Ref. No.:			

I Police Sergeant Nick Davies.

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details**Postal address of premises or club premises, or if none, ordnance survey map reference or description:**

The RE Bar, 163 Field End Road

Post town:	Eastcote	Post code: (if known)	HA5 1QL
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2. Premises licence details**Name of premises licence holder or club holding club premises certificate (if known):**

Mr Darren John Farrell

Number of premises licence or club premises certificate (if known):

LBHIL 476/05

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:



PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both
 (Please read guidance note 2)

On Sunday 11th October 2015, at approx 01.08hrs there was an incident of serious crime at this venue. Police were called to the venue after they received a call of a disturbance and on their arrival found that a male had been slashed across the throat with what was believed to be a knife. The victim was given medical assistance by the police and the ambulance service but died from his injuries at the venue.

Signature of applicant

Signature:		Date:	12th October 2015.
Capacity:	Police Licensing Officer		

Contact details for matters concerning this application

Surname:	Davies	First Names:	Nicholas
Address:	Licensing Department, Ruislip Police Station, The Oaks,		
Post town:	Ruislip	Post code:	HA4 7LE.
Tel. No.:	0208 2461933	Email:	Licensing - xh@met.pnn.police.uk

Notes for guidance

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years
MP 146/12



**METROPOLITAN
POLICE**

TOTAL POLICING

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with Serious Crime.

Premises (Include business name and address and any other relevant identifying details):

Postal address of premises or club premises, or if none, ordnance survey map reference or description:
 The RE Bar, 163 Field End Road,

Post town:	Eastcote	Post code: (if known)	HA5 1QL
-------------------	----------	---------------------------------	---------

Premises licence number (if known):
 LBHIL 476/05

Name of premises supervisor (if known):
 Mr Darren Farrell

I am a Chief Superintendent in the Metropolitan Police Service.

*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

On Sunday 11th October 2015 at about 01.08hrs, at The RE Bar, 163 Field End Road, Eastcote, HA5 1QL there was a serious assault where a customer was slashed across his neck by another customer with what is thought to be a knife. Despite medical treatment by the emergency services the victim died at the venue. Whilst there is no recent history of trouble at this venue I am of the opinion that, due to the seriousness of the incident, an Expedited Review is the correct action, and proportionate in the circumstances. The premises is still a Crime Scene at this time (1100 hours 12/10/15) so a Closure Notice would be inappropriate, and a "normal" review would not address and issues in a timely manner.

Signature

Signature:		Date:	12th October 2015.
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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Ch Supt Nick Downing URN: [] [] [] []

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of: 2..... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: [Signature] Date: 12th October 2015.....

Tick if witness evidence is visually recorded [] (supply witness details on rear)

I am Chief Superintendent Nick Downing of Hillingdon Police, This statement is in support of an application being made on my behalf by Police Sergeant 86XH Nick Davies my Licensing Sergeant, to Hillingdon Licensing Authority for an expedited review of the premises licence for the RE Bar, 163 Field End Road, Eastcote, HA5 1QL. (Premises Licence No: LBHIL 476/05).

The RE Bar is a small licensed premises which is situated in a busy shopping area with residential dwellings above the premises. On Sunday 11th October 2015 at about 1.08am there was an incident of serious crime at this venue where a young male customer was attacked with what is thought to be a knife whilst inside the premises. Due to the extent of this male's injuries the emergency services were unable to save his life and he died at the premises.

I have considered the following options:

Premises Closure Notice/Order S76 Anti-Social Behaviour, Crime & Policing Act 2014

At this moment it time, the premises is still a crime scene, and so remains closed to the public. A Closure Notice would serve no useful purpose. In addition to this, the premises does not have a history of violence nor ASB, and so I believe an application for a Closure Order at Magistrates Court would not be the correct action in this situation, and unlikely to be successful.

Licence Review S51 Licensing Act 2003

Due to the seriousness of the situation, I do not believe the timescales for this type of review are appropriate.

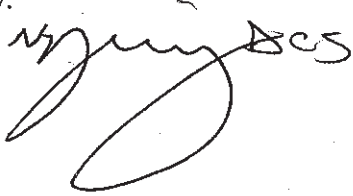
Signature: [Signature] Signature witnessed by:

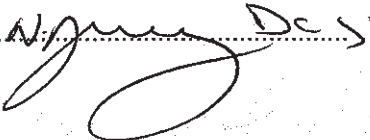
Continuation of Statement of ~~To Be added~~ Ch Supt Downing

Expedited Review S53a of the Licensing Act 2003

I believe this is a proportionate response to this incident and necessary in order to imposed enforceable interim licensing conditions on this venue prior to a full hearing. I believe that this also meets the public's expectations of swift action following such a serious incident.

For the above reasons I am applying for an Expedited Review.



Signature:  Signature witnessed by:

Witness contact details

Home address: HILLINGDON POLICE STATION
1 WRENICK PLACE, UXBROOK Postcode: UB8 1P9
Home telephone number Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / Female (delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? **No.** If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Emly Mitchell**..... URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer**

This statement (consisting of: **2**..... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: Date: **12th October 2015**.....

Tick if witness evidence is visually recorded (*supply witness details on rear*)

I am the above officer and have worked in the Licensing department since April 2015 at Hillingdon. I have been a serving police Officer for 12 years. This statement is in support of an application being made to Hillingdon Licensing Authority for an expedited review of the premises licence for the RE Bar, 163 Field End Road, Eastcote, HA5 1QL. (Premises Licence No: LBHIL 476/05).

The RE Bar is a small licensed premises which is situated in a busy shopping area and it has residential dwellings above the premises. On Sunday 11th October 2015 at about 1.08am there was an incident of serious crime at this venue where a young male customer was attacked with what was believed to be a knife whilst inside the premises, due to the extent of this male's injuries the emergency services were unable to save his life and the male died at the premises.

Premises Recent History (last 12 months)

In August 2015 the venue applied to vary its premises licence to increase the times of the authorised licensable activities on Friday and Saturdays until 02.00hours the following day and to extend the hours the premises is open to the public until 02.30 hours the following day on Friday and Saturday. A decision from The Licensing Sub-committee on the 16th of September 2015 was made at a public hearing which stated 'The decision of the sub committee is to refuse the variation application' and provided noise and complaints from residents regarding the noise as the primary factors in this decision.

19/09/2015 00.30 hours: Crime report 0918983/15 Racially Aggravated Harassment & Crime report 0918950/15 Common Assault - the male had been ejected from the RE bar and then started trouble outside the premises. Two crime reports relating to the same incident.

Signature: Signature witnessed by:

Continuation of Statement of **To Be added**.....

08/03/2015 0100 hours: Crime report 0904957/15 Affray - 08/03/2015 - Three females shouting & fighting in the street having left the venue.

It can be seen from the above that the venue has not come to Police notice particularly often, nor regularly. However a very serious incident has occurred inside the venue and so it is the Police's opinion that an expedited review is a correct and proportionate response to that.

The incident is part of an active investigation, so the information the Police can give is limited. However, AT THIS STAGE, it appears that the incident is a one off, and there is no suggestion that the premises Management had lost control, nor acted improperly. The premises Management have engaged with the Investigation, CCTV was working, Door Staff were present at the time, and gave first aid to the victim.

Putting this aside, a more stringent search regime may have resulted in the discovery of the knife, or may have discouraged the knife carrier from entering the venue. The Police ask for the Sub-Committee to consider the following changes to the venue Licensing Conditions, for the following reasons:

1. To have at least one male and one female SIA Door Supervisors - this is to allow the searching of all patrons of the venue.
2. To make a search a condition of entry - to ensure patrons are searched prior to entry.
3. To have search wands available to Door Staff to use - to assist in the searching of patrons.
4. To have the Search Area covered by CCTV - to protect the integrity of Door Staff, to allow the carrying out of the search regime to be monitored & to provide evidence if items are found.
5. To have a CCTV monitor on display, so it can be seen by patrons on entry - to reinforce to patrons that they are on CCTV.

The Police believe that these conditions will assist in preventing a similar incident in the future.

Signature: Signature witnessed by:

Witness contact details

Home address: Postcode:
Home telephone number Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / ~~Female~~ (delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability
.....

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6.**
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken:

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HILLINGDON
LONDON

Licensing Sub-Committee

Decision Notice

Licensing Act 2003 S53A-53C
Interim Steps Hearing for
RE Bar, 163 Field End Road, Eastcote

Hearing: 13 October 2015

Sub-Committee: Cllr Dominic Gilham (*Chairman*)
Cllr Carol Melvin
Cllr Dāvid Yarrow

Legal Adviser: Beejal Soni

Licensing Officer: Stephanie Waterford

Committee Clerk: Khalid Ahmed

Chairman.....

Cllr Dominic Gilham

Dated: 15/10/15

This notice confirms the decision of the Licensing Sub-Committee made at a meeting on Tuesday, 13 October 2015.

THE APPLICATION

The London Borough of Hillingdon received an application at 11:45am on 12 October 2015 for a summary review of the Premises Licence of RE Bar, 163 Field End Road, Eastcote ('the Premises') under section 53A Licensing Act 2003 ('the Act'). The Application consisted of the form completed by Sergeant Nick Davies 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 Superintendent Downing and Officer Emily Mitchell both dated 12 October 2015.

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 14:00 hours on 13 October 2015.

ATTENDANCE

Stephanie Waterford, of Regulatory Services presented the report to the Sub-Committee. The Metropolitan Police Service was represented by Police Sergeant Nick Davies and Police Constable Emily Mitchell.

Mr Darren Farrell, the Premises Licence holder and Designated Premises Supervisor ("DPS") was present. He was represented by Philip Samarakis of Gordon Dadds Solicitors.

THE HEARING

In accordance with a request from the Metropolitan Police Services and the Premises Licence Holder, the Legal Advisor to the Sub-Committee advised the Sub Committee in camera that owing to the ongoing investigation and sensitivity of the matter, it would be appreciated if questions related to the incident could be avoided. Councillors were also advised that licence conditions had been agreed between the parties.

The hearing began in Part 2 at 14:00. Stephanie Waterford introduced the report to the Sub-Committee stating that an application was received from the Police on 12 October 2015 seeking summary review of the Premises Licence. Ms Waterford confirmed that all supporting documentation was received and in order.

Ms Waterford briefly outlined an incident which took place at the premises on Sunday, leading to a fatality.

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. In response to questions from the Chairman, she confirmed that, as stated at paragraph 5.2 of the accompanying report, it was open to Members to elect to take no interim steps following this hearing.

Police Constable Emly Mitchell introduced the application of the police. She advised that the premises was a small bar with residential flats above. She advised that the events of Sunday morning were isolated and unanticipated. She advised that the CCTV system complied with licence requirements, that door staff acted correctly and that the Premises Licence Holder and staff were fully co-operating with the ongoing investigation.

She further confirmed a minor breach appears to have taken place at 01:04 when alcohol was served to a patron. This is pending further investigation.

She confirmed that previous to this incident, there were 2 complaints recorded on the Metropolitan Police Service system in September 2015. Both complaints were made as a result of door staff removing obstructive patrons from the premises. A further incident took place on 08 March 2015. The incident which is the subject of this interim steps hearing was the fourth this year.

In response to queries from Councillors, she advised that the police were not seeking the closure of the premises because the incident was viewed as an isolated

event. In response to queries about whether the assailant or victim had consumed significant amount of alcohol on premises, Nick Davies interjected to advise that whilst police were unable to answer the question directly, he could confirm that there was no indication that the management had lost control of the premises.

Queries were raised whether it was suitable to include a query requiring the decanting of drinks into plastic glasses. Nick Davies confirmed that broken glass was not involved in this incident. Consequently, it is not necessary to include such a condition.

In making his submissions, Mr Samarakis confirmed that there had been full co-operation and a good dialogue with the Metropolitan Police. The premises licence holder was co-operating fully with the investigation. He advised the Council is that conditions had been agreed with the Metropolitan police services. He further confirmed that the Metropolitan police services include a seven day welfare visit in order to ensure that the premises is running in accordance with the conditions agreed. The conditions are also aimed at providing additional support to initial members of the public safety.

At the request of the Chairman of the Sub-Committee, Mr Samarakis read out the following conditions which were agreed:

1. At all times when door supervisors are required to be working on the premises pursuant to these licence conditions:
 - (a) Wands shall be in operation at the premises; and
 - (b) persons entering or re-entering the premises shall be searched by an SIA trained member of staff. The search will include a "pat down" and a full bag search.
2. During opening hours, the CCTV system shall record activity at the entrance of the premises;
3. A screen shall be installed at the entrance to the premises showing the faces of customers entering the premises. The screen shall be so positioned as to render it evident to customers entering the premises that their image is being captured on CCTV.

4. At least one female door supervisor and one male door supervisor shall be on duty at the premises from 8 PM until the close of premises on Fridays, Saturdays, "Special Events" and on any other occasion following a risk assessment.
5. There shall be a policy agreed with the Metropolitan Police Services for the premises relating to the storage and disposal of illegal drugs, weapons or other such prohibited items found on persons attempting to enter or on the premises
6. There shall be no admittance or re-admittance, except for smokers, to the premises after midnight.

Mr Samarakis confirmed in response to questioning that the Premises Licence Holder was able to put conditions into effect prior to opening premises.

The Sub-committee then adjourned to consider its decision. The Sub-Committee was in agreement that the conditions proposed were reasonable and satisfied the key purpose of upholding the licensing objectives. However, the Sub-Committee was concerned that a potential aggressor may seek to gain entry re-entry onto the premises by posing as a smoker.

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 RE Bar pending determination of the review of the Premises licence the, namely the addition of conditions to the premises:

1. At all times when door supervisors are required to be working on the premises pursuant to these licence conditions all persons entering or re-entering the premises shall be searched by an SIA trained member of staff using a search wand. The search will also include a "pat down" and a full bag search.
2. During opening hours, the CCTV system shall record activity at the entrance of the premises;
3. A television monitor shall be installed at the entrance to the premises showing the faces of customers as they enter the premises. The screen shall be so positioned as to render it evident to customers entering the premises that their image is being captured on CCTV.
4. One female door supervisor and one male door supervisor shall be on duty at the premises from 8 PM until the close of premises on Fridays, Saturdays, and "Special Events"
5. There shall be a policy agreed with the Metropolitan Police Services for the premises relating to the storage and disposal of illegal drugs, weapons or other such prohibited items found on persons attempting to enter or on the premises
6. There shall be no admittance or re-admittance to the premises after midnight.

The above conditions are to take effect immediately.

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 Regulatory Services, 3S/08, Civic Centre, High Street, Uxbridge UB8 1UW.

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



licensing . <licensing@hillingdon.gov.uk>

The RE Bar - Hearing 13 October 2015 [ID=G.QT.1-165]

1 message

Mandy Rai
To: "licensing@hillingdon.gov.uk" <licensing@hillingdon.gov.uk> ,

15 October 2015 at 10:31

Cc:

Dear Sirs

Our client: The RE Bar – Darren Farrell

We are instructed by the above mentioned client and attended the Licensing Interim Steps Hearing on 13 October 2015.

The Licensing Sub Committee imposed a condition that there should be admittance or readmittance after midnight. In consideration of customers smoking, we be obliged if the condition was amended as follows:

".... or readmittance (except for smokers who have been smoking in a designated smoking area which can be supervised by doorstaff)"

We have notified the Police and have confirmed that no Crime and Disorder issues were raised and the amended condition was agreed.

We note that there is a Licensing Sub Committee meeting tomorrow afternoon (16 October 2015) and we would be grateful if this matter was listed to be heard before the Committee and dealt with by paper. We will not be attending to save costs.

We would kindly remind the Licensing Sub Committee that they cannot consider public nuisance during the Interim Steps and in absence of any concerns from the Police, the condition should be modified.

Please do not hesitate to contact us should you have any queries.

Kindly acknowledge safe receipt of this email and confirmation of the listing of this matter before the Sub Committee.

Yours faithfully

GORDON DADDS LLP

Mandy Rai | Paralegal





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HILLINGDON
LONDON

Licensing Sub-Committee

Decision Notice

Licensing Act 2003 S53A-53C
Interim Steps Hearing for
RE Bar, 163 Field End Road, Eastcote

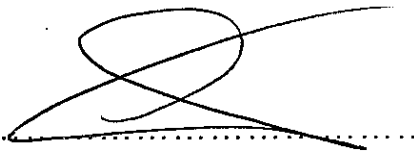
Hearing: 16 October 2015

Sub-Committee: Cllr Dominic Gilham (*Chairman*)
Cllr Carol Melvin
Cllr David Yarrow

Legal Adviser: Beejal Soni

Licensing Officer: Stephanie Waterford

Committee Clerk: Charles Francis

Chairman 
Cllr Dominic Gilham
Dated: 20/10/15

This notice confirms the decision of the Licensing Sub-Committee made at a meeting on Friday, 16 October 2015.

THE APPLICATION

The London Borough of Hillingdon received a representation at 10:31am on 15 October 2015 for the reconsideration of the interim steps imposed by the Sub-Committee on 13 October 2015 for the premises known as RE Bar, 163 Field End Road, Eastcote('the Premises'). The representation sought to have Interim Condition 6 amended so that it would read:

"... or readmittance (except for smokers who have been smoking in a designated smoking area which can be supervised by doorstaff)"

The Metropolitan Police Service submitted correspondence confirming that there was no objection to the condition being amended as requested.

In compliance with the legislation, the Sub-Committee convened a hearing within 48 hours to reconsider the interim steps in light of the representation. This hearing was held at 15:00 hours on 16 October 2015.

ATTENDANCE

Stephanie Waterford, of Regulatory Services presented the report to the Sub-Committee. The Premises Licence Holder and his legal representative indicated in the representation that they would not be attending the hearing in order to save costs. The Metropolitan Police Service did not attend the hearing.

THE HEARING

The hearing began in Part 2 at 15:00. Stephanie Waterford introduced the report to the Sub-Committee outlining the amendment sought by the Premises Licence Holder. Legal advice confirmed that the Sub-Committee could proceed to determine the application in the absence of the Premises Licence Holder and/or his legal representative.

Councillors queried the drafting of the amended clause as provided by the legal representative. In particular, they were concerned that despite having agreed to cut

off entry and re-entry at midnight, the amended clause appeared to remove all reference to midnight. The Licensing Officer advised that the existing condition on the licence, prior to the imposition of interim steps, was not clear and precise in stating whether the last entry an hour before closing applied to both new and existing patrons. Councillors were concerned that the absence of the Premises Licence Holder and/or his legal representative did not allow them to gain clarity on the drafting of the amendment sought. Councillors were advised that they could, if they so determined, modify the condition in a manner that would promote the licensing objectives.

Councillors further queried whether it was feasible to designate part of the public highway as a smoking area. Concerns were also raised about the nature of supervision by door staff and whether it would distract from their primary role and additional searching requirements. The Licensing Officer confirmed that it was practice at some licensed venues to have temporary barriers to erect queuing systems on the public highway. Those barriers could also be used to demarcate a smoking area.

The Sub-Committee then adjourned to consider its decision. In considering the reasonableness of the interim steps imposed on 13 October 2015, the Sub-Committee concluded that one special event evening on 31st October 2015, for a period of 1 hour, was the only point at which the Premises Licence Holder's business may be negatively impacted by the interim conditions imposed. The Sub-Committee determined that the negative impact on business was not a consideration which would promote the licensing objectives.

The Sub-Committee considered that their initial concerns regarding an aggressor seeking entry/re-entry had not been addressed in the representations. The Councillors were also concerned that the amendment sought would effectively remove the restriction on entry and re-entry after midnight, effectively removing the safeguard that was meant to ensure an orderly wind down and end to licensable activity in a secure environment.

THE DECISION

The Sub-Committee has considered the representation 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 not to make any amendment to the interim steps imposed on 13 October 2015.

Right to Make Representations

The holder of the Premises Licence may make further representations to the Licensing Authority about the Council's decision to take interim steps. Those representations should be sent to the Regulatory Services, 3S/08, Civic Centre, High Street, Uxbridge UB8 1UW or licensing@hillingdon.gov.uk. The holder of the Premises Licence is advised that representations which are frivolous, vexatious or repetitive will not be considered.

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



**METROPOLITAN
POLICE**

TOTAL POLICING

Date, 27th November 2015

The Licensing Officer
Licensing Services
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW.

Hillingdon Borough
Licensing Dept.
Ruislip Police Station
The Oaks
Ruislip
HA47LE.

Telephone: 020 8246 1933
Mobile: 07785 226483
Email: Licensing-xh@met.pnn.police.uk

Your Ref - RE BAR

Dear Sir/Ma'am,

Re; RE BAR, REVIEW 06th November 2015

Following Murder of Joshua Hanson in the RE bar on October 11th 2015 which brought about the Licensing sub committee expedited review on the 13th October 2015, there have been no police updates for the review 06th November 2015 as yet. The murder remains under active investigation.

The RE bar has not re-opened since the incident and I have not had any further contact with the owners of the premises.

I believe it is necessary and proportionate to impose the following conditions on the premises.

The recommendation of the Police Licensing Officer is to modify the conditions annexed to the premises licence as follows;

- Two Door Supervisors shall be employed at the premises on Fridays and Saturdays from 20.00 hours until close of the premises.
- The public shall not be allowed to enter the premises during the last hour before the end of the licensable activities.
- Known troublemakers shall not be allowed into the premises

It is recommended that the following conditions are added to Annex 3 of the Premises Licence;

1. At least one female door supervisor and at least one male door supervisor shall be on duty at the premises from 20.00 hours until the close of premises on Fridays, Saturdays and 'Special Event' nights as listed on Page 2 of the premises licence.
2. The premises licence holder shall develop and implement a full search policy. Staff and door supervisors shall receive regular training regarding this policy On Fridays, Saturdays and 'Special Event' nights as listed on Page 2 of the premises licence, all persons entering or re-entering the premises shall be searched by door supervisors, to include full bag searches and body 'pat down' searches, to prevent weapons, drugs or other prohibited items from being brought onto the premises.

3. There shall be a procedure agreed with the Metropolitan Police Service Licensing Officer relating to the storage and/or disposal of illegal drugs, weapons and other prohibited items found on the premises or found on persons attempting to enter the premises.
4. The installed CCTV system shall record activity at the main entrance to the premises at all times the premises are open to the public.
5. A visual display monitor shall be installed at the entrance to the premises showing CCTV footage of facial images of any person entering the premises via the main entrance/exit lobby. Persons wearing hoods, hats or any other item which obscures the face, shall be instructed to remove the item prior to entering the premises.
6. No entry, except for re-entry, to the premises shall be permitted after 00.00 hours (midnight) on Fridays, Saturdays and 'Special Event' nights as listed on Page 2 of the premises licence.

Emily Mitchell PC 372 XH

.....
Police Licensing Enforcement Officer
Hillingdon Borough.



HILLINGDON

LONDON

Licensing Officer
Regulatory Services
Civic Centre

Reference: 15

Your Reference:

Date: 26 October 2015

Dear Licensing Officer

RE Bar 163 Field End Road Eastcote HA5 1QL
Full review following Expedited Review under Section 53a Licensing Act 2003

With reference to the expedited review held on 13 October 2015, and subsequent full review consultation. I am writing to you as the officer duly authorised to make representations on behalf of the Licensing Authority.

Further to the fatal stabbing which occurred at the above premises, during the early hours of Sunday 11 October 2015. I have assessed the representation supplied by the Metropolitan Police in response to this consultation, along with the information supplied by the Police for the expedited review. In addition I have spoken with the Councils Licensing Officers to gather further information regarding the history of the premises.

The Licensing Authority is concerned that there has been an incident of such a serious nature but note that there has been no previous history of serious violence associated with this premises. There have been minor issues in relation to compliance with licensing conditions which have been resolved informally with premises management, in line with the Council's enforcement policy. One of these matters related to training in the operation of the CCTV which was subsequently addressed prior to 11 October. It is noted that the CCTV was in full operation on the evening of the incident.

The licence holder applied to vary the licence in August 2015 in order to extend the hours of operation. Representations were received from residents in relation to anti-social behaviour when patrons left the premises, and also from noise nuisance emanating from the premises. No concerns about crime and disorder were raised. This variation application was not granted by the Licensing Sub-Committee on 16 September 2015.



The witness statement from PC Emly Mitchell maintains that, on the evidence available at the time, this was a one off incident and there is no suggestion that the management had lost control.

I would like to make a representation to the Licensing Sub-Committee on the Crime Prevention licensing objective in that the Licensing Authority supports the conditions proposed by the Metropolitan Police in their representation to this full review. It is considered that this is a proportional response to the incident and will promote the licensing objective of Crime Prevention, providing a more stringent search regime, broader CCTV coverage within the premises, thus assisting in the prevention of a similar incident.

I will be present at the hearing to deliver my representation and also to answer any questions from the Licensing Sub-Committee.

Yours faithfully



Claire Freeman
Regulatory Services Manager



INVESTOR IN PEOPLE



HILLINGDON
LONDON

Licensing Sub-Committee Decision Notice

Application to Vary a Premises Licence for The Re
Bar, 163 Field End Road, Eastcote HA5 1QL

Sub-Committee: Cllr David Yarrow (Chairman)
Cllr Judy Kelly
Cllr Janet Gardner

Legal Adviser: Tim Brown
Licensing Officer: Charlene Ellis
Committee Clerk: Khalid Ahmed

Chairman..... *DA. Yarrow*
Cllr David Yarrow

Dated: 16 September 2015

This notice confirms the decision of the Licensing Sub-Committee made at a public hearing on 16 September 2015.

THE APPLICATION

This was an application by Daniel Farrell to vary the premises licence for The Re Bar, 163 Field End Road, Eastcote HA5 1QL ('the premises'). The variation proposes to extend the terminal hour for the sale alcohol, live music, recorded music and late night refreshment until 02.00 hours and opening hours until 02.30 hours on Fridays and Saturdays (all other licensable activities, permitted hours and opening hours to remain as existing).

**Page references in this Decision Notice relate to pages in the published agenda pack unless specified otherwise*

ATTENDANCE

This application was heard on 16 September 2015. The Sub-Committee was satisfied that timely notice had been served on all parties and that all those entitled to attend and speak to the Sub-Committee had the opportunity to do so.

Charlene Ellis, of the Licensing Service presented the report to the Sub-Committee. The premises licence holder, was represented by Jayne Hanson.

The following Responsible authorities attended having made relevant representations: the Licensing Authority was represented by Claire Freeman, the Metropolitan Police were represented by Acting Police Sergeant Ian Wares, Dr Steve Hajiof represented the Public Health Service and Jo Smith represented the Environmental Protection Unit (EPU).

The following interested parties attended to address the Sub-Committee having made relevant representations: Adam Stitson on behalf of the Council's Anti-Social Behaviour Investigations Team (ASBIT), local residents Sarah West and Jane

Cogan; and Cllr Becky Haggart speaking on behalf of the Eastcote and East Ruislip ward Councillors (Cllr Nick Denys having made the representation on their behalf).

THE HEARING

The Licensing Officer, Charlene Ellis, introduced the application and report to the Sub-Committee. The background to the application was explained and in addition it was noted that a recent compliance visit to the premises on 8 September 2015 found no major issues but did highlight a training need as staff were unsure of how to view CCTV recordings. Ms Ellis confirmed her opinion that the complaints received in relation to this application could be adequately addressed through conditions and as such recommended approval of the variation, subject to conditions proposed by the Responsible Authorities.

Jayne Hanson on behalf of the Applicant then addressed the Sub-Committee. It was said that the extra hour trading was sought to put the premises trading hours in line with other bars on the road. To mitigate the impacts it was stated extra bar staff would be employed along with an additional security staff (1 deployed specifically at the rear entrance). It was clarified that the Applicant is not seeking the extended hours to apply to special event days, as these were existing on the licence when it was transferred.

Sarah West then spoke to the Sub-Committee on behalf of local residents, it being noted that Ms West organised the petition at pages 61-64. It was said that the basis for this objection was the significant existing noise nuisance and the potential for this to increase if hours are extended. As such the licensing objective of preventing public nuisance would not be met.

It was stated that very loud music emanating from the premises is currently heard by residents of the Close, who live 60 metres away and have their double glazed windows and doors closed. Ms West stated that music is heard by residents even when the rear door to the premises is shut.

Ms West noted that the premises had agreed to keep the rear door closed after 20:00 [an informal agreement was in fact made with the Councils ASBIT to keep the rear door closed from 22:00]. However, the rear door has been frequently and consistently opened in breach of this agreement, showing disrespect for the Council and disregard for local residents. Recent examples given of the rear door being open after 20.00 were given as 25 August 2015, several times on 5 September 2015 and on 11 September 2015.

In relation to additional hours on 'special event days' as provided for by the existing licence, Ms West stated these days are an additional 25 days per year when the premises can open later, which residents were not aware of. It was noted that residents had no way of knowing about these extra days as the licence was not viewable, and the special event days were not mentioned in the consultation. This was seen as unfair and prejudiced residents' ability to properly respond to the application.

Ms West also stated that allowing this application would set a precedent for the local area and encourage irresponsible drinking proposals.

Finally, the Sub-Committee was asked to consider how they would feel if they were residents who had to live with their windows and door constantly shut while still being disturbed by very loud noise, depriving them of sleep and putting their health at risk.

Jane Cogan also spoke against the variation application noting an unacceptable level of noise from the premises since she moved into the area.

Dr Hajiof addressed the Sub-Committee stating that noise generally has a deleterious effect on health, causing sleep loss, stress etc. As such, Public Health has a general concern with noise producing premises being in close proximity to residential properties. In this particular case given the history of the premises and affect on local residents the position of Public Health is that an extension of hours should not be granted without measures being secured to mitigate the noise, which could be, for example, sound proofing or volume control on equipment.

Jo Smith then spoke to the Sub-Committee and stated that noise mitigation measures should be introduced at the premises if the application is granted. She confirmed that discussion had taken place with the Applicant on issues such as the installation of anti-vibration mounts for speakers and self-closing mechanism for the rear door. It was noted the premises already has a sign in place at the rear door requesting patrons not to use the rear patio after 20:00.

Ms Smith stated that a recently approved planning permission to allow an extension of the premises into the rear garden would be a preferable situation for EPU as this would reduce the opportunity for noise to escape the premises by the rear door. [The Legal Advisor noted that while a planning permission has been granted, no works have taken place and the Sub-Committee must consider the application before it].

On behalf of the Police, Acting Sergeant Wares confirmed his representation on the grounds of the prevention of crime and disorder and public nuisance, due to fear that increased hours will lead to greater risk of crime and anti-social behaviour. In general however, he noted there are has been no issues in the area and only one record of a crime reported (an affray in the street between two females) linked to the premises. Furthermore, licensing visits have found no major breaches of conditions.

The Police believe the variation could be granted with the amended times and conditions suggested at page 50. From their discussions, Acting Sergeant Wares stated the Applicant has indicated a willingness to work with the Police on these matters.

Claire Freeman spoke to the Sub-Committee noting the large number of complaints the Council has received about noise nuisance from the premises. These mainly relate to noise escape from the rear door and garden. While the Licensing Authority would not object to the variation in principle, to uphold the licensing objectives, additional conditions suggested on page 53 should also be added to the licence. Further Ms Freeman highlighted the Licensing Authority's concern about the special event days on the licence which allow for opening times to be extended by 1 or 2 hours on 25 specific days each year. This coupled with increased hours applied for

would mean the premises could shut as late as 04:30, which could exacerbate noise nuisance issues.

Cllr Haggar explained to the Sub-Committee the residential character of the area, which means that any extension of hours would have a harmful affect on neighbouring properties. The residents and Ward Cllrs have no confidence that the premises would comply and adhere to conditions on the licence, pointing to the numerous breaches of their informal agreement with ASBIT to keep the rear door closed. Concerns were also raised about the effect premises staying open later would have on local young people, and believe that dispersal of patrons at 03:00 or 04:00 would be slow, causing further disturbance in the street.

Adam Stitson stated ASBIT shares the residents concerns about the premises noting at least two incidents of statutory noise nuisance witnessed. He voiced concerns about the premises ability to keep the rear doors closed if such a condition was imposed due to the difficulty the premises could have enforcing that. Further concerns were shared about the affect of extending opening hours on the surrounding roads due to patrons leaving and the potential increase of incidents such as urinating in the street.

Discussion

Following questions from members of the Sub-Committee, Ms Hanson confirmed that after 20:00 the only entrance/exit is via the front door and all smokers go out the front after 20:00. Additionally it was asserted that the size of the speakers in the premises had already been reduced. However, the Applicant stated that premises staff have to open the rear door after 20:00 as they need to go outside the back of the premises to change beer barrels.

Cllr Gardner asked Dr Hajiof whether the movement of all smokers to the front of the premises with residential premises directly above (with reference to the photograph on page 38) would have any health effects on occupiers. It was said that at a distance smoke causes annoyance but is unlikely to have any negative health effects unless people have particular sensitivities, such brittle asthma. Dr Hajiof did agree that the noise from smokers using the front of the premises could have an effect of

the health of those living above. Mr Stitson agreed that noise complaints would be more likely in this regard, as smokers when on a public street cannot be effectively policed by door staff once they are outside the control of the premises.

Following a question from the Chairman, Jo Smith stated that noise limiting devices are not always effective, working in some premises and not in others, often depending on the type of music played. After a query from the Legal Advisor, Ms Smith informed the Sub-Committee that noise limiting devices range in price from around £300 - £3,000 and can usually be installed by an electrician at a reasonable cost. In her opinion installing such a device would be a proportionate step for the premises in the context of this variation application.

The Applicant clarified on a question from the legal advisor that they were orally amending their application to exclude the 25 special event days.

Closing

In closing, Ms Hanson stated the Applicant would make sure all the resident complaints were taken into account, for example by putting on additional security and making arrangement with local cab offices.

No closing was submitted by any Responsible Authorities or interested parties.

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 Council's Statement of Licensing Policy, the Licensing objectives and the Public Sector Equality Duty.

The decision of the Sub-Committee is to REFUSE the variation application.

REASONS

The Sub-Committee noted the following reasons for its decision:

- There have been a very large number of complaints about loud noise both escaping from the premises through the rear door/patio area and from music played. These include incidences of statutory noise nuisance witnessed by Council officers. As such the Sub-Committee found extending the hours for licensable activities (either as per the application or in part) would have an unacceptable impact on the licensing objective of the prevention of public nuisance. It then considered whether conditions could be added to the premises licence to overcome this impact.
- The premises has failed to adhere to the informal agreement reached with ASBIT to keep the rear door closed. Also, the Applicant stated that after 20:00 premises staff will need to access the garden to change barrels and obtain supplies which are kept in the garden. A combination of those factors meant that the Sub-Committee did not believe a condition requiring the rear door to be closed after 20:00 was capable of overcoming the additional noise nuisance harm from extended hours.
- Evidence from EPU stated that noise limiting devices have mixed ability to succeed in reducing noise nuisance and in any event require careful monitoring and maintenance of the premises management to be operated effectively. As such it was found that a condition requiring a noise limiting device to be operation would not be sufficient to uphold the licensing objectives should the variation be granted. It was also noted that Applicant

had stated the speakers within the premises had already been reduced in size, which had not prevented complaints from residents.

- Other conditions suggested by the Responsible Authorities were fully considered but were not found to be sufficient to uphold the licensing objectives of the prevention of public nuisance.
- Additionally, the extended hours and shutting off the rear garden would move smokers to the front of the premises later at night causing noise and disturbance in the road, potentially harming the residents living above the premises. The Sub-Committee took account of the evidence of ASBIT and Public Health on the potential negative impact of this, as well as the evidence on the difficulties in controlling patrons when outside of the premises on a public road.
- The Applicant had failed to demonstrate a comprehensive understanding of noise nuisance coming from the premises and importantly, of ways to mitigate that impact.

RIGHT OF APPEAL

The relevant applicant for the variation of the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justice Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

You will be deemed to have received the Decision Notice, two days after the date on the accompanying letter, which will be posted by 1st class mail.

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Ref:

LBHIL 006923

Premises Licence Number:

LBHIL 476/05

This Premises Licence has been issued by Claire Freeman on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW



Signature:

Date: 20 March 2015

Part 1 – Premises Details

Postal Address of Premises or, if none, Ordnance Survey map reference or description -

The RE Bar
163 Field End Road

Post Town - Eastcote

Postcode – HA5 1QL

Telephone number – 020 8462 2175

Where the licence is time limited, the dates -

N/A

Licensable activities authorised by the licence –

The sale by retail of alcohol

The provision of regulated entertainment (indoors only) being:-

- performance of live music
- playing recorded music
- performance of dance and
- entertainment of a similar description

The provision of late night refreshment (indoors only)

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

Regulated entertainment and the sale by retail of alcohol

On Sundays between 10.00 hours and 23.30 hours

On Mondays, Tuesdays, Wednesdays and Thursdays between 10.00 hours and 00.00 hours

On Fridays and Saturdays between 10.00 hours and 01.00 hours the following day

Late night refreshment

On Sundays between 23.00 hours and 23.30 hours

On Mondays, Tuesdays, Wednesdays and Thursdays between 23.00 hours and 00.00 hours

On Fridays and Saturdays between 23.00 hours and 01.00 hours the following day

In addition to the hours detailed above Licensable Activities may be provided for 1 extra hour on the following days:

- Burns Night
- 14th February, Valentines Day
- 1st March, St David's Day
- 14th March, Commonwealth Day
- Commencement of British Summertime
- 23rd April, St George's Day
- Easter Sunday
- Easter Monday
- May Day Bank Holiday Monday
- Spring Bank Holiday Monday
- FA Cup Final Day
- Summer (August) Bank Holiday Monday
- 31st October, Halloween
- 5th November, Guy Fawkes Night
- 30th November, St Andrews Day

Licensable Activities may be provided for 2 extra hours on the following days:

- 17th March, St Patrick's Day
- Sunday preceding May Day Bank Holiday
- Sunday preceding Spring Bank Holiday Monday
- Sunday preceding Summer (August) Bank Holiday Monday
- 24th December, Christmas Eve
- 26th December, Boxing Day
- 27th December
- 28th December
- 29th December
- 30th December

From the start of licensed hours on New Year's Eve to the start of licensed hours on New Year's Day

When international sporting events are broadcast by terrestrial, or non-terrestrial transmissions, and they are to be shown within the premises at times not specified above, then all licensable activities may be carried out for one hour before the start of the event and for one hour after the event subject to details of the proposed international sporting event, the date and the times being notified to both the Licensing Service and the Metropolitan Police Service at least 14 days in advance of the event. The premises shall only be used for the licensable activities on receipt of a consent from the Metropolitan Police Service.

The opening hours of the premises -

On Sundays between 10.00 hours and 00.00 hours

On Mondays, Tuesdays, Wednesdays and Thursdays between 10.00 hours and 00.30 hours the following day

On Fridays and Saturdays between 10.00 hours and 01.30 hours the following day

Opening hours may be extended for 1 extra hour on the following days:

- Burns Night
- 14th February, Valentines Day
- 1st March, St David's Day
- 14th March, Commonwealth Day
- Commencement of British Summertime
- 23rd April, St George's Day
- Easter Sunday
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- 26th December, Boxing Day
- 27th December
- 28th December
- 29th December
- 30th December

From the start of opening hours on New Year's Eve to the start of opening hours on New Year's Day.

When international sporting events are broadcast by terrestrial, or non-terrestrial transmissions, and they are to be shown within the premises at times not specified above, then the premises may be open for one hour before the start of the event and for one hour after the event subject to details of the proposed international sporting event, the date and the times being notified to both the Licensing Service and the Metropolitan Police Service at least 14 days in advance of the event. The premises shall only be used for the licensable activities on receipt of a consent from the Metropolitan Police Service.

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

ON SUPPLIES ONLY

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence –

Darren John Farrell

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

N/A

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

Darren John Farrell

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

London Borough of Hillingdon - LBHIL 2706

Annex 1 – Mandatory Conditions

Mandatory Conditions - Alcohol

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the premises licence
2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended.
3. Every sale/supply of alcohol under the premises licence shall be made, or authorised, by a person who holds a Personal Licence
4. (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—

(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).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (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.

7. 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

(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.”

Mandatory Condition - Permitted Price

1. 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.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(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(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 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.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

All Door Supervisors employed at the premises shall be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of Section 4 of that Act.

Annex 2– Conditions consistent with the operating Schedule

The Licence Holder shall ensure that the following licence conditions are fully complied with:

General

The council's rules of management for public houses shall be fully complied with.

Prevention of Crime & Disorder

The Manager shall actively participate in and support the local Pubwatch scheme.

All glassware used within the premises shall be made of safety/toughened glass.

Two Door Supervisors shall be employed at the premises on Fridays and Saturdays from 20.00 hours until close of the premises.

Any crime and disorder incidents shall be logged and recorded in a log book. The log book shall be available for inspection by authorised officers of the Metropolitan Police Service and the Licensing Authority.

The toilets shall be checked at 2 hourly intervals and a log of check times/dates will be available for inspection by authorised officers of the Metropolitan Police Service and the Licensing Authority.

The premises shall operate a proof of age scheme.

The public shall not be allowed to enter the premises during the last hour before the end of the licensable activities.

Known troublemakers shall not be allowed into the premises.

The CCTV system shall be maintained in effective working order at all times.

The CCTV system shall be set to record a clear facial image of any person entering the premises via the main entrance/exit lobby

The recorded CCTV images, which have recorded each individual evening/night, shall be stored in a secure location for a period of at least 30 days. The images shall be available for inspection on request by authorised officers of the Council and the Metropolitan Police Service.

Public Safety

Public transport and taxi information shall be available to customers

Prevention of Public Nuisance

Signs shall be displayed to encourage customers to leave the premises quietly and recognise the rights of local residents.

Door supervisors and management shall monitor the behaviour of customers leaving the premises and they shall encourage them to do so quietly.

Any deliveries to the premises shall be conducted during the daytime.

Protection of children from harm

Persons under 18 years of age shall not be admitted into the premises

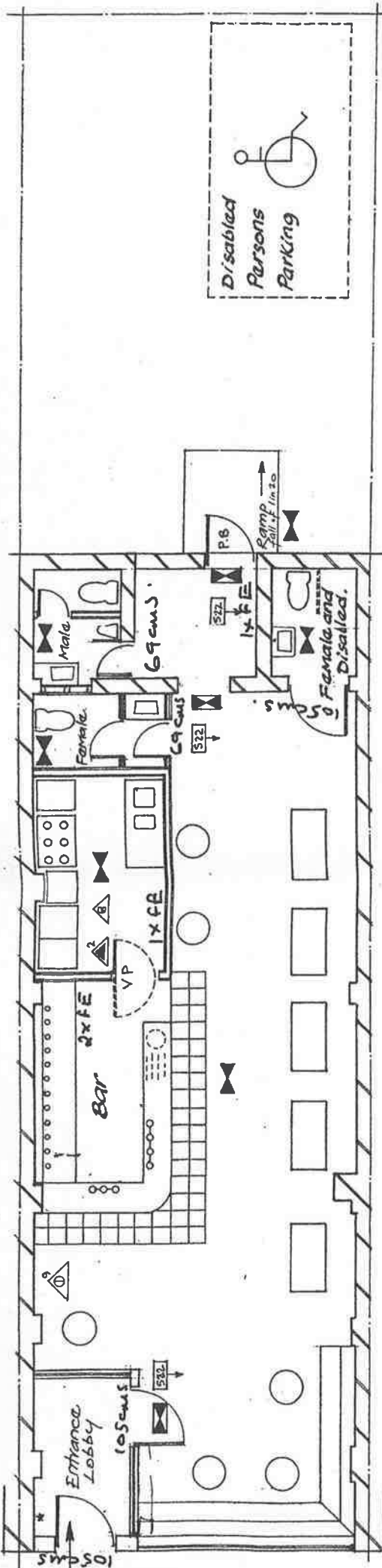
Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

Licensing Service registered plan number: 527/05

* door latched back in open position when in use under the licence

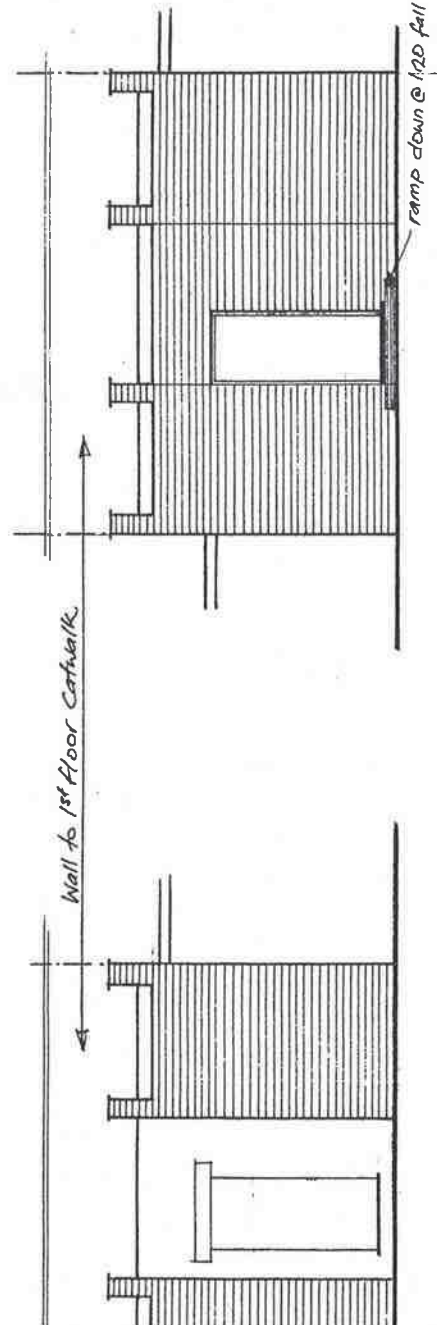


Floor Plan 1:100

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FE ⇒ FIRE EXTINGUISHER
 FB ⇒ FIRE BLANKET

RECEIVED
 RE BAR 30 AUG 2005
 163 FIELD END ROAD
 EASTCOTEAN NO: 527105
 PINNER
 MIDDLESEX



Proposed Rear Elevation.
 (Face brickwork to match existing finish)

ing Rear Elevation.

