



**HILLINGDON**  
LONDON

## **Licensing Sub-Committee**

### **Decision Notice**

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


**Hearing:** 4 December 2014

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

**Legal Adviser:** Tim Brown

**Licensing Officer:** Stephanie Waterford

**Committee Clerk:** Charles Francis

Chairman.....  
Cllr Dominic Gilham

Dated: 4 December 2014

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

### **THE APPLICATION**

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

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

### **ATTENDANCE**

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

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

### **THE HEARING**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **THE DECISION**

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

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

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

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

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

### **Reasons**

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

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

### **Right to Make Representations**

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

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

