



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.