

MINUTES OF LICENSING SUB-COMMITTEE

Wednesday, 10 April 2019
(7:04 - 7:44 pm)

Present: Cllr Moin Quadri (Chair), Cllr Lee Waker (Deputy Chair) and Cllr Adegboyega Oluwole

13. Declaration of Members' Interests

There were no declarations of interest.

14. Licensing Act 2003 - Ship and Shovel, Ripple Road Barking IG11 0SN: Application for Variation of Premises Licence

The Licensing Officer presented a report regarding an application for the variation of the premises licence held by Mr Jagtar Sandu in respect of the Ship & Shovel public house, Ripple Road, Barking. The premises were a purpose-built public house, facing onto the A13, east of the junction with Renwick Road.

The current premises licence authorised the premises to be open from Monday to Sunday, from 10:00 to 04:00. The Licensing activities of the sale of alcohol, the playing of live and recorded music and the performance of dance were permitted from the hours of 10.00 to 03.00 every day, and the provision of late-night refreshment was permitted from the hours of 23:00 to 03:00 every day.

The application sought to add the licensing activities of:

- the provision of plays from Sunday to Thursday for the hours of 10:00 to 04:00 and Friday to Saturday from 10:00 to 04:30; and
- the provision of anything similar to live music, recorded music or performances of dance from Sunday to Thursday, from 10:00 to 04:00 and Friday to Saturday, from 10:00 to 04:30.

It also sought permission to vary the hours for the sale of alcohol, the playing of live and recorded music and the performance of dance to 10:00 to 04:00 on Sunday to Thursday and 10:00 to 04:30 on Friday to Saturday. Permission was sought to carry out these licensing activities on Christmas Eve, Christmas Day, New Year's Day, Easter and Bank Holidays during the hours of 10:00 – 05:30.

Permission was also sought to vary the hours for the provision of late-night refreshment to 23:00 to 04:00 on Sunday to Thursday, 23:00 to 04:30 on Friday to Saturday and 23:00 to 05:30 on Christmas Eve, Christmas Day, New Year's Day, Easter and Bank Holidays.

Finally, the application sought permission to vary the opening hours to 10:00 to 04:00 on Sunday to Thursday, 10:00 to 05:00 on Friday to Saturday and 10:00 to 06:00 on Christmas Eve, Christmas Day, New Year's Day, Easter and Bank Holidays.

The Licensing Officer stated that the Local Authority had made a representation in relation to the premises adopting a club I.D. scanner or equivalent as part of the conditions of entry to the premises after 21.00 on any day where SIA door supervisors were engaged. The Licensing Officer had, in the representation, asked for conditions to be included in the licence to make the use of such a machine enforceable and meaningful. On the basis that the applicant had agreed to this condition, the representation had been withdrawn.

PC Richard Clay had made representations against the application on behalf of the Metropolitan Police based on the licensing objectives of the prevention of crime and disorder, and public safety. PC Clay stated that there had been 12 recorded incidents relating to the venue over the past 12 months. In particular, in the last four weeks there had been serious assaults recorded on 29 December 2018 at 03:10, 20 January 2019 at 03:00 and on 10 February 2019 at 03:39. These incidents involved serious violence and intoxicated subjects who had just left the venue or were still inside. Most incidents recorded were in the early hours of the morning, around the current closing time of the venue. He highlighted that there had been one incident in which a person who had left the premises crashed their car and had to be detained by the premises' security staff, which demonstrated that there was also the risk of drink driving issues associated with the premises, as they did not benefit from nearby methods of public transport. PC Clay outlined a further number of incidents which had occurred between November 2018 and February 2019 and concluded that should the application be granted, this would exacerbate the problems of crime and disorder relating to the premises.

In response to questions from members, PC Clay stated that:

- The calls to request the Police's intervention in relation to most of the incidents had been made by staff at the premises or people who were already in, or had been in, the premises, and
- The perpetrators of the crime and disorder were not 'repeat offenders'; they involved different people.

Mr Sandu stated, in support of his application, that he did not accept that there were as many incidents of crime and disorder as PC Clay had stated, that he felt his staff were doing the Police's job for them and that his staff helped the Police as far as possible.

In response to questions from members, Mr Sandu stated that:

- Many of the perpetrators of the incidents were people who had come from other venues. The staff at the premises always called the Police if they were required. He felt that they could not help matters which were out of their control; and
- The premises had seven bouncers to help manage incidents. He and his staff would like to manage the premises themselves as far as possible, but he felt certain factors were out of his control, such as people waiting outside the premises for people who were already inside.

PC Clay stated, in response to Mr Sandu's statement that he did not accept that there had been as many incidents as he had stated, that the incidents he referred

to were officially recorded and were facts which could not be disputed. Mr Sandu stated that he would like to work with the Police and would be employing another bouncer to help manage potential future incidents.

PC Clay, in summarising, stated that the evidence showed that most of the incidents of crime and disorder relating to the premises occurred around the premises' closing time, and that until the management of the premises could show that they were able to manage the premises appropriately, the Police would object to any application seeking permission to extend the hours for any of the licensing activities.

Mr Sandu, in summary, stated that should the application be granted, the premises' management would do extra work to ensure the premises were managed well. He felt that he and his staff had cooperated with the Police and stated that they cared for the safety of their customers and those in the vicinity of the premises.

Decision

The Licensing Sub Committee had regard to the s.182 guidance and relevant legislation, as well as all the documentation in the agenda and the matters stated during the hearing.

The Sub-Committee accepted that whilst the applicant was in earnest seeking to combat the incidents and complaints, there were a considerable number of them and they were serious in nature. Whilst the Sub-Committee noted that the applicant offered to increase the number of door staff, it was not satisfied that this in itself would address the incidents that were arising. Whilst it noted that the applicant would continue to work with the Police, it took the view that it would be premature to increase the licensing hours until it was shown that the steps the applicant proposed had led to a meaningful decrease in the number of incidents arising.

The Sub-Committee felt that at present, there was a risk to public safety and that there were incidents of crime and disorder arising at the premises.

The Sub-Committee, therefore, **resolved** to:

- (i) refuse the application to add licensing activities and increase the hours of current licensable activities; and
- (ii) agree that the current licence be varied to require the use of a club I.D. scanner or equivalent for all entries to the premises after 21:00 on any day that SIA door supervisors are engaged.