

### Licensing Act 2003 – Bardhi Pool Club, 70a Longbridge Road, Barking IG11 8SF

This matter was brought before sub-committee following an application by the police in consequence of a warrant executed at the pool club.

Sub-committee was also required to consider what further steps to take in relation to an interim suspension of the premises licence, made on the 19<sup>th</sup> August 2019.

Sub-committee first heard from the Licence Officer who outlined his report.

It then heard from the Police.

Firstly, the police dealt with two preliminary matters, being who signed the certificate in support of the interim measures application heard on the 19<sup>th</sup> August and then whether it was appropriate to consider that the circumstances at the club amounted to serious crime. The police submitted that they did, detailing the alleged criminal property found at the club and the number of people arrested.

The police then turned to the substantive review.

The police submitted that whether there was serious crime at the club was not the test before sub-committee on this occasion. It was whether what was alleged to have occurred at the club offended one or more of the licence objectives and if so, what action if any should follow in consequence

It was submitted that revocation was appropriate in these circumstances. Two weapons had been found during the execution of the warrant, together with class A drugs, money, and documents supporting fraud. Whilst it was not submitted that you yourself were guilty of these offences, it remained that this criminal property had been found in your club.

The police submitted that individual or joint guilt or innocence was not that which sub-committee should have in mind, but rather whether the criminal property found in the club indicated a breach of the licencing aims. They closed by saying that it did, and that revocation was the appropriate sanction.

Sub-committee then heard from you via your representative.

It was accepted that the signature on the certificate was an appropriate signature, and that issue was dropped

Turning to the circumstances that brought the licence before sub-committee, it was submitted on your behalf that it was more appropriate at this stage to pause. To take a step back.

Whilst it was submitted that it was understandable why the matter had been brought before sub-committee under interim measure, and even why sub-committee had decided that it was appropriate at that time to suspend the licence, events had moved on. Although that movement had not brought you the clarity you needed to argue your position

It was submitted that since the warrant was executed you had not been charged with any offence. Sub-committee could not be certain that serious criminal activity had been taking place as there was no evidence of the amount of drugs found on the premises, no indication of what the alleged fraudulent documents were and no indication of the value of the cash found in the club.

Turning to the firearm, it was accepted that this was now in fact an imitation firearm, and there was no evidence that this was capable of being converted to a firing weapon.

So, it was questioned, how can the behaviour be deemed as serious criminal activity?

Your representative then turned to your character

It was submitted that you had been fully cooperative with the police since the warrant was executed. You had voluntarily handed over your mobile phone and had given a full comment interview. You had given access to all 8 CCTV recordings, which you submitted was hoped would exonerate you from any individual guilt. These are the actions of a person who is a fit and proper person to hold a licence.

Whilst it had been argued that lax control could also breach the licence objectives, this was denied. The club was a member's club and i.d. was necessary to obtain membership. The area where the criminal property was found was not a staff only defined area and an area that members could have access to.

Even in the best maintained establishments, things will happen. No establishment can say that nothing ever goes wrong or that they do not suffer criminality. That does not mean that the licence aims are not being met

It was then argued that the criminal property found was not of itself evidence of "serious criminal activity" and your representative then expanded upon Law and legal submissions contained in the written submissions.

It was also argued that the simple fact that arrests had been made did not evidence organised criminal activity. Had not the police simply arrested all men found on the premises? Again, it was repeated that no charges had been brought (although at this point the police suggested that one individual had been convicted of carrying an offensive weapon) and that no charges had been brought against you. These were not therefore arrests indicating a common criminal purpose.

You refuse access to the club for anyone you knew or believed to be involved in crime. You have run the club successfully for 10 years and have no criminal record. You have lived in the UK for 20 years and have worked throughout. You are a committed family man and have two children at university. The club had not been brought before sub-committee during your tenure and this was evidence of your good record. You were a fit and proper person to hold a licence.

Revocation would have a severe impact on you and the business and again it was submitted that this was a time for pause.

Each party then summed up their respective positions and sub-committee retired to consider its decision in private.

The sub-committee accepted that there was no evidence before it, at this stage, of your personal involvement in criminal activity. It was also accepted that the arrests in themselves were not indicative, at this stage, of common criminal intent.

Sub-committee had listened carefully to the submissions about your good character and accepted that. It also noted that the club nor your licence had been brought before it before.

That being said, it was persuaded that the proper test to apply when considering the review before it was whether the criminal property found during the warrant equated to a breach of one of the licence aims, in particular the prevention of crime and disorder and public safety.

It was satisfied on the balance of probability that the criminal property was evidence of criminal activity, and therefore that the licence aim of the prevention of crime was not being met.

Whilst, and as above, there was no evidence before it that you were personally involved, it remained that the criminal property was found in the club. It was therefore satisfied on the balance of probability that sufficient safeguards were not in place to prevent criminal activity

In deciding that the licence aim of the prevention of crime and disorder was not being met, sub-committee then considered what steps it should take.

Sub-committee considered it was not appropriate to take no action, and no alternative suggestions to properly manage the club had been put before it. Sub-committee did consider whether a curtailment of the existing licence was a viable solution, although no submissions on that point had been made to it. Sub-committee took the view that there were no sensible conditions it could impose that would satisfy it that crime was being prevented, given the additional licence conditions that already existed.

Revocation was therefore an appropriate imposition

The licence is therefore revoked. In addition, the interim measure of suspension is to continue until such time as either the period for appeal of this decision has passed, or any such appeal made is finally determined.

Parties are reminded that they have a right of appeal to the magistrates Court.