

## LICENSING SUB COMMITTEE

1 July 2021

<b>Licensing Act 2003 – Premises Licence Review Application - Bardhi Pool Club, 70a Longbridge Road, Barking, IG11 8SF</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Ward Affected:</b> Abbey	<b>Key Decision:</b> No
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<b>Accountable Director:</b> Andy Opie, Operational Director, Enforcement and Community Safety	
<b>Accountable Strategic Director:</b> Fiona Taylor, Director, Law and Governance	
<b>Summary</b>  An application has been made by a Responsible Authority Officer on behalf of the Metropolitan Police under Section 51 of the Licensing Act 2003 for a review of the premises licence, under the licensing objectives of the Prevention of Crime and Disorder, and Public Safety. The review is supported by two other responsible authorities.  The premises licence is issued by this Authority to Mr Lad Bardhaj in respect of the trading premises known as the Bardhi Pool Club 70a Longbridge Road, Barking IG11 8SF.  The matter is put to the Licensing Sub-Committee for determination at a public hearing, accordingly.	
<b>Recommendation</b>  That the Sub-Committee considers this report and appendices together with any oral submissions given at the hearing.	

### 1. Introduction and Background

1.1 The Licensing Act 2003 establishes the national licensing regime for the following licensable activities:

- The sale and supply of alcohol;
- The provision of regulated entertainment; and
- The provision of late-night refreshment.

1.2 Under this regime, the Council, as the local licensing authority for its area, is responsible for licensing premises to provide any of the licensable activities under a

'premises licence'. Where a premises licence includes the sale and supply of alcohol, then a Designated Premises Supervisor must be incorporated onto the licence, holding a personal licence.

1.3 When carrying out its licensing duties, a local licensing authority must have regard to:

- The Act and associated secondary regulations;
- The Guidance for local licensing authorities issued by the Home Office (current version published April 2018); and
- The Authority's own Statement of Licensing Policy (current version published March 2017).

1.4 The Authority must also aim to promote the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance; and
- The protection of children from harm.

1.5 Premises licences generally continue for the life of the business or operation concerned but they may be reviewed at any time by any one of the named responsible authorities under the Act or an 'other person'.

## **2. Matters for consideration.**

2.1 On 11 May 2021, an application was received from a Responsible Authority, namely the Metropolitan Police, under Section 51 of the Licensing Act 2003 for a review of a premises licence under the licensing objectives of the Prevention of Crime and Disorder and Public Safety.

2.2 The review application is issued to Mr Lad Bardhaj in respect of the premises trading as Bardhi Pool Club, 70a Longbridge Road, Barking IG11. The review application and supporting documents are attached as **Appendix A**.

2.3 The review application sets out that on Wednesday 7 April 2021, at approximately 17:40 hours, police officers attended the premises after being contacted by the Council's Covid Enforcement Team, who had raised concerns that the premises were taking part in licensable activities and gatherings.

2.4 Police officers noted that the premises front shutters were closed, and a side alley was being used to enter the premises. Several people were leaving the premises as officers approached.

2.5 The officers entered the rear of the building and discovered approximately 19 male customers inside an extended rear extension that does not form part of the premises licensed area.

2.6 Eight (8) tables were seen to be present with seven (7) of the tables being in use with multiple seats and the majority of the tables contained a Shisha device.

- 2.7 The male customers were seen to be sitting at various tables with alcohol and shisha devices and a lack of social distancing. A customer was also seen smoking at a table.
- 2.8 A male customer appeared to continue to smoke Shisha in the presence of police.
- 2.9 At the time of the incident public houses and hospitality venues were required under the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, step 1 to close for consumption of alcohol on business premises. The restrictions were not eased to step 2 until the 12<sup>th</sup> April 2021. Step 2 permitted restaurants, pubs and cafes to serve people sitting at outside tables. Current government guidance can be found at <https://www.gov.uk/government/publications/further-businesses-and-premises-to-close/closing-certain-businesses-and-venues-in-england>
- 2.10 Mr Lad Bardhaj is both the Premises licence holder and designated premises supervisor (DPS) and was present at the time of the police visit. Mr Bardhaj stated he was present at the premises only to do some jobs such as cleaning.
- 2.11 Mr Bardhaj stated during the time of cleaning, people started turning up and asked to be served.
- 2.12 Mr Bardhaj's son was also present at the time of the incident.
- 2.13 Note: Consequent to this incident a Direction Notice was served upon Mr Bardhaj and separately to the freeholder of the premises. The Direction required the closure of the premises between the 8<sup>th</sup> and 22<sup>nd</sup> April 2020 and order to compile a written policy stating the measures taken to ensure the business and premises operate in a covid-safe way. A copy of the Direction Notice is attached as **Appendix B**.

### **3. Other representations**

- 3.1 Two further representations have been received supporting the review application from other responsible authorities.
- 3.2 The first representation is received from the Licensing Authority Responsible Authority Officer on the grounds of the prevention of crime and disorder and public safety. The representation is attached as **Appendix C**.
- 3.3 The second supporting representation is received from Trading Standards as Responsible Authority, again on the grounds of Prevention of Crime & Disorder and Public Safety. The representation raises concerns in those persons running the premises and the contravention of COVID restrictions in place. The representation is attached as **Appendix D**.

### **4. The premises licence**

- 4.1 The premises operate as a Pool Club with a bar. It is currently licensed to Mr Lad Bardhaj, who is also the named Designated Premises Supervisor (DPS) on the licence.

- 4.2 The premises licence currently enables the supply of alcohol each day Monday to Saturday from 11.00am to 23.00hrs and from 11.00am on Sunday to 22.30hrs. A further 30 minutes opening is permitted each day.
- 4.3 A copy of the premises licence is attached as **Appendix E**. The licence incorporates a copy of the plan of the premises. It should be noted that the licensed area does not incorporate the rear extension that was being used at the time of the incident.
- 4.4 An area location map and an outside photo of the premises are attached as **Appendices F and G respectively**.

## **5. The premises operating history**

- 5.1 The premises have been a licensed premises since 2005.
- 5.2 On 21 September 2010, an application to transfer the premises licence and vary the Designated Premises Supervisor (DPS) to Mr Lad Bardhaj was issued.
- 5.3 On 16 August 2019, an application for an expedited summary review of the premises licence was received from the Metropolitan Police.
- 5.4 The review application was issued in response to the execution on 8 August 2019 of a search warrant under Section 23 of the Misuse of Drugs Act 1971.
- 5.5 The search of the premises had resulted in the arrest of a number of those present for offences that included the supply / possession of Class A and Class B drugs, possession of fraudulent ID documents and weapons' offences.
- 5.6 As several of the items were found behind the bar area, the Premises License Holder and Designated Premises Supervisor, Mr Lad Bardhaj, was also arrested.
- 5.7 On 19 August 2019, the Council's Licensing Sub-Committee met to consider whether interim steps were appropriate. Having considered all the relevant information, the Sub-Committee decided to suspend the premises licence pending the full review of the licence.
- 5.8 On 7<sup>th</sup> August 2019 an application for a variation of the premises licence intended to extend the licensed area of the premises to include a rear extension was received. This application went into consultation but was not determined before the sub-committee hearing of 10 September 2019.
- 5.9 The full review hearing took place on the 10 September 2019. Having considered all relevant submissions, the Sub Committee's decision was to revoke the premises licence. A copy of the full decision notice is attached as **Appendix H**.
- 5.10 On 27 September 2019, an appeal was lodged at Barkingside Magistrates Court against the decision set down by the Licensing Sub Committee.
- 5.11 On 20 March 2020 the Justice of the Peace ( JP) granted a consent order upon agreement by all parties concerned that the licence was to be re-instated subject to new agreed conditions as set out in the copy of the licence provided at **Appendix I**.

## **6 The Options open to the Sub-Committee**

6.1 Having had regard to all relevant matters and taken all relevant information into account the Sub-Committee may decide to:

- Modify the conditions of the premises licence;
- Exclude the sale of alcohol by retail from the scope of the licence;
- Remove the designated premises supervisor from the licence;
- Suspend the licence for a period not exceeding three months; and
- Revoke the licence.

## **7 Consultation**

7.1 In accordance with the provisions of the Act, this application has been advertised by way of a public notice outside of the premises for 28 continuous days starting the day after the receipt of the application.

## **8. Legal Implications**

Implications completed by Simon Scrowther, Litigation Lawyer, Corporate Legal

8.1 The London Borough of Barking and Dagenham, as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature.

### **Appendices to this Report:**

Appendix A – Review Application and Supporting Documents

Appendix B – Direction Notice

Appendix C – Licensing Authority Responsible Authority Officer supporting representation

Appendix D – Responsible Authority Trading Standards supporting representation

Appendix E – Premises Licence

Appendix F & G - Area Location Map and premises photo

Appendix H – Licensing Sub Committee full Decision Notice 2019

Appendix I – Consent Order