

AGENDA - PART I

1. APPOINTMENT OF CHAIR

To appoint a Chair for the purposes of this meeting.

2. DECLARATIONS OF INTEREST

To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Panel;
- (b) all other Members present.

3. MINUTES

[Note: Licensing Panel minutes are:-

- (1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chair for that meeting;
- (2) not submitted to the next panel meeting for approval.

Reasons: The Licensing Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chair and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].

4. LICENSING PROCEDURES (Pages 3 - 4)

Procedure to be followed at an oral hearing.

5. APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR THE SHAFTESBURY, 3 SHAFTESBURY PARADE, SHAFTESBURY AVENUE, SOUTH HARROW, MIDDLESEX, HA2 0AJ (Pages 5 - 102)

Report of the Corporate Director, Community.

6. ANY OTHER URGENT BUSINESS

Which cannot otherwise be dealt with.

AGENDA - PART II - NIL

Agenda Item 5

Licensing Panel – Licensing Act 2003

Procedure For A Review Hearing - Oral Hearing in Public

*This document provides a summary of the Panel's procedure for the conduct of this oral hearing in public. This procedure is followed during a **REVIEW** procedure.*

*Please note that the **Applicant** is the party who has requested the Hearing*

- i. **Introductions** by the Chair of the Panel:
 - Members
 - Officers and Officers of Responsible Authorities
 - Applicants and Objector(s)
 - the Procedure for the hearing
- ii. **Presentation** of the report (**agenda item 6**) by Officers of the Relevant Authority.
- iii. **Introduction** by the **objector(s)** of their statement. Additional material may be submitted with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.
- iv. **Questioning** of the **objector(s)** by:
 - the applicant
 - the Panel
- v. **Presentation** by the **applicant**, or their representative, of their statements. Additional material may be submitted with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.
- vi. **Questioning** of the **applicant** by:
 - the objector
 - the Panel
- vii. **Concluding statement** by the applicant.
- viii. **Concluding statement** by objector(s).
- ix. The Panel together with its legal advisor and committee clerk withdraw to consider of the application. Should the Panel wish to clarify any point with any particular party, all sides are recalled for the questions to be asked.
- x. The hearing is reconvened for the Panel to announce their decision.

Agenda Item 5

Should the application be refused or conditions be placed on the licence the Panel must give reasons for this action.

NOTES

WITNESSES: *Either side may call witnesses to support their case. Witnesses should have submitted written statements before the hearing which they present and on which they may be questioned. Witnesses introduced at short notice may speak with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.*

ADJOURNMENT: *The Panel may at any time adjourn to a later date for the further consideration of an application. The date and time should be agreed with all parties as far as possible.*

REPORT FOR: LICENSING PANEL

Date: 13 December 2016

Subject: Application for review of the premises licence for The Shaftesbury, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, Middlesex HA2 0AJ

Responsible Officer: Tom McCourt - Corporate Director – Community Directorate

Exempt: No

Enclosures: Application for review (appendix 1)
Image and location map (appendix 2)
Current premises licence and plan (appendix 3)
Representation by licensing authority (appendix 4)
Representation by another person (appendix 5)
Exhibits AW 1-5

Section 1 – Summary

An application has been received from the Metropolitan Police Service to review the premises licence of The Shaftesbury, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow HA2 0AJ on the grounds of the prevention of crime and disorder, public safety, and prevention of public nuisance.

Representations received

From	Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health Authority (Pollution and environmental enforcement)	No representations
Trading Standards	No representations
Area Child Protection Service	No representations received
London Fire Brigade	No representations received
Metropolitan Police	Application made
Licensing authority	Representation made

Representations from other persons

A representation has been received from another person living in the vicinity of the premises.

Section 2 – Report

- 2.1 An application has been received on behalf of the Metropolitan Police Service to review the premises licence of The Shaftesbury, 3 Shaftesbury Parade, Shaftesbury Parade, South Harrow, Middlesex HA2 0AJ on the grounds of preventing crime and disorder, public nuisance and protecting public safety (appendix 1).
- 2.2 Description of premises
These premises are a converted shop located in a local shopping parade, situated on ground level. An image of the premises and a location map are provided at appendix 2.
- 2.3 Licensing history
The premises have been licensed to sell alcohol since July 1990 under a justices' liquor licence and have been continuously licensed under the Licensing Act 2003 since November 2005. For the purposes of this review application the premises licence was transferred to Surf the Seas Limited in June 2013.
- 2.4 On 14/10/16 the licence was transferred to the current premises licence holder, Anton Van Niererk (appendix 3) on whom the review application was served.
- 2.5 Designated premises supervisor (DPS)
Craig Andrew Daniel from 14/12/15.
- 2.6 Details of the application
Received: 03/11/16
Application advertised: 04/11/16 – 01/12/16

In addition to the police serving a copy of the review application on the premises licence holder, the licensing authority delivered a letter by hand to the premises licence holder advising him of the application on 11/11/16. The licensing authority wrote to the premises licence holder on 21/11/16 advising him of the hearing.

2.7 Representations

A representation has been submitted by the licensing authority (appendix 4).

2.8 A representation has been submitted by another person. In accordance with paras 9.25 – 9.29 of the statutory guidance, their personal details have been withheld. The general address of the person will be disclosed to the premises licence holder and be made available to the Panel.

2.9 Chronology

The chronology below is a summary of the key events and incidents set out in the representations:

06/10/09	Personal licence issued to Craig Andrew Daniel
03/06/13	Premises licence transferred to Surf The Seas Limited (director Matthew Labbett)
07/12/15	Craig Daniel appointed as director of Surf The Seas Limited and Matthew Labbett resigned as director
14/12/15	Craig Daniel nominated as DPS
09/01/16	Craig Daniel victim of grievous bodily harm whilst working at the premises Police reported Craig Daniels appeared to be drunk
30/01/16	Email complaint to licensing authority about smoking in premises Verbal warning given to Craig Daniel
01/06/16	Annual premises licence fee due and invoice issued to premises licence holder
19/07/16	Premises licence inspection conducted by licensing authority Breaches of premises licence found Craig Daniel claimed to be Andrew Paver
25/07/16	Warning letter sent from licensing authority to Craig Daniel
16/09/16	Licensing authority and police visit with Acumen Investigation Services Limited about non-commercial viewing agreement for Sky Sports being shown at premises Craig Daniel not present
26/09/16 (approx.)	Second visit by licensing authority and police with Acuman Investigation Services Craig Daniel not present

30/09/16	Licensing authority and police visit premises during evening Craig Daniel not present but in his flat Damage observed to toilet cubicles
18/09/16	Email complaint to licensing authority about disorder at the premises
14/10/16	Premises licence transferred to Anton Van Niekerk
19/10/16	Suspension notice delivered to Craig Daniel by licensing authority arising from failure to pay invoice for annual fee due 01/06/16 Licensing authority officers noted strong smell of cigarette smoke inside the premises
21/10/16	Telephone call to licensing authority from Craig Daniel stating annual fee had been paid No evidence of annual fee payment has been found or produced
28 – 29/09/16	Report of disturbance at premises (see statement of PC Brand)
27/10/16	Police called to disturbance and ejected people from premises Craig Daniel not in the bar and appeared to be drunk by police Bar maid appeared to police to be drunk
31/10/16	Police attended premises following report of domestic disturbance Craig Daniel appeared to police to be drunk
01/11/16	PC Moran attempted to call Craig Daniel on the telephone at 1200 hours and was told he was in Birmingham Police called to report of attempted forced entry to premises at 1300 hours Police reported premises smelt strongly of stale smoke Craig Daniel appeared to police to be drunk
03/11/16	Review application submitted PC Moran found Craig Daniel appearing to be drunk on the premises

2.10 Statutory guidance

The following passages and paragraphs of the statutory guidance issued by the Secretary of State are relevant to this application:

2.5 ...The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder...

4.19 ...The Government considers it essential that police officers, fire officers or officers of the licensing authority can identify immediately the DPS so that any problems can be dealt with swiftly...

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- *for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- *for the sale and distribution of illegal firearms;*
- *for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- *for prostitution or the sale of unlawful pornography;*
- *by organised groups of paedophiles to groom children;*
- *as the base for the organisation of criminal activity, particularly by gangs;*
- *for the organisation of racist activity or the promotion of racist attacks;*
- *for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;*
- *for unlawful gambling; and*

- *for the sale or storage of smuggled tobacco and alcohol.*

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

2.10 Licensing policy

There are no implications in relation to the statement of licensing policy arising from this application.

2.11 Legal implications

The Licensing Authority is required to hold a hearing to consider the review application and any relevant representations made. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

2.12 The Licensing Panel is required to give appropriate weight to the review application, representations (including supporting information) presented by all the parties, the Guidance issued pursuant to section 182 of the Licensing Act 2003, the Council's statement of licensing policy and the steps (if any) that are appropriate to promote the four licensing objectives.

2.13 Having considered those relevant matters, the Licensing Panel can take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –

1. to modify the conditions of the licence;
2. to exclude any of the licensable activities from the scope of the licence;
3. to remove the designated premises supervisor;
4. to suspend the licence for a period not exceeding 3 months;
5. to revoke the licence

and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition added.

2.14 If the Panel takes a step mentioned in 1 or 2 of paragraph 2.13 above, it can specify that the modification or exclusion is to have effect for a period up to three months if it considers this to be appropriate.

2.15 It should be noted that –

- clear reasons must be given for the decision;
- any additional or modified conditions should be practical and enforceable;
- the applicant for the review, the premises licence holder and any person who made relevant representations would have the right of appeal to a magistrates' court on one of the grounds provided in schedule 5 to the Licensing Act 2003.

- 2.16 In addition to determining the application in accordance with the legislation, Members must have regard to the –
- common law rules of natural justice (i.e. ensuring a fair and unbiased hearing etc);
 - provisions of the Human Rights Act 1998;
 - considerations in section 17 of the Crime and Disorder Act 1998.
- 2.17 The Panel must also act appropriately with regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms implemented under the Human Rights Act 1998, particularly articles 6 (relating to the right to a fair trial); article 8 (protection of private and family life); and article 1 of the First Protocol (protection of property).
- 2.18 The Panel, when exercising its powers, must consider section 17 of the Crime and Disorder Act 1998 which states:
- ‘without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.’

Financial Implications

- 2.19 There are no financial implications.

Appeals

- 2.20 If any party is aggrieved with the decision of the licensing panel on one of the grounds set out in schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates’ Court within 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Jessie Mann	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 24.11.16		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 25.11.16		

Section 4 - Contact Details and Background Papers

Contact: Jeffrey Leib, Principal Licensing Officer extension Tel: 020 8424 7667
(ext 7667)

Background Papers: Statutory Guidance



**METROPOLITAN
POLICE**

TOTAL POLICING

Form 691

Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

- Before completing this form please read the guidance notes at the end of the form.
- If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
- You may wish to keep a copy of the completed form for your records.

I **Patrick Moran 662QA**

apply for the review of a premises licence under Section 51 of the Licensing Act 2003
for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

THE SHAFTESBURY 3 The Shaftesbury Parade Harrow HA2 0AJ

Post town:

HARROW

Post code:
(if known)

HA2 0AJ

Name of premises licence holder or club holding club premises certificate (if known):

Anton Van Nickerk

Number of premises licence or club premises certificate (if known):

LN/000000605/2015/16

Part 2 – Applicant details

I am:

Please tick Yes

- | | | |
|---|---|-------------------------------------|
| 1 | an individual, body or business which is not a responsible authority
(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/> |
| 2 | a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | a member of the club to which this application relates (please complete section (A) below) | <input type="checkbox"/> |

PROTECTIVE MARKING

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)										
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>	
Surname:				First Names:						
I am 18 years old or over				<input type="checkbox"/>						
Current postal address if different from premises address:										
Post town:				Post code:						
Daytime Tel. No.:				Email: (optional)						

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)	
Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)	
Name and Address:	
Patrick Moran Harrow Police Station 74 Northolt Road HARROW HA2 0DN	
Telephone Number (if any):	07825 272536
Email address: (optional)	Patrick.A.Moran@met.pnn.police .uk

This application to review relates to the following licensing objective(s)		
		Please tick one or more boxes
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input checked="" type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>
Please state the ground(s) for review: (please read guidance note 2)		
<p>There was an incident on 29/10/2016 at Shaftesbury Pub, it would appear the travelling community were attending the venue and celebrating Halloween. This was not a private party pre-booked at pub.</p> <p>I have viewed CCTV on 2nd November 2016 at Harrow Police Station in the presence of PCSO Imran Hussain in the VIIDO room. Members of the group started to arrive from 1645 hours, there was approximately forty persons in the group inside. A large amount of alcohol could be seen on the tables and consumed. The bar was busy most of the night. Behind the bar were one male and two female staff.</p> <p>The group leave the venue and all go outside at 2215 hours, CCTV is not very clear but the party are seen brawling outside with each other. Males and females can be seen prostrate on the pavement during the fighting, until police arrive. A baseball bat was taken from the pub and discarded on the pavement outside. The group have left their coats and bags inside, some of the group take their vessels containing drink</p> <p>Police received a call from a member of the public on 29/10/2016 at 23.14 hours CAD10522 & CAD 10483 29/10/2016 refers.</p>		

Reporting a large fight outside the Shaftesbury Pub between thirty men and woman. Police arrived at the scene and had to call for further police units to assist. This stripped Harrow Borough of all police resources that night. Further resources had to be requested from other boroughs to assist officers at the scene.

There were numerous arrest for affray, assault on police and domestic common assault. CAD QA/10483 refers. 29/10/2016 CRIS 2013722/16 report refers to crime recorded as affray. Inspector Wilson reported the persons involved in the violence, had been drinking at the Shaftesbury all evening. Staff present at the venue were unable to identify who the DPS was. Police managed to speak to Craig Daniel on the phone, he was not willing to come down and speak to Inspector Hyde in person, bearing in mind he only lives above the premises in the flat. I have statement from Inspector describing the scene which I attach for panel to view.

29/10/2016 CRIS 2013724/16 Police attending incident dealing large fight who had been drinking at the Shaftesbury Pub male assaulted officer when asked to leave the area.

Intelligence report QART00271946 made by A/Inspector Hyde dated 27/10/2016 police were called to the Shaftesbury by DPS Craig Daniel stating a crowd of travellers were in the venue and refused to leave. Police were met by Tracy Daley who stated she was the barmaid, she was intoxicated appeared drunk. The DPS was not present and he was contacted by phone. He informed police the bar was run by his nephew Daniel and was under his control. The DPS explained to police his partner had a drink problem but she was allowed to serve alcohol. Police reported the venue was strewn with empty bottles and cans after travellers left.

Friday 30/09/2016 Licence visit carried out by Ash Waghela from Harrow Council licensing department and myself to check all licence conditions were being adhered too. I had asked the staff member if I could speak to Craig Daniel as I had dealt with him in the past, staff were unable to contact him. It had taken a considerable amount of efforts for staff to make contact with him by phone.

Myself and Ash walked around the venue and checked out the toilets. The door to the cubicle was smashed and of its hinges, nails could be seen shown along the full length of the door. There was a note on the toilet requesting persons who wished use the toilet to use the ladies facilities next door. Panels and tiles in the male toilet were smashed.

Ash asked the barmaid what had happened in the toilets to cause such damage. She replied "Travellers were in the weekend and caused the damage" I asked whether an incident log had recorded the damage? She said, "No". I asked whether the incident had been reported to police she informed no report had been made. I explained to her under the licence conditions all incidents should be recorded and where necessary police to be informed.

09/01/2016 CRIS 2000351/16 Craig Daniel Victims of Grievously Bodily Harm (GBH) where he served a female customer in the bar, where she requested an orange juice. He dispensed the drink and she complained the glass was dirty, he dispensed a further drink for her and she complained that glass was dirty also. He refused to serve her anymore, he walked down to the rear of the premises and was assaulted from the back and was knocked unconscious and hit the floor. He sustained injuries where he had to attend hospital for treatment and further visits were necessary.

Please provide as much information as possible to support the application: (please read guidance note 3)

PROTECTIVE MARKING

I called the DPS Craig Daniel on Tuesday 1st November 2016 at approximately 1200 hours on his mobile phone, to arrange an appointment to download CCTV regarding incident reported to police on 29/10/2016. He informed me he was in Birmingham, could I call back in four hours.

I later on received a call from him at approximately 1300 hours reporting person is trying to break into the Shaftesbury Pub and also his flat. I arranged for an urgent response for officers to attend CAD 4458 at 1305 hours. refers I called down to the venue at 1355 hours and spoke to Mr Daniel explaining I have come down to download CCTV from the recorder.

I questioned Mr Daniel regarding my telephone call to him earlier on where he stated he was in Birmingham. He denied such conversation I had. Mr Daniel Craig was intoxicated and was unsteady on his feet. He was escorted to his flat by myself and another officer. I have found Mr Daniel Craig to be obstructive and most times not available to assist police on either enquiries or incidents reported to police. I seized the recorder machine as Mr Daniel Craig under sec 24 of PACE to prevent loss or damage. He was incoherent when I was speaking to him.

At my time of visit he was found by police sleeping in the bar he appeared dishevelled in appearance and intoxicated

Clearly the problems identified in this licence review application demonstrate the DPS Mr Daniel Craig is not fit to manage the licensed premises. Police officers have reported that when they have dealt with Mr Craig Daniels he appears to be intoxicated. This was reported by officers to me when they attended the incident where he was assaulted in January 2016.

Have you made an application for review relating to this premises before?

(Please tick yes)

PROTECTIVE MARKING

	Day	Month	Year
If yes, please state the date of that application:	0		
If you have made representations before relating to this premises please state what they were and when you made them:			

Please tick Yes	
I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	<input checked="" type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected.	<input type="checkbox"/>

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature:		Date:	02/11/2016
Capacity:	Police Licensing Officer		

Contact name (where not previously given) and postal address for correspondence associated with this application: (please read guidance note 6)

Post town:		Post code:	
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Telephone Number (if any):

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: Alexander BRAND PC174QA

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature:  PC174QA Date: 04/11/2016

This statement refers to two (2) tours of duty over the space of a week where I dealt with incidents at THE SHAFTESBURY Public House, Shaftesbury Circle, South Harrow.

The first incident I will refer to, on THURSDAY the 27th of OCTOBER 2016, I was on duty in full uniform posted single crewed to a marked police vehicle, call sign QA81N. At approximately 0200hrs, a call was circulated over the radio to say that there were approximately thirty to forty (30-40) drunk travellers at THE SHAFTESBURY Public house, refusing to leave and causing problems. We were very short of units that night, and knowing that there were lots of people there likely to cause problems when the police arrived, it took about forty five (45) minutes to get several units to go at once to deal with the situation safely. The informant had called back a couple of times in the meantime to say they were hiding in a back room as the travellers were very aggressive and coming behind the bar. By the time myself, a van unit and Mr. Hyde the duty inspector that night, arrived, the majority appeared to have left and got in taxis on Shaftesbury Circle. There were maybe ten (10) males and females left inside, all highly intoxicated and taking their time to leave. When I walked in the pub, I could immediately see that there had been disorder in there. The tables and chairs were all over the place and there were what looked like dozens of smashed bottles all over the floor. There were also numerous open cans of lager on the tables that I assume people had brought in themselves without purchasing at the bar. The only member of staff we saw to start with was someone who I believe is called Tracey DALEY, approx. fifty (50) years of age, female, IC1, approx. F504 who is a bar maid and lives at 3A Shaftesbury Circle, above the pub. It took approximately ten (10) minutes to get everyone out and it was clear that the bar maid was drunk – she was hugging a drunk traveller female for about five (5) minutes singing a song about roses. Almost as soon as they left, a male appeared who I know as Craig DANIEL, approximately fifty (50) years of age, male, IC1, approx. F509 also of 3A Shaftesbury Circle, above the pub. He is of very slim build, wears thick glasses, has short grey hair and speaks with a very distinctive South African accent. I initially thought he was one of the punters as he was also extremely drunk and not very well dressed at all – he was a complete state. He went off and spoke to Mr. Hyde about the situation that night so I did not have much to do with him. However, I saw enough of him to see that he was in no fit state to be running a pub and possessing a licence to sell alcohol, being very drunk himself. He was totally incapable of managing the situation he had found himself in due to his drunkenness, and appeared to have gone to hide until police arrived. He was spoken to for approximately five (5) minutes in private by the Inspector before things were wrapped up, we

Witness Signature: PC A BRAND 174QA.....

Signature Witnessed by Signature:  PC174QA.....

Continuation of Statement of: Alexander BRAND PC174QA
left and the pub was locked up. Unfortunately I do not have any reference numbers for the incident.

The second incident I shall refer to happened on TUESDAY the 1st of NOVEMBER 2016 at approximately 1300hrs. On the day in question, I was on duty in full uniform posted to a marked police vehicle, call sign QA22E, in company with PC MEYER 125QA. At this time, again, a call was circulated over the radio to THE SHAFTESBURY public house, this time to a male who had seen another male trying to gain entry to the pub through the rear doors. He had called the licencing officer, PC MORAN, who had circulated it on the radio for units to attend. I do not know the reference number for the call. We arrived a short time after Q3E crewed by PC HARDING 206QA, who had not gained entry to the pub as it was locked. After approximately five (5) minutes, the informant opened the doors and let us in. As soon as I walked through, the place smelled very strongly of stale cigarette smoke and I could straight away see that the informant looked to be pretty much sleeping rough on a bench in the corner of the pub by the sound system. There were a couple of blankets and sleeping bags piled up – it looked like what you would expect to see in the doorway of a shop in central London where homeless people lived. Equally, the person who opened the door, who I recognised to again be Mr. Craig DANIEL looked awful. He looked like a homeless person, with dirty, poor fitting clothes, he was very pale and from how he was slurring his words and staggering, appeared very drunk. We established the reason he called was because he thought a male was upstairs in the flat, however when we went up there, nobody was there. While we were working out what had happened, I had watched Mr. Daniel while he was alone and he was rocking forwards and backwards in his seat talking to himself – he again did not seem well enough to go out and about, let alone run a pub and hold an alcohol licence. After approximately twenty (20) minutes of being there, the licencing officer PC MORAN arrived with a PCSO, and they seized the CCTV machine, informing Mr. Daniel that he could not open the pub again for the time being. Mr. Daniel did not seem bothered, just repeating over and over that he was cold and that he thought he was going to die he was so cold. We eventually left him upstairs in the flat, going to sleep on a mattress on the floor, with MS. DALEY also in the flat.

I am also aware from the daily briefing that there had been an extremely large disturbance on the night of 28-29/10/2016 where officers from other boroughs had to assist with removing drunk crowds from the pub/area and several arrests were made.

Both times I dealt with Mr. Daniel, he did not seem at all fit to be running a pub. The second time I saw him, it was clear he was struggling even to look after himself. He was very intoxicated both times and also showed possible signs of mental health problems. In my opinion he should not be holding a licence in the state he is in at the moment and I believe all the problems we have had with the pub recently are due to him being drunk at work and not being able to run or manage the pub or its customers properly.

Alexander Brand PC174 QA

_____ AB

Witness Signature: PC A BRAND 174QA.....

Signature Witnessed by Signature: *Alexander Brand* PC174 QA .

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Stewart Hyde URN: 01 QA 01526 16

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer 216775

This statement (consisting of: ... 2..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Handwritten Signature] Date: 10/11/2016

Tick if witness evidence is visually recorded [] (supply witness details on rear)

On 27th OCTOBER 2016 I was on duty in full uniform as Duty Officer for Harrow. At 01:27 I attended the SHAFTESBURY PUBLIC HOUSE, SHAFTESBURY CIRCLE, SOUTH HARROW following a call from the landlord. On arrival I could see that there were approximately thirty males and females in the bar drinking. No one was serving at the bar and initially I could not identify anyone as being the licensee or a member of staff until I met Tracy DALEY DOB 23/03/1967 who told me she was the barmaid. I asked where the landlord was and she said he was in his flat. The premises were untidy with full and empty glasses all around mixed with cans and bottles of beer which appeared to have been purchased elsewhere and brought onto the premises. I was accompanied by PC 288QA Kishan PINDOLIA and PC 714QA Andrew CULHAM. As I could not find the landlord PC PINDOLIA asked our control room to call him and ask him to come down. I started interacting with those present to encourage them to leave and went to the rear of the pub to check the premises. Whilst there I took a phone call about another matter and stepped into the yard at the rear for several minutes. When I re-entered the premises I carried on persuading those present to leave and encountered a middle aged, white male, who appeared to be drunk leaning against a tall table. Initially I thought he was one of the group I was trying to remove but he then told me he was Craig DANIEL DOB 11/11/1964 the licensee. I left Mr DANIEL alone at the rear of the pub and carried on clearing the rest of the people from the bar. This took some time but when they had all gone I returned to talk with Mr DANIEL to establish who had been present working at the bar that night. He confirmed he was the licensee and lived there with his partner Ms DALEY. He told me he had been in his flat. I asked if Ms DALEY had been working behind the bar. He denied this and said he did not allow her to do so as she has a drink problem. I asked who had been working behind the bar and he said that it was someone called Daniel, on his first shift. I asked for Daniel's surname and he told me he did not know it but he was the bar manager's nephew. I asked if Tracy DALEY was the bar manager and he told me she was not. I asked him the name of the manager and he did not answer but began talking about other matters which were not relevant. As the bar was now clear and there were other pressing matters elsewhere to deal with I decided to leave, without pressing Mr DANIEL.

Signature: [Handwritten Signature] Signature witnessed by:

Continuation of Statement of **Stewart Hyde**.....

further and submit an intelligence report to make the licensing officer aware of the incident.

Stewart Hyde

Signature: *Stewart Hyde* Signature witnessed by:

Witness contact details

Home address:
 Postcode:
 Home telephone number Work telephone number
 Mobile/pager number Email address:
 Preferred means of contact:

Male / ~~Female~~ (delete as applicable) Date and place of birth:
 Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability See MG10

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
 Signature of parent/guardian/appropriate adult: Print name:
 Address and telephone number if different from above:

Statement taken by (print name): **PS 47QA 216775 Hyde** Station: **Harrow**.....

Time and place statement taken:

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WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Karan Gill

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: PC Karan Gill 1910A Date: 22/11/2016

On MONDAY the 31st of OCTOBER 2016 I was on duty in uniform when myself and PC 119QA were called to THE SHAFTSBURY pub on SHAFTSBURY CIRCLE in HARROW. We were requested by an employee of Mr CRAIG DANIEL who informed police she was concerned for his welfare due to underlying domestic issues that occurred between Mr DANIEL and his partner. Police took a report in light of the domestic allegations made by Mr DANIEL.

However, upon arrival It became apparent that Mr DANIEL was heavily intoxicated. He had a glass of what appeared to be some form of spirit next to him and he sat there drinking from it while conversing with police. Furthermore, there were many empty beer cans about the place. The pub was in darkness and it appeared that Mr DANIEL had been sitting there for some time drinking.

Witness Signature: PC Karan Gill 1910A

Signature Witnessed by Signature:

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WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Patrick Moran

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: P. Moran Date: 03/11/2016

This statement refers to THE SHAFTESBURY PUB, being a licensed premises situated in the parade of shops in SHAFTESBURY CIRCLE. Which I visited on Thursday 3rd November 2016 at 1510 hours CAD 5175 refers.

The purpose of my visit was to return the recording machine DVRS which had been taken away by police after the incident reported on 30th June 2016. This where Craig Daniel was seriously assaulted which mounted to broken collar bone and other injuries. The machine was taken away as sectors on the hard drive were reporting errors. These drive errors prevented officer downloading the CCTV footage of his serious assault.

I entered the pub and could see one female member of staff behind the bar. There were three customers inside the venue sitting around the bar. I could see alcoholic drinks in front of them this being a pint of Guinness and a pint of beer. I spoke to the staff member who was dispensing beer from the pump. I asked if The DPS was around this being Craig Daniel or is he upstairs in the flat?

The female was Michelle Rayner who I have dealt with in the past. She informed me wasn't upstairs, I asked her for his mobile number, she called him on her phone. I spoke to Mr Craig Daniel on the phone, explained I have returned your machine. I informed him the machine had errors on the hard drive and it may not work correctly. Craig Daniel insisted arguing that the machine wasn't faulty before police took it away.

I explained to Craig Daniel that when I spoke to you on Tuesday 1st November at 1355 hours I would be taking the machine, which had been loaned to you by police while yours was being investigated for evidence of incident back in June 2016. I informed him I would be seizing our machine under Section 24 of PACE to prevent loss or damage to evidential information which may be stored on the machine. As you are not able to assist police in their investigation to the incident on Saturday 29/10/2016 which happened outside the SHAFTESBURY PUB. Where patrons who had been drinking inside were involved in a serious disorder outside your premises. He was incoherent in his ability to communicate and was intoxicated. I could smell liquor from his breath he was unsteady on his feet as I escorted him to his flat later on with the assistance of another police officer.

I informed Craig Daniel now that as I have seized the DVRS machine, as there is no machine in place to record inside the premises, it would be a breach of licence conditions to

Witness Signature: P. Moran

Signature Witnessed by Signature:

Continuation of Statement of:

open the bar and sell alcohol without a DVRS machine recording. I made a pocket book entry to this. Page 35 BOOK 2182.

He informed me he had not opened the premises since the incident on Saturday 29/10/2016. He did not intend to open it, he has never experienced such a difficult premises to run in all his time as a landlord of a pub, he wished to get rid of it. I told him I will arrange for the return of the machine as soon as I speak with the officer dealing with his incident ASAP.

I told Craig Daniel that I would be making a statement regarding the visit as you have breached one of your Premises Licence conditions by not having a machine to record the activities in the licensed premises.

The mandatory Conditions being condition are:-

CONDITION 1:- CCTV SYSTEM SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE SPECIFICATION DETAILED BY THE METROPOLITAN POLICE SERVICE. THE SYSTEM SHALL BE IN USE AT ALL TIMES DURING LICENSABLE ACTIVITIES WHEN PREMISES IS OPEN.

Witness Signature: *P. Amoros*

Signature Witnessed by Signature:

Appendix 1e

Moran Patrick A - QA

From: licensing@harrow.gov.uk
Sent: 19 September 2016 08:13
To: Moran Patrick A - QA
Subject: FW: Public nuisance

Importance: High

Jeffrey Leib
LLB(Hons), FIO
Principal Licensing Officer
Public Protection, Community Directorate
Civic Centre
PO Box 18
Station Road
Harrow
Middlesex HA1 2UT
Tel: 020 8424 7667

Have your say on our revised draft Licensing Act policy before 3 October 2016 by visiting www.harrow.gov.uk/draftlicensing

We are holding some free events during September:

- *Launching Best Bar None competition for pubs and clubs on 20 September*
- *a seminar for special treatment premises on 22 September*

Ask us for more details

From: [REDACTED]
Sent: 18 September 2016 12:02
To: license
Subject: Public nuisance

Can someone do something about the public house at Shaftesbury Parade.

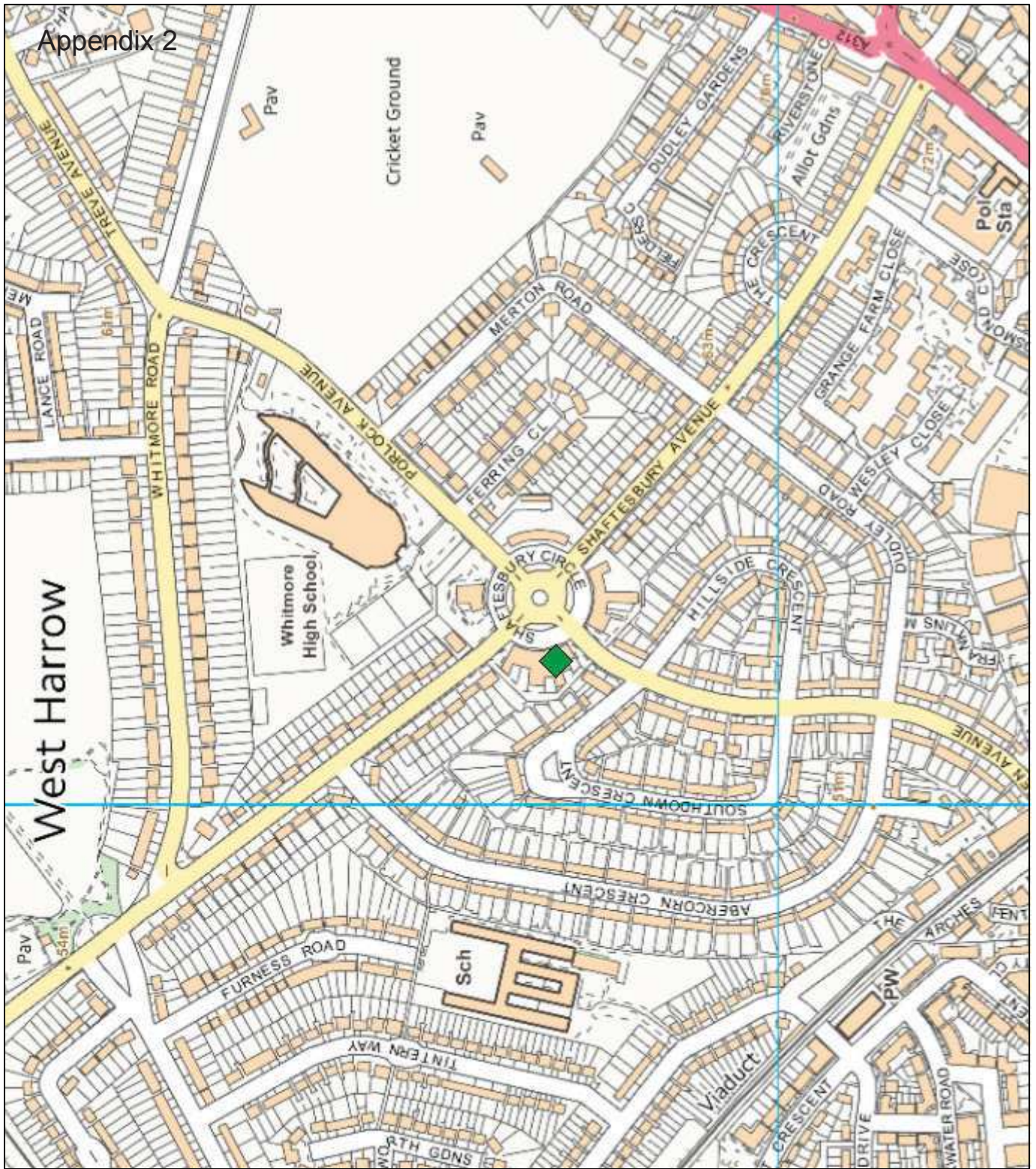
Every weekend their only customers are a bunch of rowdy travellers who finally begin to leave the pub premises at 00.30, and who then spend the next 2 hours roaring and shouting around the local streets with no thought or consideration for anyone else.

As you well know, travellers are not welcome in most pubs due to their ignorant behaviour, but the Shaftesbury make an exception due to desperation.

The licensee of the Shaftesbury is not a fit and proper person either.

I would be very surprised if this has been the only complaint you have received about this place lately.

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West Harrow

Whitmore High School

Sch

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Appendix 2a



12 Shaftesbury Cir

APPENDIX 2: The Shaftesbury, 3 Shaftesbury Parade, HA2 0AJ



Image capture: Apr 2016 © 2016 Google

Harrow, England

Street View - Apr 2016

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LICENSING ACT 2003

Premises Licence

Schedule 12
Part A (Regulation 33,34)
HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

Premises Licence Number: LN/000000605/2016/17

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:

The Shaftesbury, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, Middlesex, HA2
0AJ

Telephone Number: 0208 423 5056

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Exhibition of films; Live music (e); Recorded music (f); Performance of dances (g)
Sale of retail alcohol; Late night refreshment

Signed by Richard LeBrun
Environmental Services Manager (Public Protection)



Licensable area**Hours open to public**

Sunday	08:00 - 23:30	-
Monday	08:00 - 23:30	-
Tuesday	08:00 - 23:30	-
Wednesday	08:00 - 00:00	-
Thursday	08:00 - 00:00	-
Friday	08:00 - 00:00	-
Saturday	08:00 - 00:00	-

The times the licence authorises the carrying out of licensable activities**Location: Licensable area****Exhibition of films Live music (e) Recorded music (f) Performance of dances (g) Sale of retail alcohol**

Sunday	10:00 - 23:00	-
Monday	10:00 - 23:00	-
Tuesday	10:00 - 23:00	-
Wednesday	10:00 - 23:30	-
Thursday	10:00 - 23:30	-
Friday	10:00 - 23:30	-
Saturday	10:00 - 23:30	-

1. SALE BY RETAIL OF ALCOHOL CAN BE EXTENDED BETWEEN THE TERMINAL HOUR ON NEW YEAR'S EVE AND THE COMMENCEMENT HOUR ON THE FOLLOWING MORNING.

Location: Licensable area**Late night refreshment**

Sunday	-	-
Monday	-	-
Tuesday	-	-
Wednesday	23:00 - 23:30	-
Thursday	23:00 - 23:30	-
Friday	23:00 - 23:30	-
Saturday	23:00 - 23:30	-

Where the licence authorises supplies of alcohol – whether these are on and/or off supplies
Sale by retail on/off premises

Part 2

Name, (registered) address, telephone number and email (where relevant of holder of premises licence):

Anton Van Niekerk
The Shaftesbury
3 Shaftesbury Parade
Shaftesbury Avenue
South Harrow
Middlesex
HA2 0AJ

Telephone: 02084235056

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Craig Andrew Daniel
10 Butterwick
Watford
Herts
WD25 9SD
Telephone: 07882242269

Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol:

HARROW - 09CD-00AQ-8XXJ-KLHD

State whether access to the premises by children is restricted or prohibited: **N/A**

Annex 1 – Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol:

- 1 No supply of alcohol may be made under the premises licence -
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply or sale of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition where licence requires door supervision:

Where one or more individuals are required to be at the premises to carry out a security activity, such individual(s) must be licensed by the Security Industry Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory Condition order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory conditions where licence authorises exhibition of films:

(1) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the British Board of Film Classification, except where condition 2 applies.

(2) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the relevant licensing authority regarding the film in question

Annex 2 - Conditions consistent with the operating Schedule

1. No customers carrying open bottles upon entry shall be admitted to the premises at any times the premises is open to the public.
2. Toughened glass shall be used for draught beers and lager at all times the premises are open to the public.
3. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
4. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
5. Children under the age of 16 shall not be permitted to enter the premises after 19:00.

Annex 3 - Conditions attached after a hearing by the licensing authority

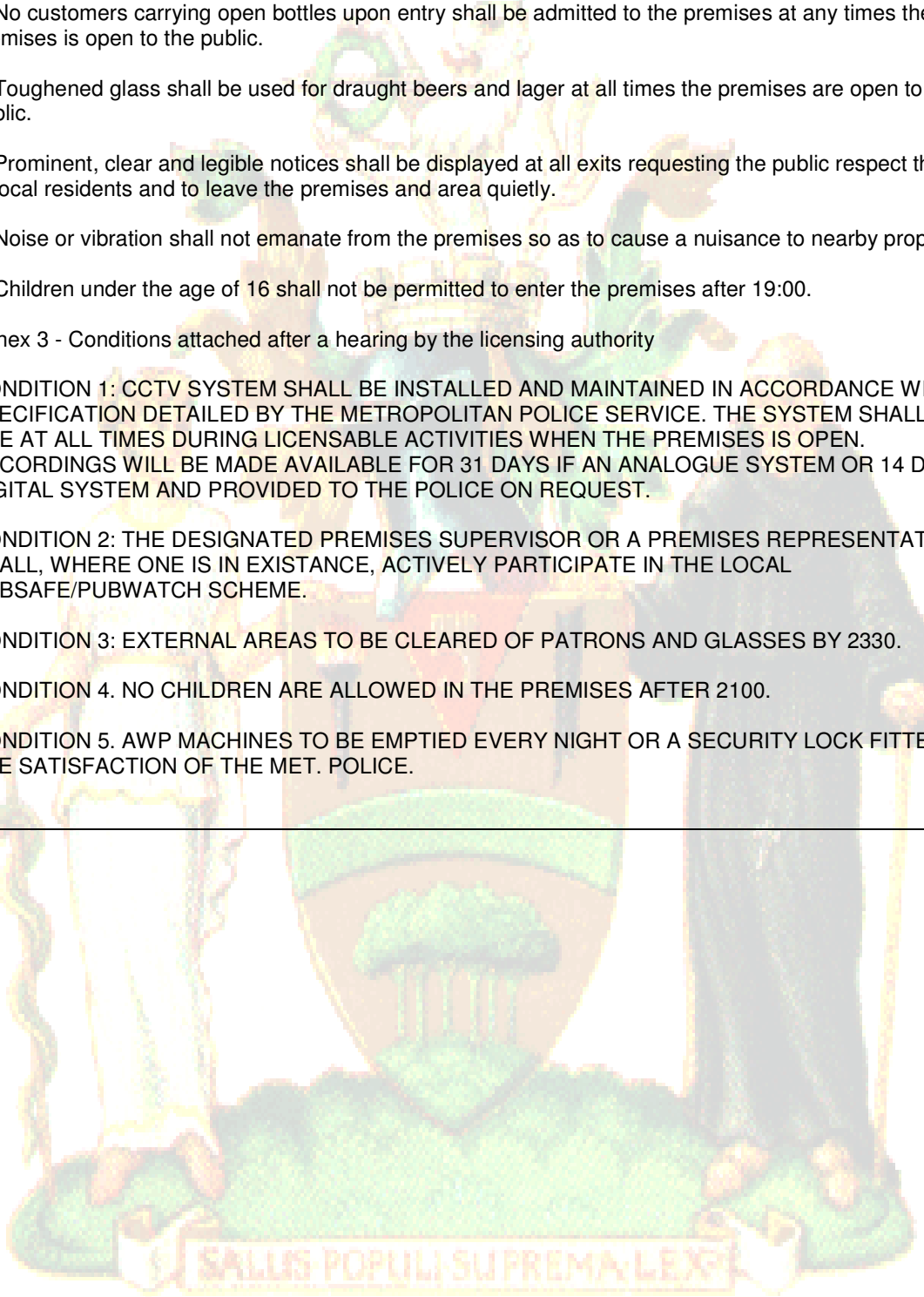
CONDITION 1: CCTV SYSTEM SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE SPECIFICATION DETAILED BY THE METROPOLITAN POLICE SERVICE. THE SYSTEM SHALL BE IN USE AT ALL TIMES DURING LICENSABLE ACTIVITIES WHEN THE PREMISES IS OPEN. RECORDINGS WILL BE MADE AVAILABLE FOR 31 DAYS IF AN ANALOGUE SYSTEM OR 14 DAYS IF A DIGITAL SYSTEM AND PROVIDED TO THE POLICE ON REQUEST.

CONDITION 2: THE DESIGNATED PREMISES SUPERVISOR OR A PREMISES REPRESENTATIVE SHALL, WHERE ONE IS IN EXISTANCE, ACTIVELY PARTICIPATE IN THE LOCAL PUBSAFE/PUBWATCH SCHEME.

CONDITION 3: EXTERNAL AREAS TO BE CLEARED OF PATRONS AND GLASSES BY 2330.

CONDITION 4. NO CHILDREN ARE ALLOWED IN THE PREMISES AFTER 2100.

CONDITION 5. AWP MACHINES TO BE EMPTIED EVERY NIGHT OR A SECURITY LOCK FITTED TO THE SATISFACTION OF THE MET. POLICE.



Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

Making a Representation against an Application (New or variation) for a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

I Ash Waghela..... make this representation under
 (Insert name of applicant)
 the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
The Shaftesbury 3 Shaftesbury Parade Shaftesbury Avenue	
Post town South Harrow	Post code (if known) HA2 0AJ

Name of premises licence holder or club holding club premises certificate (if known)
Mr Anton Van Niekerk
Number of premises licence or club premises certificate (if known)
LN/000000605/2016/17

Part 2 - Applicant details

I am

1) an interested party (please complete (A) or (B) below)	Please tick ✓ yes <input type="checkbox"/>
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>

Appendix 4

- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

Appendix 4

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current address

Post Town

Post Code

Daytime contact telephone number

Email address

(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

Appendix 4

2

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Ash Waghela Licensing Officer Licensing Department Harrow Council PO Box 18 Civic Centre Harrow HA1 2UT
Telephone number (if any) 020 8736 6257
E-mail (optional) licensing@harrow.gov.uk

This representation relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note1)

I make this representation on behalf of the licensing authority and include the following exhibits:

- Exhibit AW/1: Warning letter to Craig Daniel dated 25 July 2016
- Exhibit AW/2: Letter from Acumen Investigation Services Limited dated 16 September 2016
- Exhibit AW/3: Photographs of damaged toilets
- Exhibit AW/4: Watford Borough Council Licensing Sub-Committee Minutes of 6 September 2010
- Exhibit AW/5: Letter from Hodders solicitors to Metropolitan Police licensing officer dated 11 November 2009

Fact

On 6 October 2009 a personal licence was issued by the licensing authority to Craig Andrew Daniel.

On 3 June 2013, the Authority received an application to transfer the premises licence for The Shaftesbury public house to Surf the Seas Ltd for which the director was Matthew Labbett.

On 7 December 2015, Companies House records showed that the sole director of Surf the Seas Ltd was Craig Andrew Daniel.

On 14 December 2015, the licensing authority received an application to vary the designated premises supervisor from Sally Margaret Keating to Craig Andrew Daniel.

Mr Daniel's address on the personal licence is quoted as Moat Drive, however, he is confirmed as living in a flat near the Shaftesbury Pub. The personal licence should state the address where the person normally resides. When the DPS variation was submitted, his address was at Butterwick, Watford, Hertfordshire. He has failed to advise the licensing authority of a change of address for his personal licence which is an offence under section 127 of the Licensing Act 2003.

On 23 January 2015, two people were witnessed by Peter Coates (the Licensing Team Leader at the time) and I smoking in the doorway of the pub. A verbal warning was given by Peter Coates to Mr Daniel.

On 30 January 2016, the licensing authority received a complaint about the landlord smoking in

Appendix 4

the pub:

*I was recently in the Shaftesbury public house and the landlord was blatantly smoking at the corner of the bar and speaking to regulars of this pub he does this all of the time he is in the bar. The landlord's name is Craig and the pub is on Shaftesbury parade I believe. I think this is blatant poke in the eye to the smoking ban.
Thanking you*

The complaint was investigated by the licensing authority as a possible contravention of the Health Act 2006 and again Mr Daniel was verbally warned. Mr Daniel said that no-one smoked inside the premises and that he had banned some people recently and they may have done this in reprisal for being banned.

On 19 July 2016 a compliance visit was carried out by Jeffrey Leib (the Principal Licensing Officer). At the time of the visit, Mr Daniel and another member of staff were present on the premises. Mr Daniel claimed to be a Mr Andrew Paver and that Mr Daniel was not present or contactable. No evidence was provided in writing or verbally that "Mr Paver" had been authorised or the other staff member to sell alcohol. There were no notices displayed in compliance with the conditions of the premises licence.

On 25 July 2016 a warning letter was sent to the premises addressed to Mr Daniel (Exhibit AW/1).

On 16 September 2016, the licensing authority received an enquiry from Acumen Investigation Services Limited regarding Sky exclusive programming being shown in the public areas of a licensed premise without a commercial viewing agreement (Exhibit AW/2). A visit was carried out to the premises by Jeffrey Leib, PC Moran (the police licensing officer) and a representative from Acumen. Mr Daniel was not present and so an arrangement was made with the bar person to return the following week. Mr Daniel was not present on the second occasion either.

On 30 September 2016 at 22:30 hours, I visited the premises with PC Moran. At the time of the visit, Mr Daniel was not available – the third occasion when the DPS was not available or the fourth occasion if the inspection by Jeffrey Leib is included. There was only one member of staff at the premises - Michelle Raynor.

On inspection of the premises, it was found that the cubicle doors inside the ladies toilet were broken (Exhibit AW/3). There were broken tiles inside the gent's toilets and the cubicle inside the gent's toilet was out of order. At 22:43, the staff member came back to us and said that Mr Daniel was in the flat and we could go and talk to him if necessary. However we did not as this was a licensing inspection of the premises.

When the staff member was questioned about the state of the toilets, she said that they had some travellers come in on 24 September 2016 and kicked off the door in the ladies toilet. She did not know of any incident log in which the incident should have been recorded. She also could not show us any CCTV as the hard drive was in a box in a locked cupboard.

On 19 October 2016 a suspension notice regarding the non-payment of the annual fee was issued to the premises. This was hand delivered by myself at 21.27 to Mr Daniel. The annual fee had been due on 1 July 2016. During the visit, I noticed a strong smell of cigarettes and mentioned this to Mr Daniel. I said that the smell was too strong for it to be entering into the premises from people who would be smoking outside of the premises. Mr Daniel said that sometimes people sneaked the odd cigarette inside.

In officers' view of enforcing the Act, this is not something that occurs within other licensed premises and that all premises management and the general public are aware that smoking is not permitted inside commercial premises such as pubs and shops.

On 21 October 2016 I received a phone call from Mr Daniel advising that Michelle, one of the barmaids had been to the Civic Centre to pay the annual fee. He could not give me a reference or receipt number for the payment. The annual fee is still showing as unpaid.

Appendix 4

Previous history

Mr Daniel previously held the lease for the now-demolished Goodwill to All pub in Harrow. During his tenure the police had cause to investigate several incidents at the pub and objected to three Temporary Event Notices submitted by him (see highlighted text in Exhibit AW/4, pp 17 and 18). In November 2009 the Metropolitan Police had sufficient cause about the management of the premises that they requested his removal from the post which was agreed to voluntarily without review proceedings (Exhibit AW/5).

Licensing officers are also aware that Mr Daniel was the DPS of Champions Public House in Watford. Following an application by Hertfordshire Constabulary for that premises licence to be reviewed in September 2010 arising from his poor management of the premises (see particularly highlighted text in pp 3, 8, 12, 23, 24 of Exhibit AW/4) the premises licence was suspended for a period of three months, additional conditions were imposed and an alternative DPS was proposed to succeed him.

Prior communication with the DPS

It is recommended in the statutory guidance and as good practice for problems at premises to be communicated early with the DPS to allow them to be addressed. The above evidence demonstrates and in the police representation (which the licensing authority has seen in advance) that despite attempts to do so, such attempts have not been successful.

Removal as DPS

Paragraph 2.5 of the statutory guidance to licensing authorities states, inter alia:

The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder.

Paragraph 4.19 of the guidance states, inter alia:

The Government considers it essential that police officers, fire officers or officers of the licensing authority can identify immediately the DPS so that any problems can be dealt with swiftly.

In light of the unavailability of the DPS when requested, the potential breaches of the Health Act and failure to comply with the premises licence conditions, and the disorder evidenced in the police representation, it is the licensing authority's view that the current DPS is not capable of upholding the licensing objective in running a public house and that he should be removed from being DPS in such a premises.

It is also noted that Mr Anton Van Niekerk (the current premises licence holder) has not made any contact with the licensing authority or the police regarding any of the issues at the premises or given a response to the review application to date.

Please provide as much information as possible to support the application (please read guidance note 2)

**Please tick
yes**

Have you made a representation relating to this premises before

If yes please state the date of that representation, Day Month Year

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Appendix 4

If you have made representations before relating to this premises please state what they were and when you made them

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent. (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature Ash Waghela

.....
Date...21 November 2016

.....
Capacity Licensing Officer

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you using an email address your e mail address (optional)

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.

Relevant Representations means;

- a) are about the likely effect of the grant of the premises licence or club premises certificate on the promotion of the licensing objectives,
- b) that the representation were made by an interested party or responsible authority within the period prescribed, 28 days from the application was advertised.
- c) in the case of representations made by an interested party (who is not also a responsible authority) that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

Further restrictions apply relating to Police Representations on DPS's and representations on provisional statements. Please check with the Licensing Section.

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Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

Making a Representation against an Application (New or variation) for a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I make this representation under
 (Insert name of applicant)
 the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
The Shaftesbury, 3 Shaftesbury Parade, Shaftesbury Avenue	
Post town South Harrow	Post code (if known) HA2 0AJ

Name of premises licence holder or club holding club premises certificate (if known)
Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

- I am
- | | |
|---|---|
| 1) an interested party (please complete (A) or (B) below) | Please tick ✓ yes
<input type="checkbox"/> |
| a) a person living in the vicinity of the premises | <input checked="" type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

Appendix 5

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current address

Shaftesbury Avenue

Post Town South Harrow

Post Code HA2

Daytime contact telephone number

Email address

(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail (optional)

2

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Appendix 5

Name and address
Telephone number (if any)
E-mail (optional)

This representation relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note1)

Escalating anti-social behaviour from the clientele of The Shaftesbury and the secondary ramifications caused by drug dealers and fly-tipping that this pub attracts.

Please provide as much information as possible to support the application (please read guidance note 2)

As a local resident in the Shaftesbury Circle area where The Shaftesbury pub is located, I can testify that this pub has been the cause of much disturbance in the area. As you may or may not be aware this is an Irish traveller community pub. On the review for a premises license by Patrick Moran, the barmaid is recorded to have said that "travellers were in the weekend" making it seem like this was a one-time visit– they are there every day causing disturbances in the area.

Every day and particularly on the weekends, the pub plays music well past its licensing hours and the clientele pour out drunk smashing bottles, screaming, vomiting and urinating on the street below, which as you can imagine, causes a massive nuisance and safety concerns for

Appendix 5

the local community. This make sleeping in the front room of the property that faces the road impossible and my family is now forced to sleep at the back of the property.

The scenes describe above have been something the local community have had to bear for long enough especially when the pub attracts drug dealers that openly sell drugs to the pub patrons and are seen walking in and out freely.

The clientele of the pub is also responsible for the big fly-tipping problem that this area suffers from and consequently drains valuable resources from the local council. They often leave building material and beer barrels in the service road at the back of the Shaftesbury Parade, and as far as I am aware they were found guilty of fly-tipping recently and fined as the Shaftesbury Pharmacy aided in providing evidence against them.

As the Neighbourhood Champion, I can tell you that local businesses and residents want this pub's license to be revoke entirely especially since we are often forced to call the police so they can intervene in fights and drug selling that happens because of the pub.

The last straw occurred on October 29th when a massive free for all fight with 20+ people erupted and the area was plunged into chaos. These were all clients from The Shaftesbury.

Men hit women, women hit men, bottles were smashed on people's faces, women were being dragged across the floor, groups surrounded individuals and kicked them mercilessly on the floor, fights spilled onto oncoming traffic and they fought on top of people's cars. The scene was abhorrent and looked like something out of a horror movie as I watched from my living room window directly above.

This scene was precluded by an earlier fight that happened an hour or so beforehand. I had called the police and a vehicle with 2/3 police officers got out the car and simply asked those involved if there was a fight. As would be expected the individuals denied it and with no further action the police went on their way.

Nevertheless the fight that had happened earlier was obviously not over and at 23:14 this massive fight ensued and I immediately called the police again. Unfortunately for the sole police officer that responded to the reports of a fight he was ill prepared for the situation, was attacked himself and swiftly called for backup. This is also referred to in Patrick Moran's document

The situation kept escalating and more and more police officers and vehicles were called until by 23:46 there were a total of 13 police cars that had responded to calls for back up. Nevertheless, despite the increased police presence they were still unable to control the situation and they were themselves targeted and were punched and dragged to the floor.

Several people were arrested and at around 00:30 the police had finally managed to handle the situation and disperse the drunken mob. This means that it took the police over an hour to get the situation under control.

To give you a better understanding of the scale of this atrocious scene, Patrick Moran's license review form states that this incidence "stripped Harrow Borough of all police resources that night. Further resources had to be requested from other boroughs to assist officers at the scene."

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As is clearly demonstrated, the fight was so large that Harrow police could not cope with what occurred and had to call other borough's police force for assistance.

We have continually had problems with this pub and its patrons as mentioned at the beginning. Local residents cannot continue living like this when fights are continuously getting worse and worse, and local residents safety is being compromised by the actions of the pub's clientele and has led to the situation explained above where the police themselves were attacked and there was such disregard for the rule of law.

I have video and photographic evidence of the fights and of the 13 police vehicles that attended the scene. These can be provided upon request.

Please tick yes

Have you made a representation relating to this premises before

If yes please state the date of that representation, Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them



IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date...30/11/16.....

Capacity

Local resident

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you using an email address your e mail address (optional)

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.

Relevant Representations means;

- a) are about the likely effect of the grant of the premises licence or club premises certificate on the promotion of the licensing objectives,
- b) that the representation were made by an interested party or responsible authority within the period prescribed, 28 days from the application was advertised.
- c) in the case of representations made by an interested party (who is not also a responsible authority) that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

Further restrictions apply relating to Police Representations on DPS’s and representations on provisional statements. Please check with the Licensing Section.

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EXHIBIT AW/1

Community Directorate
Corporate Director – Tom McCourt

25th July 2016

Our ref: CE/CSS/LIC/ WK/000604223

Craig Andrew Daniel
The Shaftesbury
3 Shaftesbury Parade
Shaftesbury Avenue
South Harrow
Middlesex
HA2 0AJ

Dear Sir

Licensing Act 2003
The Shaftesbury, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow,
Middlesex, HA2 0AJ

I am writing about a visit to the above premises on 19 July 2016 at 15.15 hours.

During the visit the following breaches were found:

1. Neither the original nor a certified copy of the current premises licence was available to view by our officers, as required under section 57 of the Act.
2. A summary of the current licence was not on display, as required under section 57 of the Act.

Failing to have the licence on the premises or the summary of the licence on display are both criminal offences, for which the maximum penalty on summary conviction is a fine of £500 for each offence. As officers were told in January 2016 by Mr Daniel that the original licence was with the solicitors, this should have been rectified by now. A copy of the licence is enclosed however any further copies will require a payment of £10.50.

The following breaches of the licence were found:

3. *Annex 1, condition 2: Every sale of alcohol made under the premises licence must be made or authorised by a person who holds a premises licence.*

At the time of the visit, Andrew PAVER was in charge of the premises. He advised officers that Mr DANIEL was away in Birmingham for four days, that he did not have a personal licence to sell alcohol and he could not produce evidence he or the other member of staff had been authorised by Mr DANIEL to sell alcohol. It is strongly recommended that such authorisations are recorded in writing in future together with evidence of training to show staff understand the importance of promoting the licensing objectives.

4. *Annex 2, condition 2: Toughened glasses shall be used for draught beers and lager at all times the premises are open to the public.*

It did not appear that any toughened glasses (or polycarbonate glasses) were available for use behind the bar. I would be grateful if you could provide evidence that such glasses are regularly ordered for use in the pub.

5. *Annex 2, condition 3: Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.*

No notices were in place.

6. *Annex 3, condition 2: The designated premises supervisor or a premises representative shall, where one is in existence, actively participate in the local Pubsafe/Pubwatch scheme.*

No representative of the premises has been at the Pubwatch meetings during 2016. The next meeting will be held at 12 noon at The Harrow public house on 20 September 2016.

It is essential that you adhere to all of the conditions that are on your premises licence. Failing to comply with the conditions on your licence is a criminal offence, which can lead to a maximum penalty on conviction of a fine and/or up to 6 months' imprisonment. Your licence may also be reviewed which either can lead to it being revoked, suspended or additional conditions added to it.

I would be grateful if you would pass this information to the relevant person(s) for attention to ensure further breaches do not occur.

A further visit will be arranged shortly to ensure that the above matters have been rectified. This warning will be kept on our files and may be referred to should other enforcement action be required in the future. If you require any further details, please contact the licensing team as shown.

Yours faithfully

Jeffrey Leib
Principal Licensing Officer
Email: licensing@harrow.gov.uk

Cc: Company Secretary, Surf The Seas Ltd, 171 – 173 Grays Inn Road, London WC1X 8UE

Mr M. Labbett
C/o The Shaftesbury public house
Shaftesbury Avenue
South Harrow
HA2 0AJ

COPY

copy for licensing

23rd March 2016

Dear Mr Labbett,

Re: Sky Television at the Shaftesbury public house, Shaftesbury Avenue, South Harrow HA2 0EJ

We are instructed by Sky UK Ltd and Sky Subscribers Services Ltd ("Sky"). Sky owns or licences certain copyright/broadcasting rights in respect of Sky Sports programming to commercial premises.

We are advised that you are one of the current owners of the Shaftesbury public house, Shaftesbury Avenue, South Harrow HA2 0EJ

We enclosed a copy of a letter and information that we have previously sent to Mr J.M. Keating, the Designated Premises Supervisor of record (copies enclosed)

This letter was sent following a visit made by our representative who observed Sky Exclusive programming being shown in the public areas of the licensed premises. Programming content and graphics noted confirms that this was a Sky Television programme.

Our clients' records show that there was no commercial viewing agreement in place to allow for this and that the applicable fee had not been paid.

ACUMEN INVESTIGATION SERVICES LTD
KATES LANE
ALSTON
CUMBRIA
CA9 3QJ

TELEPHONE: 01434 382707
FAX: 01434 382768

On the 14th December we received a letter from The Shaftsbury dated the 8th December 2015 stating that Mr J. Keating no longer works at the premises and that Surf the Seas Ltd had sold the premises to Mr Daniel.

On the basis of your letter we wrote to Mr C. Daniel on the 14th December 2015 however, we note that the unauthorised use of Sky Programmes continues and that on Sunday 7th February 2016 at 16:29 one of our representatives visited your public house and observed that three screens were showing live coverage of the Premier League football match between Chelsea and Manchester United.

Programming content and graphics noted confirms that this was a Sky Television programme. Specific mention is made of the presence on screen of the 'Score Clock' Channel Identifier 'Your home of Sport' 'Trophy Wipe' and 'Super Sunday' graphics for which our client owns the copyright. It was also noted that Graeme Souness and Thierry Henry were analysing the game. Our client confirms that these individuals were exclusive to this Sky Television programme on this occasion.

I also wish to advise that a recent Licensee Check from Harrow Council has confirmed that Surf the Seas Limited is indeed still the Premises Licence Holder and that a Ms S. Keating is now the Designated Premises Supervisor

Please be advised that Sky confirm that no third parties are authorised to supply Sky Sports programmes to this licensed premises.

The public showing of Sky Exclusive Programming in commercial premises without the possession of a commercial viewing agreement is dishonest and illegal under Section 297 (1) of the Copyright Designs and Patents Act 1988 and may result in a criminal conviction, unlimited fines, legal costs and forfeiture of a personal license. Our clients also have the right to take civil action against offenders. Previous civil actions have resulted in payments of up to £65,000 being made.

Under section 297(2) of the Copyright Designs and Patents Act 1988 employees and / or officers of a body corporate can be found to be guilty of the offence described in section 297 (1) above and be punished accordingly.

We trust that this information is of use to you and that you will take the appropriate action. Should you have any queries in respect of this matter please contact us on 01434 - 382707.

Yours faithfully,

For Acumen Investigation Services Limited

Mr. J.M. Keating
D.P.S
The Shaftesbury
Shaftesbury Avenue
South Harrow
HA2 0EA

COPY

for licensing.

13th October 2015

Dear Mr Keating,

OUR CLIENTS: SKY UK LTD. AND SKY SUBSCRIBERS SERVICES LIMITED

We are instructed by Sky UK Ltd and Sky Subscribers Services Ltd ("Sky"). Sky owns or licences certain copyright/broadcasting rights in respect of Sky Sports programming to commercial premises.

One of our enforcement officers has attended the above premises and witnessed Sky Exclusive Programming being shown in commercial areas that are accessible to the public.

We are advised that there is no commercial viewing agreement in place, which would permit you to broadcast Sky Exclusive Programming in the commercial areas of the premises.

The public showing of Sky Exclusive Programming in commercial premises without the possession of a Non-Domestic viewing agreement is dishonest and illegal under Section 297 (1) of the Copyright Designs and Patents Act 1988 and may result in a **criminal conviction**, unlimited fines, legal costs and forfeiture of your personal license. Our clients also have the right to take civil action against you. Previous civil actions have resulted in payments of up to £65,000 being made.

Our client requires that you do one or more of the following **within the next 14 days**:

1. Enter into a pubs and clubs agreement (enclosed) which permits the broadcasting of Sky Exclusive Programming in the commercial areas of your premises,
2. In the event that you do not wish to continue to broadcast Sky Exclusive Programming in the commercial areas of your premises you are required to complete the enclosed cease and desist form and return it to us,

ACUMEN INVESTIGATION SERVICES LTD
KATES LANE
ALSTON
CUMBRIA
CA9 3QJ

TELEPHONE: 01434 382707
FAX: 01434 382768

3. Return any and all Sky Domestic viewing cards being used to facilitate these broadcasts. (Sky's viewing cards remain the property of Sky at all times) to us,
4. Advise us of the identity of any supplier that is providing you with Sky Television programmes in order that we can progress the matter with them.

Please be advised that Sky confirm that no third parties are authorised to supply Sky Sports programmes to this licensed premises.

We will continue to monitor your premises and will also be sending an enforcement agent to speak with you about copyright theft.

If we do not hear from you within fourteen days we reserve the right to take further action without further notice to you.

Please note that a copy of this letter may be sent to the Premises License Holder for information.

Yours sincerely,

For Acumen Investigation Services Limited

**Shaftesbury Public House Shaftesbury Avenue South
Harrow HA2 0EA**

At 14.29hrs on the 20th September 2015 Mr Clive Jamieson visited the Shaftesbury public house Shaftesbury Avenue South Harrow HA2 0EJ.

At this time he saw that Sky Sports Live coverage of the live Premier League football match between Tottenham Hotspur and Crystal Palace was being shown on numerous television screens throughout the pub.

Programme content and commercials shown at the time confirm that this was a Sky television programme.

On the 13th October 2015 a letter was sent to J.M.Keating, DPS of record at the Shaftesbury. Included with this letter was a copy of the current Sky Television, Non Domestic Viewing Agreement for pubs and clubs and a "Cease and Desist" declaration.

On 21st October 2015, Ms Annie Saunders attended the Shaftesbury and carried out a Presentation with Ms Michelle Rayner, Manager of the premises. Ms Saunders talked through Mr Jamiesons call report of the 20th September 2015 and the afore mentioned letter. Ms Saunders explained the need of a Sky Commercial agreement to show Sky Television programming and went through the Sky Key Facts sheet. At this time Sky programming was being shown. Ms Rayner duly turned the televisions off on request.

Ms Rayner stated that the owners of the pub, Matthew Labbett and Charlotte (Surname not known) would be in later and that she would relay this information.

Our enquiries show that Matthew Labbett and Charlotte Cox are directors of Surf the Seas Limited, the company which owns the Shaftsbury and hold the Premises Licence for the pub.

Between 13th October 2015 and 15th June 2016, 15 letters have been sent by various methods including Personal Delivery to the premises. The letters have been addressed to each person on record as having an active interest in the premises and each fully explain Sky's position and the need for an active Commercial Agreement to permit the showing of Sky programmes.

The only response from the Shaftsbury are 2 unsigned letters, one stating that they have an agreement for Sky Television to show At the Races and Racing UK. This Viewing Agreement does not include football.

The other letter was to advise that a Mr Craig Daniel was now the owner of the Shaftsbury. Mr Daniel has also been written to.

Sky Television subsequently confirm that there was no Commercial Viewing Agreement in place to permit the use of this programme in the licensed premises.

Further visits were made by other operatives on 3rd January 2016, 23rd January 2016, 7th February 2016, 3rd April 2016, 24th April 2016, 1st May 2016 and 28th May 2016. On all occasions Sky Sports Live coverage of the football matches were being shown without the required Commercial Agreement being in place.

Persons on record as being involved in the premises during the time of our enquiry are as follows;

Matthew Labbett – Director of Surf the Seas. (Resigned).

Charlotte Cox – Co Owner of the Shaftsbury.

Craig Daniel – Owner of premises and now the only, active Director of Surf the Seas.

James Matthew Keating – original DPS of record.

Sally Margaret Keating – current DPS.

When operatives have attended these premises to deliver letters by Personal Delivery, none of the above have been available and staff state that they are very rarely there.

The purpose of this visit is to;

1. Identify who is in control of the licensed premises.
2. Advise them of the law in respect of the unauthorised Sky Television programmes.
3. To ensure that the relevant licensing authorities are aware of the situation.

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EXHIBIT AW/4

Hazel Vanessa Grant, Designated Premises Supervisor, Champions

Andrew Ford, Senior Regional Manager, Enterprise Inns PLC

Michael Pickard, Watford Observer

Councillor Steve Rackett

Officers:

Licensing Manager

Licensing Officer

Legal and Democratic Section Head

Democratic Services Officer (SH)

Item	Description/Resolution
------	------------------------

Part A - Open to the Public

<u>LSC17</u>	Committee Membership/Election of Chair
--------------	---

-	The Democratic Services Officer confirmed that the Sub-Committee would comprise Councillors Crout, Derbyshire and Mortimer.
<u>10/11</u>	

The Sub-Committee was asked to elect a Chair for the Hearing.

RESOLVED -

that Councillor Derbyshire be elected Chair for this Hearing.

<u>LSC18</u>	Disclosures of Interest
--------------	--------------------------------

-	There were no disclosures of interest.
<u>10/11</u>	

<u>LSC19</u>	Application for a Premises Licence Review: Champions, 151 St Albans Road, Watford
--------------	--

-	Ref: 10/00738/LAINPT
<u>10/11</u>	

The Sub-Committee received a report of the Head of Environmental Services setting out details of an application from Hertfordshire Constabulary to review the premises licence in respect of Champions, situated at 151 St Albans Road, Watford.

The Chair introduced the Councillors and officers present. He outlined the procedures that would be followed for the hearing.

Mr Julian Skeens, the Solicitor acting on behalf of Mr John Boyd Grant and Miss Hazel Vanessa Grant, said that he had made the Council's legal officer aware that morning of some preliminary points regarding the documentation that had instigated this hearing.

Item	Description/Resolution
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The Chair responded that he had been advised that the Solicitor may wish to challenge the status of the hearing. He asked Mr Skeens to explain the basis of the challenge.

Mr Skeens informed the Sub-Committee that the application to review the premises licence had been given to the premises licence holder. Once the review application had been lodged, the premises licence holder, The Healy Group, surrendered the licence as the company did not wish to deal with the review. He said that this brought the licence to an end. Under the Licensing Act 2003, however, if a third party made an application within seven days, the licence was reinstated. The licence would then be transferred with immediate effect. Mr Grant had made an application through Gosschalks, his solicitor at that time, to transfer the premises licence into his name. The transfer application was able to be challenged by the Police based on the crime and disorder objective. Hertfordshire Constabulary had made such a challenge which was pending.

Mr Skeens stated that the review application against The Healy Group had been properly made. The licence then ended and there was a break. He suggested that he could discuss the details with the Council's legal adviser and then he would be able to consider the arguments.

The Chair agreed that the Sub-Committee would adjourn to allow the legal advisers to discuss the matter and for the Legal and Democratic Section Head to then advise the Sub-Committee.

Mr Skeens asked that any legal advice to the Members should be given in public.

The Chair said that prior to the adjournment he felt it important that Members were given full details of the relevant timings the documents had been served since there appeared to be some uncertainty.

The Licensing Manager informed the Sub-Committee that the Police had served the review application on 1 July 2010, although there was no specific time quoted on the application.

PC Andy Crisp referred the Sub-Committee to the Police evidence, page 65. He confirmed that the review application had been served at 14.15 on 1 July 2010 to Mr Craig Daniel, the Designated Premises Supervisor (DPS). The

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application was posted to the Healy Group that day.

The Licensing Officer advised that the second page was corrected. The Licensing Manager confirmed that it had been amended to read 'Healy Group at 151 Frimley Road, Camberley'.

PC Crisp advised that following a discussion with the Healy Group on 9 July, the Healy Group surrendered the licence. The transfer application from Gosschalks on behalf of John Boyd Grant was received on 12 July.

Following a question from Mr Skeens, PC Crisp confirmed that the review application had been posted to 151 Frimley Road and handed to the DPS at Champions. On the same day he had posted the application to all other Responsible Authorities and the Council's licensing office.

Mr Skeens suggested that the Sub-Committee may also need to be aware of the details held on the Council's licensing register, for example the name and address of the licence holder.

The Licensing Manager confirmed that the register showed Mr Boyd Grant of Harrow. The transfer had taken immediate effect on 12 July. Following a further question from Mr Skeens, he confirmed that as at 1 July the register showed the licence to be in the name of the Healy Group at 151 Frimley Road.

The Chair invited Sgt. Smith to speak about the Solicitor's submission.

Sgt. Smith stated that the submission affected the validity of the hearing. The Solicitor had made some valid comments and that there was the potential for information to be lost. In this situation, however, that was not the case. Mr Daniel and Mr Grant had been business partners prior to the change of premises licence holder. He referred to Mr Skeens' comment that the licence stopped when it was surrendered. He said that the licence was suspended. In this case the licence was resurrected within seven days. There had been no break in continuity. Sgt. Smith stated that in his opinion the review application and hearing were valid.

The Chair said that the Sub-Committee would adjourn to consider the submission by Mr Skeen and the Police response.

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On the Sub-Committee's return, the Chair asked the premises' representative to make the legal points, stating why it was felt the application was no longer valid. Sgt. Smith would be given the right to reply. Following this the Sub-Committee would again retire to allow the Legal and Democratic Section Head to consider the points raised. The officer would then advise the Councillors, who would make their decision on whether the hearing should proceed.

Mr Skeens apologised and said that he had been advised of the application quite late and did not have the relevant sections of the Act immediately available. This was a complex area of law. It had been his intention to discuss the matter with the Council's legal officer and then provide the Sub-Committee with the details.

Mr Skeens referred to various sections of the Licensing Act 2003, including Section 26, the duration of the licence; Section 28, the surrender of a licence and its reinstatement under certain circumstances. The physical surrender of the licence was important as it was the authority under which alcohol could be sold. He commented that Sgt. Smith had not said that there was a connection between the Healy Group and Mr Grant. It had been mentioned that Mr Grant was a business partner of the DPS and this would be explained in more detail later.

Mr Skeens then referred to Section 50 that referred to licenses lapsing or being surrendered. Sub-section 2 explained about an interim authority notice ceasing to have any effect and sub-section 3 referred to the licence transfer needing to take place within seven days. He confirmed that the licence had been surrendered on 9 July and the transfer application had been made on 12 July. Sub-section 5 stated that the premises licence was reinstated from the time of the transfer application.

Mr Skeens said that at the time the licence was surrendered, the review and any other types of applications stopped. All authority of the licence stopped. An exception to the rule occurred in this case as the licence was resurrected at a later date by a new person. The Sub-Committee would need to make a decision whether the new person was fit and proper to hold a licence. The only authority able to object to a transfer application was the Police. The new premises licence holder needed to be able to operate prior to any other parties being able to object to them. If there was cause for concern about the operation of the premises from the new date, then this would be dealt with

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in its own right. Mr Skeens reiterated that the licence had been in existence, it came to an end and all applications or authorities came to an end.

Sgt. Smith responded that the Solicitor had made some good points and that the new premises licence holder should be able to show that they could operate the premises. He understood Mr Skeens' interpretation. He said that the word 'reinstatement' implied that something had come back and not that it was new. The transfer application reinstated the original licence. The importance of a new premises licence holder was key. They were taking over a premises and officers would not want them to suffer. This case was different, as the premises licence holder had dealings with the premises prior to the surrender of the licence. He had a good knowledge of the premises. He added that when PC Crisp and Jamie Mackenzie visited the premises prior to the review having been submitted, they had met Mr Grant.

Sgt. Smith asked the Sub-Committee to look at the interpretation of the legislation. If a premises licence holder was able to surrender the premises licence and then ask a friend to submit a transfer application in order to 'kill' the review application, this would not be a common sense approach.

Mr Skeens replied that he understood the officer's comments but they were not correct. He said that the licence in the name of the Healy Group had gone and a new licence had been issued in the name of the new premises licence holder. The transfer application had still to be determined. He referred to Section 50 of the Act, sub-section 7 which stated that only one transfer application could take place. It was not possible to request a further transfer of this licence to another premises licence holder.

Following a request by the Legal and Democratic Section Head, the Licensing Manager confirmed that an email had been sent at 17.06 on Friday 9 July asking for the surrender of the licence to take immediate effect. This was after close of business at the Town Hall and officers had already left the office at that time. The first time the Licensing Officer saw the email was on Monday 12 July.

The Licensing Officer explained that the email did not state the reason for surrendering the licence. When the transfer of the DPS had taken place in May 2010, the premises licence holder had completed a licence transfer application and left it with Enterprise Inns PLC. The final stage however had

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not been completed. A premises licence holder did not have to specify a reason for surrendering a licence; they only had to explain why they were unable to return the licence to the Licensing Authority.

The Chair stated that the Sub-Committee would retire to allow the Legal and Democratic Section Head to consider the arguments. He would then advise Members of his view. When the Sub-Committee returned the Legal and Democratic Section Head would explain the advice he had given. Members would then announce their decision about the submissions regarding the validity of the hearing.

On the Sub-Committee's return, the Chair announced that having heard the legal arguments put forward by the Police and the Solicitor for Mr Grant and Miss Grant and having consulted with the Council's legal adviser, the application for review would continue. He invited the Legal and Democratic Section Head to explain his advice.

The Legal and Democratic Section Head said that many of the points had been covered by Mr Skeens. Section 28 was related to the surrender of a licence and referred then to Section 50, the reinstatement of a licence. He confirmed that an individual could apply for a transfer of the licence not later than seven days of its surrender. He then quoted Section 43, sub-section 1 (a), which he considered would apply in this case. He added that in his opinion this put the transfer applicant into the 'shoes' of the previous premises licence holder. He said that his advice to the Members had been that the premises licence was reinstated or resurrected and that he had not been able to find any references which implied that the review application was no longer valid.

The Chair stated that he did not consider it appropriate for the Legal and Democratic Section Head to be questioned by Mr Skeens on the advice he had given to the Sub-Committee. He said that the hearing would adjourn at this point for lunch and reconvene at 13.45.

Following the adjournment for lunch, the Chair re-opened the meeting. He reiterated the procedures that would be followed for the review application.

The Licensing Officer explained that the application was for a review of the premises licence and had been submitted by the Police. The Police had requested that the licence was revoked in its entirety. He confirmed that the

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current licence showed that Mr Grant was the premises licence holder and Miss Grant was the DPS. There had been eight representations from interested parties regarding this application; seven in support of the review and one against. Environmental Health had also submitted a representation. The licence attached to the committee report was correct as at 1 July 2010.

The Chair invited Sgt. Smith to present the review application submitted by Hertfordshire Constabulary.

Sgt. Smith informed the Sub-Committee that much of the evidence centred on the operation of the premises. This was a small public house and there had been no significant problems before Mr Daniel had become the DPS. Since that time there had been a marked increase in problems. Warnings had been given to Mr Daniel and they had not been heeded. This had led to the review application.

Sgt. Smith stated that he would question Jamie Mackenzie, Licensing Enforcement Officer for Watford Borough Council, about his statement.

Mr Mackenzie confirmed that he had received a noise complaint about the premises. This had initially been made to the Environmental Health out of hours service. As the complaint related to a licensed premises, it had been copied to him. He explained that he worked closely with PC Crisp and discussed issues relating to licensed premises. It was standard procedure to contact new Designated Premises Supervisors and offer any advice if required. **The visit on 21 April had not been pre-arranged and it was not considered a problem if the DPS was not available. The officers had been advised that the DPS would be available at 14.00, but in the end Mr Daniel was unable to meet them.** The officers met Mr Grant, Mr Daniel's business partner, and took the opportunity to draw his attention to matters of concern.

Following an email from a Special Constable, Mr Mackenzie said that he wrote to the DPS on 5 May, advising him of the licence conditions. Mr Daniel then contacted him two days later. Mr Daniel confirmed he understood the requirements of the licence and would do all he could to ensure the licence conditions were met. He added that further complaints from residents were received on 20 and 21 May.

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Mr Mackenzie informed the Sub-Committee that between 21 May and 21 June his involvement with the premises had lessened. PC Crisp took more responsibility as it was during the World Cup period. Mr Daniel had telephoned the office on 21 June to discuss the premises and advise that he needed a new copy of the premises licence. Further noise complaints were received by Environmental Health on 25 and 28 June.

Mr Mackenzie confirmed that he had visited the premises on 1 July with PC Crisp and Simone Smith. They wanted to check that the DPS had complied with the licence conditions. The officers checked the conditions on the premises licence and had found that several had been breached. Simon Darby, an Environmental Health Officer checked the noise limiter and again there were a number of conditions breached.

Mr Mackenzie then responded to questions from Mr Skeens. He confirmed that during the visit on 21 April, he was made aware that Mr Grant was entering a partnership with Mr Daniel and was seeking assignment of the lease from the Healy Group through Enterprise Inns PLC.

In response to a question about the condition regarding noise limiter equipment, Mr Mackenzie said that he was not aware of a noise limiter condition which required it to be set by an Environmental Health Officer and sealed in a locked box, however, it could be worded in that format. The intention of the visit was to ensure that the noise limiter was connected to the equipment and not if it was operating outside its parameters. The actual wording of the condition should be directed to an Environmental Health Officer. It was preferable that all music was played through the noise limiter. He agreed that the existing condition on the licence could be improved. If the box containing the noise limiter was sealed, he agreed he would be able to check if the seal had been broken.

Sgt. Smith advised that he would ask PC Crisp questions in relation to his statements within the evidence documents.

PC Crisp confirmed he was the Licensing Enforcement Officer for Watford. He had visited or contacted the premises on a number of occasions. He concurred with the evidence given by Jamie Mackenzie. On 12 June he had visited the premises to speak to the DPS and discuss any issues he might have surrounding the World Cup. He met Mr Daniel and Mr Grant. This was the first occasion he had met Mr Daniel. Following this meeting PC Crisp

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continued his patrol. Later that evening, after midnight, he was passing the bar and noted that the windows on Bedford Street were still open, which was a breach of the licensing conditions. Having checked this information at Watford Police Station, he returned to the premises. PC Crisp explained what happened when he returned to the premises. PC Crisp sent a letter to the DPS on 13 June setting out the conditions which had been breached and warning that the Police might wish to review the premises licence if the conditions were breached again.

At this point Mr Skeens asked for a copy of the Police evidence for his client.

PC Crisp advised that he had taken two sets of the documentation to Champions on 26 August. One set had been for John Boyd Grant and one set for Hazel Vanessa Grant. A copy of the statement made by PC Crisp about this visit was provided to Mr Skeens.

A copy of the documentation was given to Mr Grant for the duration of the meeting.

PC Crisp continued his evidence. His next statement referred to his observations of the premises on 18 June. He confirmed that Mr Grant had been present on this occasion. It was clear that conditions had been breached. For example, the windows were open beyond 23.00. On the previous visit Mr Daniel had stated he was aware of the conditions on the premises licence and on this occasion he claimed never to have seen the licence.

PC Crisp's next statement referred to the visit on 1 July which Jamie Mackenzie had already spoken about during his evidence. There was nothing further to add.

PC Crisp then responded to questions from Mr Skeens.

PC Crisp stated that the first time he had met Mr Grant at the premises was on 21 April and not 12 June as suggested by Mr Skeens. He added that he did meet Mr Grant at the premises on 12 and 13 June. On that occasion Mr Grant had apologised about the noise and had referred to Mr Daniel being asked to perform for the customers, as he had been on X-Factor and Britain's Got Talent.

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Following questions about an external speaker, PC Crisp advised that a speaker was located externally and that one wire was disconnected. It was possible, however, to easily reconnect the wire. He agreed that it would be preferable to have a more simple condition than the one specified in the licence. He also agreed that a clearer condition requiring all amplified music to be passed through a noise limiter would be an improvement.

There were no further questions for PC Crisp. Sgt. Smith advised that his next witness was Richard Crooks, an Environmental Health Officer for Watford Borough Council. He confirmed that Environmental Health had also submitted a representation as a Responsible Authority.

Mr Crooks informed the Sub-Committee that he had been asked to look at the premises as there had been a number of complaints regarding noise nuisance, which included music and barking dogs. The first occasion he had visited the premises was on 9 July 2010. During his visit to the area he had to decide whether there was a statutory noise nuisance being created and materially affecting people's lives. On this particular occasion he had considered the level of noise not to be a statutory nuisance. There were a number of other occasions when the noise level had been loud and several people in the rear garden of the pub shouting. If the noise continued at the level heard on those occasions it could constitute a statutory noise nuisance.

Mr Crooks explained that a statutory noise nuisance affected people in their own property. Public nuisance was the general effect. The burden of proof for statutory noise nuisance was harder to prove than public nuisance.

Following Mr Skeens' question about the noise limiter condition, Mr Crooks advised that he had worked in local authorities where licensing conditions specifying that noise limiter levels were set by Environmental Health had been used. There were other circumstances which would affect the level of noise, for example whether windows were open or closed.

Mr Skeens said that the level might be set when the windows were open. He suggested a condition which required the windows to be fixed shut and asked the officer for his opinion.

Mr Crooks responded that it would be possible to fix the windows shut. When he had visited the premises the doors and windows had been open.

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The doors he had referred to were on the corner of Bedford Street and the windows were at the rear of the property. He added that it would be possible for someone to avoid running any sound equipment through the noise limiter. He said that in setting a level acceptable to residents whilst the rear windows were open might not be an acceptable level for the premises licence holder.

Mr Skeens suggested that if the level was measured at one metre from the façade of the premises, this should not affect residents in their own homes.

A Member commented that generally one would expect a certain level of noise from a bar. He asked the officer whether the level of noise from this premises caused more concern than the level of noise from other bars.

Mr Crooks confirmed that, other than the 9 July, the level was worse than would generally be expected from a public house.

There were no further questions for Mr Crooks. The Chair invited Simon Ricketts to present his representation.

Mr Ricketts said that this public house was out of order due to the noise level and the rats. He then responded to questions from Mr Skeens.

Mr Ricketts said that he did not feel this premises could be run by the current management so that it was not intrusive to residents. **He considered it clear that the problems with the pub had started when Mr Daniel moved to the premises and were still continuing.**

Mr Skeens advised that Mr Daniel was still involved with the premises. He asked Mr Ricketts to explain about the noise problems.

Mr Ricketts stated that he did not expect to hear the noise from the premises when he was in his rear garden or inside his house with the windows shut. He added that he could still hear the noise when he had shut the windows in his house.

Mr Robin Langley thanked the Sub-Committee for being given the opportunity to voice his concerns. He said he could not over state the problems that had occurred since the arrival of Mr Daniel, who was still at the premises. There had been no change. Mr Langley informed members

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that he had moved to his property in 1988. It had been a nice area until the level of noise had increased. He added that two dogs were kept on the flat roof at the rear of the premises who incessantly barked. As he did shift work, he had telephoned the landlord about the noise and he had been told it was 'too bad'. The dogs were kept in cramped conditions and the palisade around the flat roof was very flimsy.

Mr Langley said that the premises' clientele were unchecked and were led by the example set by the management. There was an abandoned van in the rear garden. He could not sleep without his windows being shut and even then it was still possible to hear the noise. If he phoned to complain about the noise the telephone receiver was put down.

Mr Langley urged the Sub-Committee to revoke the licence. He noted that if this action was not taken, residents had the ability to contest in court.

Mr Langley then responded to questions from Mr Skeens. He stated that he had not reported the situation regarding the dogs to the RSPCA.

Mr Skeens commented that this was an option open to residents. He added that the van parked in the rear garden belonged to Mr Daniel. He noted residents' complaints about broken glass, litter and cigarette butts and suggested that a responsible licensee might arrange for this to be cleared.

Following a further question, Mr Langley confirmed that he was aware he could apply for a review of the licence or ask the Licensing Authority to prosecute the premises licence holder. He also confirmed that representatives from the premises had not introduced themselves to residents. The management seemed hostile and residents felt intimidated. He considered it a reasonable course of action for a DPS to provide personal contact details and to listen to residents' complaints.

Mr Langley then responded to questions from Sgt. Smith. Sgt. Smith noted the strong wording in the representation.

Mr Langley replied that residents were 'at the sharp end'. Since 12 July there had been no contact from the new DPS and the situation had not changed.

Following a question from a Member, Mr Langley replied that prior to this period it had been considerably quieter in the street. The current problems

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were the dogs barking and the clientele. He added that he was aware that some bars had closed and he believed that those customers now frequented Champions. He said that the back garden was an overspill area and people drank there and were noisy.

In response to a question from another Member, Mr Langley said that the noise did not come from Dunnings. Mr Ricketts added that Dunnings was an Irish pub and it was possible to differentiate between the two. All the disturbance came from Champions.

At this point the Chair agreed to a short break.

When the Sub-Committee returned, Mr Skeens said that he intended to call two witnesses. He commented that there were three applications before the Sub-Committee and asked whether it was right that he could assume that Mr Grant was the premises licence holder and Miss Grant was the DPS.

The Chair advised that at this point the Sub-Committee was solely considering the review application, but recognised that there might be some common evidence. The other two applications were not due to be held in public as some of the evidence was not for a public meeting.

Mr Skeens stated that he did not act on behalf of the Healy Group. He felt that unless the licence had been transferred, he was not sure in which role he could address the Sub-Committee.

The Chair responded that the licence had continued from the previous licence holder, as discussed at the beginning of the meeting.

The Legal and Democratic Section Head added that the legal position was that the licence had been reinstated on an interim basis to Mr Grant and Miss Grant was the DPS until the transfer application and change of DPS had been determined. The current licence showed the premises licence holder as Mr Grant and the DPS as Miss Grant.

Mr Skeens appreciated that there was some common information with regard to the transfer application; however, he was not sure how he could deal with the review.

The Legal and Democratic Section Head reiterated that on an interim basis

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the licence was currently deemed to be held by Mr Grant and Miss Grant was deemed to be the DPS. Both parties were responsible for complying with the premises licence.

Mr Skeens commented that one of the powers the Sub-Committee had in a review was to remove the DPS.

The Chair agreed that the Sub-Committee would adjourn to allow Mr Skeens to discuss the matter with his clients.

When the hearing re-started, Mr Skeens advised that he would call his clients and allow them to explain their position.

Mr Grant confirmed that he was known as Boyd Grant and that his daughter was also known by her middle name. He had met PC Crisp on 21 April and at that time confirmed that he was hoping to obtain a transfer of the lease, in partnership with Mr Daniel, from the Healy Group. The lease was assigned on 19 May 2010 and the business relationship with Mr Daniel was confirmed.

Following a questions about resolving licence condition breaches prior to 19 May, Mr Grant stated that Mr Daniel was running the premises. He was only at the premises in the background. He confirmed that he had met Mr Daniel when his daughter had worked for Mr Daniel.

Mr Grant advised that his profession was a petroleum engineer.

Mr Grant informed the Sub-Committee that Mr Daniel was computer illiterate and he helped Mr Daniel in this aspect. An earlier instruction had been given to Solicitors requesting a transfer of the licence when the lease had been assigned on 19 May. However, that application had not proceeded. The transfer application had been dealt with on 12 July by Gosschalks, the solicitors for Enterprise Inns PLC. On the same day his daughter had applied for the variation to be made to the premises licence to make her the DPS.

Mr Grant said that he understood residents' anger. Many of the complaints related to the two dogs kept by Mr Daniel on the roof. With reference to questions about the windows being open on Bedford Street, Mr Grant informed the Sub-Committee that on the occasion the officer referred to, he had closed the windows three times, but customers opened them. Since

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then the windows had been sealed shut. A condition requiring the windows to be sealed shut was acceptable, but he would not wish the rear windows to be included. A further condition requiring that all amplified music was played through a noise limiter, the level set by the Environmental Health Officer, would also be acceptable. Although the suggestion that people should not be allowed in the rear garden after 21.00 was a little early, Mr Grant said that he would agree to it. He suggested a condition requiring his staff to clear any litter should be set at 15 minute intervals. He thought the external speaker referred to by the officer had been removed, but if this were not the case he would remove it. He would also remove the speakers near the rear door. The 'chill out area' had settees and music would be played at a quieter level. Two of the speakers would be removed enabling people to relax. He agreed that by the time he was involved in the every day activities of the premises, he did not feel it was the appropriate time to meet local residents. It was, however, his intention to meet the local residents. Due to the course of events over the last few weeks it had not been possible.

Mr Grant said that he had every faith in his daughter being able to control the premises. She was well liked and well respected.

Mr Grant confirmed that he was still in partnership with Mr Daniel. However, if Mr Daniel wanted to do things contrary to the licence, Mr Grant said that he would surrender the licence. He confirmed that he was aware that if he surrendered the licence, it would immediately be revoked and could not be resurrected. He understood he would be liable for a £20,000 fine or six months imprisonment if he breached the licence. He stated that this would not happen. His daughter had agreed to give residents her personal mobile number.

Mr Grant informed the Sub-Committee that since entering the partnership with Mr Daniel several changes had been put in place. Staff maintained a presence at the front of the building and customers were unable to take drinks outside. People were only able to go out the front of the building to smoke. Signs had been put in the premises as required by the licence. He had attended a course organised through Enterprise Inns. Following that he had already put some things into practice and more was to be done. Mr Grant said that this was a local pub and it was detrimental to the business to upset local residents.

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Following a Member's question, Mr Grant explained that he was new to the business. Mr Daniel was the DPS and he had worked in the background until he had taken over the premises licence. He had spoken to Mr Daniel about the issues raised by officers, but Mr Daniel had ignored him.

Mr Skeens added that the business relationship had not started until 19 May. Prior to this date Mr Grant had no influence over the events at the premises.

Mr Grant said that once he had taken over the licence he put things into place.

Mr Grant then responded to questions from Sgt. Smith.

Mr Grant informed the Sub-Committee that he had known Mr Daniel for 18 months, including the time Mr Daniel had run the Goodwill to All pub in Harrow. He had no involvement in that premises other than the CCTV and karaoke equipment. He confirmed that he had applied for three Temporary Event Notices at the pub in Harrow. Mr Daniel had held the lease for the premises and the DPS had withdrawn. He said that no objections had been submitted regarding the notices.

Sgt. Smith referred to evidence within the documents that showed the Metropolitan Police had objected to the Temporary Event Notices. Mr Grant said that he was not aware of the objection.

Mr Grant confirmed that although he had a role in the partnership from 19 May he did not have any operational role until later. In response to a question about the windows being screwed shut, Mr Grant responded that this was the sensible solution. When the officer had visited on 1 July, he had not been aware that all music did not go through the noise limiter. It was still not connected to all the equipment. He had put up signs in the premises and people did not go into the rear garden after 22.30. The doors were closed and windows sealed. It was important to build up a relationship with the residents.

Mr Grant stated that he was still in business with Mr Daniel. He assured the Sub-Committee that he would not allow Mr Daniel to dictate how the business was run.

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Following a question about an incident on 6 August, Mr Grant said that this referred to a couple of people who had left a different premises and had walked to Bedford Street. He was not aware of the incident on 7 August referred to by the Police in the evidence. Neither Environmental Health Officers nor the Police had contacted the premises about loud noise on that day.

Mr Grant said that he would take great care that everything was carried out. He said that it would be good if the business was put under a microscope, as it would ensure he did not do anything wrong and everyone would be happy.

Mr Skeens then questioned Miss Grant.

Miss Grant advised that she had first become involved with the premises on 12 July. A variation application had been submitted by Gosschalks proposing her as the DPS. The first time she visited the premises was on 9 July. She had felt the premises had seemed a nice place. She had worked with Mr Daniel for between six months and a year. When she had worked at the Goodwill to All she had been a barmaid. She did not have any control over the way it was run. She confirmed she held a personal licence. She said that she felt bad for the residents. She wanted to strike up a good relationship with them. She quoted her telephone number for the residents. She added that it would be useful to hear all residents' views about the premises. She understood that it would be an uphill task to gain their trust. She said that she would live at the premises most of the time. On those occasions she was not present, she said that she would have people there whom she could trust. She added that she would ensure she would always get back to the premises if necessary. She had listened to the suggested conditions and was satisfied that she would be able to run the pub correctly. She was aware that she would be the person contacted by the Police if there were any problems.

Miss Grant then responded to questions from Sgt. Smith. She confirmed that the first time she had become involved with the premises was on 12 July. She said that it was a nice premises and the regular customers were good people. The layout was nice and she felt it could do well.

Miss Grant stated that she had worked at the Goodwill to All for three years. During that time there had been 10 different managers and most of the time it had been a nice place to work. She had not been working at the

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premises when there had been problems. She advised that she had not worked in a public house which was surrounded by residential properties. She had intended to contact the local residents near Champions. She said that she had attended a Pubwatch meeting two weeks after the application to become the DPS. She had not had any contact with the Police or the Council. She added that the Police had not visited her at the premises. With reference to PC Crisp's statement of 26 August, she stated that the member of staff had said the officer had asked for Hazel. She had contacted the Licensing Team as she had not received any paperwork. Papers were sent and she received them the following day. She added that she had been away from the premises for a few days.

Following further questions from Mr Skeens, Miss Grant said that she was not known by her first name and if the officer had asked for Hazel, the member of staff would not have known to whom he was referring. When she had attended Pubwatch, the Police had not been present, but she had met Jamie Mackenzie.

Mr Mackenzie confirmed he had been at the meeting. PC Crisp had been on leave at the time.

The Chair invited Mr Andrew Ford, a representative for Enterprise Inns PLC, to speak to the Sub-Committee, as the company had submitted a letter.

Mr Ford advised that he had nothing to add. He responded to questions. Mr Ford stated that he was attending the hearing to observe the proceedings. The company had close working relationships with its retailers. The retailers' success meant that the company was successful. The company took matters seriously and incorporated in the lease that the licence should not be put at risk. If a manager did not have the appropriate qualification they would be required to take the appropriate qualifications through the company.

In response to questions from Mr Skeens, Mr Ford said that the authorities had not made the company aware of the problems at the premises. He considered that the revocation of the licence was the last resort. He said that it was important to work together and to add any additional conditions which might be required. He said that considerations might include the contact with the community or whether the hours or activities were appropriate.

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Following a question about the closure of premises due to the economic climate, Mr Ford said that premises had been closed this year. It was a difficult decision to dispose of property. If it were not possible to make a premises sustainable it would have to be closed. It was a commercial market; he was aware of a premises that had recently been sold quickly.

The Chair invited Sgt. Smith to make his final presentation.

Sgt. Smith stated that the review application was based on a number of breaches over several months. The Sub-Committee had heard from the residents and the blight it had caused them. In the past the premises had operated without causing any problems. The proposed change of DPS and premises licence holder might suggest that some of issues would be addressed. It had been demonstrated that there was a clear link between Mr Grant and the premises during the breaches. It was unreasonable for him to say that he could not do anything. He was the business partner of the DPS.

Sgt Smith referred to the noise problems at the premises. He said that the Environmental Health Officer had shown there was clear evidence that statutory noise nuisance could be demonstrated. It was also clear that public nuisance had been caused to the residents. The noise limiter had not been correctly connected. The external speaker could be re-connected. It was not possible to stop people shouting. Mr Grant or Miss Grant had not made any attempt to connect the noise limiter to the equipment since they had submitted their applications. If they were serious about addressing the problems, they would already have done this. Residents had said that the situation had not changed since there had been a change of licence holder. Mr Grant had been present on a number of visits by the Police.

Sgt. Smith said that the noise complaints and prolonged disturbance met the aggravating factors for public nuisance when considering a review application. Mr Grant had a long-standing friendship with Mr Daniel. There had also been a relationship between them at another premises where there had been serious disorder and it was eventually closed. Mr Grant was new to licensing. He added that Miss Grant came across very well at the meeting and seemed sensible. He was concerned, however, about the lack of action that had been taken so far. He considered the premises licence holder and DPS had had ample opportunity to change things.

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Sgt. Smith said that a revocation of the licence was the ultimate sanction. He understood that the Sub-Committee might not wish to invoke this decision. He asked Members to consider residents, for example to require an earlier finishing time in the outside area. A condition stating no music to be played could be added to the licence. A number of conditions could be added to the licence.

The Chair invited the residents to make a final statement. Mr Langley said that he was still not convinced that that the applicant was fit and proper to run the premises. There had been a lack of action. The dogs continued to bark and music was still being played outside.

The Chair invited Mr Skeens to make a final summation on behalf of his clients. Mr Skeens

Mr Skeens explained the powers within the remit of the Sub-Committee when considering review application. He said that he was not sure how the Sub-Committee could consider removing the DPS, as at the date of the review application, Mr Craig Daniel was the DPS for the premises. He considered it to be inappropriate to remove Miss Grant. Sgt. Smith had commented that Miss Grant came across well at the meeting, she had attended Pubwatch and no-one had mentioned the problems outlined at the hearing. The previous warnings had not been give to Miss Grant. There was some disagreement whether the papers had been served on Miss Grant. Her address was available and it would be expected her documents would be sent to her given address. He said that it was understandable that Miss Grant might be concerned about meeting the residents.

Mr Skeens said that the premises had traded for many years. The residents had said that they did not experience problems from Dunnings. This pub had not caused problems before. He suggested that the Sub-Committee should consider the evidence before them at the hearing. There were conditions they could add to the licence which were capable of rectifying the situation.

Mr Skeens referred to the existing noise limiter condition which he considered to be lacking substance. He suggested that a condition could be added requiring all sound equipment to be played through the noise limiter. He added that a condition could be added making reference to the outside speaker.

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Mr Skeens then referred Members to the mitigating factors for public nuisance. He said that Mr Grant had apologised and he was aware he would be under scrutiny. He was unable to speak on behalf of Mr Daniel, but Mr Grant and Miss Grant had made a full commitment to the premises. If there were any problems in the future they would be held against them.

Mr Skeens advised that Sgt. Smith had commented that there was a clear link between Mr Grant and the premises which had been closed. Mr Grant was a friend of the premises licence holder and had nothing to do with the premises. Mr Grant had met Mr Daniel through his daughter who worked for Mr Daniel. Sgt. Smith had also said that it was not possible to control people shouting, however, Dunnings appeared to be able to do this and it could happen at Champions with the right management.

Mr Skeens commented that a licensing hearing concentrated people's minds on a premises and the premises licence holder and DPS would be foolish not to carry out their undertakings to the Sub-Committee.

Mr Skeens then reminded the Sub-Committee of the timeline of events at the premises, from 13 March when Mr Daniel had been made the DPS until 7 August, when there had been a disturbance at the premises.

Mr Skeens said that his client did not want to breach the licensing conditions and would surrender it if there were breaches. In addition the DPS had said she would surrender her licence and as soon as this happened the sale of alcohol would stop.

The problems set out in residents' representations could be resolved by adding conditions to the licence. The issue involving the dogs barking was not a licensing matter. He acknowledged that residents had been disturbed. Mr Grant had apologised at the hearing and asked the Sub-Committee in due course to transfer the licence to him and to make Miss Grant the DPS.

The Chair stated that the Sub-Committee would retire to make its decision.

On the Sub-Committee's return, the Chair advised that Members would be making a decision at a later date and that all parties would be informed in writing within the prescribed time.

Item	Description/Resolution
	<ul style="list-style-type: none">• <u>Report of the Head of Environmental Services (43K/bytes)</u>• <u>Appendix 1 - location plan (676K/bytes)</u>• <u>Appendix 2 - layout plan (168K/bytes)</u>• <u>Appendix 3 - premises licence (33K/bytes)</u>• <u>Appendix 4 - representation EH (20K/bytes)</u>• <u>Appendix 5A - representation (99K/bytes)</u>• <u>Appendix 5B - representation (17K/bytes)</u>• <u>Appendix 5C - representation (43K/bytes)</u>• <u>Appendix 5D - representation (16K/bytes)</u>• <u>Appendix 5E - representation (15K/bytes)</u>• <u>Appendix 5F - representation (33K/bytes)</u>• <u>Appendix 5G - representation (17K/bytes)</u>• <u>Appendix 5H - representation (70K/bytes)</u>• <u>Appendix 6 - review guidelines (47K/bytes)</u>• <u>Reviw guidelines (47K/bytes)</u>

RESOLVED -

1.that, in reaching its decision, the Sub-Committee considered all of the evidence and representations, both written and oral, submitted by the parties.

The Sub-Committee concluded that there was clear evidence of substantial public nuisance over a period of several months which is continuing to affect the living amenities of the residents of Bedford Street in particular.

The Sub-Committee also concluded that the evidence demonstrated consistently poor management of the premises since Mr Craig Daniel was installed as Designated Premises Supervisor ("DPS") in March 2010. Examples of this poor management include the inadequate response to complaints from the public, the police and officers of the licensing authority. A further example of the poor management of the premises included the failure to heed the advice of the police and the officer of the licensing authority offered on several occasions.

The Sub-Committee also considered that the evidence demonstrated clear breaches of the licence conditions, including breaches in relation to the opening of the windows after permitted times, DJs performing after the hours stated on the licence and notices and signs not being displayed as

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required by the licence conditions.

The Sub-Committee accepted the evidence that the main problems with this premises started when Mr Daniel was appointed Designated Premises Supervisor ("DPS") in March 2010. Although there has been a (de facto) change of premises licence holder and DPS from July 2010, the Sub-Committee concluded that on the evidence there has been little significant change. The current premises licence holder is a business partner of Mr Daniel and the Sub-Committee accepted evidence that he was involved with the operation of the premises and aware of the problems both prior to and since his taking over of the licence.

In the circumstances, and in pursuance of the promotion of the licensing objectives, the Sub-Committee has resolved to suspend the licence for a period of three months. The Sub-Committee considers that this will give the premises management the opportunity to put measures in place to address the issues. In addition the Sub-Committee has amended and added to the conditions attached to the licence (as set out below) that will come into effect upon expiry of the period of suspension. All other conditions currently attached to the licence remain as before.

2.The Sub-Committee amended the conditions detailed below and added new conditions to the premises licence as specified.

1.Condition 1 in Annex 2 is to be replaced by the following -

1 a)No loudspeakers, radio, television or similar broadcast equipment shall be placed outside of the building.

b)No internally placed loudspeakers, radio, television or similar broadcast equipment shall be positioned as to direct sound outside.

2.Condition 3 in Annex 2 is to be replaced by the following -

3.The side windows onto Bedford Street shall be fixed shut at all times.

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3.Condition 4 in Annex 2 is to be replaced by the following -

4.All windows and external doors shall be kept closed after 21.00, except for access and egress.

4.Condition 13 in Annex 2 is to be replaced by the following -

13.All amplified music, whether live or recorded, shall be channelled through a noise limiter which will be housed in a secure cabinet and set at a level determined in advance by the Council's Environmental Health Officer.

5.Condition 1 in Annex 3 is to be replaced by the following -

1.The outside drinking area will be closed at or before 21.00 and no customers of the premises permitted to use it after that time.

6.The following new conditions are to be added to Annex 3 -

5.The car park/yard area will be kept clean and clear of broken glass and litter at all times.

6.The premises licence holder will ensure that the public highway and pavement immediately surrounding the premises are kept clean and clear of broken glass and litter at all times.

7.The premises licence holder will ensure that no drinks are taken outside onto the public highway and pavements immediately surrounding the premises.

LSC20 Exclusion of Press & Public

- This item was not dealt with as the following applications were deferred to a future meeting.
10/11

Part B - Closed to the Public

LSC21 Application to transfer the Premises Licence

- The consideration of this application was deferred to a future meeting, the

Item	Description/Resolution
<u>10/11</u>	date of which had to be determined.
<u>LSC22</u>	Application to vary a Premises Licence to specify an individual as designated premises supervisor
<u>10/11</u>	The consideration of this application was deferred to a future meeting, the date of which had to be determined.

Published on Wednesday, 22nd September, 2010

The meeting started at 10.00 a.m., adjourned at 10.35 a.m., reconvened at 10.45 a.m., adjourned at 11.15 a.m., reconvened at 12.35 p.m., adjourned at 12.40 p.m., reconvened at 1.45 p.m., adjourned at 3.20 p.m., reconvened at 3.25 p.m., adjourned at 3.35 p.m., reconvened at 3.50 p.m., and ended at 6.00 p.m.

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Our Ref: 3/23046-1/LIGHTSHIELD LIMITED/MAC
Your Ref:

11 November 2009

Sgt. C Davis
The Licensing Unit
South Harrow Police Station
74 Northolt Road
South Harrow
Middlesex
HA2 0DN

ALSO BY EMAIL: carl.davis@met.police.uk

Dear Sergeant Davis,

RE: THE GOODWILL TO ALL, HEADSTONE DRIVE, HARROW HA1 4UW

We write further to the above matter and our meeting of yesterday's date in connection with the above premises, where the licence holder Lightshield Limited, acting by their director Mr. Terry Sullivan, the Designated Premises Supervisor Mr. Phil Osborn and our Mr. Macleay attended your offices.

As discussed, we confirm that we are instructed by Lightshield Limited in connection with this matter.

You are now in receipt of Mr. Osborn's written resignation from his position as DPS of the Goodwill to All, which we confirm to have immediate effect. The premises are now without a DPS and our clients have immediately closed the premises. We are instructed that the premises will now remain closed until such time as new management and a new DPS can be appointed and we confirm that we have today written to the Licensing Department at Harrow Council in order to advise them of this position.

As relates to Mr. Daniel, who had served as the in house manager of the Goodwill Arms, we are further instructed that he has been removed from his post with immediate effect. We have of course advised our client that should Mr. Daniel attempt to open the premises, that this will be in breach of s136 of the Licensing Act, which can attract a maximum fine of £20,000.00 and/or a 6 month custodial sentence.

In the meantime, we are instructed to confirm on behalf of our client that they are treating this as a matter of the utmost severity and that it is hoped a new and suitable DPS can be located and appointed swiftly. It is also therefore hoped that we will be able to revert to you in this regard in early course.

Finally, we would ask that should you wish to discuss this matter at greater length or require anything further, that you please do not hesitate to contact either Mr. Hill or Mr. Macleay at these offices.

Yours faithfully

HODDERS

Direct Dial: 020 8955 6306

email: Stephen.hill@hidders.co.uk