

**RESPONSE TO APPLICATION FOR A REVIEW OF THE PREMISES LICENCE by
the Licence Holder of The Masons Arms Public House, 75 High Street,
Edgware, Middlesex, HA8 7DD.**

A brief response to each of the events referred to by PC Virdi is contained below (the detail is contained within the witness statements). In short they do no more than support the fact that the DPS and staff at the Masons Arms were:

1. Complying with the times on the licence for selling alcohol (30th December 2013);
2. Refusing to sell alcohol to customers who were intoxicated and banning some customers (9th March 2013 and 13th July 2013 and 10th November 2013 and 27th October 2013);
3. Contacting the police when required and spending time to obtain information (e.g. photographs) relating to the perpetrator so as to assist the police (30th December 2013 and 27th October 2013);
4. Attempting to adhere to the terms of the licence.

Many of the instances sought to be relied upon occurred over 12 months ago and should not therefore be relied upon.

Whilst every effort is made to eliminate crime in establishments which hold a licence it must be the case that all establishments which are open to members of the public (and whether or not they hold a licence) will suffer from thefts. There are 2 such matters complained of within The Masons Arms over an 18 month period which some might consider to be low (15th September 2013 and 9th March 2014). In any event this is something that, regrettably, must occur at other premises without complaint from the police.

There is no evidence of issues such as the sale of alcohol being sold to those under age or the presence of illicit drugs on the premises. Whilst evidence of a

number of bottles of untaxed spirits were located at the premises there is no evidence that these were being sold over the counter. The police could have recovered the CCTV to establish this. Indeed, through the period the police saw the CCTV for various instances none of which could have shown the sale of untaxed spirits. The fact no illicit drugs were found, against the information provided to the police, shows that the information being obtained by the police is unreliable and should not be afforded any weight when consideration is given to these matters.

Furthermore, in respect of other instances (e.g. 10th November 2013) the instances refer to complaints from people who were intoxicated, by virtue of which their account must be unreliable, but is made less reliable by the fact that they fail to attend at a police station when sobered up.

Against this background the evidence relied on by PC Virdi has inherent weaknesses, such that little or no weight can be attached to it.

Placing matters in context, throughout this period Ms Golescu has been attempting to work with the authorities in seeking to further the licensing objectives. Following receipt of the letter dated 30th October 2013 Ms Golescu has:

1. Obtained a logbook and retains records of all relevant incidents.
2. Ms Golescu speaks to her staff on a weekly concerned all matters relevant to advancing the licensing objectives, particularly regarding awareness of their duties and not serving those who are drunk.
3. Ms Golescu attends courses and updates her staff through regular staff training and monitoring of their work
4. The security staff at the premises has been increased at relevant times.

Therefore, save for the recommendation that security wear body cameras all other recommendations have been implemented. There are several issues in respect of body cameras, one of which is the significant cost.

It should also be noted that Compliant Direct Limited has been instructed to carry out a full audit at the current staffing competencies and to provide a tailored course to cover all aspects of age restricted products and the Acts relevant to managing a place of public entertainment.

Accordingly, whilst Ms Golescu would comply with any conditions imposed on the licence of The Masons Arms, the additional conditions proposed by PC Viridi are unnecessary and disproportionate. Furthermore, revocation of the licence (as suggested) would be entirely disproportionate and inappropriate in the circumstances.

In respect of the specific incidents referred to by PC Viridi:

8th February 2013

On this occasion the police were called and arrived approximately 1 hour later.

CCTV was made available to the police by DPS on the day of the incident when it was viewed by the police. The officer did not know how to download the disc onto a suitable storage facility. The DPS candidly accepts that she was not conversant with the technical operation of this equipment, over and above that of normal CCTV recording. The police sent an officer to collect the CCTV 7 days after the incident.

14th February 2013

The contention that there were at least 3 visits to the premises by police is not accepted. There would have been telephone calls in which the DPS

was attempting to assist the police who could not download the CCTV. At the DPS' own expense an engineer was called to copy the material for the police, which proved to be unsuccessful.

9th March 2013 (male concerned alleges concern about being beaten up)

Head of Security for the Mason Arms, Alon Zuili, was present, however no one identified themselves to him as being concerned that they were going to be beaten up. Clearly if the Head of Security and DPS are unaware of a situation developing they can not act in any way in respect of the situation.

Of central importance is the fact that the complainant was "intoxicated" according to one of the police computer reports.

9th March 2013 (drunk male claiming door supervisors were heavy handed)

The Head of Security spoke to the relevant door supervisors. He was informed that a male became aggressive inside the pub. The male was asked to step outside of the pub, however he refused. He was evicted out of the pub wherein he attempted to use a weapon against the door security.

In respect of making a complaint to the police a balance has to be drawn between those incidents which are referred to the police and those which are not. This is especially so where the incident relates to a customer who has subsequently apologised as in the current example.

15th April 2013 to 23rd April 2013

It is refuted that neither the DPS nor the Head of Security at the Masons Arms were aware of this incident. Neither are they aware of a gang of Romanian males frequenting the pub.

This allegation appears to have nothing to do with the licence of the Masons Arms. The only link being an unverified suggestion from someone whose reliability is unknown, that the pub manager of the Masons Arms knows the identity of a gang of Romanian males.

13th July 2013

The member of security staff involved in this incident was not prepared to make a complaint. Once a member of staff decides to take this course there is little the DPS can do.

1st September 2013

There is nothing to confirm the level of intoxication of this male at the time he left the Masons Arms. Head of Security recalls that the incident took place in the car park of Lidl an hour after closing time. It was therefore not attributable to the Masons Arms who can not be criticised for the actions of customers who drink to an acceptable level whilst at the Masons Arms, following which they become intoxicated elsewhere.

30th October 2013

Following the incident on 1st September 2013 the DPS was requested to attend an interview. Following the interview the officer confirmed that he was to make recommendations rather than ask for a review. Naturally this course was accepted.

10th November 2013

This incident proves that The Masons Arms persisted in ejecting customers whose state of intoxication was such that it was deemed to be in excess of the permissible limit.

The DPS cannot be criticised for the fact that the alleged victim failed to return to the police station. It is as likely, given the degree of intoxication, that the alleged victim's injuries were caused by him falling over.

15th September 2013

This theft occurred due to the lack of vigilance of the victim. Such a theft could, and does, happen on public transport and in other public places where alcohol is not present. Accordingly that it occurred on licensed premises is nothing more than a coincidence.

CCTV was viewed and the cameras did not show the theft.

27th October 2013

The perpetrator of this offence was barred from the pub. Whenever he attended the pub the police were called by the pub's security. These are precisely the actions of a responsible DPS.

That the DPS provided a picture of the individual from Facebook shows that she was not dilatory in providing information required by the police. It is regrettable given the circumstances that PC Viridi's statement attempts to paint this in a negative light by stating "the DPS was **only** able to provide a picture of the suspect from a post on Facebook". The DPS would not have had a photograph of the perpetrator.

As this male's vendetta was against the Masons Arms from where he was banned the principle attack was seen to be against the Masons Arms and not other pubs in the locality.

30th December 2013

This incident confirms that alcohol was not served past the time permitted by the licence. CCTV shows customers were asked to leave and following ignoring these requests the police were called to attend by the DPS. On the police's arrival there was no music or noise.

26th February 2014

This incident highlights the fact that many of the allegations made against The Masons Arms are untrue. Following the police's attendance without notice there were no drugs or counterfeit cigarettes located at the premises as was alleged.

So far as the alcohol was concerned there is not evidence that this was being sold at the premises. Indeed, there is nothing to stop the bottles being stored where they were and used for personal consumption when required.

9th March 2014

This is a typical distraction theft that occurs in public places which do not have licences. Therefore the assertion that responsibility is placed on the DPS is not correct. Any action therefore taken by the Council based on this would not be proportionate.

10th March 2014

It is important to note that the caution, if correct, was issued unilaterally. Ms Golescu has not accepted a caution. PC Virdoi does not produce any documents in support of the caution. Further, it is difficult to understand

how an offence under section 143 of the Licensing Act 2003 could apply to the DPS.