

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)

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Part A - Open to the Public

<u>LSC17</u>	Committee Membership/Election of Chair
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-	The Democratic Services Officer confirmed that the Sub-Committee would comprise Councillors Crout, Derbyshire and Mortimer.
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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
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-	There were no disclosures of interest.
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<u>LSC19</u>	Application for a Premises Licence Review: Champions, 151 St Albans Road, Watford
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-	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.

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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

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<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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