



PCouncil Offices, Kiln Road,
Thundersley, Benfleet,
Essex SS7 1TF.
Tel. No: 01268 882200
Fax No: 01268 882455



David Marchant LLB (Hons) BSc (Hons) CEng FICE FCMI
Chief Executive

AGENDA

Committee:	LICENSING SUB-COMMITTEE
Date and Time:	Tuesday 13th December 2016 at 10.30am
Venue:	Council Chamber
Membership:	Councillors E. Egan, Greig and Palmer
Officers attending:	Mel Harris - Head of Licensing & Safer Communities Andrew Smith – Corporate Legal Adviser
Committee Enquiries:	Cheryl Salmon, Ext. No. 2454

PART I (Business to be taken in public)

- 1. Appointment of Chairman**
- 2. Procedure for the Sub-Committee (as attached)**
- 3. Review of Premises Licence under Section 52 of the Licensing Act 2003
for Bar One, 362 Long Road, Canvey Island, Essex, SS8 0JU**
- 4. Decision**

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PROCEDURE FOR LICENSING HEARING

1. Introductions

- a. Chairman introduces Members to the meeting.
- b. Chairman identifies officers and their roles.
- c. Premises Licence Holder identifies themselves, any representative and any accompanying persons. They also identify who intends to present the case.
- d. Relevant Responsible Authority identify themselves.
- e. Interested Parties identify themselves.

2. Report by the Head of Licensing and Safer Communities – see Agenda Item No. 3

3. Submission by the Relevant Responsible Authority(s)

- a. The Relevant Responsible Authority(s) and any witnesses will submit their evidence.
- b. Opportunity for the Premises Licence Holder or representative to question the Relevant Responsible Authority(s) and witnesses on their evidence (note: this is an opportunity to ask questions arising from the submissions – not to make statements – an opportunity comes later when summing up).
- c. Opportunity for Members to question the Relevant Responsible Authority(s) and witnesses on their submission.

4. Submission by Interested Parties (if any)

- a. Any interested parties will submit to the Panel their evidence.
- b. Opportunity for the Premises Licence Holder and the Relevant Responsible Authority(s) to question the interested parties on their submissions.
- c. Opportunity for Panel Members to question the interested parties on their submission.

5. Submission by the Premises Licence Holder

- a. The Premises License Holder or their representative will submit their evidence (to include consideration of any written representations). Witnesses may be called.
- b. Opportunity for Relevant Responsible Authority, followed by interested parties (if any) to question the Premises Licence Holder and any witnesses on their evidence.
- c. Opportunity for Members to question the Premises Licence Holder on their evidence.

6. Questions from the Panel

Opportunity for any final questions from Members.

7. Adjournment

Proceedings will be adjourned while the Members withdraw to consider the evidence. During this time the Committee Officer will accompany the Members to record the decision. The Chairman may request the presence of the Legal Officer to provide legal advice.

8. Decision

The Members will reconvene and the Chairman will announce the decision.

9. Conclusion

The Chairman will close the proceedings.

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LICENSING SUB COMMITTEE

13th December 2016

Subject: Review of Premises Licence under Section 52 of the Licensing Act 2003 for Bar One, 362 Long Road, Canvey Island, Essex, SS8 0JU

Report of: Head of Licensing and Safer Communities – Mrs Melanie Harris

1. Purpose of Report

To introduce the Review of the Premises Licence for Bar One, 362 Long Road, Canvey Island, Essex.

2. Background

The Review has been submitted to all the Relevant Responsible Authorities as follows:

- Essex County Fire & Rescue Service
- Planning Services
- Environmental Health Service
- The Health & Safety Executive
- Children' Safeguarding Service (Essex County Council)
- Essex Trading Standards
- Director of Public Health (Essex County Council)

Details of the hearing have been shown on the Council's website and public notices displayed near and on the premises.

3. The Review

Essex Police have requested a Review of the Premises Licence under the Licensing Act 2003 for Bar One, 362, Long Road, Canvey Island, Essex following concerns being expressed by the Police regarding the management of the premises.

The business operates under a Premises Licence issued on 16th February 2015 to Circa Servita Ltd. The sole director and shareholder of Circa Servita UK Ltd (as it was renamed on 04/05/2016 following restoration to the Companies House register after dissolution on 22/12/2015) is Simon Matthew Hall.

A copy of the Review Notice and Premises Licence are attached at Appendix 1.

A copy of the blue notification (Public Notice) is attached at Appendix 2.

4. Background

Events of the 15th October 2016 and subsequent police enquiries

On the night of Saturday 15th/Sunday 16th October 2016 the premises was open and serving alcohol to customers between 03.00 and 04.30 in breach of its opening hours. The licensing hours for the sale of alcohol and the opening hours are:

- Monday to Thursday 10:00 to 23:00
- Friday and Saturday 10:00 to Midnight
- Sunday Noon to 23:00

On the above date a drinking session took place after hours and it is alleged that persons were served alcohol whilst intoxicated and one person in particular was served spirits by the pint glass. That person collapsed on the premises and was taken outside (via the rear fire exit) by Simon Hall (the sole director/shareholder of Circa Servita Ltd) where he was left alone on a chair outside.

When Simon Hall later that morning finally closed he left the individual on the chair at the rear of the premises. Subsequently at 08.30 on the morning of Sunday 16th October he was found unconscious and covered in vomit at the rear of Bar One.

It is the police submission that the prevention of crime and disorder objective in the Licensing Act 2003 has been undermined in that:

- 1) Unauthorised supply of alcohol took place on the night of the 15th/16th October 2016 contrary to section 136 of the Act and Simon Hall has allowed the following breaches of Licensing Conditions: - premises open past its permitted hours, irresponsible drinks promotions, the misuse of fire doors and the non-retention of CCTV images;
- 2) Sales of alcohol to a drunken person took place on the night of 15th/16th October, contrary to section 141 of the Act;
- 3) The supply of alcohol on the night of the 15th/16th October 2016 constituted an irresponsible drinking promotion (and thus the sale and supply contravened section 136 also);
- 4) The Designated Premises Supervisor (DPS) or other persons have deliberately tampered or removed the CCTV evidence to prevent the investigation of offences under the Licensing Act and in doing so are suspected of having committed offences contrary to the Common Law

(namely: perverting the course of justice, an offence punishable by up to Life imprisonment);

- 5) The Licence Holder has failed to comply with the CCTV conditions specifically imposed by the Licensing Authority to assist in the prevention of crime and disorder.

These conditions are:

1. A suitably worded sign of sufficient size and clarity shall be displayed at the point of entry to the premises, and in a suitable location at the point of sale, advising customers that CCTV is operating in the premises.
 2. The DPS/PLH shall have and maintain an efficient close circuit television surveillance system. Recordings shall be retained for at least 30 days. The lighting in the premises will be such that the CCTV operates at the best possible level. This will also cover the frontage of the premises and the fire door.
 3. The DPS/PLH shall ensure that there is always a member of staff on duty during trading hours, who is trained to download and transfer images from the CCTV recording when requested to do so by the Police/Local Authority.
- 6) It is alleged by the Police that the premises have been used for unlawful purposes namely the sale and supply of controlled drugs.
 - 7) The premises is routinely used for the sale and consumption of alcohol outside of permitted opening hours which is an offence under section 136 of the Act.

It is further submitted that the public safety objective of the Act has been undermined in that:

- 1) A 33 year old male was permitted to consume excess amounts of alcohol on the premises and this alcohol was supplied by the DPS or other staff and the individual encouraged to consume to excess. This has led to a catastrophic and foreseeable event which rendered him unconscious and in a life threatening condition for a number of weeks. Having collapsed no attempt was made by staff to provide or summon medical aid.

5. Representations

Essex Police as a Relevant Responsible Authority have requested the Review pursuant to Section 52 of the Act.

6. Statement of Licensing Policy

Parts 1.47 to 1.50 of the Council's Licensing Policy are brought to the attention of the Sub-Committee.

"1.47 Any Responsible Authority or any other person may apply for a review of a premises licence or a club premises certificate by serving a notice containing details of the application on the holder of the licence or certificate and to each of the Responsible Authorities.

1.48 An application for review will only be relevant if the grounds upon which it is made relate to the promotion of at least one of the four licensing objectives and is not frivolous, vexatious or repetitive. An evidentiary basis will be required to be presented to the Licensing Authority.

1.49 Where possible and appropriate the Council, Essex Police and/or Essex Fire Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

1.50 Responsible authorities and/or persons who live or are involved in a business in the relevant Licensing area can trigger a review of a premises licence but an evidentiary basis would be required to be presented to the Council."

The above are attached as Appendix 3

7. Conclusion

Licensing objections potentially breached when determining this application:

Prevention of Crime and Disorder	✓
Public Safety	✓
Prevention of Public Nuisance	X
Protection of Children from Harm	X

Actions to consider:

Modify the conditions of the operating schedule	✓
Exclude a licensable activity	✓
Suspend a licensable activity for up to 3 months	✓
Remove the Designated Premises Supervisor	✓
Revoke the licence	✓
Dismiss the Review	✓

Recommendation

The decision of the Licensing Sub Committee is required following proper consideration of the evidence and any representations made to the Sub Committee.

Resolution Required.

Background Papers:

Application file held by the Licensing Authority

Licensing Act 2003

Castle Point Borough Council Statement of Licensing Policy



**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 Gordon ASHFORD

(Insert name of applicant)

Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premise described in Part 1 below.

Part 1 – Premises details

Postal address of premise or, if none, ordnance survey map reference or description Bar One 362 Long Road	
Post town Canvey Island	Post code (if known) SS8 0JU

Name of premises licence holder or club holding club premises certificate (if known) Circa Servita Ltd, 145 – 157 St John Street, London. EC1V 4PW

Number of premises licence or club premises certificate (if known) CPBC0020
--

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)

☐

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)

Please tick ✓ yes

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Essex Police Licensing Team PO Box 12306 Witham Essex CM8 2AS
Telephone number (if any) 01245 452035
E-mail address (optional) Licensing.applications@essex.pnn.police.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

This is an application for the review of the premise licence relating to Bar One, 362 Long Road, Canvey Island.

The premise operates under a premise licence issued on 16th February 2015 to Circa Servita Ltd.

The sole director and shareholder of Circa Servita UK Ltd (as it was renamed on 04/05/2016 following restoration to the Companies House register after dissolution on 22/12/2015) is Simon Matthew HALL.

It is the police submission that the prevention of crime and disorder objective of the Licensing Act 2003 has been undermined in that:

- 1) Unauthorised provision of alcohol took place on the night of the 15th/16th October 2016 contrary to section 136 of the Act (open past its authorised hours, irresponsible drinks promotions, the misuse of fire doors and the non-retention of CCTV images) ;
- 2) Sales of alcohol to a drunk took place on the night of 15th/16th October, contrary to section 141 of the Act;
- 3) That the supply of alcohol on the night of the 15th/16th October 2016 constituted an irresponsible drinking promotion (and thus the sale and supply contravened section 136 also).
- 4) That the DPS or other persons have deliberately tampered with CCTV evidence to prevent the investigation of offences under the Act, and in doing so are suspected of having committed offences contrary to the Common Law (namely: perverting the course of justice, an offence punishable by up to Life imprisonment); and
- 5) The premise has failed to comply with its CCTV condition (a condition specifically imposed by the licensing authority to assist in the prevention of crime and disorder).
- 6) Between June 2015 and October 2016 that the premise has been used to further crimes, particularly the unlawful supply of Class A drugs.
- 7) The premise is routinely used for the sale and consumption of alcohol outside of its permitted opening hours (an offence under section 136 of the Act).

It is further submitted that the public safety objective of the Act has been undermined in that:

- 1) A 33 year old male was permitted to consume excess amounts of alcohol on the premise, which alcohol was supplied by the designated premises supervisor or other staff and the individual encouraged to consume to excess. This has led to a catastrophic and foreseeable event which has rendered him unconscious and he remains so more than two weeks after the event where he is in a life threatening coma. Having collapsed no attempt was made by staff to provide or summon suitable medical aid.
- 2) No greater threat can exist to public safety than where a member of the public, frequenting a licensed premise, may subsequently be found fighting for his life as a consequence of the criminal disregard for a customer's health and safety by the sole director/shareholder of the premise licence holder.

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

1.0 AUTHORISED OPENING HOURS ETC.

- 1.1 In February 2015, the local licensing authority (having initially received an application for much longer hours) authorised the premise to sell alcohol between 1000 & 0000 on a Saturday and only to be open during those hours.
- 1.2 At that time, the licensing authority issued the premise licence subject not only to the standard mandatory conditions but also to a number of additional conditions it felt necessary to impose solely to promote the licensing objectives.

2.0 LICENCE CONDITIONS

- 2.1 The conditions imposed by the licensing authority, after due consideration, which are germane to this application are:

Mandatory Condition – Irresponsible drinks promotion

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. 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) or (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.

Additional Condition – Use of Fire Doors

The rear fire doors are to be alarmed and kept closed at all times except for (1) emergency use; or (2) use by staff to access the cellar and for deliveries. No customers are to use the fire doors as a general exit/entry.

Additional Condition – Provision & Retention of CCTV Images

The DPS/PLH shall have and maintain an efficient Close Circuit Television surveillance system. Recordings shall be retained for at least 30 days. The lighting in the premises will be that the CCTV operates at the best possible level. This will also cover the frontage of the premises and the fire door.

3.0 OVERARCHING CIRCUMSTANCES LEADING TO REVIEW

- 3.1 The overarching circumstances leading to this review application by Essex Police are as follows:
 - On the night of the 15th/16th October the premise was open later than it was authorised to be, alcohol was provided 'after hours' and in extreme quantities and in consequence a male is now in intensive care in hospital.
 - That a large amount of intelligence has been received by the police indicating that the venue has between June 2015 and October 2016 been routinely used for the overt supply of illegal drugs.

4.0 SUMMARY OF DETAILS RELIED ON FOR THIS REVIEW APPLICATION

4.1 Events of the 15th/16th October 2016 and subsequent police investigation

On the night of Saturday 15th/Sunday 16th October 2016 the premise was open (and serving alcohol) to between 03.00 a.m. and 04.30 a.m. in breach of both its opening hours and alcohol sales period.

On that occasion a 'lock in' took place and persons were served alcohol whilst intoxicated and one person in particular was served spirits by the pint glass. That person collapsed on the premise and was taken outside (via the rear fire doors) by Simon HALL (the sole director/shareholder of the premise licence holder) where he was left on a chair outside. When Simon HALL later that morning finally closed the premise he left that individual at the rear of the premise. Subsequently at 08.30 a.m. on the morning of Sunday 16th October that person was found unconscious and covered in vomit at the rear of Bar One.

That individual, 33 year old local man Daniel HOLLIDAY, remains unconscious in hospital some 4 weeks later (at the time of this submission) and the police are informed by his parents that health care professionals consider he has only a 10% chance of survival and that should he survive he may have a number of medical complaints for life.

The police were notified of the incident and on Wednesday 19th October attended the premise to seize the CCTV for the night of the 15th/16th. The CCTV hard drive was taken and delivered to the Essex Police Digital Forensics Unit. It was subsequently examined by a Forensic Evidence Advisor that specialises in CCTV applications and has 10 years' experience in doing so. The forensic evidence advisor was able to determine that the earliest recording on that hard drive was from 9.47 p.m. on Tuesday 18th October 2016. In the professional opinion of that advisor that the hard drive was brand new and freshly installed on the 18th October, i.e. that the original hard drive that captured activity on the 15th/16th October had been removed from the premise.

At this juncture (namely the date of the review application) Essex Police continues to investigate the circumstances of the night of the 15th/16th October 2016, the offences that may have occurred and what evidence (to meet the 'criminal law test') exists or may be secured.

4.2 The premise is used for the supply of drugs controlled under the Misuse of Drugs Act 1971

DETAILED INFORMATION RELIED UPON

Below are a list of events/occurrences and a summary of what each witness/item of information provides in support of the application – cross referenced to a police document bundle. Please note, extensive police enquiries remain unfinished and Essex Police would hope to provide additional information to all parties in advance of a hearing date.

Document 1 provides details of (redacted) intelligence that the owners of Bar One regularly arrange 'lock ins' and permit the open sale of controlled drugs. There are six separate reports which begin in June 2015 with the most recent intelligence received last month.

That intelligence suggests not only was the premise licence holder condoning and permitting criminal activity on his premise but also that the premise remains open past its permitted hours.

Document 2 is testimony from a local private hire driver that at 0300 16th October, as a result of a call to his company, he attended the rear of Bar One to collect a customer of Bar One. Furthermore his testimony is that he often attends the rear of the premise at specific request and at these times the shutters of the bar are down.

This testimony suggests that on the night of the 15th October customers were exiting via the rear fire doors (in breach of the licence conditions) and after permitted hours and that this is a regular occurrence.

Document 3 shows the front of Bar One under both the previous and current ownership.

The police contend that the reflective surface installed by the current premise licence holder has been installed specifically to enable covert 'after hours sales'.

Document 4 provides testimony relating to where Daniel HOLLIDAY was found; in the rear service area directly outside the rear of Bar One (see document 11 for a photo of this area) at 08.00 a.m. on the morning of the 16th – in an unconscious state and requiring emergency medical treatment.

This testimony demonstrates just how intoxicated Daniel had been permitted to become whilst a customer at Bar One and that he must have exited the premises via the rear fire door (in contravention of the licence condition). It suggests that Daniel, whilst in such an obvious drunken state was served alcohol at Bar One (an offence under the Licensing Act 2003).

Document 5 is a PDF version of a webpage of the Southend Standard. This shows not only the unfortunate 'victim' of the incident but summarises some of the medical matters, detailing how Daniel had to be placed on life support and placed in an induced coma. It includes a statement from his father (Robert Holliday) that if he had been found a few moments later his son would have died. It also details the serious injury to Daniel, that the acid from his own vomit had burnt his lungs and his condition was so grave he had to be transferred to Papworth Hospital. The article refers to the difficulty in having witnesses come forward and makes a public appeal for information.

Document 6 is a witness statement from the father (Robert Holliday) relating the conversation he had with Simon Hall (the owner/operator of the premise and sole director/shareholder of the premise licence holder's company) on the 19th October. In his statement Mr Holliday relates that Simon Hall admitted that they had had a lock in, that Daniel had been served with a large amount of beer and cocktails and that the owner took him outside and left him.

This suggests again that customers exit via the fire doors, that Daniel was served whilst drunk and that the premise licence holder was present and aware of the illegal activity (including the 'after hours' provision of alcohol). The police are pursuing further evidence that the large amount of alcohol consumed included pints of spirits. Document 6 and other testimony to be rendered to the written form suggest irresponsible drink promotions were also conducted.

Document 7 is an extract from Companies House records relating to the premise licence holder detailing the sole director and shareholder as Simon Hall.

All recent police and council interactions with the premise management have been with Simon Hall who appears to be in regular attendance at the premise. Investigations are underway with the designated premise licence listed on the licence as it appears Simon Hall is the primary controller of all activity at the premise.

Document 8 demonstrates that police attended the premise and specifically mentioned the incident they were investigating (15th October) to obtain the CCTV footage. Mr Hall was present and gave no explanation as to why the CCTV should not have recorded that night's event and the CCTV digital recorder was seized as evidence.

This document and document 9 provide, in the police view, evidence of a deliberate cover up of the incident itself which should have been captured on CCTV within the premise and outside at the fire door (a condition of the licence).

Document 9 details the technical aspects of the digital video recorder seized by police, the one that by his silence Hall purported to be the one in use on the 15th October 2016.

Amongst its many features is its ability to record from up to 8 cameras and save the storage for at least 160 days (the licence condition being at least 31 days storage). It further allows the transfer of recorded images to an external storage medium.

Document 10 is witness testimony from a police digital forensics expert. This expert details that the digital video recorder (as seized) was first recorded onto at 9.47 p.m. on the 18th October and had not been in use on the 15th October 2016. Indeed the expert opinion is that the recorder had not been removed from its packaging until very recently.

The police contend that there is clear unassailable evidence that subsequent to the incident in question that Mr Hall, the designated premises supervisor or someone with management responsibility has deliberately concealed the CCTV in use on the 15th and sought to hoodwink the police by installing a new device.

Document 11 is a photograph taken on the 19th October 2016 by a police officer. It shows the desolate rear area of the premise in which Daniel was left in a highly intoxicated state; shows (above the beer barrels – on the outbuilding brick wall) the CCTV camera placed to capture images of the rear fire door and the rear fire door itself.

It is the police contention that the photo shows that there was no reasonable prospect of the prostrate and highly intoxicated victim being found and provided with medical aid once he was abandoned by Hall.

5.0 OUTCOME SOUGHT

5.1 Nature of information used to support the application

The circumstances of the incident of the 15th/16th October are such that it is difficult for the police to secure detailed witness testimony in that Canvey Island is a close-knit community where the fear of retribution exists and the 'closing of ranks' is inevitable. It has sought to rely on significant hearsay testimony and police intelligence as a consequence.

Essex Police has sought to provide the licensing authority with material that appears useful to the authority's sub-committee members in coming to a decision and would ask that the licensing sub-committee take all this information into account (together with its members own knowledge and experience, in a subjective view of the material presented).

Essex Police believes that the material presented is logically probative and invites the sub-committee to take all relevant matters into account (despite much of it not being admissible in a criminal court of law) when making its decision.

It is submitted that within the review process relevant evidence is of course essential, but licensing sub-committees are not a court of law and operate to different evidential standards. The Court of Appeal is clear that licensing is an administrative function (*Hope and Glory v Westminster (2011) para 41*), to which a balance of probabilities applies.

Essex Police has done all it can to provide reasonable evidence upon which, on the balance of probabilities, the licensing sub-committee can weigh in making its decision. It contends that the sub-committee is free to have regard to reasonable evidence (not of the type expected in a criminal prosecution) they see as material and relevant and sufficient evidence has been presented to show that Bar One management and owners have undermined the licensing objectives on which this review is founded.

5.2 Revocation as a legitimate expectation

It is of course for the sub-committee to weigh the information presented in the light of its members wider experience and common sense, and the advice of its counsel: however Essex Police would seek to draw the sub-committee's attention to two particular parts of the Home Secretary's Guidance issued under section 182 of the Act and ask its members to consider the parts' application to this review application.

Paragraph 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 licensed premises:

- For the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971...

Paragraph 11.28

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.

Given:

- the serious nature of the breaches of the licence operating schedule and conditions on the 15th/16th October 2016,
- the particular circumstances surrounding the lack of CCTV images following this most recent incident;
- the catastrophic effect on the health of a customer of Bar One as a result of these breaches;
- that these events took place in the presence of and with the full knowledge of the premises licence holder (represented by its sole director and shareholder Simon HALL);and
- Police intelligence suggesting repetitive use of the premise over a 20 month period for the overt supply of controlled drugs.

Essex Police invites the licensing authority to consider that the only manner in which it can protect the public and prevent the undermining of the licensing objectives is by revoking the premises licence.

Whilst Essex Police is aware that the sub-committee has a number of options, falling short of revocation, it would suggest that these other options are grossly insufficient to prevent the undermining of the prevention of crime and disorder and public safety objectives.

With investigations into the circumstances of the 15th/16th October still live, Essex Police anticipates that, ahead of the review date set, further information to support the review will be placed before the Authority and the premises licence holder.

7

If yes please state the date of that application

--	--	--	--	--	--	--	--

If you have made representations before relating to the 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 ☐
- (Form has been submitted electronically to Licensing Authority) ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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 (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature **Gordon Ashford**

Date **02.11.2016**

Capacity **Essex Police Licensing Coordinator**

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

Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) licensing.applications@essex.pnn.police.uk	

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.

LOCAL AUTHORITY



**Regeneration & Neighbourhoods
Licensing Department**
Castle Point Borough Council
Council Offices, Kiln Road,
Thundersley, Benfleet,
Essex SS7 1TF
Tel: 01268 882200

benfleet | canvey | hadleigh | thundersley

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

BAR ONE

362 LONG ROAD, CANVEY ISLAND, Essex, SS8 0JU.

Telephone 01268 690960

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	Midnight
	Sunday	Noon	11:00pm
E. Performance of live music (Indoors)	Monday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	Midnight
	Sunday	Noon	11:00pm
F. Playing of recorded music (Indoors)	Monday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	Midnight
	Sunday	Noon	11:00pm
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Friday and Saturday	10:00am	Midnight
	Monday to Thursday	10:00am	11:00pm
	Sunday	Noon	11:00pm



Licensing Act 2003 Premises Licence

CPBC/LU/ 20

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Friday and Saturday	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	Midnight
	Sunday	Noon	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	10:00am	11:00pm
Friday and Saturday	10:00am	Midnight
Sunday	Noon	11:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises



Licensing Act 2003
Premises Licence

CPBC/LU/ 20

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

CIRCA SERVITA LIMITED
145-157 ST JOHN STREET, LONDON, EC1V 4PW.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

CIRCA SERVITA LIMITED

09030255

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE
AUTHORISES THE SUPPLY OF ALCOHOL

NEIL CROSS

R70 KINGS PARK, HINDLE ROAD, CANVEY ISLAND, ESSEX, SS8 8QB.
Telephone 01268 511555 or 01268 472891

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. CPBC0160

Issued by Castle Point



ANNEXES**ANNEX 1 - MANDATORY CONDITIONS**

NO SALE 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.

EVERY SUPPLY OF ALCOHOL UNDER THE PREMISES LICENCE MUST BE MADE OR AUTHORISED BY A PERSON WHO HOLDS A PERSONAL LICENCE.

MANDATORY LICENSING CONDITIONS

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;

ANNEXES continued ...

(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; and

(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.



ANNEXES continued ..

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) "valued 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.

ANNEXES continued ..

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on 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.

Operating Schedule

1. A suitably worded sign of sufficient size and clarity shall be displayed at the point of entry to the premises, and in a suitable location at the point of sale, advising customers that CCTV is operating in the premises.
2. The DPS/PLH shall have and maintain an efficient close circuit television surveillance system. Recordings shall be retained for at least 30 days. The lighting in the premises will be such that the CCTV operates at the best possible level. This will also cover the frontage of the premises and the fire door.
3. The DPS/PLH shall ensure that there is always a member of staff on duty during trading hours, who is trained to download and transfer images from the CCTV recording when requested to do so by the Police/Local Authority.
4. The DPS/PLH shall utilise members of staff to regularly check the toilets during operating hours to monitor/prevent unlawful activities including the taking of illegal substances. A written record of such checks shall be kept in a separate folder.
5. The DPS shall be responsible for regular suitable staff training. All staff members shall be trained in underage sales and quarrelsome behaviour.
6. Written records of staff training shall be retained on the premises and made available to the Police/Licensing Authority upon reasonable request.
7. An incident book shall be retained on the premises to record all incidents. The book shall be made available to the Police/Licensing Authority upon reasonable request.

ANNEXES continued ...

8. A refusals book shall be retained behind each bar on the premises to record refusals of sales of alcohol. The book shall be made available to the Police/Licensing Authority upon reasonable request.
9. Toughened glass only shall be used outside.
10. The Challenge 25 scheme shall be adopted at the premises, whereby anyone who appears to be under the age of 25 shall be asked for identification to prove that they are over 18 years old. The only acceptable forms of ID are passports, UK photo-card driving licences and "PASS" logo accredited proof of age cards.
11. The DPS/PLH shall create a scheme of written policies in agreement with police which will include:
 - Dispersal Policy
 - Drugs Policy to include regular toilet checks and anti drug signage
 - Noise Policy (also Environmental Health)
12. The DPS/PLH will risk assess the use of door supervisors. Should the Police identify problems that could be partly addressed by the use of door supervisors then the Police upon written request will require the use of at least one door supervisor at times and dates as identified by them. Should this condition be invoked the Police hold the right to keep using door supervisors unless agreed in writing they can be removed.
13. During any high risk sports events identified by either the DPS or Essex Police the premises, plastic drinking vessels shall be used for ALL drinks. Plastic shall be used from the start of that day until closing.
14. All amplified music equipment should be controlled by a sound limiting device which should be set and locked preventing unauthorised access. The sound limiter should be set at a level approved in writing by an officer from the Environmental Health Department at Castle Point Borough Council. Any other speakers or amplification brought onto the premises and used for the purposes of regulated entertainment shall be subject to control by the said sound limiting device.
15. The noise limiting device will be serviced by a competent acoustician to demonstrate continued compliance with condition 14. The premises shall provide the licensing authority with an inspection report completed by the competent acoustician on reasonable request.
16. The outside areas to the premises shall only be used for licensable activities and or consumption of alcohol between the hours of 10:00 to 22:00 hours.
17. Clear and legible notices made of a suitable and durable material shall be displayed at all exits and other circulatory areas requesting patrons to leave the premises quietly, in particular emphasising the need to refrain from shouting and anti-social behaviour.
18. The DPS/PLH shall monitor the outside of the premises; when the premises are open; to assess the

ANNEXES continued ...

likelihood of disturbances to neighbouring residential premises. In the event of such noise arising, the DPS/PLH shall seek to take steps to stop the disturbance, and note the date, time, type of disturbance and remedial measures taken in the licensing log.

19. All external and lobby doors shall be fitted with automatic door closers.
20. Air conditioning will be provided at the premises to meet the needs of the maximum number of patrons in at any one time. These air conditioning units will be maintained in accordance with the manufacturer's service frequency to ensure patrons do not need to open windows during periods of regulated entertainment.
21. The DPS/PLH shall reduce the noise levels and noise style by way of a wind down period 30 minutes before the end of each regulated entertainment session to assist in the dispersal of patrons from the premises.
22. Not more than 65 persons shall be allowed to be present in the premises when it is being used for any purposes authorised by this licence.
23. The rear fire doors are to be alarmed and kept closed at all times except for 1. Emergency use and 2. Use by staff to access the cellar and for deliveries. No customers are to use the fire doors as a general exit/entry.
24. Customers shall not be permitted to congregate and consume alcohol sold or supplied by the premises in the rear yard/car park area to the premises. The sale of alcohol shall be prevented, if it is intended for such purpose.
25. The DPS/PLH shall display a public notice visible from the highway which includes a telephone number for a responsible person on the premises to be available should a member of the public wish to call to discuss any matter in relation to the premises.

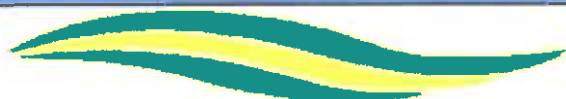


ANNEXES continued ...

Designated Licensing Officer



LOCAL AUTHORITY



castlepoint

benfleet | canvey | hadleigh | thundersley

**Regeneration & Neighbourhoods
Licensing Department
Castle Point Borough Council**
Council Offices, Kiln Road,
Thundersley, Benfleet,
Essex SS7 1TF
Tel: 01268 882200

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

BAR ONE

362 LONG ROAD, CANVEY ISLAND, Essex, SS8 0JU.

Telephone 01268 690960

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	Midnight
	Sunday	Noon	11:00pm
E. Performance of live music (Indoors)	Monday to Thursday	10:00am	11:00pm
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H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Friday and Saturday	10:00am	Midnight
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	Sunday	Noon	11:00pm



THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Friday and Saturday	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	Midnight
	Sunday	Noon	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	10:00am	11:00pm
Friday and Saturday	10:00am	Midnight
Sunday	Noon	11:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

CIRCA SERVITA LIMITED

145-157 ST JOHN STREET, LONDON, EC1V 4PW.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

CIRCA SERVITA LIMITED

09030255

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

NEIL CROSS

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

CHILDREN ARE NOT RESTRICTED OR PROHIBITED FROM ACCESS TO THE PREMISES

Designated Licensing Officer



**LICENSING ACT 2003 – PUBLIC NOTICE OF APPLICATION
NOTICE OF REVIEW OF A PREMISES LICENCE
UNDER SECTION 51(3) OF THE ACT**

APPENDIX 2

NOTICE IS GIVEN THAT Castle Point Borough Council (the Licensing Authority) is required to undertake a

REVIEW OF THE PREMISES LICENCE

in respect of the premises shown below. Any interested party or responsible authority may make representations in respect of the application which must be submitted in writing via email or by post to the authority at the address below before the date shown below

Name and postal address of the premises:

Bar One – 362 Long Road, Canvey Island, SS8 0JU

The grounds for the application for review are:

Working practices at the premises have shown breaches of the licensing conditions which undermine the licensing objectives for the prevention of crime and disorder and public safety.

Alcohol has been offered for sale outside permitted licensing hours and the Police are concerned that controlled drugs have been made available at the premises.

The Police will provide evidence to show the extent of the licensing contravention for consideration by the Licensing Sub Committee.

Representations must be made in writing between:

Thursday 10th November 2016 and Wednesday 7th December 2016

To: the Licensing Department at: Castle Point Borough Council,
Council Offices, Kiln Road, Benfleet, Essex SS7 1TF;

Or via email @ licensingunit@castlepoint.gov.uk

This notice remains in force from and including the day after the day on which the licensing authority received the application, namely **9th November 2016**, for twenty-eight consecutive days.

- 1.47 Any Responsible Authority or any other person may apply for a review of a Premises licence or a club premises certificate by serving a notice containing details of the application on the holder of the licence or certificate and to each of the Responsible Authorities.
- 1.48 An application for review will only be relevant if the grounds upon which it is made relate to the promotion of at least one of the four licensing objectives and is not frivolous, vexatious or repetitive. An evidentiary basis will be required to be presented to the Licensing Authority.
- 1.49 Where possible and appropriate the Council, Essex Police and/or Essex Fire Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.50 Responsible authorities and/or persons who live or are involved in a business in the relevant Licensing area can trigger a review of a premises licence but an evidentiary basis would be required to be presented to the Council.
- 1.51 No more than one review from persons who live or are involved in a business in the relevant Licensing area will normally be permitted within any 12 month period on similar grounds, except in exceptional and compelling circumstances. However, each application will be treated on its own individual merit. See appendix "J".

Enforcement

- 1.52 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Authority has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 1.53 The Enforcement Concordat is based on the principles that businesses should:
- receive clear explanations from enforcers of what they need to do and by when;
 - have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
 - receive an explanation of their rights of appeal

A copy of the Enforcement Concordat is available on request.

- 1.54 The Council recognises the interests of citizens and businesses alike and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law. The Council has set clear standards of service and performance that the public and businesses can expect. In particular, a licensing enforcement policy has been created that explains how the Council will undertake its role as

