



### **Licensing Sub-Committee Monday, 9th November, 2009**

**Place:** Council Chamber, Civic Offices, High Street, Epping

**Time:** 11.30 am

**Democratic Services Officer** M Jenkins (Direct Line 01992 564607)  
Email: mjenkins@eppingforestdc.gov.uk

**Members:**

Councillors K Chana, Mrs R Gadsby, Ms J Hedges and Mrs P Smith

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<p><b>PLEASE NOTE THE START TIME OF THE MEETING</b></p>
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**1. ELECTION OF CHAIRMAN**

Under the terms of reference for the Licensing Committee each Sub-Committee is required to elect a Chairman on an ad hoc basis for the duration of the meeting.

**2. APOLOGIES FOR ABSENCE**

**3. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

**4. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 5 - 10)**

**5. REVIEW OF PREMISES LICENSE - WHITE LION PUBLIC HOUSE, 11 SUN STREET, WALTHAM ABBEY, ESSEX EN9 1ER (Pages 11 - 38)**

To consider the attached report and documentation, listed as follows:

Application for Summary review by Essex Police for the White Lion

White Lion – Form for Applying for a Summary License Review

Premises License Part A

Appeal Letter 5 November 2009.

Popleston Allan Letter

First Letter from Licensing Section following Review.

**6. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.



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# Agenda Item 4

## PART 3(2) - RESPONSIBILITY FOR COUNCIL FUNCTIONS

### LICENSING COMMITTEE – TERMS OF REFERENCE

(1) The full Committee shall comprise 11 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.

... (2) For the functions set out in Annex 1, and the legislation listed in Annex 2, a Sub-Committee consisting of no more than any three Councillors drawn, in alphabetical order, from the members of the full Committee shall be formed. Any such Sub-Committee shall elect a Chairman on an ad-hoc basis.

(3) For the transaction of business at full Committee meetings, the quorum shall be a minimum of five Committee members save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.

(4) The Committee and Sub-Committees shall have full authority to hear and determine licensing applications.

(5) The Committee and Sub-Committees shall be further empowered to determine appeals made against the decisions of the Head of Environmental Services taken under delegated authority on licensing applications.

... (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in accordance with the requirements set out in Annex 3 (Conduct of Business by Licensing Committee and Sub-Committees).

(7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Annex 3.

**PART 3(2) – RESPONSIBILITY  
FOR FUNCTIONS  
LICENSING COMMITTEE**

**Licensing Act 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY**

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
All policy matters except the formulation of the statement of licensing policy	All cases		

**PART 3(2) – RESPONSIBILITY  
FOR FUNCTIONS  
LICENSING COMMITTEE**

**LIST OF STATUTORY POWERS**

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963  
Breeding & Sale of Dogs (Welfare) Act 1999  
Breeding of Dogs Act 1973  
Breeding of Dogs Act 1991  
Caravan Sites & Control of Development Act 1960  
Caravan Sites Act 1968  
Dangerous Wild Animals Act 1976  
Game Licences Act 1860  
Gaming Act 1968  
Guard Dogs Act 1975  
House to House Collections Act 1939  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Lotteries & Amusements Act 1976  
Pet Animals Acts 1951 & 1981  
Riding Establishments Acts 1964 & 1970  
Scrap Metal Dealers Act 1964  
The Game Act 1831  
Town Police Clauses Act 1847  
Town Police Clauses Act 1889  
Zoo Licensing Act 1981

## Part 3(2) – Responsibility for Functions

### **PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND SUB-COMMITTEES**

**All references to committee in this annex shall be taken to infer a reference to the associated sub-committees.**

#### **1. General Conduct**

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

#### **2. Declarations of Interest**

- 2.1 Members of the Committee are subject to the Council's Code of Conduct and to advice from the Standard Board for England, details of which will be provided to those members.

#### **3. Participation in the Hearing**

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.

#### **4. Attendance of the Public**

- 4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

## **5. Natural Justice**

5.1 There are two elements to natural justice:

### **(a) Fairness**

- (i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.
- (ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.
- (iii) All information shall be made available, where possible in advance, to the applicant and the Committee.
- (iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.
- (v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

### **(b) Prevention of Bias**

- (i) The rules on the declarations of interest shall be firmly applied.
- (ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

## **6. General Procedures for Hearings**

6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:
  - (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
  - (ii) The Chairman will outline the procedure to be followed.

- (iii) The Lead Officer will outline the matter in hand.
- (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
- (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
- (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
- (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
- (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
- (ix) Committee members shall restrict themselves to questions and not discussion or comment.
- (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
- (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
- (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone for additional information, everyone shall be invited to return to the Hearing.
- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.

## ***Report to Licensing Sub-Committee*** ***Date of meeting: 9<sup>th</sup> November 2009***

**Subject: Application for Summary Review by Essex Police for the The White Lion, Sun Street, Waltham Abbey, Essex EN9 1ER**

**Officer contact for further information:**  
**Kim Tuckey**

**Committee Secretary: Mark Jenkins**



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### **1. APPLICATION**

#### 1.1 Summary of Application

This is an application for a summary review of the premises licence in force at The White Lion, Sun Street, Waltham Abbey, Essex. EN9 1ER. This is the second 48 hour expedited review meeting after the Licensing Sub-Committee meeting held on 5 November 2009.

The purpose of this hearing today is to consider if any interim measures are necessary before a full review hearing on a date to be set in a few weeks time.

#### 1.2 Existing Activities and hours

A copy of the existing licence is attached as Appendix A.

### **2. BACKGROUND INFORMATION**

2.2 The summary review procedure was introduced by amendments to the Licensing Act 2003 made by the Violent Crime Reduction Act 2006.

2.3 This summary review procedure allows the police to initiate an expedited review of the premises licence if a senior officer is of the opinion that the premises in question are associated with serious crime and serious disorder or both.

2.4 In this case the Essex Police have submitted an application as they are satisfied that the premises were associated with serious crime and serious disorder.

2.5 A copy of the application form and accompanying certificate are included as Appendix B and C.

### **3. SERIOUS CRIME AND SERIOUS DISORDER**

3.1 The guidance states that the tests to determine the kinds of conduct that amount to serious crime are: a) that the conduct constitutes an offence for which a person 21 years of age or over could reasonably be expected to be sentenced to 3 years or more or b) that the conduct involves the use of violence, results in substantial financial gain, or is conduct by a large number of persons in pursuit of a common purpose.

3.2 The certificate supplied to the police states that both of these apply.

#### **4. THE LICENSING AUTHORITY**

4.1 Within 48 hours of receipt of the application, the Licensing Authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must consider whether it is necessary to take interim steps. For the purpose of calculating any time limit under this procedure non-working days are to be disregarded.

4.2 The guidance suggests that the police may be consulted about what steps the police would consider necessary. The police have suggested that the Council should consider suspending the licence. The authority may consider the application without giving the holder of the premises licence an opportunity to make representations. (This does not mean that the authority *cannot* afford such an opportunity if it thinks it is appropriate and feasible to do so in all the circumstances).

The interim steps that the licensing authority must consider are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence

Modifying conditions of the premises licence can include altering or modifying existing conditions or adding new conditions, including those that restrict the times at which the licensable activities can take place. The focus for the interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder from occurring.

Any decision the authority makes takes place immediately or when the authority directs. For example, if a condition required the employment of additional staff the recruitment process may take some time.

#### **5. MAKING REPRESENTATIONS AGAINST THE INTERIM STEPS.**

5.1 If the authority decides that interim steps are necessary the licence holder may make representations to the licensing authority. There are no time limits for taking this step. On receipt of the representations the authority must hold a hearing within 48 hours of receipt unless they are withdrawn.

5.2 The police and the premises licence holder are given notice of the hearing and may both attend and make representations.

5.3 At the hearing the licensing authority must:

- Consider whether the interim steps are necessary for the promotion of the licensing objectives; and



- Determine whether to withdraw or modify the steps taken.

## **6. THE REVIEW OF THE PREMISES LICENCE**

6.1 The authority must hold a review of the premises licence within 28 days of receipt of the police application even if the police asks to withdraw its application.

6.2 When making a decision the authority must have regards to amongst other matters representations made by the holder of the premises licence, the police and any person who has made a relevant representation following an advertisement of the review.

## **7. RIGHT OF APPEAL**

The premises licence holder, the police or a person who made any relevant representations may appeal against the review decision within 21 days of the Review mentioned in paragraph 6.

7.2 The decision of the authority, following the review hearing will not have effect until the end of the period allowed for review or until the appeal is disposed of. Any interim steps will remain in force over these periods.

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## FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Epping Forest District Council  
Epping Civic Offices  
High Street  
Epping CM16 4BZ

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

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 the 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.

I KEITH DOBSON (SUPT/05) [on behalf of] the chief officer of police for the Essex police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**White Lion Public House  
11 Sun Street  
Waltham Abbey  
Essex**

Post town: Waltham Abbey

Post code (if known): **EN9 1ER**

**2. Premises licence details:**

Name of premises licence holder (if known): Mr Graham Rollins of McMullen and Sons Ltd, The Hertford Brewery, 26 Old Cross, Hertford, Hertfordshire SG14 1RD

Number of premises licence holder (if known):

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

The White Lion is located at 11 Sun Street in Waltham Abbey town centre and is currently run by a Kim JOHNSON with the licensee being a Graham ROLLINGS. It is one of four licensed premises in Sun Street the others being Sun Inn, Angel and the New Inn with the Green Dragon and The Welsh Harp also being within the vicinity.

The premise is currently licensed to serve alcohol from 1000 Hours to 0100 Hours Sunday to Thursday, and to 0200 Hours on Friday and Saturday nights.

**Crime**

There have been a total of fifteen crimes from October 2008 to the present recorded as having occurred either inside The White Lion or linked to the premises.

There have been seven reported assaults occasioning actual bodily harm (ABH) and three common assaults. Three of these assaults have suspects who were believed to be the [REDACTED] of [REDACTED].

Of these half have occurred in the past three weekends and once enquiries have been completed the number of crimes from these incidents may increase with the inclusion of assaults on police and firearms offences.

The below depicts the crimes that have occurred over this period.

**31st October 2009**

**D122A/18049/09 and D122A/18047/09 - ABH**

**D122A/18056/09 - Common Assault**

**Assault on Police**

At approximately 2230 hours on the 31st of October 2009 a suspect has entered The White Lion and proceeded to spray CS Gas (Self-contained gas cartridge system) a Section 5 prohibited Firearm causing injuries to two aggrieved parties and affecting multiple people in the public house. This suspect has subsequently been assaulted by a two males who have chased the suspect out of the pub and then punched him in the back of the head.

The two aggrieved parties from the CS incident suffered reddening of the face as well as soreness to the eyes from the assault.

The investigation into all suspects is still on going and firearms offences are being considered but have not yet been recorded as crimes.

One of the males that assaulted the CS Suspect has also been arrested in custody for common assault on two Police Community Support Officers and enquires are still ongoing into these.

**30th October 2009**

**D122A/17944/09 - ABH**

Whilst in the White Lion Public House a female has been assaulted by a female suspect who she is suspected of being the [REDACTED]. This occurred on the 30th of October 2009 between 2230 hours and 2245 hours. The aggrieved had a bottle thrown at her head causing a bruise to form on her forehead. The investigation is on going.

23rd October 2009  
D122A/17579/09 – Criminal Damage  
Incident 0666 24/10/2009 – Fight

Police were called to the White Lion following reports of a fight outside the pub with approximately thirty males on the 23rd of October 2009 at 2258 HOURS. Upon arrival the fight had dispersed one male was found with a large gash to his head but he refused any details or to make a complaint. The window to LISA N GIRLS at 26 Sun Street had been smashed during the fight causing five hundred pounds of damage, there were also a large number of bottles on the floor outside the White Lion.

On the 24th of October 2009 the landlady of the Sun Inn reported her concerns that the same males responsible for the incident on the 23rd may return the following evening.

17th October 2009  
D122A/17097/09 – Sec 5 POA  
D122A/17074/09 - Criminal Damage  
D122A/17068/09 – Possession of Class B

A number of males from The White Lion have entered in to a large fight at the back of the Co'Op Store in South Place near to The White Lion. Multiple officers have attended and broke up the fight upon which a number of males have fled the scene. In dispersing the group an officer's radio has been smashed for which a male suspect was arrested and charged.

A further male was arrested for Possession of a Class B controlled Substance namely Cannabis and was later cautioned for the offence.

A third male was issued a penalty notice for disorder due to shouting threats in public.

11th May 2009  
D122A/07841/09 – ABH

On the 11th of May 2009 at 1330 HOURS whilst at The White Lion, a male has been assaulted inside the premises by being struck in the face causing his nose to break. It was believed this was caused by suspect known to the aggrieved but there was not enough evidence to support a prosecution.

14th April 2009  
D122A/06208/09 – Common Assault on the Manager  
D122A/06207/09 - ABH

The [REDACTED] White Lion was assaulted [REDACTED] on the 14th of April 2009 at around 1245 hours whilst at the licensed premises. [REDACTED] was never charged for the offence but is believed to have grabbed the aggrieved by the jumper causing her pain to her neck.

At the same time this [REDACTED] and [REDACTED] were also arrested for assaulting [REDACTED] by punching, slapping her

and pinning her to the wall by her throat. This [redacted] suffered a bump to the back of her head and reddening to her wrists. Neither suspect has been charged for the offence.

7th March 2009

D122A/03945/09 – Common Assault

D122A/03961/09 - ABH

An unidentified suspect has grabbed the landlord at the time around the neck and pushed him back causing no injuries. This occurred at 0110 hours on the 7th of March 2009.

Whilst this occurred a male who was being ejected from the premises threw a beer glass that struck a female on the back of her head causing her bruising and swelling.

8th February 2009

D122A/02232/09 – ABH


On the 8th of February 2009 an unidentified suspect has punched a male in the face causing a swollen lip and has shouted at him saying he was going to kidnap him.

17th January 2009

D122A/01085/09 – Possession of Bladed Article

A male who was seventeen at the time was found in possession of a four foot piece of wood with three nails sticking out of the end. This suspect was arrested and given a warning for this offence that occurred at 0035 hours on the 17th of January 2009. This occurred outside The White Lion and it is believed that a fight took place outside the premises resulting in a robbery but no victim has ever come forward. Another male leaving the scene was stopped and arrested for drink driving.

In addition to the incidents above there are a number of intelligence reports relating to the sale and use of drugs on the premises and the sale of alcohol to underage persons.

Signature of applicant: 

Date:

4/11/2009

Capacity:

SUPERINTENDENT (OPS) HARLOW

Contact details for matters concerning this application:

Address: Epping Police Station

**230 High Street, Epping, CM16 4AP**

01279 625405

Telephone number(s): 01279 625405

Email: [simon.fisher@essex.pnn.police.uk](mailto:simon.fisher@essex.pnn.police.uk)

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

**ANNEX B**

Essex Police Headquarters  
PO Box 2  
Springfield  
Chelmsford  
Essex CM2 6DA

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>1</sup>.

*Premises*<sup>2</sup>:

White Lion  
11 Sun Street  
Waltham Abbey  
Essex EN91ER

Premises licence number (if known):

Name of premises supervisor (if known): Mr Graham Rollins of McMullen and Sons Ltd.

I am a Superintendent<sup>3</sup> in the Essex police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>4</sup>:

The White Lion is associated with serious crime and disorder over the last 12 months. Over the last 3 weekends there have been further serious incidents at the premises. On 17 October 2009 there was a large fight at the premises where a male sustained a deep cut to his hand. Attending police officers were met with an aggressive and angry group of people that were fighting among themselves and committing various public order offences. Three people were arrested for offences of public order, possession of drugs and criminal damage.

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<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

<sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

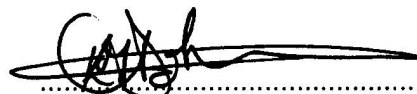
<sup>4</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.



On 23 October 2009 there was another fight outside the premises where a male sustained a serious injury to his head and a shop opposite the White Lion had its window damaged. On 30 October 2009 it is alleged that the [redacted] of the [redacted] assaulted a female customer by throwing a bottle at her head causing injury. On 31 October 2009 a male entered the White Lion Pub and sprayed CS Gas indiscriminately at customers causing injury. Two PSCO's at the scene were assaulted by patrons of the White Lion and three people were arrested one for firearms offence in relation the CS Spray and two for assault.

The White Lion has been directly associated with at least 65% of crimes linked to town centre public houses in Waltham Abbey.

I am of the opinion that other procedures under the Act are inappropriate as previous interventions by the police have failed to stop the escalation of crime and disorder. The White Lion continues to feature as a major contributor to alcohol related crime and anti social behaviour in the Waltham Abbey area which has escalated over the last three weeks. Continued disturbances public order offences assaults and antisocial behaviour are causing an unpleasant environment for local residents, license premises holders and the population of Waltham Abbey. With the Christmas period approaching I have serious concerns that matters at this premises can only get worse.



(Signed)

SUP(COPS)

(Date)

4/11/2009

RESTRICTED (when complete)

**Witness Statement**

(CJ Act 1967, s.9, MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

URN 

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Statement of Simon Fisher

Age if under 18    over 18                      (if over 18 insert "over 18")    Occupation    Licensing Officer

This statement (consisting of **3** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: *Simon Fisher 6905.*

Date: 03/11/2009

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

I am employed as a civilian licensing officer for Essex Police Authority for Western Division based at Epping Police Station Epping Essex. The area that I cover is that of Epping Forest District Council Area and all the licensed premises within it of all types one of which is The White Lion Public House 11 Sun Street Waltham Abbey Essex EN9 1ER.

The premises are owned by way of freehold by McMullens and Sons Ltd The Hertford Brewery, 26 Old Cross, Hertford, Hertfordshire SG14 1 RD. The current area manager is a Mr Graham Rollins who is also the current Designated Premises Supervisor.

The premises are run on a day to day basis by a Mrs Kim Thompson assisted by a son Bentley Finn and three daughters a Natasha Thompson, Justine Finn, and Serina Finn. An application was received on 19/01/2009 for Mrs Thompson's Son Bentley Finn to go on the license as the Designated Premises Supervisor and there was nothing known to his detriment he was granted that status. He continued in post until 19/04/2009 when a Deborah Mary Cimino took over as Designated Premises Supervisor on 28/05/2009. I called at the premises on number of occasions during my duties to attend other premises and was not able to speak to her regarding antisocial issues as she was not there. I discovered on or about 12/08/2009 that in effect she was D.P.S. allocated to the premises.

The Licensing Law in relation to a Designated Premises Supervisor being present during trading hours is not essential however there should be some degree of control on the day to day running of the premises. At that time there were no persons at the premises who were personal licence holders for the authority to sell alcohol.

Signature

*Simon Fisher 6905*

Signature witnessed by

Continuation of Statement of: Simon Fisher .....

As a direct result of which I contacted the McMullens and Sons Ltd Brewery Licensing Department explaining the position and on 12/08/2009 Mr Graham Rollins Area Manager was nominated as the Designated Premises Supervisor, and is currently in post.

These premises have historically been connected with crimes of assaults, antisocial behaviour, public order related issues. There has been a number of complaints from local license holders local residents and Town Councillors. A full inventory of incidents, allegations of crimes and issues are attached. To that end I had an informal meeting with Mr Rollins on 20/04/2009 at Belgique Café Theydon Bois. At that time issues under discussion were persons loitering outside by a bench (no smoking in premises rule), noise issues, bad behaviour and allegations of underage drinking. I raised the point that Mr Kim Thompson had made an application for a personal license for which I objected on the grounds of her character would be raised in issue. I advised that she should withdraw her application. Mr Rollins stated Mr Thompson's Daughter (but was not known) would sit The British Institute of Inn keeping National Certificate of Personal License Holders. That accomplished she would then be free to apply for position of Designated Premises Supervisor Holder. At that stage she was awaiting to attend the appropriate course.

Throughout the following months I regularly kept in touch by telephone with Mr Rollins on an update basis in order to progress matters.

A series of outbreaks of crime and disorder continued at in, around, and outside the premises which prompted a meeting with Inspector Carrington, Sergeant Davies, Caroline Wiggins of E.F.D.C. (minute taker minutes attached) where the issues were discussed. The outcome was a plan of action to set a Date for a formal meeting on Wednesday 28/10/2009 1400 hours attended by myself, Mrs Kim Tuckey Licensing Officer Epping Forest District Council Mr Graham Rollins Area manager and DPS White Lion public House, and Mr Steven Gill Commercial Director of McMullens and Sons Ltd. At the meeting copies of the listed terms of conditions were given to the respective parties to take away and consider and to reconvene on 12/11/2009 1400 hours at Civic Offices to progress matters by way of minor variations to install the conditions.

Events of the weekend of 30/31<sup>st</sup> October 2009 brought matters to a focus where an alleged assault on a female took place on 30.10.2009 and on 31/10/2009 C.S. Spray was used inside the premises at customers resulting in a serious disturbance outside. The suspect for using the C.S. Spray was arrested and two canisters were recovered.

*Simon Fisher 6905*

Continuation of Statement of: Simon Fisher .....

The Police Service took the view that an application for and Expedited Licence Review should take place and matters put into motion to that aim have been put in place.

Signature: *Simon Fisher 6905.*

Signature witnessed by: .....

# PREMISES LICENCE

## Part A



Corporate Support  
Services

Premises licence number:

LN/210001530

### Part 1 – Premises details:

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

The White Lion  
11 Sun Street

Post Town: Waltham Abbey | Post code: EN9 1ER

Telephone number: 01992 718 673

Where the licence is time limited the dates: N/A

Licensable activities authorised by the licence:

Films  
Indoor Sporting Events  
Live Music  
Recorded Music  
Making Music  
Provision of late Night Refreshment  
Sale of Alcohol

The times the licence authorises the carrying out of licensable activities:

**Films and Indoor Sporting Events:**  
Sunday – Thursday: 10.00am – 01.30am  
Friday – Saturday: 10.00am – 02.30am

**Live Music:**  
Sunday – Thursday: 10.00am – 00.00am  
Friday – Saturday: 10.00am – 01.00am

**Recorded Music:**  
Sunday – Thursday: 10.00am – 01.00am  
Friday – Saturday: 10.00am – 02.30am

**Making Music:**  
Sunday – Thursday: 10.00am – 23.00pm  
Friday – Saturday: 10.00am – 00.00am

**Late Night Refreshment:**  
Sunday – Thursday: 23.00pm – 00.30am  
Friday – Saturday: 23.00pm – 01.30am

**Sale of Alcohol:**  
Sunday – Thursday: 10.00am – 01.00am  
Friday – Saturday: 10.00am – 02.00am

**The opening hours of the premises:**

**Sunday – Thursday: 10.00am – 01.30am  
Friday –Saturday: 10.00am – 02.30am**

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies:**

**On and off.**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:**

**McMullen And Sons, Limited  
26, Old Cross  
Hertford,  
Hertfordshire,  
SG14 1RD**

**01992 584 911**

**sgill@mcmullens.co.uk**

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

**51456**

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

**Graham Rollings  
3 Hurst Close  
Baldock  
Herts  
SG7 6TL**

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

**LICPL/01954/09  
North Herts District Council**

## **Annex 1 – Mandatory conditions:**

1. No supply of alcohol may be made under the premises licence:-
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or when the designated supervisor has a licence suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence (see section 19 Licensing Act 2003)
3. Each individual at the premises who carry out a security activity, must be licensed by the Security Industry Authority (see section 21 Licensing Act 2003)
4. Where a premises licence authorises the exhibition of films, the admission of children to the exhibition of any film is to be restricted in accordance with section 20 Licensing Act 2003.

## **Annex 2 – Conditions consistent with the Operating Schedule:**

### **The Prevention of Crime and Disorder**

- Providing a 30-Minute extension of opening hours after the end of the sale of alcohol will promote this objective, as the last drink will be consumed less quickly, with access to the pubs toilet facilities.
- Disruptive customers, known drug dealers/users entering the premises will be refused service and will be asked to leave the premises.
- There will be no serving of drunks.
- The pub will be a local member of the Pubwatch Scheme and there will be appropriate liaison with the local licensing officer.

### **Public Safety**

- All Health and Safety and fire safety regulations will be adhered to.
- All fire equipment will be maintained as per the manufacturers recommendations.
- There will be a fully maintained First Aid kit on Site.

### **Prevention of Public nuisance**

- No Live music will be played in or transmitted to the outside drinking area.
- Doors and windows will remained closed during the performance of live music except for the ingress and egress of customers.
- The DPS shall monitor shall monitor the volume of music emanating from the premises and adjust the volume of any music to ensure that any amplified sound from the licensed premises does not caused a public nuisance.
- The patio/outside seating area will be closed to customers at 23.00 hours every day.
- The DPS and Staff will encourage customers to leave quietly.
- The Premises will post notices at all exits reminding customers to respect the neighbours and to leave the premises promptly and quietly.

### **The Protection of children from harm**

- Children less than 18 Years old will not be allowed on the premises after 2200 hours
- Unaccompanied children before 2200 hours and any persons after 2200 hours suspected of being under 18 years old will be asked for identification.
- All AWP's and Cigarette machines will be sited in view of the bar so that their usage can be monitored and controlled. Signs on the machines will indicate that children under the age of 18 are forbidden to use them.
- The premises will not show videos or TV transmissions that are unsuitable for children under 18 before 2200 hours.





**Annexe 3 – Conditions attached after a hearing by the licensing authority:**

N/A

**Annexe 4 – Plans:**

Plans held at Epping Forest District Council

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SG/SJS

5 November 2009

Mrs K Tuckey  
Licensing Unit  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
Essex CM16 4BZ

Dear Mrs Tuckey,

**THE WHITE LION PUBLIC HOUSE, 11 SUN STREET, WALTHAM ABBEY, ESSEX, EN9 1ER**

Further to the Summary Licence Review which took place today, regarding the above public house, and the decision made by the Licensing Committee of Epping Forest District Council to suspend the Premises Licence with immediate effect, I would confirm that McMullen & Sons Limited, as the Premises Licence Holder, wish to appeal against this decision.

If you require any further information, please let me know.

Yours faithfully,

**Steven Gill**  
**Commercial Director**

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**FAO: Kim Tuckey**  
Licensing Section  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
CM16 4BZ

Date: 05 November 2009  
Our ref: CE/HEC/P32513-3  
Doc Ref: 2143598102  
Your ref:  
E-mail: c.eames@popall.co.uk  
Direct Line: 0207 936 5875

**Sent by post and email: k.tuckey@eppingforestdc.gov.uk**

Dear Madam

**White Lion Public House, 11 Sun Street, Waltham Abbey, Essex EN9 1ER**

We act on behalf of McMullen & Sons Limited, the holders of the Premises Licence for the above premises.

We are aware that the premises were subject to a Summary Review under the s.53A of the Licensing Act 2003 and that a hearing was held this morning to consider under s.53B any necessary interim steps pending the determination of a Review of the Premises Licence.

We are instructed by our client that a suspension of the licence was considered to be the interim step.

Under s.53B (6), please accept this letter as a representation against the interim steps taken by the Licensing Authority and, as you are aware, under that Sub Section the Authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider the representations.

Accordingly, we would be grateful if you could please contact Miss Clare Eames, the Solicitor dealing with this matter, as a matter of urgency to confirm the hearing date.

In addition we would be grateful if you could please provide written notification of the Authority's decision this morning and the reasons for that decision.

Finally, under s.53A(2)(b), a full Review hearing must also take place and once a date has been confirmed for that, please notify us of the date.

Partners · Jeremy Allen · James Anderson · Graeme Cushion · Clare Eames · Lisa Sharkey · Jonathan Smith

88 Kingsway, London WC2B 6AA  
T 0207 936 5869 F 0207 681 6339 W popall.co.uk

Principal Office: Nottingham

Regulated by  
The Solicitors Regulation Authority

In relation to the representations against the interim steps undertaken by the Licensing Authority this morning, we are of the view that the steps taken were unnecessary and disproportionate, given the factual circumstances of the case and that more appropriate measures should have been considered.

We reserve the right to raise further issues with the Committee, given that we have only just been instructed by our client and have not have the opportunity to fully consider all the paperwork provided.

Yours faithfully



Poppleston Allen



Date: 5th November 2009

Our ref:

S Gill  
Mc Mullens & Sons Limited  
The Hertford Brewery  
26 Old Cross  
Hertford

Mrs K Tuckey (01992) 01992 564034  
email: @eppingforestdc.gov.uk

Dear Mr Gill

**The White Lion P/H, Sun Street, Waltham Abbey, Essex EN9 1ER**  
**Expedited Summary Review**

Further to this authority's licensing sub-committee on the 5<sup>th</sup> November 2009. I can now inform you of the following

The application for the summary licence review was treated on its own merits and this sub-committee has taken its decision based upon:

- The application and certificate submitted by the police
- The licensing authority's statement of licensing policy
- Guidance issued by the secretary of State for Culture & media and sport

During their deliberations in private session the advisory officer gave the following advice:

Article 1 of the First Protocol of the Human rights Act 1988 that every person is entitled to the peaceful enjoyment of his possessions (in this case the licence) No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of the international law.

Having considered the application certificate and representations made today. Also having considered the various options, it was felt that options to:

- modify the premises licence
- The exclusion of the sale of alcohol by retail from the scope of the licence
- The removal of the designated premises supervisor from the licence.

It was considered that it would not be appropriate to follow any of the above steps, therefore had no other option other to suspend the licence with immediate effect on the following grounds: To avoid any Serious Crime or Serious disorder on or outside the premises

I trust this explains the decision

Yours Sincerely

Mrs K Tuckey  
Senior Licensing Officer  
CC. Simon Fisher –Essex Police

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