

Summary Review – Superintendent's certification



Certificate under Section 53A (1)(b) of the Licensing Act 2003

Protecting and serving Essex

Certifying officers name: MARK BARBER

Rank & PIN: SUPERINTENDENT 3407

Signature: [REDACTED]

Stationed at: GRAYS

Date: 26/07/2022

Time: 11:00HRS

I hereby certify that in my opinion the premises described below are associated with serious crime (*see note below) / ~~serious disorder~~ / ~~both serious crime and serious disorder~~ (delete as applicable)

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act 2003 are inappropriate because;

On Thursday 14th July 2022 at 18:00hrs

A serious assault on a customer involving an offensive weapon (knuckle duster) by the Premises manager has taken place outside of the premises known as Banjo's which is now calling itself The Club. This assault is alleged to have occurred after the victim had been drinking at the premises when the manager asked to speak to him outside the premises. The assault has taken place in the smoking area of the premises. The assault has been aggravated as it is alleged the manager has used a knuckleduster to attack victim. Following the attack the manager has locked the premises dismissed staff and fled the scene.

Police have attempted to contact the DPS/PLH on the licence, to gain entry to the premises to investigate and gain access to the CCTV. Despite making requests for support this has not been forthcoming and as such a Police were forced to attend court and obtain a search warrant to recover CCTV evidence.

A search of the premises was undertaken, during which the Premises' CCTV machines were seized. Whilst lawfully on the premises a cannister of CS gas, a prohibited item, was located.

The suspect has now been arrested & charged for this assault. In addition Essex Police are aware of a change of DPS to this suspect from the current premises license holder & DPS . The suspect has been charged with ABH section 47 Offences against the person act 1861 which if convicted carries a sentence at Crown court of 5 years imprisonment on first conviction. This matter is aggravated as a weapon (knuckle duster) was used .

This therefore is 'serious crimes' as set out within section 53A(4) of the Licensing Act 2003 which states a 'serious crime' has the same meaning as in the Regulation of Investigatory Powers Act 2000 (s81(2) and (3) and which defines a serious crime as one where a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more (...) or includes the use of violence etc..

A brief description of why standard review processes are inappropriate e.g. degree of seriousness of the crime/disorder, past history of non-compliance etc. may be helpful but this is not a legal necessity for the issue of a certificate and will be outlined within any application for review, should one subsequently be applied for. Applications are usually sought when 'interim steps' are considered necessary before a review hearing takes place.

There is no requirement to list all occurrences or provide the detail of each occurrence; the sole requirement is that an honest opinion is held that the premise is associated with serious crime/disorder. A single incident may be the trigger for a certificate if it is serious enough. The issue of a certificate does not mean the police MUST apply for a review.

RESTRICTED

*NOTE: Serious crime includes any criminal conduct that involves the use of violence; serious disorder is not defined and should be given its ordinary meaning.

Premises Name: BANJO

Name of Designated Premises Supervisor: MR ANDREW GARWOOD

Premises address: 54-60 MAIDSTONE ROAD ,
GRAYS,
ESSEX
RM17 6NF

Premises Licence No. if known

17/00014/LAPRE