

# **Merton Council**

## **Licensing sub-committee**

**5 March 2015**

**Supplementary agenda –**

### **Further Police Information**

3      The RS Snooker & Social Club Ltd, Upper Floor, 1-9  
         Abbotsbury Road, Morden, SM4 5LH

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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Peter Sparham ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Staff 35/184432.....

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 anything in it which I know to be false, or do not believe to be true.

Signature: [Signature] ..... Date: 23/15 .....

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

I am currently employed as a police licensing officer for the London Borough of Merton, I have been in this role for approximately 10 years. I have been a police officer for 29 years and a Sergeant since 1996.

This witness statement is intended to assist the licensing sub-committee when considering the application to vary the premises licence of The RS Snooker & Social Club, Upper Floor, 1-9 Abbotsbury Road, Morden. SM4 5LH. and is in addition to my representations dated 30th January 2014.

These premises occupy the 1st and 2nd floor of the building and are situated above the Royal Surrey Public House. The licensable area is on the 1st floor whilst the 2nd floor contains a number of snooker tables. It is proposed to give a chronological order to dealings with the venue which will assist in putting police representations in perspective.

There have been a number of complaints received by the licensing department of the London Borough of Merton (LBM) in connection with the playing of poker at the premises which have prompted a number of joint visits with police. The first visit to the premises took place in May 2008 and involved the licensing department of the LBM and the then Gambling Commission Compliance Manager. At this time the premises appeared to be predominantly aimed towards poker to the extent that poker tables were set out in the main bar area. The meeting was followed up with an advisory letter from the Licensing Department (LBM)

There seemed to be a lull in complaints received until 2013 when another visit was made by Police and the Licensing Department (LBM). This was again followed up with an advisory letter from the Licensing Department (LBM). It was also apparent that the primary use of the premises was for poker and limits were being exceeded. I am aware that the premises were visited by officers from the Gambling Commission on 19 September 2013.

On 12th December 2013 as part of Operation Condor the premises were again visited by police and the Licensing Department (LBM).

On 9th January 2014 a joint meeting was held with Robert Frost. He had apparently taken over full control of the premises in September 2013. The issue of the complaints regarding gambling and the current situation at the

Signature: [Signature] ..... Signature witnessed by: .....

Continuation of Statement of **Peter Sparham** .....

premises were discussed. It was apparent that the previous operators of the premises including the Designated Premises Supervisor had now left the premises. Mr Frost was advised of the need to make an application to vary the DPS.

On 17th January 2014 a Closure Notice under Section 19 Criminal Justice and Police Act 2001 was served as the premises were operating in breach of their licensing condition, in that there was no suitable DPS in place. At the time of service there were in the region of 10 customers on the premises consuming alcohol. On 21st January 2014 the Closure Notice was terminated following the receipt of an application to vary the DPS.

On 28th November 2014 a further joint visit was made to the premises by myself and officers from the Licensing Department (LBM). This followed more complaints made to the Licensing Department. There were in the region of 35-40 persons playing poker in a rear "function room". There appeared to be free access to the room by anyone using the snooker club and appeared to have no restrictions although the poker was being operated by the "Pollards Hill Poker Club". The room was set up with a number of card tables and poker was being played. On this visit access to the premises from the street was via an open and unattended door.

I spoke to the DPS who I know as Pauline O'Hara. An inspection of the premises was carried out and Ms O'Hara asked to produce a number of documents. She was unable to produce her personal licence. The Part A and B of the premises licence was produced, it was identified that Ms O'Hara's address details were incorrect on the premises licence were incorrect, there also appeared to be a discrepancy in who should be the premises licence holder.

I am aware that the premises are licensed for three gaming machines at the premises. On inspection there were 6 machines at the premises, one of which appeared to be a fixed odd betting type machine.

Prior to attending the premises I obtained a plan of the premises, upon inspection of the premises it is apparent that this plan was wholly inaccurate. A Closure Notice under Section 19 Criminal Justice and Police Act 2001 was served on Ms O'Hara for the following breaches of licensing conditions:-

1. Incorrect details of the premises licence holder.
2. Incorrect details of DPS (address) on the Part A produced.
3. Incorrect premises layout.
4. Six (6) gaming machines being present.

I am aware that items 1,2 and 4 have been rectified/clarified and item 3 is subject to licence variation application and therefore cannot be terminated.

On 20th February 2015 a licensing visit was carried out. The premises were open and alcohol was being served. There were no Temporary Event Notices in force in relation to this date.

### Conclusion

A number of conditions have been suggested in my representations to assist in the regulation of the premises should the variation application be granted



Signature:



Signature witnessed by: .....

## WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of

Vaughan PORTELLI

Age if under 18... OVER (if over 18 insert 'over 18')Occupation POLICE CONSTABLE

This statement (consisting of ..... page(s) 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

PC PORTELLI 139 VW

Date

26/02/2015

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

I am the above person, I am writing this statement in relation to a hearing check on 20 FEBRUARY 2015 at 19.20 hours at the RS SNOOKER and SOCIAL CLUB 1-9 ABBOTSBURY ROAD MORDEN.

On arrival to the venue MSC SMITH 5702 VW and I approached the main entrance door, I noticed an electronic device which admits you into the venue, there were three people in front of us, they accessed the front door pass, as we were in full uniform we followed them up the first flight of stairs. When we reached the first floor, I asked a white male that was working behind the bar if I could speak to the manageress, soon after a white female presented herself who I now know to be Pauline Jude O'HARA after I checked O'HARA's personal ID, I continued to ask her the relevant questions.

Whilst I was at the bar I noticed the barman serving drinks to awaiting customers

Signature

PC PORTELLI 139 VW

Signature witnessed by

P.T.O.



Continuation of Statement of

Vaughan PORTELLI

There were drinks served in pint beer glasses, customers sitting watching sport on television, with drinks in front of them. My head count I counted approximately twenty customers and two or three members of staff.

O'HARA took me upstairs where there were more snooker tables and several people playing on them. We then entered the office as I requested to view the CCTV, which all seemed correct and correct. O'HARA showed me a copy of the licence, which before hand stated that she was unable to show me due to it not being on the premises, to my knowledge the details on the licence were correct. PC PORTELLI 139VW

Signature PC PORTELLI 139VW

Signature witnessed by

P.