

# **MINUTES OF THE LICENSING SUB COMMITTEE HELD ON THURSDAY, 16 NOVEMBER 2023, 7:00PM – 8:50PM**

**PRESENT:** Councillors Sheila Peacock (Vice Chair In The Chair), Nick da Costa and Nicola Bartlett

## **1. FILMING AT MEETINGS**

The Chair referred to the filming of meetings and this information was noted.

## **2. APOLOGIES FOR ABSENCE**

There were none.

## **3. URGENT BUSINESS**

There was no urgent business.

## **4. DECLARATIONS OF INTEREST**

There were no declarations of interest

## **5. SUMMARY OF PROCEDURE**

The Chair provided a summary of the procedure for the meeting.

## **6. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT CONNECT BAR AND RESTAURANT, 71 TURNPIKE LANE, WOOD GREEN, LONDON, N8 0EE (HARRINGAY)**

### **Presentation by the Licensing Officer**

Ms Daliah Barrett, Licensing Team Leader, informed the Sub-Committee that:

- This was a review application which had been submitted by the Council's Noise Nuisance team citing the failure on behalf of the licence holder to promote the licensing objectives for prevention of public nuisance, public safety and the prevention of crime and disorder.
- Complaints had been submitted regarding loud music and that the premises was operating beyond permitted hours with fights emanating from the premises.
- A copy of the premises licence could be found in the agenda papers. Supporting documents and video footage had also been submitted.
- The review applicant had not stated what decision he wished for the Sub-Committee to take as a result of the review application.

- Police had submitted a representation supporting the review application.
- The premises licence holder disputed the matters as presented to the Sub-Committee.
- The premises had operated since 2016 and was situated along a parade of shops with residential dwellings above.

In response to questions, Ms Barrett informed the Sub-Committee that:

- It was appropriate that she received notification of a breakdown in CCTV coverage at the premises, but she had not received any such notification.
- Smoking was not permitted inside the premises.

### **Presentation by the review applicant**

Mr Craig Bellringer, Noise and Nuisance Officer, informed the Sub-Committee that:

- The application has been submitted the basis of the prevention of public nuisance and public safety.
- The review had been submitted due to continued complaints about public nuisance from patrons leaving the premises and loud music.
- There was continued use of the premise outside the permitted operating hours and an inability to maintain the CCTV system.
- There was concern about the licence holder's ability to manage the premises. Despite engagement with the Council and assurances provided, complaints from residents continued as a result of the issues and he recommended that the licence be revoked.
- This premises was the only bar or restaurant in the area which was permitted to operate until 02:00. There were no other licensed premises in the area for which there were complaints.
- The premises had residential properties directly above and to the rear of the premises.
- The premises was served by shutters to obscure visibility and was also served by one CCTV camera.
- He sought the revocation of the premises licence.
- There had been significant complaints from residents regarding noise and the reports of three households which were affected.
- Reports had been received of noise disturbance from 18:00 to 02:00. There have been reports of noise disturbance made outside these hours as well.
- There had been complaints regarding the premises dating back to 2018.
- The Council had served a noise abatement notice on 25 January 2019 for the premises operating outside the licensed hours. Prior to this notice, 42 complaints had been received by the Council.

- A further noise abatement notice was left on the premises on 12 February 2023. After this notice was served, the Council received 15 complaints regarding the premises.
- That was concern that the licence holder did not understand their responsibility as a premises licence holder.
- He had to schedule a meeting with the licence holder to review CCTV footage on 30 March 2023. He had also made contact with the licence holder to review CCTV footage on 1 September 2023, regarding the alleged fight that occurred at the premises. The licence holder had emailed back to say that she was aware of the fight but that it did not involve the premises and that the premises was closed at the time. Therefore, CCTV would not have captured the incident. Further contact was made, but the CCTV footage was never made available to him.
- It was difficult for officers to conduct visits and make investigations at the premises.
- He had not been given access to staff or training records
- The premises did not appear to employ SIA staff routinely.
- The premises was in poor state of repair which increased the risk of noise nuisance. There were holes in the ceiling of the building and although the licence holder had stated that she would repair the premises, there had been no record of any improvements made.
- The licence holder had not been able to contribute any information regarding reported nuisance, because she was unable or unwilling to provide CCTV evidence.
- There was no known knowledge of the licence holder having contacted residents to resolve issues.

In response to questions, Mr Bellringer informed the Sub-Committee that:

- The Council had received a large quantity of video footage of issues which appeared to take place directly outside the premises and usually outside permitted hours for licensable activity. Contact was made with the licence holder to further substantiate if the issues related to the premises via the inspection of CCTV footage. The CCTV footage did not appear to be in fully working order and this was one of the conditions of the licence.
- He had conducted a visit to the premises after his initial visit. There were patrons inside the premises after 18:00. A week later, his colleague had tried to get the CCTV system to work at the premises, but was unable to do so and the licence holder was asked to inform officers after the system had been fixed.
- When reports had been made regarding fights outside the premises, the CCTV system was still not working.
- He did not often see SIA staff working at the premises.
- The licence holder was not the owner of the flats above the premises.
- A review application would have been submitted following the event that occurred on 26 March 2023 in any case.

- On 23 November 2022, at 01:06, there were reports of loud music and noise. On 24 September 2022, at 01:15, there were reports of loud music. Another report was made on 1 October 2022, at 23:50 with reports of loud music. Officers visited the resident heard audible music, but did not consider it to be a statutory nuisance. On 8 October 2022 at 00:14, there were reports of loud music. The bar was open but no music was heard when officers attended. On 15 October 2022 at 01:48, there were reports of loud music. On 21 October 2022, there were two reports, one at 22:40 and one at 22:24, of loud music. On 30 October 2022 at 12:38, there were reports of loud music. On 6 November 2022, there were reports of loud music at 02:02. On 12 November 2022, at 01:06, there were reports of loud music. On the same date at 18:59, there were reports of loud music. Officers arrived at the premises and the premises reduced the music upon arrival. On 13 November 2022, at 01:49, there were reports of loud music. On 20 November 2022 at 23:49, there were reports of loud music. On 9 February 2023 at 23:21, there were reports of loud music. No music was audible when officers arrived. On 12 February 2023, there were reports of loud music at 00:04. A visit was made and the music was considered excessive and the DPS was requested to reduce the level of music. A noise abatement notice was served. On 27 February 2023, residents reported ongoing issues with the premises and advised that there was more noise at 02:00 onwards as premises staff had become aware that the premises could not be visited after 02:00. There were reports of noise, drinking outside and smoking. On 2 March 2023, at 02:04, there were reports of loud music. On 12 March 2023, at 01:23, there were reports of loud music. On 26 March 2023 at 18:35, there were reports of loud music. The premises shutters were down. Officers knocked on the shutters and the DPS came outside of the premises and had tried to prevent entry into the premises and only wanted speak outside. Upon entering the premises, the premises foyer was littered with cigarette butts or litter. Most people inside were drinking and there was also smoking inside. It was explained to premises staff that this was illegal. A further report of noise was made at 23:41. On 30 March 2023 at 02:41, there were reports of loud music. On 2 April 2023, there were reports of loud music. On 7 April 2023 at 01:56, there were reports of loud music. On 8 April 2023, at 05:17, there were reports of loud music. On 9 April 2023, there were reports 02:19 and at 04:45 of loud music. On 15 April 2023, at 00:04, 01:54 and at 04:22, there were reports of loud music. On 16 April 2023, at 01:23, 03:36 and at 15:31, there were reports of loud music. A visit was made at 01:25 and music was audible. Only background music was being played and the insulation was noted to be poor. On 22 April 2023 at 01:22 and at 04:5, there were reports of loud music. On 23 April 2023, at 04:33 and at 05:50, there were reports of loud music. On 29 April 2023 at 03:16 and at 05:24, there were reports of loud music. On 1 May 2023, at 02:32 and at 04:43, there were reports of loud music. On 7 May 2023, at 00:20 and one at 01:38, there were reports of loud music. On 8 May 2023, there was one report at 05:24 there were reports of loud music.
- When officers had driven past the premises, there had not been an SIA staff member present at the premises.
- There had been reports of the premises not upholding the licensing objectives and officers had not been hasty in submitting the review application. The review application had been submitted primarily due to the CCTV system not functioning.

### **Presentation by interested parties**

PC Jade Haynes informed the Sub-Committee that:

- The Police had made representation under the licensing objectives of prevention of crime and disorder and the prevention of public nuisance.
- The licence holder came to the attention of the Police on 3 July 2023 due to an incident which happened at another premises. It was then noted that multiple calls and complaints had been made in regard to the Connect Bar premises, mainly in relation to noise and the premises operating beyond its hours.
- The licence holder attended Edmonton Police Station on 20 July 2023 to a meeting with the Police's Licensing team and the matter was spoken about in depth. There was an opportunity to rectify complaints and advice was given to help the licence holder continue with her business, but to also minimise the complaints that were being made. The advice that was given and agreed was for the licence holder to keep a refusals log and for it to be kept updated, including all incidents or ejections from the premises. Security was to be advised of the recent complaints and to be directed to move people on from the premises in a quiet manner. The premises was to shut down the music and lights were to be turned on at moment last orders were being taken (30 minutes prior to closing time). This was to prevent any patrons staying longer at the premises than necessary. Considerations needed to be made on whether alcohol needed to stop being sold at an earlier time based on an assessment of the patrons and the atmosphere. No staff meetings were to be held inside the premises after closing time unless it was for an emergency meeting and all debrief meetings were to be held the next day.
- Complaints may have originated from patrons staying in the premises too long.
- Since the premises had come to Police attention, Police had attempted to conduct sporadic visits and the premises had been closed when the Police had visited. Police had not observed the premises operating outside of its hours. However, a statement had been obtained from a Police Response Officer who attended the premises on 16 September 2023 regarding an incident that was deemed serious enough for an inspector to authorise a dispersal order in the area due to an incident that happened at the premises. The officer had stated that he arrived at 05:06, past the hours of licensable activity and that multiple people were entering the premises and the officer had encountered a large group of males who were hostile to officers to the point where they had to call for more Police units to assist.
- It was then later established that two machetes had been found on the pavement which had been discarded whilst officers were trying to disperse the crowd from the premises.
- Two female patrons who had just left the premises then started fighting and were later arrested. Bottles were being thrown and glasses were being smashed as people from the premises were drinking outside on the street and were leaving the premises with glasses or bottles in their hands.
- In order for the officers to maintain public safety and inspect all suspects, they issued a dispersal order. Officers stated that the music was still playing at the time and that patrons were drinking and re-entering the premises throughout the incident.
- A record of the incident being reported by the licence holder calling the Police had been found, but was reported nearly a week later after the incident.

- If the machetes had been used, it could have been particularly dangerous to officers attending the premises and for members of the public.
- The cause of the incident was unknown or what would have happened if the machetes were to be used if the Police had not yet arrived at the premises.
- If the premises was not open and operating at the time, the incident itself may not have happened.
- There had also been multiple calls in relation to the premises. This included a fight that was reported on 26 August 2023 at 06:28, where it was stated by an informant that there was a fight at the premises involving broken bottles and that a car had driven into or towards people and later drove away. Police attended the premises, but individuals would not engage with the Police or substantiate any offences.

In response to questions, PC Haynes informed the Sub-Committee that:

- The representation outlined on page 33 of the agenda papers referred to events that had occurred on 16 December 2022.
- She had not received any notification that CCTV cameras were not working.
- She did not have contact details of the two people who were designated CCTV camera operators, only the licence holder.
- There had been no contact regarding taking actions discussed following the meeting held with the licence holder on 20 July 2023.
- Although calling the Police was the right action taken regarding fights taken place at the premises, it was done six days after the incident.

### **Presentation by the premises licence holder**

Representing premises licence holder, Ms Margaret Twist and Ms Donna Byrne informed the Sub-Committee that:

- All the complaints that were mentioned in this meeting were within the licensed hours. There was an issue in soundproofing that had been undisclosed by the landlord and the licence holder was in communication with the landlord regarding how much renovation she was permitted to do to the building.
- There was a tenant who lived upstairs that had no relation to the licence holder and permission had been granted on behalf of the landlord in order to renovate the building to include soundproofing.
- The licence holder had attempted to communicate with the Council and the Police.
- The licence holder had attended every meeting and had communicated consistently via e-mail and phone.
- The licence holder was willing to work with the Council and Police regarding creating a safer environment around the premises.
- Trained security was on hand to utilise and operate at the premises.

- The licence holder was a woman in her 60s and was the sole owner of the business. She had been running the business since 2016 and up until recently, there had not been issues regarding violence and fighting.
- Wood Green and Turnpike Lane were dangerous areas. There were many people in the area that had issues outside other licensed premises in the area. The licence holder tried her best to stop issues from occurring at the premises. This included having only people known to the premises being allowed to enter it, requiring security to memorise faces of troublemakers or anyone that had been known to cause disputes in their area. These individuals were refused entry.
- Police had made recommendations but there no impression had been given that the licence holder had to action any suggestions that had been made and would have been happy to do so if required.

In response to questions, Ms Twist and Ms Byrne informed the Sub-Committee that:

- In relation to reported noise nuisance on 9 February 2023 and 26 March 2023, no music was actually audible in the street and on one occasion on 16 April 2023, when people were actually in the premises, there had been agreement that it was just background noise and not particularly loud.
- The licence holder was trying hard and made efforts to reduce levels of music. If this became a consistent issue, the licence holder was happy to reduce the music to ambient noise levels only.
- The licence holder was in constant communication with the landlord regarding soundproofing and had done research into soundproofing on what would best be suitable for the premises
- In relation to how issues of nuisance could be resolved, the licence holder was considering hiring extra SIA staff.
- The licence holder was in constant communication with the Police. There had been an issue earlier in the year with a gang of not known to the business. This gang had been known to the Police previously and had been known to cause disturbance in that area and to target people. The best course of action again was to work with the Police and launch an investigation into how to best target gangs in the area.
- The soundproofing was partly the decision of the landlord.
- The licence holder had been interviewing people to work as security staff.
- In relation to the CCTV, the licence holder was undergoing training to be able to understand how to increase the CCTV and how to best work the CCTV when an officer arrived to view it.
- The premises was closed Mondays and Tuesdays. The premises was open from 11:00 to 02:00 on Friday, Saturday and Sunday. The premises was open until 23:00 on the other remaining days of the week.

- The licence holder had not denied that she had opened past operating hours and this was something for which she was very sorry. She found it difficult to usher patrons out of the premises, especially during summer times, as they were eager to stay, including in the area
- The CCTV within the premises that were not functioning was because the equipment was old. This was an issue that the licence holder was undergoing training for and was finally acquiring new equipment.
- In relation to officers being notified about the lack of CCTV inside the premises, the information had not been expressly put forward, but had insinuated that due to the one CCTV working being outside, it could be concluded that the ones inside were not working. Licensing had been informed that there was only one working outside.
- The premises had an incident report book, it was located underneath the desk.

To summarise, Mr Bellringer stated that it had not been possible to take any action regarding the complaints that had been raised after the licensed hours and after the service hours from 02:00. The complaints were quite a substantial amount in number and Police had also reported issues with disorder that happening outside the premises. If the premises carried on trading, the licence holder would not be able to comply with the licencing objectives. Reasonable requests for information had been made and the conditions on the licence had not been met. Regarding the CCTV, only one at the front of the premises worked. He last visited in March 2023 and the CCTV still had not been fixed, which would take little effort. Reports had been received in September 2023 regarding people being outside causing anti social behaviour.

To summarise, PC Haynes stated that the premises was a beacon for anti-social behaviour and believed that the licence holder knowingly held lock-ins after the licensed hours, completely disregarding the conditions of holding the licence. A meeting was held with licence holder recently regarding noise which the licence holder stated that meetings were held with staff. It was advised to put a stop to this and she believed that these gatherings were not meetings, but a continuance of drinking and partying at the premises. This was what was causing the noise complaints, which would also explain why the premises was open, playing music with people drinking in the street and fighting at 05:06 when Police had to attend and putting a dispersal order. This showed a complete disregard to the licencing objectives. If the premises was allowed to continue trading, the breaches of the Licencing Act and nuisance to the public would continue. Communication with the licence holder in order to resolve the complaints had no input in mitigating the nuisance and had not acted as a deterrent. The licence should be revoked to prevent the continued disregard of the licensing objectives. If the licensed hours were to be reduced, this would not make an impact because the premises was already operating past the hours permitted on the licence.

To summarise, Ms Byrne and Ms Twist stated that the licence holder was in her 60s. She was an older woman and trying her hardest to ensure the area was safe. There had been instances where patrons had created issues and disturbances in the community. The licence holder was trying to hire more security and to ensure the CCTV and security was operable. The licence holder was doing the most she could in relation to what landlord would permit in terms of sound proofing. The licence holder had been hounded and racially abused by members in the community who sought to terminate her business and the reputation it held. The licence holder got on well with other shopkeepers in the area.



At 8:09pm, the Sub-Committee withdrew to consider the application.

RESOLVED:

The Committee decided to revoke the licence for the following reasons.

The Committee heard from the Noise and Nuisance Team that the Connect Bar /restaurant is the only bar/ restaurant in the area that is permitted to operate until 2am in the morning. The Connect Bar has residential properties directly above and to the rear and occupies a mixed used commercial area. Access to the bar is from the front of the store and at street level only. The premises are served by shutters which, when down, obscure visibility into the premises. The premises is currently served by a single CCTV camera located at the front of the premises to cover the main entrance.

Between 22/9/22 and 31/10/23 there had been 54 complaints about public nuisance from patrons leaving the premises, loud music, and the continued use of the premises beyond their permitted operating times. When the Noise and Nuisance Team have sought to investigate they have been hampered by the lack of working CCTV covering the areas in question and hindered by the Premises Licence Holder's (PLH's) unwillingness to provide footage and/or inability to operate the system, in breach of her licence conditions.

People have been witnessed by the Noise and Nuisance Team and the Police drinking in the premises after closing time and the Nuisance and Noise Team has witnessed smoking inside the premises which is illegal.

The Police made submissions that they too have received numerous complaints, these relate to loud music, shouting, swearing drinking on the street and smashing bottles. Despite meeting with the PLH on 20<sup>th</sup> July where she agreed measures to improve the operation of her licence, including security moving people on, lights to be turned on at last orders, possibly stopping selling alcohol earlier and no staff meetings after the premises close, the venue has continued to operate outside its opening hours and most recently there was a fight outside the premises on 26<sup>th</sup> August and on 22<sup>nd</sup> September the PLH reported to the Police that there had been a large group of men outside the premises with knives and she was scared to leave the premises. She reported this incident more than 6 days after it occurred.

The CCTV inside the premises has not been working for several months, this has not been reported as required, the PLH is unable to operate it in breach her licence conditions and she is only now in the process of learning how to operate it. These are all very serious breaches of the premises licence conditions, especially when the premises are associated with such high levels of public nuisance and disorder.

The licence holder has made representations relating to her age and indicated she is doing her best. Her view is that her taking appropriate action regarding the disturbances is to report them to the Police. She has submitted that she is unable to control what happens outside the premises but she does have security. She seems unaware of her responsibility to ensure orderly dispersal from the premises. It was unclear to the Committee whether SIA registered security were always present when they should be under the conditions of the licence. Whilst having previously stated that the premises have remained open beyond her operating hours because she was having a family meeting, staff meeting, or cleaning, she admits to sometimes having operated licensable activities beyond her hours. She also admits that loud music is a problem but blames a lack of soundproofing which she has no control over, although she is liaising with her landlord. The PLH was keen to assert that the breaches are

occurring during operating hours as well as outside. The Committee noted that the Licensing objectives are not being promoted and the PLH has no plan for improvement. Patrons are congregating outside the premises up to 5 a.m. and 6 a.m and the Committee believe that residents should not be subjected to the levels of public nuisance and disorder that are taking place.

Because of the frequency of complaints, seriousness of the incidents (including service of an abatement notice and the need for a dispersal order on 16<sup>th</sup> September), the breaches of the licence, loud music affecting residents and the lack of action or responsibility taken by the PLH to address the issues, despite having been given the opportunity to do so by the Police over 4 months ago, the Committee has decided to revoke the licence.

The incidents at the premises are becoming more serious and the premises appear to be a beacon for antisocial behaviour and lawlessness because they are being poorly managed. The breaches of the CCTV licence conditions have existed since at least March and have not been rectified. Because of the failure of the PLH to address the many issues and her assurances that this is the best she can do, the Committee have lost confidence in the PLH's ability to understand the seriousness her responsibilities as PLH, to comply with her licence conditions and to promote the licensing objectives of the prevention of public nuisance and prevention of crime and disorder. In light of this, no further conditions or period of suspension would promote the licensing objectives, and revocation of the licence is the proportionate and appropriate remedy.

**7. NEW ITEMS OF URGENT BUSINESS**

There were no new items of urgent business.

CHAIR: Cllr Sheila Peacock

Signed by Chair .....

Date .....