
Special Licensing Sub Committee

WEDNESDAY, 15TH JANUARY, 2014 at **10:00 HRS – 9TH FLOOR, RIVER PARK HOUSE
225 HIGH ROAD, WOOD GREEN, LONDON, N22 8HQ.**

MEMBERS: Councillors Beacham, Browne and Mallett

AGENDA

- 1. ELECTION OF CHAIR FOR THE DURATION OF THE HEARING**
- 2. APOLOGIES FOR ABSENCE**
- 3. DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

- 4. URGENT BUSINESS**

It being a special meeting of the Sub Committee, under Part Four, Section B, Paragraph 17, of the Council's Constitution, no other business shall be considered at the meeting.

5. SUMMARY OF PROCEDURE (PAGES 1 - 2)

The Chair will explain the procedure that the Committee will follow for a review hearing considered under the Licensing Act 2003. A copy of the procedure is attached.

6. EXPEDITED LICENSING REVIEW - EDEN VENUE/CLUB 56, 56 MUSWELL HILL, LONDON N10 (PAGES 3 - 48)

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Tuesday, 07 January 2014

LICENSING SUB-COMMITTEE REVIEW HEARINGS PROCEDURE SUMMARY	
INTRODUCTION	
1.	The Chair introduces himself and invites other Members, Council officers, the Premises Licence Holder, representatives of responsible authorities, interested parties and the Review Applicant to do the same.
2.	The Chair invites Members to disclose any prior contacts (before the hearing) with the parties or representations received by them
3.	The Chair explains the procedure to be followed by reference to this summary which will be distributed.
NON-ATTENDANCE BY PARTY OR PARTIES	
4.	If one or both of the parties fails to attend, the Chair decides whether to:
	(i) grant an adjournment to another date, or
	(ii) proceed in the absence of the non-attending party.
	Normally, an absent party will be given one further chance to attend.
TOPIC HEADINGS	
5.	The Chair suggests the “topic headings” for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is:
	Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.
	(i) the prevention of crime and disorder,
	(ii) public safety,
	(iii) the prevention of public nuisance, and
	(iv) the protection of children from harm.
6.	The Chair invites comments from the parties on the suggested topic headings and decides whether to confirm or vary them.
WITNESSES	
7.	The Chair asks whether there are any requests by a party to call a witness and decides any such request.
8.	Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.
DOCUMENTARY EVIDENCE	
9.	The Chair asks whether there are any requests by any party to introduce late documentary evidence.
10.	If so, the Chair will ask the other party if they object to the admission of the late documents.
11.	If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not be admitted.

12.	If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:	
(i)	What is the reason for the documents being late?	
(ii)	Will the other party be unfairly taken by surprise by the late documents?	
(iii)	Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?	
(iv)	Is the late evidence really important?	
(v)	Would it be better and fairer to adjourn to a later date?	
THE LICENSING OFFICER'S INTRODUCTION		
13.	The Licensing Officer introduces the report explaining, for example, the existing hours, the hours sought to be varied and the comments of the other Council Services or outside official bodies. This should be as "neutral" as possible between the parties.	
14.	The Licensing Officer can be questioned by Members and then by the parties.	
THE HEARING		
15.	This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include:	
(i)	an introduction by the Review Applicant's main representative	
(ii)	an introduction by the Premises Licence Holder or representative	
(iii)	questions put by Members to the Review Applicant	
(iv)	questions put by Members to the Premises Licence Holder	
(v)	questions put by the Review Applicant to the Premises Licence Holder	
(vi)	questions put by the Premises Licence Holder to the Review Applicant	
CLOSING ADRESSES		
16.	The Chair asks each party how much time is needed for their closing address, if they need to make one.	
17.	Generally, the Review Applicant makes their closing address before the Premises Licence Holder, who has the right to the final closing address.	
THE DECISION		
18.	Members retire with the Committee Clerk and legal representative to consider their decision including the imposition of conditions.	
19.	The decision is put in writing and read out in public by the Committee Clerk once Members have returned to the meeting.	

Licensing Act 2003 Sub-Committee on 08th January 2014

Report title: Consideration of interim steps following an application for a summary review of a premises license at Eden Venue/ Club 56 – 56 Muswell Hill , London N10
Report of: The Licensing Team Leader
Ward(s) affected Hornsey
1. Purpose

For the Committee to consider whether it is appropriate to impose interim steps on the premises license pending the determination of a summary review of the premises license which has been applied for by Inspector of the Metropolitan police. The application has been made in accordance with section 53A of the Licensing Act 2003.

Summary of application

- A senior police officer (defined as an officer who is a superintendant or above) has given a certificate to the Licensing Authority which states that it is his/her opinion that the premises are associated with serious crime or disorder or both.

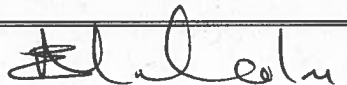
A copy of the review application and certificate are at Appendix 1.

2. Officers Observations

In determining this application the Licensing Sub Committee must have regard to the:

- 2.1 (a) The certificate issued by the police that accompanied the application
 (b) Any representations by the police: and
 (c) Any representations made by the holder of the premises license.

Report authorised by: Eubert Malcolm



Head of Regulatory Services

Contact Officer: Ms Daliah Barrett -Williams
Telephone: 020 8489 8232
3. Access to information:

Local Government (Access to Information) Act 1985

Background Papers

The following Background Papers are used in the preparation of this Report:

File: Eden Venues /Club 56

The Background Papers are located at Enforcement Service, Technopark, Ashley Road, Tottenham, London N17 9LN

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4. REPORT

Background

The expedited review procedure was introduced by amendments to the Licensing Act 2003 by virtue of sections 21 and 22 of the Violent Crime Reduction Act 2006.

These provisions, which came into effect on 1st October 2007, allow a quick process for attaching interim conditions to a licence and a fast track license review when the police consider that the premises concerned is associated with serious crime or disorder or both.

The powers only apply where a premises license authorises the sale of alcohol. They do not, however, apply in respect of other premises licences or club premises certificates. The powers are to complement existing procedures in the Licensing Act 2003 for tackling crime and disorder associated with licensed premises.

The procedure allows:

- The police to trigger a fast track process to review a premises license where the police consider that the premises are associated with serious crime and disorder or both.
- The licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

5 SUMMARY OF PROCEDURE:

The process that needs to be followed by the police and the Licensing Authority as set out in the Act are summarised below:

- (a) A senior police (defined as an officer who is a superintendent or above) must give a certificate to the Licensing Authority which states that it is his or her opinion that the premises are associated with serious crime or disorder or both.
- (b) Upon receipt of the application, the Licensing Authority must give consideration s to whether it is necessary for any interim steps to be made pending the outcome of the review hearing. This decision must be made within 48 hours from when the application is made. The decision to impose interim steps can only be made by members of the Licensing Committee. Officers are expressly excluded by the Act from being given delegated authority to make such decisions.

The options open to the licensing authority at the interim steps stage include:

- Modifying the conditions of the premises licence
- Excluding the sale of alcohol by retail from the scope of the license.
- Removing the designated premises supervisor from the license
- Suspending the license.

Following the full license review, the licensing authority may do any of the above or may revoke the licence.

In considering whether the interim steps need to be taken within the first 48 hours of receipt of the application, it is not necessary for the holder of the premises license to be given the opportunity to make representations to the Licensing Authority.

However the premises license holder has been written to and advised that he is able to attend the hearing. It has also been explained that he will have the ability to make representation regarding any interim steps that the Licensing Authority may decide to take.

If interim steps are imposed, then the decision will take immediate effect or as soon after that as the Committee direct.

Additionally, a review hearing of the premises must take place within 28 days in accordance with section 53C of the Act and the Licensing Committee must reach a decision on that review.

- (c) If the Licensing Authority takes one or more of the interim steps outlined previously, immediate notice of its decision and the reason for making it must be given to the holder of the premises license and the police.
- (d) In cases where interim steps are imposed and the premises license holder has not previously been given the opportunity to make representations in the initial 48 hour period, then they may make representations against the interim steps. The Licensing Authority must then hold a hearing within 48 hours from receiving those representations unless they are withdrawn by the premises license holder.
- (e) There is no right of appeal to a magistrates' court against the Licensing Authority decision at this stage.
- (f) After the consideration of any interim steps, the Licensing Authority must review the premises license at a subsequent meeting and reach a decision on that review within 28 days of the application being received.

6 CONSIDERATION OF INTERIM STEPS

The purpose of the hearing today is for Members to:

- Consider whether it is necessary to take interim steps pending the determination of a review of the premises license.

In reaching this decision, members must have regard to the following:

- The certificate issued by the police that accompanied the application.
- Any representations by the police: and
- Any representations made by the holder of the premises license.
- Suspending the licence

7 FURTHER ADVICE AND GUIDANCE CONSIDERATIONS

To assist Members in reaching a decision as to whether the interim steps are necessary for the promotion of the licensing objectives; further advice and guidance has been provided below.

Violent Crime Reduction Act 2006 – Explanatory Notes

The Home Office provided explanatory notes in conjunction with the Act. They may assist Members when fulfilling their decision making role. Below are the notes provided by the Home Office in respect of the new powers inserted into the Licensing Act .

Paragraph 39 – Through this legislation, the Government sought to give power to the police to require an expedited review of an alcohol license where the premises are associated with serious crime and disorder, and a powers for councils to take temporary steps in relation to the license (including imposing additional conditions) pending the determination of the review.

Paragraph 40 – These objectives fit into overall government aim of achieving a 15% reduction in crime , including violent crime.

- Contributing to changing the culture of carrying weapons – searching pubs and clubs where this is a demonstrable risk will serve as a clear deterrent to carrying knives.
- Reducing the risk of injury caused by glass – requiring pubs and clubs to use toughened glass where there is a demonstrable risk will help reduce the risk of injury from glassing.

Paragraph 41- These are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aim is to provide a selective tool, to be used proportionately, to limit this condition to those pubs that are at risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises.

Paragraph 42 – the Licensing Act 2003 is the main statutory lever to regulate both on and off license traders. Operators are issued with a license to sell alcohol, and this license is the main vehicle for regulating their behaviours.

Paragraph 43 – There are conditions applied to this license relating to crime and disorder, which are on the face of the Licensing Act 2003 (e.g. not knowingly allowing alcohol to be sold to a person who is drunk) and apply universally to all licensed establishments.

Paragraph 44 – There is also a provision which allows other conditions to be attached to licenses, by licensing authorities, which are tailored to the particular circumstances of individual establishments. Searching for weapons or use of toughened glass are examples of this type of selective provisions that can already be applied to licenses where there is a demonstrable need.

Paragraph 45 – The aim of this provision is to supplement the existing provisions in the Licensing Act 2003, which provide for conditions to be attached to licenses. This is achieved by giving the police the power to issue a certificate where they believe that a premises is associated with serious crime and disorder. This would trigger an

accelerated review of the license with the attaching of temporary conditions to the license.

Paragraph 46 – The provision would cover serious crime and disorder generally, and the appropriate modifications and conditions to the license could be set.

The Home Office has recently updated the guidance document. Whilst the guidance has no statutory basis, it is intended to assist police forces and licensing authorities when considering using the procedure and it is therefore attached at **Appendix 2**.

In particular, Members should have regard to the following advice from that document.:

Serious Disorder – There is no definitive list of behaviours that constitute serious disorder and the matter is one for judgement by the local police. The phrase should be understood in its ordinary English sense, as is the case under section 12 of the Public Order Act 1986, where it is also used.

Serious Crime – The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3)(a) and (b) of the Regulation on Investigatory Power Act 2000. Those tests are that the conduct;

- (a) Constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and
- (b) Involves the use of violence, results in substantial gain or is conduct by a large number of persons in pursuit of a common purpose.

Advice: The Oxford English Dictionary provides the following definitions:

“serious” – significant or worrying in terms of danger or risk

“disorder” – the disruption of peaceful and law abiding behaviour.

8 In deciding whether to sign a certificate the senior officer will want to consider the following as applicable:

The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable activities taking place on the premises – it is not expected that this power will be used as a first response to a problem.

The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?

Should an alternate power be deployed? Is the incident sufficiently serious to warrant use of the powers in Section 161 – 165 in Part 8 of the Licensing Act 2003 to close the premises? Or could the police trigger a standard license review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers? For example modifying license conditions following the use of a closure power.

What added value will use of the expedited power bring? How would any interim steps that the licensing authority might take effectively address the problem?

9 It is recommended that these points are addressed in the Chief Officers application to the licensing authority. In particular, it is important to explain why other powers or actions are not felt to be appropriate. It is up to the police to decide

whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review.

10 DETAILS OF THE APPLICATION FOR REVIEW AND CERTIFICATE

Appendix 1

The operation of the premises has failed to uphold the Licensing Objectives of The Prevention of Crime and Disorder. There was a large fight outside the premises which lead to the police attending and bringing order to the disturbance at the club. The license holder was present at the time of the incident and the disorder was caught on CCTV by the premises.

The premises was already subject to a review and expedited review in December 2012 due to issues of disorder at the premises from a previous occasion.

The LSC dealt with that review by adding conditions to the license and stepping out in faith with the license holder that no further issues would arise. **App 3**

The LSC met to discuss Interim Steps on this latest on Monday 16th December. The LSC decided that there were no suitable conditions that could be imposed on the license to ensure that this situation did not arise in the interim and determined that suspension of the license was the only option available. **App 4**

11 COMMENTS OF PREMISES LICENSE HOLDER

TO BE SPOKEN TO AT THE HEARING.

12 POLICY CONSIDERATIONS

The following provisions of the Licensing Act 2003 apply to this application:
Section 53a (Summary review of premises licenses)

In determining the application the Licensing Sub Committee can take such steps as it considers necessary for the promotion of the licensing objectives, which are:

1. Take no further action
2. modify the conditions of the license
3. exclude a licensable activity from the scope of the license
4. remove the designated premises supervisor
5. suspend the license for a period not exceeding three months

Where the Licensing Sub Committee takes steps mentioned in 3 or 5 it may provide that the modification or exclusion is to have effect for one such period (not exceeding three months) as it may specify. The Licensing Sub Committee is asked to give full reasons for its decision.

The Licensing Sub Committee must make its decision immediately of the end of the hearing. Any decision of the Licensing Sub Committee is effective immediately.

There is no right of appeal in this regard.

Appendices

- 1 - Copy of the application for a summary review together with the certificate signed by a senior police officer
- 2 – Copy of the Home Office Guidance for dealing with expedited summary reviews
- 3 - Copy of the current premises licence
- 4 – Copy of Interim Steps decision.

**APPENDIX 1 – COPY OF APPLICATION FOR A SUMMARY REVIEW TOGETHER
WITH CERTIFICATE BY A SENIOR POLICE OFFICER**

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Haringey Council Licensing, Units 271 - 272 Lee Valley Technopark, Ashley Road
N17 9JN

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 Mark Greaves [on behalf of] the chief officer of police for the Metropolitan 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:

Eden Venues Ltd, 56 Muswell Hill

Post town: London

Post code (if known): **N10 3ST**

2. Premises licence details:

Name of premises licence holder (if known): Brian Taylor

Number of premises licence holder (if known): LN/000005772

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]

This venue was the subject of an Expedited Review under Sec 51 of The Licensing Act 2003 for an incident of serious crime and disorder on 25th December 2012. At that time the venue was already within a Review period as a result of serious crime and disorder occurring there on 23rd September 2012. In both cases serious violent disorder had broken out inside the venue continuing outside venue. As a result of that on 23.01.2013 the Committee imposed the following conditions stating that the committee took a leap of faith, trusting that the Licence holder Brian Taylor has and will address the issues which caused the incidences. Among the conditions were Door Supervisors working externally to wear high visibility bibs or jackets. From midnight there must be at least 4 SIA staff, premises must employ a 'Club Scan' system or equivalent, radios issued to SIA staff, Form 696 submitted to Police in advance where the premises is wholly or predominantly booked out privately.

On Saturday 14th December 2013 at 0224 Police received a 999 call to a fight at Club 56. Upon arrival they found a large crowd some leaving the venue and others inside. People with blood on their heads were leaving and refusing to speak to Police or await medical attention. Brian Taylor was at the venue. CCTV was viewed and it was clear serious violent disorder had taken place at the venue lasting about 10 minutes. This involved males and females punching and kicking and bottles being used as weapons to strike people about the head. The SIA staff failed to control the incidence as they were so outnumbered.

When Police Licensing Officer asked Mr Taylor what had happened he was told Steve Gutteridge, Mr Taylor's partner, had allowed someone called Vas to hold a private party at the venue. Licensing Officer pointed out the Condition regarding Form 696 informing Police of private parties so they can risk assess them and Mr Taylor admitted this had not been done. A check of Club Scan showed 11 identifications but at least 100 people attended the venue. CCTV shows SIA Door Staff consist of 3 not the required 4 and only one was wearing any high visibility jacket. No radios had been issued to SIA staff. With regards the private party tickets had been sold specifically for the event but when Police asked to see them they were informed Vas had taken them all and left. Staff admitted non - ticket holders had gained entry. Mr Taylor knew nothing about what kind of event it was and Mr Gutteridge was not answering his phone. This meant Police were unsure if the 'private party' was a family or works type event or a promoter booking the venue and selling tickets to whoever wished to purchase them.

Violence and disorder continued in the street outside Club 56 for at least the next hour resulting in one instance of a GBH committed by a person who had been in Club 56 during the earlier violent incident at a house about 500 yards away from venue where about 10 people had gone after the violence at Club 56.

Since the January review there have been a number of violent incidents at the venue:

CRIS: 2804262/13 relates to an allegation of GBH on 03.03.2013 in the venues car park directly outside venue where a client of venue was assaulted by another client of the venue resulting in her jaw being broken in 2 places.

CRIS: 2817753/13 relates to allegation of GBH on 8th September 2012 where a female was assaulted suffering a split lip and bruised eye.

Crimint: YRRT00306382 was input by Licensing Officer Greaves relating to a proposed private party at the venue where Police were made aware late in the day. 'At 1530 on 28/03/2013 I met Brian Taylor, Licensee / DPS of: Club 56, 56 Muswell Hill N10 regarding a planned Birthday Party on 31/03/2013 at his venue. I told Brian he had phoned me a few days ago saying the event would take place in about four weeks but today I found his email confirmation, I was leave for 3 days, stating event was Sunday 31/03/2013.

When I phoned Brian to make this appointment at 1430 same day and asked about booking he mentioned 'he' had booked and he would get me the details of 'him'. I was originally told a female had booked the birthday party and Brian sent her details. Brian told me on the phone he had spoken with his partner Steve Gutteridge and it was a male booking the event for his wifes party. After enquiries Mr Taylor was asked to attend YDQ which he did. He told me his partner Steve Gutteridge had taken the details. I asked him details of male person who had made booking and he informed me he had contacted Steve and was awaiting a reply. I told Brian Police were concerned about this event and he told me Steve had not responded to his requests for further information of booking and would cancel the event as he did not want a problematic event and felt Steve was not being forthcoming with information. He assured me the event was cancelled and would not take place. I told him he needs to speak with Steve who is a partner in the firm and well aware that the venue had it's License Reviewed recently and another incident could lead to possible perminant closure.

I told Brian I did not consider Steve had been open with Police in this matter and that Brian should check all bookings himself and be very wary of late bookings. Brian told me in this case the person booking had said it was late because he'd had an argument with wife and wasn't going to do it but they made up so he booked it. I told Brian that explanation did not reassure me and he agreed. Steve phoned and after call Brain told me Steve had phoned female whose birthday it was and she had asked for booking to be made in her name. Brian agreed this was unacceptable and event would not take place.'

Criminal Intelligence: YRRT00308667/13 by Licensing Officer Greaves states: 'On 22/05/2013 Mr Taylor sent me a F696 giving details of promoter and DJ's at a planned event on 27/05/2013. This is a Condition on their License. In the email Mr Taylor states the F696 has been on their system for some time, 25/04/2013 and he does not know why the delay in sending it to me. On 23/05/2013 I met with Brian Taylor at 1230 at YM to discuss our concerns about this event. Mr Taylor told me he wished to co-operate and would not allow an event to take place that could be problematic. He informed me the bookers had not left a deposit and like Police he was concerned that there appeared to be no advertising for the event, his marketing manager had also checked the internet. Mr Taylor did not personally know the bookers. He told me he would make enquires into the event with his partner Steve Gutteridge who booked it. At 1825 today I phoned Mr Taylor who told me his marketing manager had tried 3 times to phone the applicant but he was not getting back to her. Mr Taylor

informed me this event was now cancelled.

Whilst taking full consideration of the financial penalty that would be incurred by Mr Taylor with this Expedited Review Police must consider public safety and the breaches of trust exhibited by Mr Taylor in this instance suggests a total disregard for the Conditions imposed on the venues licence and the safety of his clients and staff. I take into account the serious of this disorder and the fact further disorder took place outside and an offence of GBH was committed nearby by a person who had been at the venue during the disorder and involving other persons from the venue. I also take into account the previous violence at the venue within the last 12 months that show the need for Club Scan to assist in identifying suspects and the two Criminal Intelligence reports where I expressed concerns to Mr Taylor about events Mr Gutteridge had booked. The following three weeks will be the busiest time of the year for Licensed venues and subsequently Police and Mr Taylors actions leave Police with no confidence that this venue will adhere to the Conditions on the Licence and the likelihood that further serious crime and disorder may take place.

I cannot think of any Conditions that would make me consider this venue safe to continue operating that are not already on the Licence and have not been adhered to and so I ask the Committee to consider suspending the venues Licence until a full Review Hearing can take place.

Signature of applicant:

Date: 14.12.13

Capacity: Police Licensing Officer

Contact details for matters concerning this application:

**Address: Metropolitan Police, Quicksilver Patrol Base, Unit 1 Quicksilver Place,
Western Road, London N22 6UH**

Telephone number(s): 020 3276 0150

Email: mark.greaves met.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.

Metropolitan Police
Tottenham Police Station
398 High Road N17 9JA

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 disorder¹.

*Premises*²:

Eden Venues Ltd, 56 Muswell Hill N10 3ST

Premises licence number (if known): LN/000005772

Name of premises supervisor (if known): Brian Taylor

I am a Superintendent ³ in the Metropolitan 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, because⁴:

This venue was the subject of an Expedited Review under Sec 51 of The Licensing Act 2003 for an incident of serious crime and disorder on 25th December 2012. At that time the venue was already within a Review period as a result of serious crime and disorder occurring there on 23rd September 2012. In both cases serious violent disorder had broken out inside the venue continuing outside venue. As a result of that on 23.01.2013 the Committee imposed the following conditions stating that the committee took a leap of faith, trusting that the Licence holder Brian Taylor has and will address the issues which caused the incidences. Among the conditions were Door Supervisors working externally to wear high visibility bibs or jackets. From midnight there must be at least 4 SIA staff, premises must employ a 'Club Scan' system or equivalent, radios issued to SIA staff, Form 696 submitted to Police in advance where the premises is wholly or predominantly booked out privately.

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

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

⁴ 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 Saturday 14th December 2013 at 0224 Police received a 999 call to a fight at Club 56. Upon arrival they found a large crowd some leaving the venue and others inside. People with blood on their heads were leaving and refusing to speak to Police or await medical attention. Brian Taylor was at the venue. CCTV was viewed and it was clear serious violent disorder had taken place at the venue lasting about 10 minutes. This involved males and females punching and kicking and bottles being used as weapons to strike people about the head. The SIA staff failed to control the incidence as they were so outnumbered.

When Police Licensing Officer asked Mr Taylor what had happened he was told Steve Gutteridge, Mr Taylor's partner, had allowed someone called Vas to hold a private party at the venue. Licensing Officer pointed out the Condition regarding Form 696 informing Police of private parties so they can risk assess them and Mr Taylor admitted this had not been done. A check of Club Scan showed 11 identifications but at least 100 people attended the venue. CCTV shows SIA Door Staff consist of 3 not the required 4 and only one was wearing any high visibility jacket. No radios had been issued to SIA staff. With regards the private party tickets had been sold specifically for the event but when Police asked to see them they were informed Vas had taken them all and left. Staff admitted non - ticket holders had gained entry. Mr Taylor knew nothing about what kind of event it was and Mr Gutteridge was not answering his phone. This meant Police were unsure if the 'private party' was a family or works type event or a promoter booking the venue and selling tickets to whoever wished to purchase them.

Violence and disorder continued in the street outside Club 56 for at least the next hour resulting in one instance of a GBH committed by a person who had been in Club 56 during the earlier violent incident at a house about 500 yards away from venue where about 10 people had gone after the violence at Club 56.

Since the January review there have been a number of violent incidents at the venue:

CRIS: 2804262/13 relates to an allegation of GBH on 03.03.2013 in the venues car park directly outside venue where a client of venue was assaulted by another client of the venue resulting in her jaw being broken in 2 places.

CRIS: 2817753/13 relates to allegation of GBH on 8th September 2012 where a female was assaulted suffering a split lip and bruised eye.

Crimint: YRRT00306382 was input by Licensing Officer Greaves relating to a proposed private party at the venue where Police were made aware late in the day. 'At 1530 on 28/03/2013 I met Brian Taylor, Licensee / DPS of: Club 56, 56 Muswell Hill N10 regarding a planned Birthday Party on 31/03/2013 at his venue. I told Brian he had phoned me a few days ago saying the event would take place in about four weeks but today I found his email confirmation, I was leave for 3 days, stating event was Sunday 31/03/2013.

When I phoned Brian to make this appointment at 1430 same day and asked about booking he mentioned 'he' had booked and he would get me the details of 'him'. I was originally told a female had booked the birthday party and Brian sent her details. Brian told me on the phone he had spoken with his partner Steve Gutteridge and it was a male booking the event for his wifes party. After

enquiries Mr Taylor was asked to attend YDQ which he did. He told me his partner Steve Gutteridge had taken the details. I asked him details of male person who had made booking and he informed me he had contacted Steve and was awaiting a reply. I told Brian Police were concerned about this event and he told me Steve had not responded to his requests for further information of booking and would cancel the event as he did not want a problematic event and felt Steve was not being forthcoming with information. He assured me the event was cancelled and would not take place. I told him he needs to speak with Steve who is a partner in the firm and well aware that the venue had it's License Reviewed recently and another incident could lead to possible permanent closure.

I told Brian I did not consider Steve had been open with Police in this matter and that Brian should check all bookings himself and be very wary of late bookings. Brian told me in this case the person booking had said it was late because he'd had an argument with wife and wasn't going to do it but they made up so he booked it. I told Brian that explanation did not reassure me and he agreed. Steve phoned and after call Brian told me Steve had phoned female whose birthday it was and she had asked for booking to be made in her name. Brian agreed this was unacceptable and event would not take place.'

Criminal Intelligence: YRRT00308667/13 by Licensing Officer Greaves states: 'On 22/05/2013 Mr Taylor sent me a F696 giving details of promoter and DJ's at a planned event on 27/05/2013. This is a Condition on their License. In the email Mr Taylor states the F696 has been on their system for some time, 25/04/2013 and he does not know why the delay in sending it to me. On 23/05/2013 I met with Brian Taylor at 1230 at YM to discuss our concerns about this event. Mr Taylor told me he wished to co-operate and would not allow an event to take place that could be problematic. He informed me the bookers had not left a deposit and like Police he was concerned that there appeared to be no advertising for the event, his marketing manager had also checked the internet. Mr Taylor did not personally know the bookers. He told me he would make enquires into the event with his partner Steve Gutteridge who booked it. At 1825 today I phoned Mr Taylor who told me his marketing manager had tried 3 times to phone the applicant but he was not getting back to her. Mr Taylor informed me this event was now cancelled.

Whilst taking full consideration of the financial penalty that would be incurred by Mr Taylor with this Expedited Review Police must consider public safety and the breaches of trust exhibited by Mr Taylor in this instance suggests a total disregard for the Conditions imposed on the venues licence and the safety of his clients and staff. I take into account the serious of this disorder and the fact further disorder took place outside and an offence of GBH was committed nearby by a person who had been at the venue during the disorder and involving other persons from the venue. I also take into account the previous violence at the venue within the last 12 months that show the need for Club Scan to assist in identifying suspects and the two Criminal Intelligence reports where Police expressed concerns to Mr Taylor about events Mr Gutteridge had booked. The following three weeks will be the busiest time of the year for Licensed venues and subsequently Police and Mr Taylors actions leave Police with no confidence that this venue will adhere to the Conditions on the Licence and the likelihood that further serious crime and disorder may take place. I cannot think of any Conditions that would make me consider this venue safe to continue operating that are not already on the Licence and have not been adhered to and so I ask the Committee to consider suspending the venues

Licence until a full Review Hearing can take place.

.....
(Signed)

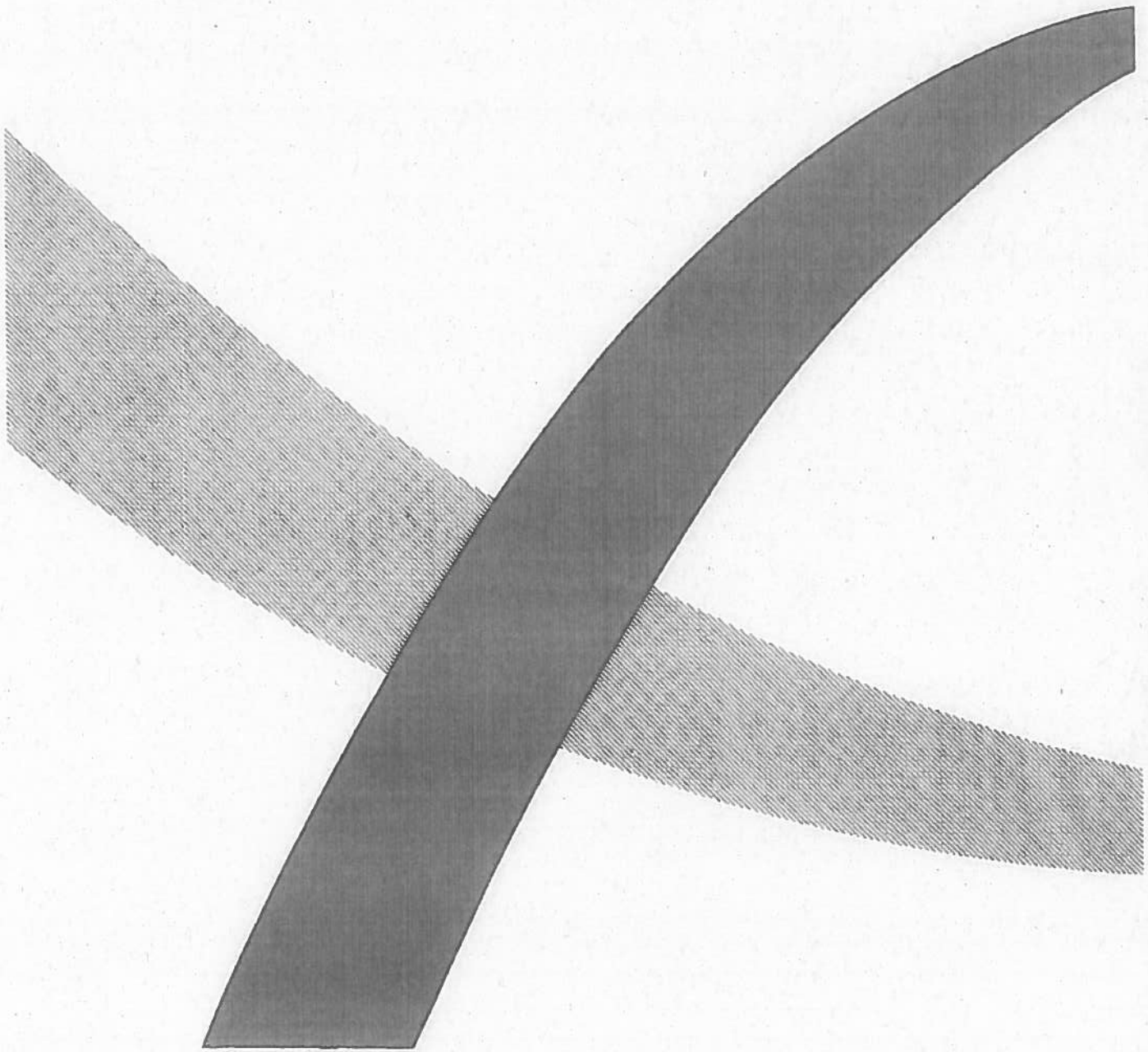
.....
(Date)

**APPENDIX 2 – COPY OF THE HOME OFFICE GUIDANCE FOR DEALING WITH
EXPEDITED SUMMARY REVIEWS**



Home Office

**Section 53A Licensing Act 2003
Summary Review Guidance**



CONTENTS

- 1. Introduction**
- 2. The Steps – Summary Review**
- 3. The Licensing Authority and the Interim Steps**
- 4. Making representations against the Interim Steps**
- 5. The Review of the Premises Licence**
- 6. Right of Appeal**

ANNEX A

- 1. Certificate Under section 53A(1)(b) of the Licensing Act 2003**

ANNEX B

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

INTRODUCTION

- 1.1 This guidance explains how to use the provisions in the Licensing Act 2003 ("the 2003 Act"), inserted by section 21 of the Violent Crime Reduction Act 2006, which allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).
- 1.2 This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the procedures.
- 1.3 The powers are set out in sections 53A to 53C of the 2003 Act and apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The purpose of these powers is to complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises. Existing powers in Part 8 of the 2003 Act provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance) and the consequent review of premises licences by the licensing authority. The powers under sections 53A to 53C, which are in Part 3 of the 2003 Act, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.
- 1.4 The powers allow:
- the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and
 - the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.
- 1.5 In summary, the process is:
- the chief officer of police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);
 - on receipt of the application and the certificate, the licensing authority must within 48 hours of the time of its receipt consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days after the day of receipt of the application.
- 1.6 The options open to the licensing authority at the interim steps stage include:
- modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail from the scope of the licence;
 - removal of the designated premises supervisor from the licence; and

- suspension of the licence.

1.7 Following the full licence review, the licensing authority may do any of the above or may revoke the licence.

1.8 The purpose of this guidance is to:

- set out the circumstances where the power can be used; and
- outline the process and the steps at each stage.

THE STEPS

2. Triggering the expedited review

2.1 Section 53A of the Licensing Act 2003 sets out who may apply for an expedited review and the circumstances in which it can be used.

Application for expedited review

2.2 The chief officer of police for the area in which the premises are situated may apply to the relevant licensing authority for an expedited licence review if a senior member of the force has issued a certificate that in his/her opinion a licensed premises is associated with serious crime or serious disorder (or both).

2.3 The key definitions used above are:

- **Senior member of the force:** This must be an officer of the rank of superintendent or above.
- **Certificate:** This is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is associated with serious crime, serious disorder or both. This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is attached at annex A to this guidance.
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
 - (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and
 - (b) 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:** There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.
- **The application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under section 53A of the

2003 Act. The application must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). The completed application must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex B of this guidance.

2.4 In deciding whether to sign a certificate, the senior officer will want to consider the following (as applicable):

- **The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises – it is not expected that this power will be used as a first response to a problem.**
- **The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?**
- **Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in sections 161 to 165 of the 2003 Act to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power).**
- **What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?**

2.5 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53C, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 3.6 and 3.7 below).

2.8 However, it should continue to be borne in mind that these are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aim is to provide a selective

tool, to be used proportionately, to limit this condition to those pubs that are at risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises.

3. The Licensing Authority and the Interim steps

3.1 Within 48 hours of receipt of the chief officer's 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 also consider whether it is necessary to take interim steps. When calculating the 48 hour period any non-working day can be disregarded.¹

3.2 The licensing authority may want to consult the police about the steps that it thinks are appropriate, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

3.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

3.4 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of 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; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance issued under section 182 of the 2003 Act (available at: www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing).

3.5 If the licensing authority decides to take steps at the interim stage:

¹ This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

3.6 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

3.7 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

4. Making representations against the interim steps

4.1 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded.

4.2 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend

at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

4.3 At the hearing the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

4.4 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

4.5 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

5. The review of the premises licence

5.1 The licensing authority must hold a review of the premises licence within 28 days after the day of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must:

- consider what steps it considers appropriate for the promotion of the licensing objectives; and
- decide which interim steps (if there are any) cease to have effect altogether or become the subject of any steps which it considers are appropriate when making its determination on the review.

5.2 The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance under section 182 of the 2003 Act.

5.3 The licensing authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority².

5.4 A party shall give to the authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –

- whether he intends to attend or be represented at the hearing;
- whether he considers a hearing to be unnecessary.
- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 4.2 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

5.6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

² Responsible authorities are defined under sections 13(4) and 69(4) of the 2003 Act.

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or any other person (who is not also a responsible authority).

5.7 The licensing authority must notify its decision and the reasons for making it to:

- the holder of the premises licence;
- any person who made relevant representations; and
- the chief officer of police who made the original application.

6. Right of Appeal

6.1 An appeal may be made to the magistrates' court within 21 days of the licence holder being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.2 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

[insert name and address of police force]

Example Form

Annex A

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 disorder³.

*Premises*⁴:

Premises licence number (if known):

Name of premises supervisor (if known):

I am a ⁵ in the 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, because⁶:

.....

³ Delete as applicable.

⁴ Include business name and address and any other relevant identifying details.

⁵ Insert rank of officer giving the certificate, which must be superintendent or above.

⁶ 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.

(Signed) (Date)
Statutory Form For Applying For A Summary Licence Review

Annex B

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

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 [on behalf of] the chief officer of police for the 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:

Post town:

Post code (if known):

2. Premises licence details:

Name of premises licence holder (if known):

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]

Signature of applicant:

Date:

Capacity:

Contact details for matters concerning this application:

Address:

Telephone number(s):

Email:

Notes for guidance:

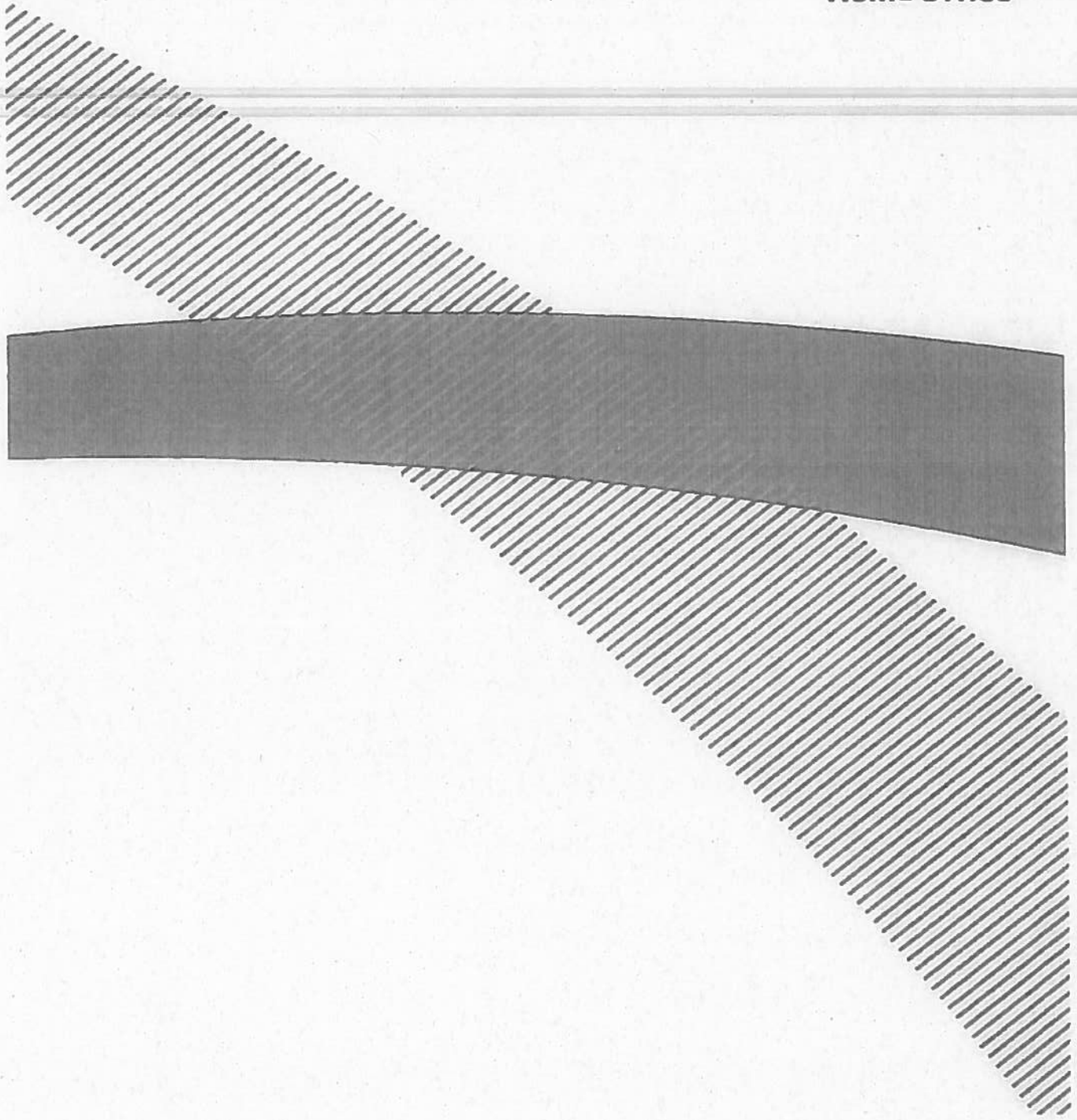
1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder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



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APPENDIX 3 – COPY OF CURRENT PREMISES LICENCE

PREMISES LICENCE

Receipt: FO0110059874

Premises Licence Number: LN/00002151
LN/000005772

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
Urban Environment, Technopark, Ashley Road
Tottenham, London, N17 9LN**

Signature:.....

Date: 24th November 2005
23rd January 2013

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**EDEN VENUES LIMITED
56 MUSWELL HILL
MUSWELL HILL
LONDON
N10 3ST**

Where the Licence is time limited, the dates:

N/A

Licensable activities authorised by the Licence:

Supply of Alcohol

Regulated Entertainment:

- Live Music
- Recorded Music
- Provision of Facilities for Making Music & Dancing

Provision of Late Night Refreshment

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

Regulated Entertainment

Sunday to Wednesday 1100 to 0200

Thursday to Saturday 1100 to 0400

Provision of Late Night Refreshment

Sunday to Wednesday 2300 to 0300

Thursday to Saturday 2300 to 0500

Supply of Alcohol

Monday to Wednesday 1100 to 0300

Thursday & Friday 1100 to 0500

LICENSING ACT 2003
Sec 24

Saturday 1100 to 0500

Sunday 1200 to 0300

Deregulation of licensable activities throughout the night on New Years Eve

The opening hours of the premises:

Monday to Wednesday 1100 to 0400

Thursday to Saturday 1100 to 0600

Sunday 1200 to 0400

Deregulation of hours throughout the night New Years Eve

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

Supply for consumption both **ON** and **OFF** the premises

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Brian Taylor
121 Muswell Avenue
Muswell Hill
London
N10 2EJ

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

Not applicable

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

Brian Taylor
121 Muswell Avenue
Muswell Hill
London
N10 2EJ

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

Personal Licence Number: LN/00002339
Expiry Date: 23rd November 2015
Issued by: London Borough of Haringey

Annex 1 –Mandatory Conditions

(2) Supply of alcohol: 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 his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door supervision: At specified times one or more individuals must be at the premises to carry out a security activity and each of these individuals must be licensed by the Security Industry Authority.

Additional Mandatory Conditions in relation to Supply of Alcohol

1.—(1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

- (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (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;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process; or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Annex 1 –Mandatory Conditions

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

5. The responsible person shall 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) customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the Operating Schedule

THE PREVENTION OF CRIME AND DISORDER

- A digital Closed Circuit Television System will be installed and maintained on the premises.
- The CCTV system will be recording at all times when the premises are open and the recordings shall be made available to the Police and the Council on request.
- CCTV is to be installed to cover the external frontage of the premises
- At least two door supervisors must be stationed at the premises from opening until midnight and at least four door supervisors, one of whom must be female, to be so stationed from midnight until close of premises.
- A panic alarm system linked to the Central Police Station will be installed.
- Anti-Drugs signs will be displayed in the premises.
- The planned fencing and gates will enable the site to be secured when not in use and will limit the possibility of anti-social behaviour.
- An accredited SIA company will be contracted to supply the door supervisors.
- All door supervisors will be briefed by the DPS in accordance with a training manual for door supervisors. All staff must receive adequate training, with a focus on safety and security matters.
- Door supervisors are to wear high-visibility armbands identifying themselves as door supervisors whether inside or outside; Door supervisors working externally are to wear high-visibility bibs or jackets.
- A register must be kept of door supervisors on duty showing the full name, date, time in and out, SIA badge number and expiry date and signature, and counter-signed by the DPS.
- The door supervisor register must be available for inspection by the police and council officers upon request.
- Details of the full name and SIA badge number of all supervisors shall be given to the police at least 7 days before the commencement of employment at the premises, subject to unavoidable replacements required at shorter notice, such replacements being provided only by the contracting company.

PUBLIC SAFETY

- Fire safety equipment will be checked regularly and any requirements made by the Fire Safety Officer will be complied with.
- Improved outside areas and entrances will result in an improved queuing system, which is more organised.
- The new fencing will also reduce the possibility of people / persons hanging around the site.
- The introduction of a second lobby will also enable better control of customer flow in and out of the venue.
- Premises must employ a 'Club Scan' system or equivalent.
- Search procedure on entry to the club must utilise 'wands'.
- The licensing authority shall be given prompt access upon request to inspect the premises to identify any concerns to responsible authorities, such as the fire authority, due to potential issues having come to light in relation to the use of shutters.

THE PREVENTION OF PUBLIC NUISANCE

- Signs will be displayed at the exit reminding customers to leave quietly and respect the neighbours.

Annex 2 – Conditions consistent with the Operating Schedule

- Staff will call Taxis/Mini cabs for the use of customers leaving the premises when requested to do so to a designated off road pick-up point shown on the deposited plan.
- The creation of a second lobby will act as a chamber to trap noise and will have the effect of reducing noise escaping from the venue when doors are opened.
- The erection of a planted fence will also reduce noise from customers using the outside area.

THE PROTECTION OF CHILDREN

- All staff will be trained that alcohol will only be sold to persons who can produce photographic identification where there is any doubt that they are over the age of 18.
- Persons under the age of 18 will not be permitted to use the Gaming machines.

Annex 3 – Conditions attached after a hearing by the licensing authority

Resolved 23rd January 2013

The Committee carefully considered the application, the associated Home Office guidance and representations by the police, the licence holder/DPS Mr Taylor, and the premises business partner Mr Gutteridge. The Committee decided to modify the conditions of the licence and not to take any other steps. For clarity, the existing suspension resulting from the expedited review is to remain in force pending the expiry of the window to appeal this decision.

The following conditions are imposed:

- All the conditions on page 47 of the agenda pack are imposed, except where they contradict the following conditions, which take precedence.
- An accredited SIA company will be contracted to supply the door supervisors.
- All door supervisors will be briefed by the DPS in accordance with a training manual for door supervisors. All staff must receive adequate training, with a focus on safety and security matters.
- Door supervisors are to wear high-visibility armbands identifying themselves as door supervisors whether inside or outside; Door supervisors working externally are to wear high-visibility bibs or jackets.
- A register must be kept of door supervisors on duty showing the full name, date, time in and out, SIA badge number and expiry date and signature, and counter-signed by the DPS.
- The door supervisor register must be available for inspection by the police and council officers upon request.
- Details of the full name and SIA badge number of all supervisors shall be given to the police at least 7 days before the commencement of employment at the premises, subject to unavoidable replacements required at shorter notice, such replacements being provided only by the contracting company.
- Adequate lighting in the smoking area to be maintained to ensure that the quality of CCTV images is sufficient to identify individuals present in that area.
- CCTV is to be installed to cover the external frontage of the premises and subject to the same requirements in respect of CCTV as already referred to in the licence.
- Premises must employ a 'Club Scan' system or equivalent.
- Search procedure on entry to the club must utilise 'wands'.
- The existing condition on the licence reading 'Two door supervisors will be stationed....' is to be amended to read 'At least two door supervisors must be stationed at the premises from opening until midnight and at least four door supervisors, one of whom must be female, to be so stationed from midnight until close of premises'.
- Radios must be properly maintained and utilised so that there is effective communication throughout the club.
- Form 696 to be properly completed and submitted to police in advance where the premises is wholly or predominantly booked out privately.
- The licensing authority shall be given prompt access upon request to inspect the premises to identify any concerns to responsible authorities, such as the fire authority, due to potential issues having come to light in relation to the use of shutters.
- The supply of alcohol shall cease one hour before the scheduled closing time on any given night, as will the admission of new patrons.
- The licence holder must cooperate with the police to ensure that these conditions are met.

The Committee had serious concerns about whether conditions would be implemented, based on the history of incidences in relation to the premises. The decision of the expedited review

Annex 3 – Conditions attached after a hearing by the licensing authority

highlighted these and further detail was provided today, in particular in relation to the incident of 23 September 2012 by viewing CCTV evidence. The main issue was the credibility of Mr Taylor and Mr Gutteridge in their assertions that the problems were predominantly as a result of the day to day affairs being dealt with by Mr Blowes, who, it was asserted, is no longer linked with the premises. While the Committee had concerns in accepting this, they appeared to demonstrate strong *previous* experience in running such types of premises and the police did not offer any contrary evidence to this.

The Committee considered it appropriate and proportionate to bolster the conditions relating to security, which were not resisted by the licence holder. Although not referred to in open committee, it was considered most appropriate to require that CCTV covers the external frontage, based on the appalling disorder evidenced as having taken place.

Effectively, the committee took a leap of faith, trusting that the licence holder has and will address the issues which caused the incidences, based on all the representations made.

Annex 4 – Plans

LODGED WITH LICENSING AUTHORITY

APPENDIX 4 – COPY OF INTERIM STEPS DECISION

MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE
MONDAY, 16 DECEMBER 2013

Councillors Beacham, Brabazon and Demirci

SLSC06.	<p>ELECTION OF CHAIR</p> <p>Cllr Demirci was appointed as Chair for the duration of proceedings.</p>	
SLSC07.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence. .</p>	
SLSC08.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
SLSC09.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
SLSC10.	<p>EDEN VENUE/CLUB 56, 56 MUSWELL HILL, LONDON, N10 3ST</p> <p>RESOLVED</p> <p>The Committee considered the application for an expedited review, along with all associated Home Office guidance and representations by the police and the licence holder, who were both present at the hearing. The Committee considered it necessary to impose an interim step of suspension of the licence, pending the full review hearing, on the ground of serious disorder.</p> <p>The police's evidence was compelling and credible. The incidents referred to in the application demonstrated sufficient concern to consider it necessary to impose a suspension as an appropriate condition. Mr Taylor's representations did not sufficiently allay the Committee's concerns and the Committee did not consider anything other than suspension to adequately address the licensing objectives.</p>	

Cllr Ali Demirci
Chair

**MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE
MONDAY, 16 DECEMBER 2013**
