

**MINUTES OF THE LICENSING SUB COMMITTEE B
MONDAY, 10 AUGUST 2015**

Councillors Carroll (Chair), Carter and Mallett

Apologies Councillor Beacham

Also Review Applicants

The Nile Bar and Restaurant - Cllr Barbara Blake, Pete Reilly, Liam Murphy (item 27 below)

The Fountain Pub – Lee Humphries and Jane Sarre (item 28 below)

Objectors

The Nile Bar and Restaurant - David Dadds (Barrister), Khalid Khan (Premises Manager/ Licence Holder) and Bruno Paiva Silvano (General Manager)

The Fountain Pub – Jeremy Phillips (Barrister) and C. Lockett (Solicitor representing licence holders), Siva and Lofini Surenkumar (Licence Holders)

Responsible Authorities

Mark Greaves – Police Licensing Officer

Charlie Buckle – Noise Officer/ Enforcement Response Team

Other officers: Daliah Barrett (Licensing), Khumo Matthews (Legal) and Natalie Layton (Clerk),

MINUTE

SUBJECT/DECISION

PRCE22.	FILMING AT MEETINGS The Chair referred Members present to agenda Item 1 as shown on the agenda in respect of filming at this meeting, and Members noted the information contained therein’.
PRCE23.	APOLOGIES FOR ABSENCE An apology for absence from this meeting was received from Councillor Beacham who was substituted for by Councillor Carter.
PRCE24.	URGENT BUSINESS None.
PRCE25.	DECLARATIONS OF INTEREST Noted that Councillor Mallett declared that she had visited The Fountain Pub in previous years but not recently. It was agreed that this was not a relevant declaration but was recorded for the purpose of the minutes.

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PRCE26.	SUMMARY OF PROCEDURE The summary of procedure was noted.
PRCE27.	THE NILE BAR AND RESTAURANT, 435 WEST GREEN ROAD, LONDON N15 RECEIVED the application for a review of a premises licence at The Nile Bar and Restaurant, 435 West Green Road, London N15 3PJ (pages 3-56 of the agenda pack) and the additional Butterworth Witness Statement document which had been circulated separately. a. <u>Licensing Officer's Introduction</u> The licensing officer, Daliah Barrett, introduced the review of the premises licence referring to the documents in the agenda pack. Noted that the application for the review had been submitted by Councillor Barbara Blake on behalf of residents of the area, with reference to the licensing objectives: the prevention of crime and disorder, public safety and the prevention of noise nuisance. No questions were put to Ms Barrett. b. <u>Applicant's Case and Representations from Members of the Public</u> Councillor Blake explained that: <ol style="list-style-type: none">1. she had been contacted a year ago by residents of Stanley Road and Stanmore Road about the impact of drunk and aggressive behaviour, noise, and crime and disorder on their lives caused by patrons of The Nile Bar leaving the venue in the early hours of the morning;2. some children no longer slept in their homes because of the noise and disruption from patrons leaving the premises, which was open until 2am. Sometimes noise from the venue itself disturbed the residents;3. Stanley Road was a busy, residential street which could only be accessed from one end and many people attending The Nile Bar parked their cars on Stanley road and often did not go straight home once the venue closed;4. residents had witnessed patrons from The Nile Bar hanging around Stanley Road until 3am and as late as 5am and urinating in the street, playing music from their cars, shouting and often bringing alcohol from the premises onto the street. Fights often broke out, broken glass was left on pavements and there had been evidence of drug taking and drug dealing;5. local residents felt intimidated and public safety was at risk;6. the owner and manager , Mr Khan, had been contacted numerous times by residents. Further to complaints improvements were usually seen for a couple of weeks but then the usual nuisance and crime and disorder

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returned;

7. Councillor Blake expressed that she did not feel it was appropriate to have a club type venue open until 2am in such close proximity to a residential street.

Noted the additional comments from Mr Ramdonee, Stanley Road resident, including that residents had suffered from noise nuisance caused by patrons leaving the venue since it was opened in 2010 and some incidents had been logged, and; the comments of Mr Reilly, Stanley Road resident, including that the noise nuisance included music playing from cars, horns beeping as cars tried to get through the congestion.

c. Representations from Responsible Authorities

Noted the representation by Mark Greaves on behalf of the Metropolitan Police, including that:

1. the police had liaised with the venue a number of times as laid out on pages 35-41 of the report. The venue had unsatisfactory, poor quality CCTV and was still providing drinks in glass bottles/glasses when requested by the responsible authorities to stop using glass after a certain time in the evening;
2. incidents of assault involving glass in the bar had been recorded during three events held at the premises in the last year;
3. the Nile Bar management had agreed not to use bottles and glasses after midnight but evidence at visits had shown that they were still being used and the police were concerned about managing the risks of assault by glass;
4. the police had records of people urinating in the public area and when patrons had been refused entry in the past they had assaulted staff;
5. the recommendations on CCTV Page 40 had been agreed by the licence holder.

Noted the representation of the Enforcement Response Officer, Charlie Buckle, including that:

6. warning letters had been sent to The Nile Bar regarding noise and licensing offences (including the use of an area which was not licensed for use) on 22 Sept 2013 and 13 Feb 2014;
7. there had been two other events where officers had been called to attend but had found no evidence when arrived;
8. enforcement officers had witnessed noise issues coming from Stanley Road and the premises door staff have tried to control this in the past.

d. Licence Holder's response to the representations

David Dadds, representing the licence holder, responded to the representations including that:

1. little evidence had been presented for the alleged matters and none could

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- be specifically attributed to The Nile Bar customers as other venues' customers used Stanley Road to park their cars;
2. the licensee or general manager could work on specific incidents but if reported within a number of days so that CCTV footage could be viewed;
 3. residents' diary logs had not been shared with the venue to enable discourse and working together;
 4. a street marshal been introduced to remind people to be respectful of the neighbours;
 5. the licensee had agreed the police condition that polycarbonate cups would be used after 2200 hrs and all beer bottles decanted;
 6. the venue would work with the police on improving the CCTV system;
 7. the venue had introduced available food for sale and that the outdoor benches would not be used after 9pm and no entry after 0100hrs;
 8. the licensee was willing to meet the recommendations in paragraph 30 of the Butterworth witness statement.

d. Questions

1. Councillor Mallett asked residents how often they had called the enforcement office about noise from the venue and it's patrons.
 - Mr Reilly explained that he and other local residents had called the council's noise number many times and had been told that that the council could not deal with issues outside the premises and that residents should call the police.
 - Mr Ramdonee explained that he had called the police many times and rarely turned. The council had advised residents that the issues were police matters and the police had said they were council matters.
2. The Enforcement Officer explained that the noise team was responsible for dealing with complaints about noise nuisance from street cars. Residents had logged many incidents of noise but no incidents had been witnessed when officers had attended Stanley Road.
3. When offences had been witnessed the noise team would send follow-up letters to licensees and further observations would be conducted and Haringey CCTV officers were also able to monitor areas.
4. In response to questioning the licensing officer confirmed that some dialogue had taken place: she had attended meetings with some Stanley Road residents and had also met with the premises manager.
5. Councillor Carter asked the licensing officer and applicants why the protection of children from harm had not been a reason for the review application as the agenda mentioned disruption to children's sleep. Councillor Blake explained that she had interpreted "protection of children from harm" as being young children potentially going into the premises.
6. Councillor Mallett asked the licensee about the recommendations in the Butterworth witness statement, paragraph 30, some of which should have already been in place. Mr Dadds recognised this but argued that it did not necessarily mean that the licensing objectives had been undermined. Mr Greaves confirmed that the police were satisfied that the implementation of these recommendations would satisfy the concerns of the police.
7. In response to a question from Councillor Mallett about how the venue refused to serve people who were already heavily intoxicated Mr Dadds stated that there had been no evidence or observations to suggest that the

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venue did not refuse entry or the sale of alcohol, or sell non-alcoholic drinks to these people.

8. Councillor Carter asked why offers to work with the local community to resolve issues had come about now, during the application for a license review. (At this point Mr Dadds suggested that Councillor Carter was bias against the applicant and his questions were weighted towards the residents). In answer to the question: Mr Dadds explained that the council had not engaged with the licensee about any of the conditions not being followed and no prior no matters had been directly raised with the licensee, who was willing to engage with local residents.
9. Mr Dadds reported that the licensee had not been invited to any meetings with residents.
10. Councillor Blake explained that residents had engaged with the previous manager and that Mr Khan did not respond to emails or telephone calls from the residents.
11. It was explained, further to questioning, that the venue had a sound limiter installed but this was a long time ago and the system might require recalibrating. Mr Dadds emphasised that there was no evidence of noise coming from the venue, which suggested that the noise limiter must be working.
12. The Chair asked about the new management structure and it was explained that Bruno had been welcomed by the residents and had been engaging with residents and had taken action to promote the licensing objectives.
13. In response to questioning from Councillor Carter it was affirmed that no other venues in the borough required a street marshal function, which was in place from 2200 hrs until closing time to ensure that patrons did not undermine the licensing policy. Mr Dadds highlighted that street marshals were used around the country as a visual presence to remind people to be respectful of the neighbourhood.
14. In response to Mr Dadds questioning it was confirmed by Mr Greaves that other than the two accounts recorded in the agenda pack there was no evidence suggesting that residents complaints were linked to the venue.
15. Mr Buckle confirmed that the council's noise response service operated from 0800 hrs to 0300 hrs from Sunday to Thurs, and until 0400 hrs on Friday and until 0500 hrs on Saturdays. The contact telephone line was a 24 hour number operated by Northgate via a multi-council call centre at Tower Bridge who logged all complaints. The most recent report showed 15-20 calls about The Nile Bar but most visits conducted by officers had not established offences.
16. Further questioning established that the Environmental Health team had conducted two visits to the venue for the sale of alcohol outside of the premises (in back garden) and another regarding patrons leaving premises but they had not established a breach of the licence.
17. Councillor Blake confirmed that she had only visited the premises once to meet the new manager and this had not been late at night.
18. Mr Dadds established that Councillor Blake had not logged any complaints herself and that she was not aware that diary log sheets had been given to residents to record incidents.
19. The licensing officer reported that she had emailed the venue on 20 October 2014, and received a brief response confirming that she had the correct contact details on 23 October. On 23 October Ms Barrett emailed

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to confirm the reason for contact and on 28 October Mr Khan responded saying matters would be looked into. Ms Barrett sent follow-up emails on 3 Nov 2014, 6 February 2015 and in April 2015.

20:42 – Clerk’s note – the meeting adjourned to allow the licensee’s representative to see the emails

20:54 – the committee reconvened

- Mr Dadds clarified that he had not been able to go through the emails but confirmed that the Licensing authority had not made a representation against the premises and Ms Barrett confirmed that the licensing officers role was to represent the local authority.

Noted the summary statements of Councillor Blake and Mr Dadds,

The Committee **AGREED** that the Committee would reconvene on Wednesday 12 August to consider the evidence and make its decision. All parties would receive written notification of the final decision.

DECISION

The Committee carefully considered the review application and representations made as well as the council’s statement of licensing policy and the section 182 guidance.

The options available to the committee on consideration of the review were as set out at paragraph 6.1 (points 1 to 6) on page 6 of the agenda pack, in the licensing officer’s report.

Option 1: To take no further action would not have dealt with the issues identified in the residents’ representations, the noise officer’s report and the Butterworth witness statement. The committee considered that crime and disorder had taken place inside the premises and noise nuisance by patrons on leaving the premises.

Option 2: The Committee sees fit to modify the conditions of the licence, detailed below, for the purpose of upholding the licensing objectives (prevention of crime and disorder and public nuisance, and public safety). It was noted that the police representations stated that, in the main, nuisance occurred after 0100hrs.

Option 3: On the basis of the evidence presented the committee did not feel it necessary to exclude a licensable activity from the scope of the licence.

Option 4: On the basis of the evidence presented the committee felt it was necessary to remove Designated Premises Supervisor (DPS) and noted that the licence holder had taken steps to employ a new manager, who will obtain a personal licence which will enable him to manage the premises on a day to day basis.

Option 5: On the basis of the evidence presented the committee did not feel it necessary to suspend the licence.

Option 6 - on the basis of the evidence presented the committee did not feel it necessary to revoke the licence.

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Therefore it was **RESOLVED** that:

- a. the premises opening hours be amended as follows:

Opening hours of the premises

Monday to Thursday	1000 to 0000 hrs
Friday	1000 to 0100
Saturday	1100 to 0100 hrs (the following day)
Sunday	1200 to 0000 hrs
Good Friday	1200 to 2250 hrs
Christmas Eve	2100 to 0100 hrs
Christmas Day	1200 to 1520 hrs and 1900 to 2250 hrs

- b. as a result of the opening hours having been reduced:

Supply of alcohol

Monday to Thursday	1000 to 2330 hrs
Friday	1000 to 0030
Saturday	1100 to 0030 hrs (the following day)
Sunday	1200 to 2330 hrs
Good Friday	1200 to 2220 hrs
Christmas Day	1200 to 1450 hrs and 1900 to 2220 hrs

(30 minutes drinking up time)

For consumption **on** and **off** the premises

Provision of late night refreshment (LNR)

Monday to Thursday	2300 to 0000
Friday and Saturday	2300 to 0100
Sunday	2300 to 0000

Provision of regulated entertainment

Friday and Saturday	2100 to 0100 hrs
Christmas Eve	2100 to 0100 hrs

New Year's Eve licensable activities from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

All licensable activities will be excluded from the outdoor rear area from 2230 hours every day.

New Year's Eve licensable activities from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

The Committee noted that the licence holder had agreed to implement the recommendations set out by the police (on pages 40 and 41 of the agenda pack), namely that CCTV will be upgraded, a ban on the use of glass cups and beer bottles after 2200 hrs and that adequate incident logs will be maintained.

The Committee supported and would advise the licence holder to implement all of

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the recommendations alluded to in paragraph 30 of the Butterworth Witness Statement as set out below (if not already actioned):

- Noise limiter to be recalibrated to ensure music is played at acceptable levels;
- Summary of the premises licence to be prominently displayed;
- Premises licence custody to be given to a responsible representative at the premises;
- Certified copy of the premises licence to be available at the premises;
- Signage to inform customers that they may be subjected to a search as a condition of entry;
- No smoking signage to be displayed;
- All door staff to be signed-in;
- A refusal log kept at the premises.

The Committee additionally recommended that the premises employ an additional street marshal during peak periods to address the concerns raised in relation to noise and public nuisance as a result of vehicles parking in residential areas and associated anti-social behaviour.

The Committee would encourage the licence holder and residents to engage in dialogue on an on-going basis.

The Committee noted the concerns raised by the licence's holder's legal representative suggesting bias. The Committee approached its line of inquiry with an open mind and had not predetermined matters and only made its decision after having listened to all the evidence.

The Committee noted the concerns submitted by all the parties and considered that this decision was appropriate and proportionate.

PRCE28. THE FOUNTAIN PUB, 125-127 WEST GREEN ROAD, LONDON N15 5DE

RECEIVED the application for a review of a premises licence at The Fountain Pub, 125-127 West Green Road, London N15 5DE.

Noted that Councillor Mallett declared that she had visited The Fountain Pub in previous years but not recently. It was agreed that this was not a relevant declaration but was recorded for the purpose of the minutes.

a. Licensing Officer's Introduction

Reported that there a partial agreement has been reached between the applicants of the review and the venue representative.

b. Applicants' representations

The applicants for the review, Mr Humphries and Dr Sarre confirmed that their concerns had been addressed by conditions agreed with the licensee's

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representative.

c. Licence Holder's response to the representations

Mr Locket confirmed conditions agreed with the applicants and Mr Greaves sought clarification that a female door supervisor would be on duty during peak periods. Mr Locket explained that providing a female door supervisor was not always possible to but Ms Surenkumar would take over as Designated Premises Supervisor (DPS) she would complete a door supervisor qualification and would be available in addition to the two recommended minimum number of door supervisors (which would increase to 3 or 4 on busier nights).

The Police and Environment representatives confirmed that their comments had been addressed by the conditions.

The Committee adjourned at 21:35hrs to consider the application.

The meeting reconvened at 21:55hrs and it was

RESOLVED that

The Committee carefully considered the application and representations made by the responsible authorities, the other parties and the applicant, and took into account the S182 guidance particularly in relation to reviews.

The Committee resolved that it was proportionate to take no further action as long as the conditions were met.

The conditions are as set out set out in the premises licence on pages 88 to 95 of the agenda pack together with the additional conditions in the tabled document (copied below) as proposed by the license holder's representative, and agreed by the applicants for the review.

1. The use of the garden area shall terminate at 2230 hrs on days when regulated entertainment is being provided and 2300hrs on all other days.
2. A smoking area shall be provided at the front of the premises for the use of patrons upon the closure of the garden area on any day.
3. Automatic closing devices shall be affixed to the doors at the rear of the rear of the premises.
4. There shall be no emptying of bottle bins between 2200 hrs and 0730 hrs on any day.
5. A minimum of 2 door supervisors shall be employed on Friday and Saturday nights from 2100 hrs until the premises closes.
6. The incident book which the licensee is required to maintain shall also contain details of any complaints made by neighbours including (where disclosed) the complainants name, location, the date and time of the complaint and any subsequent remedial action taken. Such records must

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	<p>be made available for inspection by council officers upon request.</p> <p>7. The Licensee shall agree to meet nominated representatives of the premises immediate neighbours no less than quarterly, if so requested.</p> <p>8. The phone number of the Designated Premises Supervisor (DPS) or his/her nominated representative shall be made available to immediate neighbours upon request and displayed in a prominent position outside the premises.</p>
PRCE29.	ITEMS OF URGENT BUSINESS None.

Close 2200 hrs

Cllr Vincent Carroll
Chair