

MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE A HELD ON THURSDAY, 6TH APRIL, 2017

PRESENT:

Councillors: Natan Doron (Chair), Zena Brabazon and Clive Carter

20. FILMING AT MEETINGS

Noted.

21. APOLOGIES FOR ABSENCE

None.

22. URGENT BUSINESS

None.

23. DECLARATIONS OF INTEREST

None.

24. SUMMARY OF PROCEDURE

The Chair outlined the procedure to be followed during the hearing.

He advised that the order of the agenda would be varied to hear item 7, Esplanade, before item 6, Elite Cattery. *Clerks note – the minutes will follow the order of the agenda.*

25. ELITE CATTERY, 512 ARCHWAY ROAD, HIGHGATE, LONDON N6 4NA

The Chair stated for the record that for the purposes of this item the Committee were performing a non-statutory function.

The Chair referred to a late submission made by the Licence Holder's representatives and informed them that as the Committee had not been provided with sufficient time to read the submission and so would not be able to provide a fair hearing.

The Licence Holder's representative concurred with the views of the Committee and it was decided that the hearing be adjourned to a later date.

The Chair requested that any additional evidence be provided to the Licensing Officer on or before the submission date.

RESOLVED that the application be adjourned to a later date.

26. ESPLANADE CLUB, 422 WEST GREEN ROAD, LONDON N15 3PU

Daliah Barrett, Licensing Officer, introduced the application for a variation to a premises licence at Esplanade Club, 422 West Green Road, N15 3PU. The Applicant wished to extend the opening hours of the premises on Friday and Saturday by 1h30mins to 0400hrs, and the sale of alcohol by 1h30mins to 0330hrs. Representations had been made by Public Health, Metropolitan Police and Councillor Toni Mallett as a ward councillor. The premises had a history of non-compliance, and had been subject to a review in October 2016, where the licence had been suspended for one month.

Monica Ukandu, Public Health, set out the representation from Public Health as set out on page 135 of the agenda pack. Public Health had concerns that the Applicant would not be able to uphold the four licensing objectives, as the number of incidents which had occurred since June 2015 indicated poor management of the premises. Public Health requested that the application be refused.

PC Mark Greaves, Metropolitan Police, set out the representation from the Police as set out on page 139 and 140 of the agenda pack. There had been an incident outside of the premises at 0330 on 12 February 2017, and when PC Greaves had contacted the Applicant regarding the incident, the Applicant had explained that this had not been caused by patrons at his venue. PC Greaves pointed out to the Applicant that the premises should have been closed at 0230, so the Applicant would not have known of the incident as he should not have been at the premises. The Applicant informed PC Greaves that there was a Temporary Event Notice in place, but on investigation no TEN had been granted. PC Greaves requested to see CCTV to confirm that the premises was closing on time, but was informed that the CCTV hard drive had been accidentally deleted. PC Greaves considered that this still demonstrated bad management of the premises. He requested that the application be refused, and requested that a number of conditions regarding CCTV be added to the licence.

Steven Pickering, Applicant Representative, presented the application for a variation to the premises licence. The premises had operated 11 Temporary Event Notices since the start of the year, each of which had been granted by the Licensing Authority, and no incidents had occurred. The premises were spotlessly clean and well designed, with an experience Designated Premises Supervisor in place. There had been no representations made by local residents, which suggested that there were no issues with the local residents. In response to the representation made by the Police, Mr Pickering confirmed that the Applicant would be happy to accept all of the conditions requested. In relation to the incident referred to by the Police, Mr Pickering explained that the venue was not open, but that there were members of staff at the premises who were cleaning and cashing up after a long weekend.

In response, PC Greaves referred to his conversation with the Applicant where he was told that the premises had a TEN to cover the evening of 12 February 2017, which suggested that the premises was still open. He also referred to the deletion of the CCTV, which did not help to build up trust between the Police and the Applicant.

In response to the Committee, Mr Pickering explained that there was not a TEN for 12 February 2017, and the premises had closed at 0230 but there were still staff inside the premises until around 0330 as they were cleaning up. There were no customers present.

In relation to the CCTV, the Applicant explained that the footage had been deleted after he had switched the recording mode from continuous to motion only. PC Greaves informed the Committee that he dealt with many premises with CCTV systems and he had not experienced this happening before.

The Committee adjourned to consider the application and advised that the decision would be provided in writing following the hearing.

RESOLVED

The Committee carefully considered the application for a variation to the existing premises licence, the representations of the Metropolitan Police, Public Health, and the applicant's representative, the Council's Statement of Licensing Policy and the Licensing Act 2003 s182 guidance.

The Committee resolved to REFUSE the application.,

The Committee did not agree the variation, because having heard the parties evidence, the committee was concerned that Mr Edongba was not taking sufficient steps to uphold the Licensing Objectives with respect to the Prevention of Crime and Disorder.

Mr Edongba's licence had been suspended a few months ago and despite this, there continued to be areas of concern.

The venue was open beyond licensing hours on a date when a Temporay Event notice was not in place.

There had also been a failure to retain CCTV images at the premises. These images which can be a critical tool in crime detection and prevention were erased and not retained for inspection by the Police.

The Committee did not feel that Mr Edongba demonstrated a clear understanding of the requirements of a premises licence, and the conditions contained therein.

Informative

The Committee wished to request that Mr Edongba receive refresher training by way of discussion with the Licensing Officer on what is required as part of holding a premises licence and upholding the four licensing objectives.

The committee also strongly recommends the full implementation of any of the following that are not yet in operation:

1. A digital CCTV system to be installed in the premises.

2. Cameras must be sited to observe the entrance doors from both inside and outside.
3. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
4. Cameras must be sited to cover all areas to which the public have access including any outside smoking areas.
5. Provide a linked record of the date, time of any image.
6. Provide good quality images – colour during opening times.
7. Have a monitor to review images and recorded quality.
8. Be regularly maintained to ensure continuous quality of image capture and retention.
9. Member of staff trained in operating CCTV at venue during times open to the public.
10. Digital images must be kept for 31 days. The equipment must have a suitable export method e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.
11. A minimum of 1 SIA registered security staff to be present from 2200 on Friday and Saturdays until it closes and all members of the public have left and been dispersed.
12. An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:
 - a) All crimes reported to the venue
 - b) All ejections of patrons
 - c) Any complaints received
 - d) Any incidents of disorder
 - e) Seizures of drugs or offensive weapons
 - f) Any faults in the CCTV system or searching equipment or scanning equipment
 - g) Any refusal of the sale of alcohol
 - h) Any visit by a relevant authority or emergency service.

The committee approached its deliberations with an open mind and only took its decision after having heard all the parties representations. The committee considered that the decision was appropriate and proportionate.

27. ITEMS OF URGENT BUSINESS

None.

CHAIR: Councillor Natan Doron

Signed by Chair

Date