

MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON FRIDAY, 16TH DECEMBER, 2016

PRESENT:

Councillors: David Beacham, John Bevan and Zena Brabazon

1. 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.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

Noted.

The Licensing Officer advised that late documentation in the form of a supporting petition had been submitted by the premises licence holder the day prior to the hearing, however the Licensing Officer did not feel that the documentation met the criteria for submission as part of the hearing. On considering the nature of the documentation, all parties agreed that it could be submitted and that the Committee would give this documentation due weight in reaching its decision.

6. DUKE OF EDINBURGH, 83 MAYES ROAD, LONDON N22 6UP

The Licensing Officer introduced the report on a review brought by a local resident, Mr Barnes, in respect of the Duke of Edinburgh, 83 Mayes Road, London N22, under the Prevention of Crime and Disorder and Prevention of Public Nuisance licensing objectives. The report set out the guidance under Section 182 of the Licensing Act 2003 and other considerations, the application for review and supporting documentation, the existing premises licence, representations from the Noise Enforcement team and Police, letters of representation from local residents and the representation from the licence holder.

In response to a question from the Committee regarding the use of the premises' external area as a shisha garden, the Licensing Officer advised that this usage had come to the Licensing Authority's attention as a result of visits to the premises. It was confirmed that this area was not covered by the premises' current licence, and that a variation to the existing licence would be required for in order to permit any licensable activity in this area, for example use of the external bar service area. The Committee noted the number of previous letters and cautions issued to the premises; the Licensing Officer advised that the Licensing Authority had been preparing to apply for a review of the premises in 2014, but that the premises had subsequently closed, and notice issued that the owner of the property was seeking to recover possession from Mr Ozel, the leaseholder. The Licensing Authority had subsequently received a transfer of the licence to Mr Ozel, and the premises had reopened.

The applicant's representative advised the Committee of the background to the review application having been submitted. Local residents had raised concerns directly with the premises to no effect, and the following were therefore sought as the result of the review process:

- A reduction in the operating hours of the premises to midnight, as most issues occurred after this time. This was supported by the representation of the Noise Enforcement Team.
- Replacement of the DPS, as recommended by the Police, as the current DPS was not considered to have fulfilled the duties of the role.
- That the Police's proposed conditions relating to the requirements of the CCTV system be imposed on the licence.

The applicant's representative noted that an enquiry into recorded offences at the premises in 2014 had indicated that there had been 13 crimes recorded at the premises in a 6-month period, of which 8 bordered on public disorder. The incident where a weapon was found outside the premises, and the stabbing relating to a parking incident outside the premises were cited as evidence that the premises was out of control and that SIA staff were not performing their duties. The current premises licence stipulated a minimum of two SIA door staff on Friday and Saturday evenings from 9pm until close, and that these staff should monitor patrons to ensure that they leave in a prompt and courteous manner – evidence demonstrated that these conditions had not been adhered to. The applicant's representative further noted that the response from the premises licence holder did not acknowledge the nuisance that had been caused to local residents, nor did they apologise or take any responsibility for the issues raised, and suggested that the licence holder did not fully comprehend their responsibilities under the Licensing Act 2003.

The Committee then heard from the Police and Noise Enforcement Team in relation to the written representations they had submitted.

The respondent's representative addressed the Committee and covered the following points:

- In relation to the written response submitted by Mr Ozel, it was not accurate to say that this was unapologetic; Mr Ozel had the right to respond to the application, and had quite rightly set out his commitment to upholding the

Licensing Objectives and ensuring the safety of his customers and local residents.

- Looking at the noise enforcement team records, most of the visits made in response to complaints had resulted on no nuisance having been observed and no action being taken. It was reasonable for the licence holder to indicate this in his response.
- There are a number of other businesses in the local area, and the licence holder suggests that the issues of public nuisance may be attributable to those premises instead.
- The licence holder did not accept that there was any basis for a reduction in the premises' operating hours, but did accept the conditions proposed by the Police in their written representation.
- The licence holder did not deny that there had been some issues in the past, in particular when his older son had some control in relation to the operation of the premises, and accepted that things could have been dealt with better. However they argued that incidents such as the weapon being found and the stabbing incident were noted as having taken place outside of the premises, and it was therefore unfair to say that these incidents were directly attributable to the operation of the premises.
- Significant improvements had been made in the running of the premises since August 2016. An experienced manager had been brought in to assist the current DPS, a new security company had been brought in to provide SIA staff, remodelling had taken place, and a new clientele was being attracted to the premises. The number of licensing visits had decreased since August, and the premises had been proactive in addressing concerns.
- The premises licence holder had engaged fully whenever matters had been brought to his attention, and had responded appropriately.
- New management were in place, who would monitor the behaviour of customers and ban anyone whose behaviour was a cause for concern. It was confirmed that the owner's older son was no longer in a position of influence in relation to the business. Customers were now individually advised to leave the premises in an orderly manner.
- The evidence provided for reducing the hours of operation dated back many years, and was not therefore a valid basis for taking action at this time, particularly when taking into account the recent improvements which had been made prior to the application for the review having been submitted. The lack of visits made by the noise team in recent weeks demonstrated that improvements had been made.
- The respondent's representative concluded by saying that there were no grounds for a review being brought at this time and that any issues that may have arisen in the past had now ceased. The licence holder had demonstrated his commitment to upholding the licensing objectives and respecting his neighbours.

The Committee asked questions of all parties and the following points were raised during these discussions:

- Mr Ozel confirmed that the DPS at the premises was Mr Umathan Ozel, who was supported by Mr Hussain. It was confirmed that the intention was for Mr

Hussain to eventually take over as DPS, once his replacement personal licence was received from LB Hackney. The Licensing Officer confirmed that a transfer could be made prior to the replacement documentation being supplied, as long as the proposed DPS held a valid personal licence.

- The applicant, Mr Barnes, was asked to respond to suggestions made by the licence holder that his complaints were vexatious and based on racial discrimination. Mr Barnes advised that all he had wanted was for the premises to keep the noise down but that this had been going on for over four years; parties had gone on at the premises until 3am, and there was no intervention by door supervisors for customers outside the premises. Mr Barnes denied that he had ever said anything in relation to the background of customers of the premises, and that on the occasions when he had gone out to complain about the noise he had himself been threatened.
- In response to a question from the Committee regarding the nature of any threats, Mr Barnes advised that groups of people who he recognised as regular customers of the premises had started to gather outside his house and make noise at night, as it was known that he was making complaints about the premises. The same people would also deliberately park their cars across his driveway, and on one occasion when he had gone out to ask someone to move their car, he had been directly threatened.
- In response to a question from the Committee regarding allegations of drug use by customers of the premises, Mr Barnes stated that this was based solely on his own observations.
- It was confirmed that on a busy Friday or Saturday night, it could take two hours before a noise enforcement team officer was able to respond to a complaint raised regarding noise nuisance and that it was possible that by the time a visit was made the noise would have already ceased and 'no action' would be recorded as a result.
- Mr Barnes advised that he had gone into the premises to complain in person on about three occasions, but that after that most of the issues had related to customers outside his home or blocking his driveway and on those occasions he had spoken to the door supervisors instead. His reception when he had gone in had been mixed, and when it had no effect, he had given up going inside to complain.
- In response to a question from the Committee, Mr Barnes advised that he had never been invited to a meeting with the premises to discuss concerns, and he did not believe that his neighbours had been invited to any such meeting either.
- In response to a question regarding the outcome Mr Barnes hoped for, he advised that he would like the noise level to be kept down for the benefits of himself and other local residents. He asked for the operating hours to be reduced, particularly in the outside area, and for the SIA staff to fulfil the functions of their role properly and to control customers.
- The Licensing Officer advised that the premises would have been formally aware of the submission of this review application on 3 November 2016. The Committee asked Mr Barnes whether he had noticed a reduction in noise from the premises since August, as stated by the applicant. Mr Barnes advised that there had been a general reduction in the noise since early November, but there had still been incidents as recently as the night before the hearing.

- The Noise Enforcement Officer advised that not all of the complaints received had been from one individual, and that the incidents recorded in the log included in the paperwork had been received from at least four individuals.
- The Licensing Officer confirmed that this premises was on the list of premises that were visited on a monthly basis by the Licensing Authority and the Police, and that all of the issues raised had been brought to the attention of the licence holder. It was reported that there had been no response from the premises to the submission of the review application until prompted by officers, which was unusual.
- The Licensing Officer advised that she and the Police had met with Mr Ozel recently, and that as a long-standing premises licence holder, it was to be expected that he would have an understanding of the responsibilities of a licence holder.
- In response to a question from the Committee, PC Mark Greaves confirmed that the premises had been of significant cause for concern to the Police, especially prior to its closure in 2014. It was noted that since reopening, there had been a reduction in crime associated with the premises, however.
- In response to a question from the Committee, the respondent's representative confirmed that the premises was happy to accept the conditions proposed by the Police, and that many of these measures were already in place. Their only objection was to a reduction in operating hours, although they did offer a closing time for the shisha area of 0000. It was reported that air conditioning was currently being installed so that it would not be necessary to open doors and windows in summer, reducing the risk of noise nuisance.
- In response to a question from the Committee regarding the other premises in the area, the Licensing Officer confirmed that these were of a very different nature to the Duke of Edinburgh and attracted a different clientele. None of the other local premises was on the list of premises of concern requiring monthly visits.

The respondent's representative asked the Licensing Officer whether she had been in contact by text with the premises licence holder a few days after the submission of the review application. The Licensing Officer confirmed that this was the case, but that the contact had been in response to a text initiated by the Licensing Officer and had not been proactive.

The applicant's representative summed up by stating that the premises had not been properly managed, and that the evidence submitted by the applicant in support of the review had been corroborated by the responsible authorities. A reduction in operating hours was sought, in order to address the problems.

The respondent's representative advised that the licensee did not deny that there had been issues in the past but was doing everything he could to address the issues and was acting to improve things. He had given an undertaking to accept all of the conditions proposed and it was felt that this would be sufficient to address the concerns without the need to reduce the operating hours of the premises.

RESOLVED

The Committee carefully considered the review application and representations made by all parties, as well as the council's statement of licensing policy and the section 182 guidance.

The Committee decided to modify the conditions of the licence as follows:

The conditions proposed by the Police at pages 84 and 86 of the agenda pack are to be imposed.

Opening hours:

Monday to Sunday: 1000 to 0000

Supply of alcohol:

Monday to Sunday: 1000 to 2330

Live music and recorded music:

Monday to Sunday: 1000 to 2330

Provision of late night refreshment:

Monday to Sunday: 2300 to 2330

The outside shisha area is to close and all customers are to be asked to come inside by 2230, Monday to Sunday.

The Committee confirmed that no licensable activities, including the supply of alcohol, are to be carried out in the shisha area, as this does not form part of the area covered by the current licence.

The Committee took into consideration the record of incidents relating to public nuisance and crime and disorder as submitted by local residents, the Council's Noise Enforcement team and the Police. The committee was satisfied that despite having had a number of opportunities to address the public nuisance and crime and disorder that were emanating from the premises, the management of the premises had failed to take adequate steps to address the behaviour concerned. The evidence put forward regarding the incidents by the applicant and his representative was credible and reflected long standing matters of concern to residents. It was also clear that the impact and potential harm to local residents, many of whom are vulnerable by reason of age could not be ignored. Having heard evidence from the respondent regarding recent changes to the management of the premises, the committee took the view that the measures imposed were an appropriate and proportionate response to promote the four Licensing Objectives.

The committee only made its decision after having heard all the evidence of the parties and considered its decision to be proportionate.

Informative

The Committee recommended that the DPS undertake training in relation to their responsibilities under the Licensing Act 2003 on a regular basis and that, in the event that Mr Hussain replace the current DPS on the premises licence as indicated at the hearing, he also undertake to complete such training on a regular basis.

7. SOCIALITE BAR, 272 MUSWELL HILL BROADWAY, LONDON N10

The Licensing Officer introduced the report on the application for review of the Socialite Bar, 272 Muswell Hill, N10 premises licence, brought by the Metropolitan Police under the prevention of crime and disorder and public safety licensing objectives. The report set out the guidance under Section 182 of the Licensing Act 2003, the application for review and supporting documentation, existing premises licence, representations from the responsible authorities, letters of representation from local residents and the response from the premises.

PC Mark Greaves, Police Licensing Officer, introduced the review application and raised the following points:

- This area was known for serious crime and disorder and the police had been working with the venues at this location to try and prevent further incidents.
- The Socialite Bar had been cooperating with the police, but had been unable to address ongoing problems with crime and disorder and in fact there had been an increase in incidents. The police therefore felt that the only option was to review the existing licence, in particular the operating hours, as most of the problems occurred in the late-night hours, and were associated with private bookings.

The press and public were excluded from the meeting for a period, to enable the Committee to view CCTV footage of some incidents of crime and disorder in the area, some not attributed to the Socialite Bar, but others where those involved had been identified as having come from the premises.

The press and public were readmitted to the meeting.

The Noise Enforcement Team Officer spoke to the written representation submitted. The Committee then heard from a number of local residents who had written in support of the review, who raised the following points:

- Neighbours in Dukes Avenue had experienced numerous problems over the years, including disturbance from shouting, screaming and fighting. Some residents had relocated their bedrooms to the rear of their properties to minimise the disturbance.
- Concerns were expressed regarding the impact of the venue on the safety of residents in a nearby children's home.
- In respect of the licensing objective for the prevention of public nuisance, evidence of repeated incidents of anti-social behaviour had been submitted, and the Committee needed to give due weight to this evidence.
- The roundabout was a major transport interchange, and there were people in the vicinity at all times of day. There were therefore concerns for the safety of

passers-by in relation to the incidents of serious crime and disorder that had been reported, in particular the use of firearms in the area. This was now a densely-populated residential area and the safety of passers-by needed to be taken into consideration.

- In respect of the licensing objective for the protection of children from harm, it was noted that the premises was close to Muswell Hill Primary School and that most local households were families with young children. Residents were dealing with the problems associated with the venue, but getting no benefits as a community from the business. Revocation of the licence was requested.
- It was felt that operating a premises of this nature was inappropriate and unacceptable given its location. It could be very intimidating for residents coming home late at night, and led to issues with vomit and litter being left in the surrounding streets in the morning. Residents were too frightened to confront people causing nuisance in the street directly, particularly very late at night.

The respondents addressed the Committee and raised the following issues:

- The management of the premises shared the concerns of the police, they had worked hard to build up the business and cared for their staff, customers and local residents.
- The premises had done everything the police had asked for, but unfortunately there had been some issues which could not have been prevented. In relation to the event held on 5 November, the venue had undergone due diligence in relation to meeting with the booker of the private party and their family, and had sent details of their identification over to the police as required. It had been anticipated that this would be a family party, and the issues that had arisen had been completely unexpected.
- The premises did not wish for anyone to get hurt and were horrified at the details being provided by the police. The footage seen on CCTV had been shocking and they had no desire to be associated with such behaviour. They wished to operate a business promoting unity and tried hard to achieve this, working with the police and the safer nightclub initiative on improving safety in clubs. It was noted that the premises had no association with drugs.
- As local residents themselves, the premises licence holder did not want any such violence in the community and would do whatever it took to prevent further problems.
- The DPS advised that the police licensing visit on 5 November, as reported in the review application, had been very positive in relation to the measures the premises had in place to uphold the licensing objectives, and that the officers had accepted the venue's explanation that the alarms of the rear doors were out of operation only as the result of a recent refurbishment.
- Since the incident of 5 November, the venue was no longer accepting bookings for 18th birthday parties, and had implemented all the recommendations from the police licensing inspection; the rear door alarms were operational and access to these doors was monitored by a steward, 4 SIAs were on duty, an ID scanner was in operation and the CCTV was of the standard required by the police.
- It was reported that the premises turned away anyone attempting to gain entry whilst intoxicated.

- The premises only opened on Friday and Saturday nights currently, due to the current economic climate. On the night of the incident reported by the Noise Team, the DPS reported that the premises had closed at 0130 and that he was locking up when he had spoken to the Noise Team officer, and that it was therefore not possible that the noise nuisance observed on that occasion was emanating from the Socialite Bar. In any event, the level of sound-proofing at the premises had previously been praised by the police.
- The shooting incident had left the premises management nervous for the safety of their customers and staff, and was not something that they had any wish to be associated with as a venue. It was also not in the interests of the venue for issues with crime and disorder to occur as it was putting their business and livelihood, and the livelihood of their staff, at risk.
- The venue suggested regular meetings with the local residents going forward, in order to discuss any concerns or issues.

The Committee asked questions of all parties, and the following points were raised in discussion:

- The Committee asked about the longer-term plans for the premises, given that it was only operating on two days a week at present. It was reported that it was not currently viable to open more than that in the current climate, and that the premises was therefore looking at other options for generating business, including corporate functions and staff events for other businesses. The venue had previously run comedy and jazz nights on other nights of the week, but this operating model had not been successful.
- In response to a question relating to the report from the police licensing inspection that the DPS had been unable to recall the licensing objectives at the time of the visit, Mr Boateng advised that he knew the principles of the objectives, but had been unable to remember them verbatim when put on the spot during the visit. It was reported that he had last undertaken the training required 6 months previously.
- In response to a question from the Committee regarding the policy of allowing walk-in customers on the same night as a private booking, it was confirmed that this depended on the nature of the booking, and whether the bookers had paid for exclusive use of the venue for the full night, or only until 0030, after which time members of the public would be permitted entry.
- The Committee asked where the premises' walk-in clientele came from; it was reported that some came from the Mossy Well or O'Neill's nearby, and some were local residents. It was confirmed that most customers arrived late, after midnight.
- The Committee asked about the finding at the licensing inspection that the licence at the premises showed the name of the previous DPS and had not been updated. It was confirmed that the transfer had been undertaken properly, but that in accordance with usual procedure the new licence had been sent to the premises licence holder's home address and the version at the venue had not been replaced.
- The Committee asked the respondents what they felt should be done to address the issues raised by the police. It was suggested that regular meetings with local residents and the other licensees in the area would help, and that there was a need to try and change the clientele coming to the area as a whole.

- It was felt that the problems related to the area as a whole, and not any specific venue.
- The premises advised that the problems detailed by the police had arisen on nights where it was not the premises' usual clientele in attendance. Local residents and PC Greaves stated that the people coming to the venue were not from the local area, with many driving to the area and parking in neighbouring roads.

In summing up, PC Greaves advised that the police were seeking a reduction in the premises' operating hours and for the venue to change its business model in order to change the nature of the people being attracted to the premises and to reduce the levels of intoxication of people in attendance. A closing time of 0100 was proposed.

The respondents summed up by saying that they had previously tried opening on more days during the week with earlier closing times, but that this had not been sustainable. They stated that they knew most of their customers and these were good people who did not wish to cause any problems. They advised that they were willing to try running different types of events and stop booking out private parties, and aimed to create the right environment for the local area.

RESOLVED

The Committee carefully considered the review application and representations made by all parties, as well as the council's statement of licensing policy and the section 182 Licensing Act 2003 guidance.

Having heard evidence from the Police, local residents, and the respondents, the committee was satisfied that there had been a failure on the part of the licence holder to promote and uphold the licensing objectives relating to public nuisance and crime and disorder.

The evidence put before the committee in connection with violence and disorder, in particular three extremely serious incidents involving: the brandishing of a baseball bat which caused officers of the Metropolitan Police to draw a taser; the brandishing and use of a bladed article to stab someone; and most seriously, the discharge of firearms in the street following an event at the premises, all presented a real risk of harm to locals going about their normal business.

These incidents of crime and disorder linked to the premises in April and as recently as November 2016, were so grave that the Committee decided it was appropriate to revoke the licence.

The Committee took into account representations from the premises licence holder regarding their ongoing work to co-operate with the Police and the Licensing Authority to address the concerns raised in relation to crime and disorder, and also the impact that revoking the licence would have on the license owner's livelihood.

However, in view of the seriousness of the incidents referred to in the hearing which the Committee was satisfied could be attributed to patrons of the premises, the Committee felt that complete revocation of the licence was the only measure that

could ensure the promotion of the licensing objectives, in particular for the prevention of crime and disorder.

The committee only made its decision after considering all the evidence and was satisfied that revocation of the licence was an appropriate and proportionate response to the matters that were put before it.

CHAIR:

Signed by Chair

Date