

MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON MONDAY, 4TH SEPTEMBER, 2017, 19:00

PRESENT:

Councillors: Zena Brabazon (Chair), Reg Rice and Clive Carter

Also present:

Officers

Daliah Barrett (Licensing), Khumo Matthews (Legal), and Philip Slawther (Clerk)

Applicants

Mr Panikos Ioannou

Mr Richard Wormold (applicant's representative)

Responsible authority representatives

Mark Greaves – Metropolitan Police

Charles Buckle – Enforcement Response

Local resident representatives

Jocelyn Conway

Tim Jackson – Developer at Pinnacle site

Review of Premises Licence - Metropolitan Bar; 266 Muswell Hill Broadway N10.

40. FILMING AT MEETINGS

The Chair referred those present to agenda Item 1 as shown on the agenda in respect of filming at this meeting and asked that those present reviewed and noted the information contained therein.

41. APOLOGIES FOR ABSENCE

Cllr Beacham gave apologies. Cllr Carter attended as a substitute.

42. URGENT BUSINESS

None.

43. DECLARATIONS OF INTEREST

None.

44. SUMMARY OF PROCEDURE

NOTED the procedure summary for Licensing Sub-Committee hearings, pages 1-2 of the agenda pack), which the Chair introduced drawing attention to the four licensing objectives.

45. METROPOLITAN BAR, 266 MUSWELL HILL BROADWAY, N10

RECEIVED the application for the review of the premises licence as detailed on pages 10 to 16 of the agenda pack.

a. Licensing Officer's Introduction

The Licensing Officer, Daliah Barrett, introduced the application for a review of the premises licence called by the Metropolitan Police, referring to the documents in the agenda pack. The grounds for the review were prevention of crime and disorder and public nuisance. The police submitted within their documentation evidence of the issues that had arisen that lead to a review of the licence, which ranged from noise nuisance to street brawls and public disorder that emanated from the venue. The area of the venue at the roundabout at the top of Muswell Hill had been home to a number of late night venues over the years and was a hot spot for crime generation caused by the night time economy in the area.

NOTED that the premises had operated as a café with the ability to sell alcohol for many years, which had changed into a more alcohol lead business as a wine bar and then it became a nightclub around 6 years ago. Mr Ioannou took over the premises in 2015 and had operated it as nightclub and he was the named designated premises supervisor. The premises licence was included in the agenda pack at page 60. NOTED that the opening hours were: Monday to Thursday 8:00am-3:30am; Friday to Saturday 8:00am – 4:30 am; Sunday 8:00am – 2:30am.

Fourteen residential representations had been received in relation to the application Residents had submitted written representations setting out the impact of anti-social behaviour that took place in and around the venue and the impact that this was having on their enjoyment of their home and the area in general. Residents had also questioned the appropriateness of the venue in a residential area, particularly given the late opening hours that it operated with.

The Lead Licensing Officer referred the Committee to the email correspondence between herself and Mr Ioannou's representatives at pages 126-142. The Lead Licensing Officers advised that following the notice of a review application being submitted, Mr Ioannou's representative emailed the Licensing team to advise that acoustic lobbies had been installed at the front and back of the premises and to request a Haringey noise officer attend the venue to take noise measurements for the installation of a noise limiter.

The Committee was advised that the Licensing Authority had been alerted by residents to a 'closed' sign being placed at the premises in early July 2017. Contact was made with the client's solicitor who responded back to say that there had been a flood at the premises and that it would be closed for refurbishment until early September.

In response to a question from the Committee regarding how many times the Licensing Authority had met with the DPS in the last two years, Ms Barrett advised that she had met with the DPS in May when the review was underway and that she had previously undertaken joint monthly inspections with the Police which had included numerous visits to the venue. In response to a request for clarification around the reasons for those visits, Ms Barrett advised that from a Licensing perspective these visits were in relation to allegations of noise nuisance. Mr Greaves advised that as part of the joint operation, the Police were looking into all aspects of how the premises was managed including for instance, whether fire doors were blocked and incidents of crime and disorder.

Mr Wormold commented that the Council's Statement of Licensing Policy acknowledged the benefits around having a vibrant night time economy. In response to concerns raised, the applicant's representative, Mr Wormold suggested to the Committee that it was unfair to attribute nuisance and anti-social behaviour to his client as there were a number of other late night venues in the immediate vicinity of Metropolitan Bar, including a late night kebab shop and Socialite Bar.

b. Police Representation

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

The roundabout at the top of Muswell Hill and adjacent to Muswell Hill Broadway was regarded as hotspot for violent crime and disorder and there had been numerous incidents of violent crime and disorder over at least a three year period. A neighbouring night club Fifty Six was closed, the kebab shop had had its hours of operation scaled back and the late night Socialite Bar had recently had its licence revoked. Violent Crime and disorder had continued and it was causing alarm and distress to residents.

PC Greaves advised the Committee that Police had tried to work with Mr Ioannou to reduce the risk of crime and disorder emanating from the premises, particularly around installing an ID scan system and requested that the SIA officers wear yellow Hi-Viz jackets to identify them on Council CCTV. Metropolitan Bar did not use their ID scanner despite incidents of serious crime and disorder and the SIA staff refused to wear the yellow jackets. Mr Greaves highlighted that Mr Ioannou continued to refuse to use ID scanning, despite a multiple stabbing incident, claiming that it was not a condition on his Premises Licence.

PC Greaves outlined that there were thirteen incidents of violent crime and disorder listed in the agenda pack which were directly attributed to Metropolitan Bar customers, these ranged from 6th February 2016 – 19th March 2017. PC Greaves presented some CCTV footage to the Committee which showed three incidents of violent crime and disorder.

The first incident related to a fight on 15th January 2017 at 04:10 outside of Metropolitan Bar, with two intoxicated males attempting entry to the venue and then

shortly afterwards being involved in a fight with two other males outside. The second related to a number of incidents of GBH by stabbing on 28th January 2017. Suspects had earlier been ejected from the Metropolitan and appear to have returned with knives and attacked persons outside the venue including SIA staff. The third incident related to a case of GBH on 19th March 2017 at 03:30 outside of Metropolitan where a fight took place resulting in the victim receiving 3 stab wounds to his back. When CCTV was sought by the Police, Mr Ioannou advised on 22nd April 2017 that the CCTV footage from that night had been overwritten.

As part of its representation the Metropolitan Police proposed the following conditions on the Premises Licence:

- Digital CCTV system cameras would be upgraded to provide identifiable images.
- Cameras must be sited to observe the designated smoking area / footway outside the venue.
- Cameras must be sited to observe all public areas of the licensed premises, including all public entry and exit points from inside, and the street environment.
- 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 of every person entering in any light condition.
- CCTV cameras would provide a linked record of the date, time, and place of any image and to provide good quality images. There should also be a monitor on site to review images and recorded quality.
- That the CCTV system be regularly maintained to ensure continuous quality of image capture and retention. That staff were trained in operating CCTV should be present on the premises at all times when open to the public. That a staff member should be able to show the Police or the Licensing Authority recordings of the preceding two days upon request.
- 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 required.
- A minimum of 3 SIA registered door supervisors will be on duty at all times when regulated entertainment is taking place on Fridays and Saturdays until venue closes to the public.
- 2 SIA officers in yellow jackets to control entry to the venue and monitor client behaviour outside venue.
- An incident log should be kept at the premises, it would 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 would record the following:

- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder (disturbance caused either by one person or a group of people)
 - (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.
- That customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, should not be permitted to take drinks or glass containers with them.
 - The Premises Licence Holder was to ensure that the premises adopt a Club ID scan or suitable equivalent which would be utilised as part of the conditions of entry after 8pm. The Club ID scan or suitable equivalent should require patrons seeking to enter to be subject to an entry process whereby photographic identification must be provided and recorded to enable identification of each patron to take place. The equipment must have a suitable export method to enable copies of images to be downloaded and given to Police or the Licensing Authority upon request.
 - The premises Licence Holder should ensure that signage will be placed at the entrance to the premises which is clearly visible to inform customers stating that: 'No I.D.- No Entry'.
 - A marshal must be used to disperse customers on leaving the premises in a quick and efficient manner to minimise any noise nuisance or disturbance. A customer services contact number/person to be assigned in order to liaise with residents wishing to raise concerns. Contact details to be displayed on the venue's website and or frontage of venue.

The Licensing Authority supported the proposals put forward by the Police but recommended that the hours of operation be altered so that licensable activity ceased at 11:30pm each day and that the premises closed at midnight 7 days a week.

In response to a question from the Committee, PC Greaves advised that, in addition to email correspondence, he estimated that he had met with the Premises License Holder around 6 times in the last 16-18 months. In reference to the character of those meetings and whether they were constructive, PC Greaves highlighted that Mr Ioannou had informed him that the SIA staff were sub-contractors and were not prepared to wear the Hi-Viz vests and reiterated that he had repeatedly failed to use the ID scanning system following incidents of violent crime and disorder. In response to a request for further information around ID scanning, PC Greaves advised that when implemented across other venues it had allowed Police to identify those

suspected of being involved in crime and disorder and emphasised its necessity at the venue, given the number of incidents that had occurred.

In response to a question around the number of SIA door staff that he thought was appropriate for the venue, the Committee was advised that there was only so much that SIA staff could do to mitigate the disorder and potentially expose themselves to risk. It was necessary, therefore, to try and avoid those situations occurring in the first place.

The Chair invited the representatives of the local residents to ask PC Greaves any questions in relation to the representation given. In response to a question, PC Greaves advised that it was difficult to ascertain whether the problems were caused by those living locally or whether they were from further afield.

Mr Wormold sought to outline his client's perspective of the events shown in the CCTV footage. It was suggested that in the first incident the 2 men involved in the fight had been refused entry, and therefore had clearly been drinking elsewhere. Whilst in the second incident the culprits had been correctly ejected from the venue and then returned a short time later to attack the door staff. Mr Wormold contended that both cases reflected the fact that Mr Ioannou was managing his premises licence effectively. The third incident also took place outside of the venue.

Mr Wormold advised that following the second incident his client was on hand to administer first aid, that he had stayed with police for some 17 hours and that he had made every enquiry to ascertain the identity of the culprit. Mr Ioannou had supplied the names of the culprits to the police but it wasn't until some weeks later that the matter was progressed. This culminated in a visit by PC Greaves on 24th February at which Mr Ioannou was asked if the ID scanner had been in operation that night.

In response to Mr Wormold's comments, PC Greaves advised that in the case of the incident on 28th January Mr Ioannou had advised him that the club was being used for a private function for a member of staff. Following a request for contact details for that member of staff, Mr Ioannou had failed to contact the member of staff in question and had made no attempt, that the Police were aware of, to ascertain the identity of who the people involved in the incident were. PC Greaves suggested that whilst Mr Ioannou may well be doing his best to manage his premises effectively; it was evident that he was not able to control it given the level of violent disorder that had taken place since he took over management of the venue.

In response to Mr Wormold's assertion that his client had not breached any of his existing licensing conditions, the Committee was advised that there was a condition on the existing license that all music should be kept to a low level. A Noise Abatement Notice was issued to the venue by Haringey Council on 15th March 2017.

c. Local residents' representations

NOTED the representation by Cllr Martin Newton, including that:

He was speaking as a Ward Councillor in support of local residents, and that residents were very concerned about regular instances of crime and disorder. It was suggested that the level of crime and disorder shown to the Committee on the CCTV footage was

unacceptable in any location. Cllr Newton also made representation that he was concerned about instances of noise nuisance emanating from the premises. Cllr Newton requested that under the Licensing Objectives of prevention of crime and disorder, public safety and prevention of public nuisance, that the Committee at the very least mandate the conditions proposed by the police; including a reduction the hours of operation.

NOTED the representation by Ms Jocelyn Conway, including that:

That she had lived directly the opposite the Metropolitan Bar since February 2017 with her terminally ill husband and that since that time she had witnessed regular occurrences of violent crime and disorder on Friday and Saturday nights, with police regularly called to deal with it. Ms Conway advised that her grandchildren were unable to come and stay with her because of the level of crime and disorder. In addition, the Committee was advised that she regularly witnessed people vomiting and urinating in the streets and that she had also witnessed patrons of the premises coming out of the venue, going into their cars to consume narcotics and then return back into the venue a short time later.

Noted the representation by Mr Jackson of the Pinnacle housing development, including that: The closure of Club 56 and the Socialite Bar had resulted in their clientele frequenting the Metropolitan Bar instead, with the result that regular instances of violent crime and disorder had continued. Representation was made to the Committee that the venue, with a licence until 4am was a magnet for crime and disorder and that, as there were very few night clubs in north London open until that late; it attracted people from a wide area. Mr Jackson advised that the resident car parks at Pinnacle were regularly full from patrons of Metropolitan Bar and that when challenged by residents they were intimidating and became aggressive.

Mr Jackson gave representation that it was a residential area with families who had young children, as such the area was not suitable for a late night venue like Metropolitan Bar. Mr Jackson commented that Pinnacle had spent £30k on private security guards for the site in the last 4 months due to the disturbances that had taken place. The Committee were advised that reducing the operating hours until midnight would not work as problems would continue due to the type of premises that it was and the behaviour of the people who frequented it.

d. Applicant's response to the representations

NOTED the representation by Mr Wormold, including that:

Mr Ioannou was happy to agree to the conditions to his Premises Licence that had been proposed by the Police. Mr Wormold suggested to the Committee that the problems that had occurred at the premises had existed for a long time and in fact predated Mr Ioannou's management of the venue. Mr Ioannou was both the Premises Licence Holder and the DPS and he had endeavoured to abide by every term of his Premises Licence.

Mr Wormold reiterated that there had never any problems reported that related to how Mr Ioannou managed his premises internally. In fact, it was during the process of managing his premise effectively, either through refusing entry or through ejecting

those who had caused trouble, that incidents of crime and disorder had occurred outside the venue. In addition, Mr Ioannou had taken an aggressive stance on drugs and had been personally assaulted as a result.

The Committee was advised that Mr Ioannou had spent a significant amount of money refurbishing the venue since he had taken over management of the premises, which had included installation of additional soundproofing as well as two acoustic lobbies to reduce noise nuisance. When Mr Ioannou purchased the premises he had invested in a business that was a late night bar and one that had a licence to open until 04:30 on a weekend. Mr Wormold advised that his client was happy to agree to a reduction in the supply of alcohol by one hour as well as a similar reduction in the provision of live music, but that any reduction in the hours beyond that would effectively close the business as a night club and would be similar in effect to revocation of the licence.

The Committee was advised that Mr Ioannou had agreed to an extremely detailed operating schedule as set out in pages 151-176 of agenda pack. This was reflective of somebody who took their responsibilities as a Premise Licence Holder extremely seriously and who was making every effort to tackle the problems that had been witnessed around crime and disorder.

In response to a question from the Committee on whether the operating schedule had been implemented given that the premises was closed for refurbishment, Mr Wormold advised that parts of the scheduled had been implemented such as staff training, the log book and the upgrade of the CCTV system. The Committee pressed Mr Ioannou about whether he was concerned for his own safety given the violent CCTV images that had been presented to the Committee. Mr Ioannou responded that he and his staff had gone out of their way to try and prevent violent disorder; which occasionally resulted in themselves being a target. However, he had also been vigilant in banning persons causing trouble and had tried to filter the people that came into his club.

**Clerks note – 21:45 - the Committee resolved to suspend Committee Standing Orders to facilitate the meeting continuing beyond 22:00. **

In response to Mr Ioannou's claim that he was a responsible retailer, the Committee expressed concern about the number of noise complaints that had been received since Mr Ioannou took over management of the premises in April 2015, as set out on pages 145-147 of the agenda pack. In response Mr Ioannou expressed surprise at these complaints and highlighted that he had made significant improvements to the venue including additional soundproofing. In addition, the Committee's attention was drawn to the fact that the premises was visited by a Council noise officer on 24th April 2017 and no noise nuisance was witnessed.

The Committee sought clarification from Mr Ioannou on why he was resistant to the implementation of an ID scanning system. Mr Ioannou advised that he had purchased and used the scanner but had subsequently been challenged by a lawyer who attended the venue as a patron, who questioned its lawfulness. Mr Ioannou also advised that a number of people had refused to show ID and that this had resulted in aggressive behaviour and people who were denied entry congregating outside the premises. Mr Wormold also sought to contextualise the ID scanning issue by adding that his client had repeatedly tried to make contact with the police to assist with their

enquiries but was frustrated that the police had taken several weeks to come back to him and had effectively tried to put the blame on Mr Ioannou for not having an ID scanner.

In response to a question, the Lead Licensing Officer acknowledged that the proposed operating schedule was thorough, but cautioned that any schedule was only as good as the people who enforced it.

22:40 the Committee retired to make a decision.

DECISION

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

In light of what it heard the Special Licensing Sub-Committee decided it was appropriate and proportionate to revoke the licence.

Reasons:

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, was particularly serious. The Special Licensing Sub-Committee viewed Closed Circuit Television which showed individuals associated with the premises engaging in gratuitous violence.

The Committee noted with some concern that the license holder himself had been the subject of threats of violence and acts of violence of a most serious and disturbing nature including the threatened use of a firearm. It was accepted that within the premises itself, the license holder was using his best endeavours to run his business in a manner that was consistent with the licensing objectives but this was undermined by a sustained refusal to implement advice given by a responsible authority to introduce and utilise an ID scan system to assist with upholding the licensing objectives with respect to crime and disorder. In addition, the license holder's efforts were also undermined by the occurrence of noise nuisance which resulted in the service of a noise abatement notice in March 2017.

The Committee was satisfied on the evidence it heard that even with conditions, the licence holder would not be able to ameliorate the difficult conditions with respect to crime and disorder and nuisance that the venue was facing. The Committee was satisfied that it had heard credible evidence regarding incidents of crime and disorder and nuisance associated with the premises including serious violence, noise nuisance, vomiting and urinating in the streets, the taking of drugs and intimidating behaviour directed at locals going about their normal business.

These incidents of crime and disorder linked to the premises 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: Councillor Zena Brabazon

Signed by Chair

Date