MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON THURSDAY, 27TH DECEMBER, 2018, 16:00 - 18:00

PRESENT: Cllr Dhiren Basu, Cllr Luke Cawley-Harrison and Cllr Sheila Peacock (CHAIR)

26. FILMING AT MEETINGS

Noted.

27. APOLOGIES FOR ABSENCE

None.

28. URGENT BUSINESS

None.

29. DECLARATIONS OF INTEREST

None.

30. SUMMARY OF PROCEDURE

Noted.

31. OBJECTION TO TEMPORARY EVENT NOTICE

At the outset, the Police representative introduced late documentation. It was explained these were supporting documents to the application, these included emails exchanged between the License Holder and the Police, and website extracts from the promotion website Shoobs. The License Holder raised no objection to the late documentation.

Ms Daliah Barrett, went through the Licensing Officer's report for the Committee at pages 3-4. This was an application by the Police for a Counter Notice to be issued against the Temporary Event Notice (TEN) request from Funky Brownz, 5 Tottenham Lane London, N8, for a New Year's Eve event on 31st December 2018. The TEN sought extended operating hours until 5am on 1st January 2019 but this had been objected to by the Police.

The Police, represented by Mr Mark Greaves, sought the Counter Notice on the grounds that the event would undermine the prevention of crime and disorder, the prevention of public nuisance and public safety. Citing concerns with the New Year's

Eve event which was held at Funky Brownz in 2017/2018, the Police felt not enough action had been taken by the venue to mitigate concerns raised in the previous year. Outlining his report, Mr Greaves detailed incidents of fighting from the New Year's Eve event in 2017/18, which he said also involved a stabbing. CCTV footage had been requested from the venue by the Police to ascertain the facts of what happened that night, however, the venue did not provide this within 30-days, at which point, the footage was overridden by their default system. Mr Greaves exhibited email exchanges between himself and Ms Patel which he argued showed a pattern of non-engagement from the License Holder. Mr Greaves read emails to the Committee which highlighted concerns by local residents and the impact the event from the previous year had on them. He further argued that the event was to be the same event as the previous year but with different DJs. He argued the Temporary Event Notice did not reflect the event being promoted in the flyers for the event.

The License Holder, Ms Vaishali Patel, explained the request for CCTV footage was not met as only she knew how to do this but had been off sick at the time the request had been made and, upon returning, was not able to then supply the CCTV footage before the override had occurred. Ms Patel further noted:

- the changes that had taken place at the venue since the previous year's event, such as changing the layout of the venue so staff could better manage the clientele.
- clarified the shisha bar and the club were separate and it was not possible for clientele to freely move between the two. If clientele from the shisha bar sought to enter the club, they would have to go back outside the venue and re-enter through separate doors and go through metal detectors.
- The 2018/2019 was not a Bashment Central event (as in 2017/18), but rather a Countdown London event. Claimed it was confusion by the promoter that caused posters to erroneously state the 2018/19 New Year's eve event was a Bashment Central event when this was not the case and stressed the two events were different.
- The venue had used two TEN's since the 2017/18 New Year's Eve event without further incidents involving the Police. The venue had also barred certain clientele. The venue had been turning away private bookings at a financial cost but did so to be responsible license holders.
- Claimed particular DJs had certain followings who were more likely to cause trouble and the DJs that would be used at the 2018/19 New Year's Eve event were not the same as those used at last year's event. All the DJs listed for the event were known to the club and had been used prior without issue. Ms Patel claimed the DJs listed would attract a more mature clientele.
- Ms Patel was prepared to compromise on the opening hours and proposed closing at 4am, rather than 5am, and to have extra security.

Following questions from the Committee to the License Holder and the Police, the following was noted:

- Ms Patel accepted it was a condition on the Premises License that CCTV must be available upon request. The Manager of Funky Brownz had since been taught how to use the CCTV system and provide footage if requested to do so in Ms Patel's absence. Ms Patel also confirmed there were 16 CCTV cameras on the premise in total.

- Ms Patel disputed the claim that neither of the two Designated Premises Supervisors were present at any point at the 2017/18 New Year's Eve event.
- The Licensing Officer clarified that, whilst the Police may not have been getting direct reports of incidents from residents, the Licensing team had been receiving reports of incidents from residents through the local ward councillors.
- Mr Patel claimed the venue were not hosting the Bashment Central event as they did not want a repeat of the previous New Year's Eve event. However, there was confusion as to the event taking place at the venue as Skiddle website still had Bashment Central posters being advertised whilst Shoobs had Countdown London being advertised.
- It was noted that the address being advertised for the venue on Shoobs website was incorrect and Ms Patel claimed this was deliberate but due to how the addresses appeared on google maps. The address being advertised on Shoobs website was a residential address.
- There was ambiguity over the number of clientele the event would be hosting. Ms Patel confirmed the event had not sold out online and that door staff would be selling extra tickets on the night. They would use a clicker to ascertain the number of clientele in the club.
- The venue had a wall built where railings stood before. It had found this helped noise reduction from the club.
- Regarding security, Ms Patel confirmed the venue would usually have between 8 and 10 SIA's but would bring in additional security if this would satisfy the Committee.

Closing statements

Mr Greaves for the Police drew the Committee's attention to the Bashment Central posted that had been used to advertise the 2018/19 New Year's Eve Event and claimed it would be the same event held in the previous year. He stated the venue should have contacted the Police in advance of issuing the TEN and, further, it should not have sought to host an event similar to the previous year, given the trouble it caused.

Ms Patel for the License Holder highlighted the shisha customers were not partygoers and would not be seeking to go into the club. The venue had seriously considered the events of the previous year and responded appropriately. There was open dialogue with local residents for them to discuss any concerns. She further reiterated the venue's willingness to compromise on additional security and an earlier closing time if this satisfied the Committee.

DECISION

Outcome

The Committee carefully considered the application from the Police for a Counter Notice to be issued against the Temporary Event Notice served on the Licensing Authority, the Section 182 guidance and the Council's Statement of Licensing Policy.

The Committee heard the representations made by the licence holder in person and the Police, and having heard from all the parties, the Committee decided to issue a Counter Notice.

The Committee had concerns that the License Holder had not done enough to differentiate the event from the previous New Year's Eve event which had incidents of crime and disorder and public nuisance. The Committee considered the promotion had been too similar and would likely attract the same crowd. There were also concerns that the risk of crime and disorder and public nuisance would be too great given the venue's proximity to residential premises. The Committee were not satisfied that the measures the venue had put in place since 2017/18 New Year's Eve event were enough to mitigate the concerns raised by the Police.

The Committee were also concerned that the License Holder was not clear on the number of clients that would be attending the event.

The Committee was also concerned over the usage of a residential address to promote the event on Shoobs website and the potential for this to cause public nuisance to the resident of that address.

The committee approached its deliberations with an open mind and only made its decision after hearing the parties' representations. The committee considered its decision to be appropriate and proportionate.

CHAIR:

Signed by Chair ……..

Date ……