

MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE B HELD ON TUESDAY, 15TH JANUARY, 2019, 19:00 – 22:00

PRESENT: Cllr Reg Rice (Chair), Sheila Peacock and Viv Ross

1. FILMING AT MEETINGS

Noted.

2. APOLOGIES FOR ABSENCE

None.

3. URGENT BUSINESS

None.

4. DECLARATIONS OF INTEREST

None.

5. MINUTES

RESOLVED that the minutes of the meeting held on 22 March 2017 be approved as a correct record.

6. SUMMARY OF PROCEDURE

Noted.

7. REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003

Ms Daliah Barrett, Licensing Officer, introduced the application for the review of the Premises Licence for Jolly Anglers, 33 Station Road, Wood Green, London N22. It was noted 580 Green Lanes Ltd. held the Premises Licence. The applicant of the review was the Metropolitan Police who had claimed the operation of the premises had failed to uphold the licensing conditions and the licensing objectives, namely the prevention of crime and disorder, the prevention of public nuisance, and public safety.

In addition to the Metropolitan Police submissions, representations had been received from 22 local residents and the Licensing Authority. It was noted that only the documentary and oral representations made to the Committee should be considered in their deliberations.

Mark Greaves, the Police representative, outlined the application for review he had made to the Committee. He took the Committee through Appendix 1 – *Review application and supporting documentation* – which included emails from local residents about their concerns, and a summary of Computer Aided Dispatch (CAD) reports in relation to Jolly Anglers call outs. It was clarified that these were not actual crime reports.

Following questions, Mr Greaves noted the CAD summaries provided were the extent of the police call outs to the Jolly Rogers between 25th November 2017 and 19th November 2018. He accepted there were issues with the police search system in that it was difficult to source complaints to specific places but rather general locations. However, he had checked the system as thoroughly as he was able to. He said he had looked for calls where police were not able to attend and was not able to find any. He accepted there could have been more noise related complaints but these might have gone through to the Council, which had a late night enforcement team to address any noise complaints received throughout the evening and early hours. It was noted that the enforcement team had made no representations to the Committee regarding the matter.

Local residents, Ms Paola Desiderio, Ms Kate Ash and Mr Andy Belsham, who had made written representations next addressed the Committee. Ms Desiderio queried the effectiveness of the police search system used by the Police representative and claimed that she had made 15 calls to the police in August alone.

The local residents then highlighted several concerns they had with the operations of the Jolly Anglers. They included:

- Noise related issues, which they said could be heard in the early hours. They claimed the noise prevented them from being able to sleep.
- Clientele throwing up and urinating on the streets
- Anti-social related behaviour such as fighting taking place outside the venue.
- The issues were not limited to weekends.
- Smashed glass left on the streets surrounding the premises.
- The ineffectiveness of the door staff in being able to handle the clientele and moving them on once they had left the venue.
- Local residents claimed they had witnessed the door staff instigating fights and not acting to prevent fights occurring.
- There were instances where individuals were congregating outside the venue in their cars and playing loud music in the early hours.

The Committee next heard from Mr Matthew Phipps from TLT Solicitors who was representing Ms Nancy Maxwell, the Designated Premises Supervisor (DPS). Mr Phipps acknowledged the concerns raised by the local residents and conceded that the situation was untenable. He apologised to the local residents who had had complained.

Mr Phipps argued this was not a case where the license should be revoked but rather new conditions on the premises license. He informed the Committee that they were proposing a number of changes to take place at Jolly Anglers. This included the removal of the DPS and the designation of a new DPS who had over 20 years'

experience. They accepted many of the issues raised were in relation to incidents taking place after midnight. Therefore, they would accept the revocation of the venues ability to remain open beyond midnight. Mr Phipps noted a number of the representations made by the local residents requested the revocation of the late night license.

Mr Phipps raised the additional points:

- The Committee had the option to suspend the Premises License. Mr Phipps invited the Committee to consider suspending the license for three weeks. This would allow the venue a period of time in which to refurbish and change the name of the pub. The suggested name of the pub would be the Crafty Cock. Other changes would also take place during this time, such as closing at 00:00.
- Claimed they were agreeable for the closing time to be 23:00 on Sunday. He noted the previous Committee that reviewed the premises license seriously considered reducing the operating hours but, at that time, it did not consider it appropriate. Mr Phipps accepted the circumstances had since changed and this Committee might now feel it was appropriate to reduce the operating hours on the conditions on the premises license.
- Acknowledged the clientele of the venue needed to change and that it should no longer be seen to be the final destination for customers once other bars and pubs in the local area had closed. One of the proposals the venue had put forward was to not allow entry after 23:00 for two months after the proposed re-opening.
- Clarified that the penalty imposed by Green King on Mr Ertan Salih in paragraph 2.4 of the Licensing Officer's report was a warning.
- Acknowledged the important role of the DPS and that they should be in attendance at the venue during operational hours or be reachable by phone at all times. The operator had found an individual with over 20 years' experience who they would propose to be the new DPS. This change would occur before the venue would be due to re-open. He clarified that Ms Maxwell would not have involvement in the day to day management of the venue.
- Remarked on the difficulty of the location of the Jolly Anglers venue in Noel Park ward and that the operators had to be mindful not to exacerbate existing social problems.
- Regarding the murder that occurred outside the Jolly Anglers in November 2016, Mr Phipps noted it was unfair to attribute that incident to the venue and that the individual had been stabbed elsewhere but made it to the venue before passing away outside the venue.
- Accepted the venue had not been forthcoming with previous police requests for CCTV footage but they had suggested new conditions to improve CCTV compliance.
- Regarding the CAD summaries provided, he informed the Committee that a number of those incidents involved staff at the venue calling the police first. It was therefore not fair to conclude from the CAD summaries that there was a lack of management.
- The venue was making an active effort to ensure that paperwork was better attended.

- Accepted the number of DPS changes at Jolly Anglers had not been ideal but this was not a unique situation when compared to similar venues.
- Highlighted the report prepared by the Licensing Officer involved incidents at the venue from 2006 through to 2016 only.
- Noted the lack of resident representations put forward and of those a large number claimed there would be improvement if the late night license was to be revoked, which the venue accepted.
- Noted no premise could be incident free but that the conditions put forward would mitigate the concerns raised.
- Accepted there had been issues with individuals drinking near the premises in their cars and playing loud music. The venue would be looking to create a dispersal policy.
- The proposed conditions by the venue were comprehensive and they were serious about addressing the concerns raised as they did not want the Committee to revoke the premises license.

The Committee next questioned Mr Phipps. The following was noted:

- If the venue were looking to attract a different clientele, then it should consider emulating the styling of other local bars/pubs such as the Green Rooms.
- Mr Phillips claimed closing at 23:00 Monday to Saturday would not be proportionate and closing at 00:00 would be in line with the practice of other venues. He also noted one of their proposed conditions was no new entry could be made beyond 23:00 for the two months after the proposed refurbish.
- Regarding Condition 8, the Committee queried why the SIA registered door supervisors were only being proposed to be present from 20:00. Mr Phipps responded that he had taken the view that door supervisors would only be required when premises traded later in the evening.
- Mr Phipps noted there had been no representations made regarding underage drinking being an issue at the venue and therefore it would not be proportionate for the venue to be required to install a scanning system to ensure that clients were over the age of 18.
- Mr Phipps informed the Committee that in order for it to make a DPS change, an application would need to be submitted. The police would have the opportunity to object to the proposed DPS but this would be rare in a situation where they were legally entitled to live in the country and did not have any criminal history.

The local residents next asked questions of Mr Phipps. The following was noted:

- The local residents queried how they could trust the operator to put in place the changes proposed when they had questioned the evidence in the report pack. Mr Phipps clarified that he had identified factual errors and these were incontrovertible. He noted the 38 conditions were comprehensive and that the reduction in hours would create a significant improvement in the situation for local residents. He claimed the operator recognised the concerns raised and had put forward the 38 conditions to mitigate those concerns.
- Regarding the three entrances to the pub, Mr Phipps claimed two door staff would be sufficient and that this would be the appropriate and proportionate

number. He also informed there had been a recent change in the SIA supervisors. These were different personnel provided by the same company the venue had previously used.

Mr Gevan Dagn, representing the License Holder, informed the Committee they supported the proposed conditions put forward by Mr Phipps to better manage the situation.

Closing remarks

Mr Greaves, for the Police, highlighted the concerns with the management of the venue. He claimed it was still not clear who would be in charge of the venue and that the management had been the same for the last 10 years. He also claimed the SIA provisions Mr Phipps had put forward in the proposed conditions were not robust enough. He claimed that without SIA present, there would be no enforcement on clientele taking glass out of the venue or preventing those intoxicated from regaining entry to the venue. He suggested that from 20:00 until 00:00, there should be two SIA's present, one to control the inside and the other to control the smoking section of the venue. He also suggested that 00:00 was too late for the venue to be open Sunday to Thursday and this should be revised to 23:00 to ensure residents were able to sleep at night.

The local residents noted their concern with the management of the pub and that they had let down their employees and surrounding residents. Mr Belsham was satisfied that the revocation of the late night license and the venue being open up until 23:00 would limit the noise and antisocial behaviour related complaints.

Mr Phipps, on behalf of the DPS, referred the Committee to the conditions they had proposed and requested they reflect on them. He noted they had accepted criticism and acknowledged things needed to change. However, he argued that 00:00 was a proportionate and appropriate response and that 23:00 would be too early for the venue to close. He also contested that having SIA present 7 days a week was not feasible and that the Home Office Revise Guidance issued under section 182 of the Licensing Act 2003 at 10.10 states licensing authorities should be alive to the indirect costs that can arise because of conditions. Mr Phipps acknowledged a change of management was needed.

The Chair thanked the parties for their submissions and informed them the decision would be available within 5-working days.

RESOLVED

The Committee carefully considered the application for a review of the Premises Licence of the public house known as the Jolly Anglers, which is situated at 33 Station Road, Wood Green, London N22. In considering the review application, the Committee took into account the London Borough of Haringey's statement of Licensing policy, the Licensing Act 2003, the Licensing Act 2003 section 182 guidance and representations made the Licensing Authority, the Metropolitan Police (who issued the review application), representations made by local residents, and

representations made by and/or on behalf of the management of the Jolly Anglers Public house via their legal representative.

Having heard from all the parties, the Committee decided that the matters it heard represented a serious failure to uphold the four licencing objectives and as a result saw fit to suspend the licence for a period of three months.

The Committee noted that the respondent had accepted that the premises had been poorly managed and **resolved that the current DPS should be removed.** The committee also noted that the respondent had made firm proposals to address the behaviour that was occurring at and within the immediate vicinity of the premises. However the committee was not satisfied that the measures proposed by the respondent were a sufficient response to the matters put before the committee.

In particular the committee felt that the evidence it had read and heard regarding anti-social behaviour was serious. In particular, details of violent incidents & allegations of criminal assaults; evidence from residents of persistent noise in the middle of the night and a related failure of patrons of the premises to disperse promptly and quietly after closing hours; regular fouling of the immediate area including entrances to residents premises with vomit and other human waste in full view of small children; the unwillingness and or/inability of the management of the premises to address these matters of which they were well aware; an apparent lack of desire on the part of the management of the premises to cooperate with the Police investigations into incidents that had occurred at the premises. The committee considered that evidence of the persistent occurrence of these matters fell within circumstances that would justify revoking the licence. However in view of the assurances given on behalf of the respondents that they wished to take a fresh approach to the running of the premises, the committee decided to suspend the licence for three months.

The committee had regard to the London Borough of Haringey's statement of licensing policy and its wish to promote the local economy of which the premises is a part, but it could in no way disregard the impact that the premises was having on local residents,

In light of the evidence before it the Committee also took the view that the conditions suggested by the Respondent did not address the matters put before it and resolved to amend the premises license.

In view of the significant impact on the local residents caused by the late night license. the committee resolved to reduce the opening hours to provide for a closing time of 23:00 Sunday to Thursday and on 00:00 (midnight) on Friday and Saturday, and to impose further conditions on the licence as set out below.

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.

Modified Premises Licence

Supply of Alcohol

Sunday to Thursday - 1100 to 22:30

Friday to Saturday - 1100 to 23:30

Regulated Entertainment

Sunday to Thursday - 1100 to 22:30

Friday to Saturday - 1100 to 23:30

The opening hours of the premises:

Sunday to Thursday 1100 to 2300

Friday to Saturday 1100 to 0000

The following additional conditions are to be added to the premises license -

General – all four licensing objectives

1. The Designated Premises Supervisor (DPS) will ensure that staff are trained, as appropriate, in respect of relevant licensing law; crime scene best practice and upon the sale of alcohol to drunks and to persons underage
2. A direct telephone number for the DPS/Manager on Duty at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity
3. Substantial food and suitable beverages other than alcohol shall be available from midday when alcohol is supplied at the premises, save for a permitted wind down period after 22:00 daily
4. The DPS shall offer bi-monthly meetings to residents
5. There shall be a personal licence holder on duty at the premises at all times the premises is authorised to sell alcohol.

The prevention of crime and disorder

6. A digital hard drive CCTV system shall be in operation to cover internal and external areas of the premises and any area where customers have legitimate access shall be sufficiently illuminated for the purposes of CCTV.
 - a. All CCTV recorded images shall have sufficient clarity/quality/definition to enable facial recognition.

- b. CCTV footage shall be kept in an unedited format for a period of 31 days; any footage subsequently produced shall be in a format so it can be played back on a standard personal computer or standard DVD player.
 - c. Any manager left in charge of the premises shall be trained in the use of any such CCTV equipment and able to produce/download/burn CCTV images upon request by an authorised officer from a Responsible Authority.
 - d. CCTV shall be maintained on a regular basis and kept in good working order. CCTV maintenance records to be kept details of contractor used and work carried out to be recorded
7. An incident log shall be kept at the premises, and made available on request to an authorised officer or 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 and violence
 - e. All seizures of drugs or offensive weapons
 - f. Any faults in the CCTV system or searching equipment or scanning equipment
 - g. Any visit made by a relevant authority or emergency service.
8. The DPS shall on Friday and Saturday nights, employ a minimum of 2 SIA registered door supervisors from 20:00 until at least 20 minutes after the last customer has left the premises.
9. The DPS shall, on Friday and Saturday nights, ensure that when engaged, at least one (1) SIA registered door supervisor regularly monitors and supervises the smoking area whilst it is in use by customers.
10. Upon re-opening following the planned refurbishment works the DPS shall, on Friday and Saturday nights, ensure that when engaged, at least one (1) SIA registered door supervisor regularly monitors and supervises the rear courtyard area whilst it is in use by customers.
11. Upon re-opening following the planned refurbishment works there shall be no admittance or re-admittance to the premises after 23:00 except for patrons permitted to temporarily leave the premises to smoke

The prevention of public nuisance

12. No music or amplified sound shall be generated on the premises so as to give rise to a nuisance, checks outside the premises will be undertaken to ensure compliance and recorded in the incident book.
13. A prominent notice shall be displayed at the exit from the premises requesting patrons to respect local residents and to leave the premises and area quietly
14. A dispersal policy shall be in place at the premises to ensure that customers leave the area quietly
15. A smoking policy shall be in place at the premises to ensure that customers smoking outside the premises do so quietly
16. The smoking area at the side of the building as marked on the approved plan shall close when the premises ceases to be licensed for the supply of alcohol.
17. Patrons permitted to temporarily leave and then re-enter the premises via the front door e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. A notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
19. The DPS/Manager on Duty shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway
20. Local taxi numbers shall be available for customers to assist in ordering a taxi
21. Loudspeakers shall not be located in the entrance lobby or outside the premises building
22. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons
23. The acoustic lobbies installed at the premises shall be maintained.
24. Customers shall not be permitted to use the rear garden area after 22:00 hours daily.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time.
26. During the hours of operation the DPS/Manager on Duty shall ensure that sufficient measures are in place to remove and prevent litter or waste accumulating from customers in the area immediately outside the premises, and that this area shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse arrangements.

Public safety

27. The number of persons permitted in the premises at any one time during Regulated Entertainment (excluding staff) shall not exceed 175

- 28. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order
- 29. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened
- 30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous

The protection of children from harm

- 31. A Challenge 25 policy shall be implemented and full and appropriate identification shall be sought from any person who appears under the age of 25. The only acceptable forms of identification shall be passport, photo driving licence, and those carrying the PASS logo
- 32. Persons under the age of 18 shall be accompanied by an adult at all times
- 33. The DPS/Manager on Duty shall not permit persons under the age of 18 to be on the premises after 21:00 daily.
- 34. A notice shall be displayed indicating that the Challenge 25 policy is in force
- 35. Staff training shall include the Challenge 25 policy and its operation. In particular staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training shall be given to a new member of staff before they commence paid employment and all staff shall be re-trained twice yearly.
- 36. All training shall be documented
- 37. A sales refusal book shall be kept at the premises and this shall be checked each week by the DPS to ensure that staff are accurately recording refusals. The refusal book shall be open to inspection by appropriate officers of the Responsible Authorities.

8. ITEMS OF URGENT BUSINESS

None.

CHAIR: Councillor Reg Rice

Signed by Chair

Date