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27 December 2021

Representations to reject New Premises License Application at The BROADWAY, 266 Muswell Hill Broadway, Hornsey, London N10 2QR

Dear Licensing Team,

This application is submitted on behalf of the Broadway Muswell Hill Ltd and Mr Morgan who is a DPS of the premises for current licence. This application is relating to a ground floor high street building imbedded in between residential premises from above as well as to the left, right and directly opposite. Furthermore the front glass double door spill on to a pedestrian pavement, on a restricted road with no parking facility. Therefore additional conditions were imposed to prevent local residence having issues with Antisocial Behaviour and Public nuisance.

I write on behalf of the Commissioner of the Metropolitan Police. I wish to reject the application for a new premises license at The BROADWAY, 266 Muswell Hill Broadway, Hornsey, London N10 2QR on the grounds Prevention of Crime and Disorder as well and prevention of Public Nuisance, and Public Safety.

The above mentioned premises operates on existing licence granted to the venue in November 2005 and subsequently reviewed in 2017 by the Met Police following concerns of Anti-Social Behaviour and other issues. Where the Police were asking for additional conditions to be added to the licence but the Licencing Sub-Comity determined to revoke the licence. The licence holder at that time have appealed the decision and the matter was reviewed by the Magistrates who sought to remove the revocation and instead impose further conditions on the then licence holder.

The premises was sold in 2019 and Mr S Morgan took over the existing licence.

In 2020 the licence ware transferred to Mr Morgan.

Taken all under consideration when reviewing the new application that Mr Morgan inherited the licence and restricting conditions, I have attempted to speak to Mr Morgan over the phone with contact details provided by himself on the transfer of the licence but I was unsuccessful.

I have contacted Mr Morgan legal representation using the details provided on the new application.

I was told that the new application was submitted because the conditions in appendix 3 do not apply to Mr Morgan as they have been imposed during premises operations under another DPS.

Reading through the conditions in appendix 3, the conditions have no relevance to the DPS current or previous. The conditions only impose further restrictions on the venue in relation to operational procedures under the Licensing Act 2003. The following was stated in the conditions:

Highgate Magistrates Court: 6th March 2018

1. The licence only permits the sale of alcohol, recorded music and late night refreshment. No other licensable activities are permitted by the licence.
2. Sales of alcohol, and recorded music to be permitted between 1100 and 0000 on Sunday to Thursday and between 1100 and 0200 on Friday and Saturday (and any Sunday that proceeds a bank holiday) only;
3. Sales of late night refreshment to be permitted between 2300 and 0000 on Sunday to Thursday and between 2300 and 0200 on Friday and Saturday (and any Sunday that proceeds a bank holiday) only;
4. The premises shall be permitted to be open only between 1100 and 0030 on Sunday to Thursday and between 1100 and 0230 on Friday and Saturday (and any Sunday that proceeds a bank holiday);
5. The premises shall be permitted to open until 0400 on New Year's Eve, with all licensable activities to cease by 0330;
6. Christmas Eve the premises to open one hour longer than ordinarily permitted on that day, with licensable activities to cease 30 minutes before that time.
7. The following conditions shall be added to the licence:
 - a. The premises must not be used as a nightclub.
 - b. After 2300 on any day, all alcohol shall be sold only at a table with a meal.
 - c. Sound from the premises shall not be audible at the front façade of the nearest residential premises at any time; and
 - d. There shall be no entry permitted after 0100 on any day

Following this I have discovered that since Mr Morgan was granted the role of DPS on the premises licence in 2020 there was number of police reports relating to ASB linked directly to the venue. Covering the period between May 2021 until November 2021.

Reference numbers apply:

DATE: 21/08/21

CAD 3281/21AUG21- ASB

DATE: 20/08/21

CAD 220/20AUG21 - ASB

DATE: 15/06/21

CAD 7307/15JUN21- ASB

CAD 7555/15JUN21 –ASB

DATE:12/06/21

CAD 1082/12JUN21- ASB

DATE: 23/05/21

CAD 988/23MAY21 – ASB

DATE: 18/05/21

CAD 8434/18MAY21 - ASB

CAD 6502/18MAY21 - ASB

Following the calls to police an email, dated 18/05/2021 was received by Licencing Authority supporting the reported ASB calls, describing a breach of licence due to loud music being heard by local residence.- see above condition 7 .point c.

Following this information my colleague PC Ewart has attempted number of times to contact Mr Morgan, to address and resolve the issues raised, by working and supporting the venue and the community. But details hold by police and licencing authority were incorrect and the emails send to Mr Morgan following the visits to the premises were left with not replies.

Following my colleagues visits to the venue tree (3) different email addresses were obtained:
vas@nateandnico.com
info@thebroadway.co.uk
vas@tingslondon.com

As well as the visits, number of calls and a number of emails was send to Mr Morgan in relation to the complaints, covering all tree email addresses provided. Please see content of the emails as follow:

Dear Mr Morgan

Firstly by way of introduction I am the Police licensing officer that covers your premises .I have received complaints via the London Borough Of Haringey and have seen video evidence of continued anti-social behaviour around patrons outside your premises in and around closing time .This consists allegedly of disturbances ,Shouting and on occasions disorderly behaviour .I have tried to contact you on both the landline for your premises and your mobile telephone .The landline appears inoperable and your mobile goes to a provider message .I would ask that you provide me with contact details so I can speak with you.

Having looked at your premises license it is a condition that you ask patrons to leave in an orderly and quite manner being respectful of the residential neighbours .It is also noted that you ave SIA security .I would ask that with the weekend approaching that your security is diligent in enforcing these conditions and that id anti-social behaviour is evident you inform the Police either on 101 or 999 In an Emergency.

I do not want this behaviour by a few people to impact negatively upon your premises reputation and develop into a situation whereby it is felt the licensing objectives are not being upheld .We will be tasking Further Police patrols in the area but would ask as it is your responsibility to uphold the objectives that you deal with any issues diligently before the situation escalates .I am aware that my colleagues have had to attend in the recent past in order to deal with issues and I would like to avoid any further issues .

I look forward to your reply.

Kindest Regards

We still have not been able to have a professional conversation with Mr Morgan in relation to the issues raised by community where the premises is located.

Police believes that Mr Morgan have not upheld fully to his responsibilities/duties as current DPS mainly – act as primary contact for local government and the police.
As per guidelines/responsibilities of the role of a DPS accessible on the internet government website the following is stated:

Designated premises supervisors -A designated premises supervisor (DPS) is the person who has day-to-day responsibility for the running of the business.

All businesses and organisations selling or supplying alcohol, except members clubs and certain community premises must have a designated premises supervisor.

Whoever holds this role must be named in the operating schedule, which you will need to complete as part of the application process, when you apply for a premises licence.

What the DPS does - The person chosen to be designated premises supervisor (DPS) will act as primary contact for local government and the police. They must understand the social issues and potential problems associated with the sale of alcohol, and also have a good understanding of the business itself.

While they need not be on site at all times, they are expected to be involved enough with the business to be able to act as its representative, and they must be contactable at all times.

If the police or local government have any questions or concerns about the business, they will expect to be able to reach the designated supervisor.

Each business may have only one supervisor selected for this role, but the same person may act as the designated supervisor at more than one business.

As stated above Mr Morgan is not contactable, therefore issues with the outstanding complaints relating to anti-social behavior are not resolved or addressed by the venue.

I have included premises log entrance as evidence of police very recently attempting contact with Mr Morgan:

EMAIL

further to last Mr Morgan is yet to return my calls or email message and as such I am unable to communicate with him to address any issues at the premises .I will therefore be looking to visit the premises initially to address these issues .

*****26/11/2021 - Task Created by PC 1277NA Derek Ewart

*****AIRSPACE REF - YRI21787, OTHER REFS - , CREATED - 26/11/2021, COMPLETED -

EMAIL

have emailed DPS regarding info from LA from local residents that ASB is starting outside the premises and disturbing local residents .After 2 email addresses for DPS bouncing and the mobile for the DPS being unobtainable ,I telephoned the premises and spoke with staff who have provided a new email .I await a reply from DPS

*****12/11/2021 - Attachment 'email to dps FW Licensing and Anti Social Behaviour at the Broadway Public House' added by PC 1277NA Derek Ewart

*****12/11/2021 - Task Created by PC 1277NA Derek Ewart

***** AIRSPACE REF - YRI21733, OTHER REFS - , CREATED - 12/11/2021,
COMPLETED -

This clearly is showing that the amendments in appendix 3 of current license LN/0001284, LN00003138 are very relevant to the venue as the issues have not been yet addressed or resolved by the DPS or the venue itself. Nether contact was made with the police in relation to the complaints, following number of visits and emails send relating to this matter.

Therefore police believes that new application would lead to further issues with the Anti-Social Behavior and Public Nuisance, as the additional restrictions imposed on the venue in 2018 would no longer apply.

The venue have demonstrated that they do not uphold fully to the current license, and do not act to resolve the issues it caused. As it stands the venue is still contributing to Anti-Social Behavior in the area causing Public Nuisance and forcing residence of local community to complain. There have been no action from the venue to address and/or resolve the outstanding reported to the police issues.

Police believes that to achieve all four (4) Licensing objectives the must be a strong partnership between the DPS, the venue, local authority and the police. As demonstrated above unfortunately police do not have the confidence in this application.

I reserve the right to provide further information to support this representation if requiered.

Regards,

A handwritten signature in cursive script that reads "Justyna".

PC Justyna GOLOTA 2211NA
North Area Licencing Officer.