

**MINUTES OF THE LICENSING SUB-COMMITTEE A
TUESDAY, 5 OCTOBER 2010**

Councillors Adamou, Demirci (Chair) and Reid

Also Present: Councillor Amin

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA11.	APOLOGIES FOR ABSENCE There were no apologies for absence.	
LSCA12.	URGENT BUSINESS There were no items of urgent business.	
LSCA13.	DECLARATIONS OF INTEREST There were no declarations of interest.	
LSCA14.	MINUTES RESOLVED That the minutes of the meetings of the Licensing Sub Committee A held on the 7 th June and 7 th September 2010 and the special Licensing Sub Committees held on 16 th July and 24 th November 2009 and the 29 th June and 1 st September 2010 be approved and signed by the Chair.	
LSCA15.	SUMMARY OF PROCEDURE NOTED	
LSCA16.	BRITISH QUEEN, 21 LOVE LANE, LONDON N17 The Licensing Officer, Ms Dale Barrett, explained that the review application was for a review of the premises licence held by Admiral Taverns, but that the tenant of the premises was Mr Roger Davis, whose name did not appear on the licence itself. Although not the licence holder, the Committee was asked to allow Mr Davis to speak as current tenant of the premises. Ms Barrett advised that there was some late documentation for circulation to the Committee in respect of the enforcement history at the premises and a chronology of events, and the meeting was adjourned for 5 minutes to enable Mr Davis and his representative to familiarise himself with these documents. Ms Barrett presented the report on the application for a review of the licence at the British Queen by local residents, being represented by Homes for Haringey, on the grounds of the licensing objectives of the	

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prevention of public nuisance and the prevention of crime and disorder. Residents had made representations in relation to noise nuisance at the premises and crime, disorder and public nuisance being caused by patrons congregating outside the premises and also the premises operating outside of the hours permitted under its licence. Representations on the review had been made by the Metropolitan Police and the Council's Noise Team, and residents had submitted a diary of incidents in relation to the premises. Ms Barrett drew the Committee's attention to the Council's Statement of Licensing Policy, and the section 182 guidance in respect of reviews.

Jacob Secker, representing Homes for Haringey, addressed the Committee and advised that a review had been sought on the grounds outlined by Ms Barrett in her introduction. The issues had been discussed at a local residents' meeting, and residents had voted to support the review. A letter had also been written to Paul Bridge, Chief Executive of Homes for Haringey, setting out residents' concerns, and had been signed by 35 households. Mr Secker summarised the complaints received, most of which related to excessive noise coming from the premises and the number of occasions on which the police had been called in relation to activities at the premises. Mr Secker advised that the conditions imposed on the existing licence were not being complied with, and that residents wished for the licence to be suspended. In response to a question from Mr Davis, the tenant at the premises, Mr Secker cited the evidence produced in the document pack as proof that the premises had been operating beyond its permitted hours.

Cllr Amin, Ward Councillor, addressed the Committee to say that she had received numerous complaints from residents over the years regarding noise and behaviour at the British Queen. Cllr Amin advised that she herself had witnessed large crowds of people outside the premises, and the litter left behind as a result, when visiting local residents, and supported the request that the licence should be suspended. In response to questions from the Committee, Cllr Amin confirmed that complaints had been received regarding the premises both at her surgeries and when she had visited local residents about other matters for a period of at least 2 years, but that there had been a recent increase in the number of complaints.

Mr Tony Michael, Legal Services, advised the Committee that issues around the tenancy of the premises were for resolution in another forum and could not be directly addressed at this meeting, although given that the matters were related and that this may have a bearing on the consideration of the review application, they should be borne in mind by the Committee as background information.

A number of local residents addressed the Committee and expressed concerns regarding problems with noise nuisance, particularly at weekends, which disturbed their sleep. It was reported that there was loud music at the premises, and that large numbers of people remained outside the premises making noise even after it had closed,

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and that disturbance was caused by these people screaming, fighting and that damage had been caused to cars parked in the vicinity. Residents were clear that these people were customers of the premises, as they lived close enough to see them come out of the premises. Residents confirmed that the problems recurred every weekend, and sometimes during the week, and that they had been going on for more than a year. The Committee was told that Mr Davis had attended a residents' meeting, and had told them that he needed to run the premises in the manner of a late-night club, in order to make money. Residents also told the Committee about problems with broken glass in the area outside the premises, the smell of urine and customers blocking paths and access routes, intimidating local residents. In response to questions from the Committee, residents confirmed that the problems with the premises had become worse recently, but had been going on for more than a year.

The Police addressed the Committee and presented statements from Sgt McPherson outlining the 30 calls to the Police that specifically mentioned the premises from April to July 2010, and also from Insp. Hembury regarding a specific incident that had taken place on Thursday 23 September 2010 when police had been called to clear the premises of patrons who would not leave more than an hour after the permitted closing time. In response to a question from the Committee, Inspector Hembury advised that he would have expected management to have called Police at closing time when patrons were refusing to leave, and not an hour later.

Derek Pearce, Noise Team, addressed the Committee and stated that the current premises licence permitted regulated entertainment and that the Noise Team had received complaints regarding loud music and the congregation of people outside the premises. Mr Pearce stated that the Noise Team did not feel that the existing conditions on the licence were adequate to uphold the licensing objectives, and had suggested a number of additional conditions which the Committee could choose to impose. Mr Pearce reported that the Noise Team was concerned with the repeated number of complaints, and the way in which management had responded to these. In response to questions from the Committee regarding why only two letters had been sent given the number of complaints listed, Mr Pearce clarified that action could only be based on the evidence found when the Noise Team visited and that on occasion the noise had abated by the time an officer arrived. Mr Pearce advised the Committee that warnings would be issued before formal enforcement action was taken, and that the premises had received a warning. In response to a question from the Committee regarding further measures the management could take to prevent noise nuisance to neighbours, Mr Pearce suggested that if the management were aware that a certain group of patrons caused a nuisance, these customers should not be permitted to return to the premises.

David Lucas, representing Admiral Taverns, addressed the Committee and confirmed that while Admiral Taverns owned the

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building, it acted as landlord and did not operate the premises. It was confirmed that the premises was let to tenants, who managed the business. As licence holder, Admiral Taverns were made aware of any concerns in relation to the premises, and in this case it was confirmed that the company was taking action to seek possession of the premises, based on the forfeiture of the current tenancy agreement. Admiral Taverns noted the representation made at the Committee, but were not in a position to comment on these individually.

In response to a question from the Committee regarding why Admiral Taverns had not addressed the issues, which seemed to date back for at least three years, Simon Cowood, Admiral Taverns confirmed that they had not been the owners of the premises three years ago. Mr Cowood confirmed that all tenants of Admiral Taverns premises were offered training, and that all Designated Premises Supervisors were also trained in order to hold a personal licence. Mr Lucas confirmed that all tenants must comply with the law and with all the conditions set out in their licence. Mr Cowood reported that he had been responsible for the premises since May 2010 and that action to recover possession of the premises had begun very soon afterwards. Pending further legal proceedings, Mr Cowood was unable to comment further on the specific case, however, he advised the Committee that Admiral Taverns carried out regular visits to their premises, and that where problems had been identified, visits to those premises were increased to try and address the issues. Mr Cowood reported that he had last visited the premises in May, when he had been refused entry. A number of attempts to arrange to visit the premises had been made since but the tenant had always been unavailable.

Mr Davis, tenant of the premises, addressed the Committee. Mr Davis stated that since taking over the premises in November 2008 he had made a significant investment in the refurbishment of the premises and, further to discussions with the Police, had installed a very good CCTV system for security. Mr Davis reported that he never sold alcohol outside of the hours permitted on his licence unless he had a Temporary Event Notice and that he did not serve alcohol to people who were already drunk. It was reported that sometimes it was difficult to persuade customers to leave at the end of the night, and that this could take some time. Mr Davis reported that he could not bar customers unless they were rude to him, but that he was now advised to call the police in the event that a large group arrived, and he was doing this. Mr Davis reported that when customers left the premises, they were going to the off-licence to purchase more alcohol and then returning to stand outside the premises and there was nothing he could do to stop them when they were outside the premises as this was a public space. Mr Davis suggested that the local authority should put signs up outside the premises so that people knew they couldn't stay there and drink.

In response to questions from the Committee, Mr Davis reported that

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he was experiencing the same problems as local residents, but that he couldn't stop people from coming to the premises for a drink. He reported that the problems his neighbours reported arose when he asked his customers to leave the premises and they stayed outside. Mr Davis reported that residents did not speak to him about their concerns, but were friendly when they saw him. In response to questions regarding the CCTV footage, Mr Davis advised that the police had requested the footage once, when he had been accused of serving after hours, but that it was shown that he was not. Mr Davis reported that he had called the police 5 or 6 times to attend the premises, and reported that he had never seen any crimes committed or anybody arrested on the premises.

In response to a question from Admiral Taverns, Mr Davis reported that the electronic monitoring system to log when drinks were poured could not be tampered with, and denied that he had ever denied any staff from Admiral Taverns access to the premises to check on the system. In response to a question regarding a visit from the police and a Haringey Enforcement Officer, Mr Davis recalled that they had not been in uniform and had been unable to present identification and so he had refused to admit them to the premises.

In conclusion, Mr Lucas, representing Admiral Taverns, outlined the options available to the Committee and urged that the licence not be revoked. Mr Lucas stated that he had some concerns regarding the conditions proposed by the noise team, and that if the Committee wished to modify the conditions of the licence it was requested that Admiral Taverns be permitted to make representations in relation to the conditions proposed in the paperwork.

Mr Secker stated that he supported the evidence that had been presented, but expressed concern that if the conditions of the licence were modified, it was likely that these would not be complied with and therefore residents were still seeking a suspension of the licence to give residents some peace while issues were resolved.

Mr Davis' representative requested that the Committee take into consideration that Mr Davis had not seen the evidence before the meeting when making their deliberations. Mr Davis advised the Committee that if the licence were suspended it would affect his family and his business.

The Committee retired to deliberate.

RESOLVED

The Committee fully considered the application and all the representations and took into account Haringey's licensing policy and the section 182 guidance. In order to promote the licensing objectives, the Committee's decision was as follows:

The premises licence is suspended for a period of two weeks

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beginning 21 days after the date of this decision.

The opening hours and hours for licensable activities are to end 30 minutes before the current restrictions, on all days.

The following conditions are to be added to the existing conditions under the terms of the licence:

- All the conditions proposed by the noise team on pages 75 to 77 of the agenda pack are imposed.
- Two SIA registered door supervisors, wearing ID badges, shall be present from 5pm until closing time, Thursday to Saturday inclusive.
- The door supervisors shall pro-actively ensure that patrons leave the area quietly and in an orderly manner by patrolling for one hour after closing.
- The door supervisors shall pro-actively ensure that no alcohol purchased off the premises shall be brought onto the premises by patrons at any time.
- The name and telephone number of the person in charge of the premises shall be displayed in the premises in a prominent position so that it can be seen from outside the premises.
- The management shall meet with local residents on a regular basis to discuss issues of mutual concern, to be minuted and action plans agreed.
- There shall be no new admissions to the premises one hour before closing time.

Informative

The Committee would encourage the noise team to be vigilant with ensuring the premises is run in accordance with its conditions and would encourage local residents to keep a watchful eye and contact the noise team should they have cause to do so, and they are reminded of the opportunity to further review this license at any time.

Informative

Due to the practical nature of the situation at hand, the tenant is advised that responsibility for managing premises supplying licensable activities includes managing the behaviour of patrons leaving the premises. The tenant is advised to seek guidance from the DPS and licensing authority, who will have had training on responsible management.

LSCA17. ITEMS OF URGENT BUSINESS

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	There were no new items of urgent business. The meeting closed at 23:15hrs.	
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Cllr Ali Demirci

Chair