

Background

A premises licence was originally granted to Mr Anthony George Walker in November 2005.

Licensable activities authorised by the Licence:

The times the Licence authorises the carrying out of licensable activities:

Regulated Entertainment

Films

Friday to Saturday 2200 to 0500

Sunday 2200 to 0300

Live Music, Recorded Music, Provision of Facilities for Making Music & Dancing:

Monday 1100 to 0300

Tuesday to Thursday 1100 to 0200

Friday to Sunday 1100 to 0500

Provision of Late Night Refreshment

Monday to Wednesday 2300 to 0300

Thursday to Saturday 2300 to 0600

Sunday 2300 to 0400

Supply of Alcohol

Monday 1100 to 0300

Tuesday to Thursday 1100 to 0200

Friday to Sunday 1100 to 0500

New Years Eve licensable activities from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

The Premises Licence Holder Is: Mr Anthony George Walker

The Designated Premises Supervisor at the Premises is: Peter Michael Goode.

4.2 Details of the Application for Review. Appendix 1

- On Saturday 21st January 2012 at 03.46 hrs police were called to Rudolphs, 750 High Road, Tottenham, N17 0AL by LAS. They had been called to a male who had apparently sustained a gun shot injury to the leg. On police arrival they did discover a male with the said gunshot injury. A bullet was discovered on the dance floor which would appear to indicate that the incident had taken place inside the premises. The

premises which had been hosting an “informal” wake in honour of a deceased gang member from Hackney who was murdered in 2010. At the time of the incident and when the venue was evacuated by police there were approximately 75 persons present. The door men located the bullet on the dance floor. All persons present denied any knowledge of the shooting. All persons present except staff left when they were requested. Whilst police were present the venue was described as calm.

- The reason for requesting the review is a security issue, as security at the venue is obviously not satisfactory as firearms have been taken into the venue. Recent previous offences have revealed suspects have been able to take metal bladed knives into the venue also. These type of venues are well known throughout the MPS for staging events where opposing gang members will be attracted possibly for planned confrontations, resulting in violence and injury being caused.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Enforcement Services:

Environmental Health Officer

No representation made.

5.2 Comments of The London Fire and Emergency Planning Authority

No representation made.

6.0 Comments of Interested Parties

1 letter of concern has been received from a resident. (APP 2)

7.0 Licensing Officer Comments

The Metropolitan Police and Mr walker have held talks to try and facilitate some common ground for conditions that would help to promote the licensing objective. The proposed list of conditions can be found at APP1A, and the Committee is reminded that it is able to take these suggested conditions into consideration and agree them in whole or part or not at all. They are able to consider other sanctions as stated at point 2 of the report.

8.0 POLICY CONSIDERATIONS

8.1 The following provisions of the Licensing Act 2003 apply to this application: Section 51-53 (review of premises licenses)

In determining the application the Licensing Sub Committee can take such steps as it considers necessary for the promotion of the licensing objectives, which are:

1. Take no further action
2. modify the conditions of the license
3. exclude a licensable activity from the scope of the license
4. remove the designated premises supervisor
5. suspend the license for a period not exceeding three months
6. revoke the license.

Where the Licensing Sub Committee takes steps mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for one such period (not exceeding three months) as it may specify. The Licensing Sub Committee is asked to give full reasons for its decision.

The Licensing Sub Committee must make its decision within 5 working days of the end of the hearing. Any decision of the Licensing Sub Committee is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. Any party to the proceedings may appeal against the decision of the Licensing Sub Committee.

- 8.2 The following provisions of the Secretary of State's guidance apply to this application: Paras 11.1 – 11.10, 11.14 – 11.21. These provisions are attached at Appendix 3.
- 8.3 The following paragraphs of the licensing authority's Statement Of Licensing Policy apply to this application; 24.1 -24.2, 25.1 – 25.7, these provisions are attached at Appendix 4
- 8.4 The Licensing Sub Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence, and the protection of private and family life.

Appendix 1 – Application for review from Metropolitan Police and supporting documents.

**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all
cases ensure that your answers are inside the boxes and written in black ink. Use
additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Inspector Pamela Morgan

(Insert name of applicant)

**apply for the review of a premises licence under section 51 of the Licensing
Act 2003 for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Rudolphs 750 High Road Tottenham London	
Post town	Post code (if known) N17 0AL

Name of premises licence holder or club holding club premises certificate (if known) Anthony George Walker Rudolphs 750 High Road Tottenham N17 0AL

Number of premises licence or club premises certificate (if known) LN00002155

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the
premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Inspector Pam Morgan Quicksilver Patrol Base Western Road Wood Green N.22 6UH
Telephone number (if any) 0203 276 0156
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The Police seek a review of the premises licence for the above mentioned premises on the grounds of Crime & Disorder, Public Safety.

Please provide as much information as possible to support the application
(please read guidance note 2)

On Saturday 21st January 2012 at 03.46hrs police were called to Rudolphs, 750 High Road, Tottenham N17 0AL by LAS. They had been called to a male who had apparently sustained a gun shot injury to the leg. On police arrival they did discover a male with the said gunshot injury. A bullet was recovered on the dance floor which would appear to indicate that the incident had taken place inside the premises. The premises which had been hosting an "informal" wake in honour of a deceased gang member from Hackney who was murdered in 2010. At the time of the incident and when the venue was evacuated by police there were approximately 75 persons present. The door men located the bullet on the dance floor. All persons present denied any knowledge of the shooting. All persons present except staff left when they were requested. Whilst police were present the venue was described as calm.

The reason for requesting the review, is a security issue, as security at the venue is obviously not satisfactory as firearms have been taken into the venue. Recent previous offences have revealed suspects have been able to take metal bladed knives into the venue also. These type of venues are well known throughout the MPS for staging events where opposing gang members will be attracted possibly for planned confrontations, resulting in violence and injury being caused.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity Inspector

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Mark greaves**..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 175744**

This statement (consisting of: .. **129** ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

My name is Mark Greaves and I am a Police Officer with the Metropolitan Police Service. I currently work as a Licensing Officer at Tottenham Police Station. I have been given this specific responsibility by the Borough Commander who is acting under the written delegated authority of the Commissioner of Police for the Metropolis. A copy of this authority has been lodged with Haringey Council Legal Department.

This statement is submitted to support the application by the Metropolitan Police Service made under Section 51 of the Licensing Act 2003. This is for the review of a premises licence held for the premises at 750 High Road N17 0AL and known as Rudolphs.

The application for a review is on the basis of concerns in relationship to the following Licensing Objectives, namely:

- The prevention of crime and disorder
- Public Safety

Signature: Signature witnessed by:

Continuation of Statement of **Mark greaves**DATA

The data in this report has been collated from various Polices indices. It has been taken from the CRIS system – the MPS computer database used to record all allegations of crime and the CAD system that records all calls to police. I have searched for the period covering from 1st January 2010 until 31st December 2011. Should anything after this date come to light before any hearing I will introduce it at the earliest opportunity. We hope to identify good practices as well as bad. Locations of incidents are taken from the victim's accounts or as witnessed by police / CCTV.

SUMMARY OF INCIDENTSCAD CALLS from 01.01.2011 - 31.12.2011

CAD 2409 26th February 2011 @ 0500 Seven males fighting O/S club. Two arrested for disorder, Police attacked.

CAD 841 5th March 2011 @ 01.25 Four females fighting O/S Rudolphs. Females state argument over and no fighting.

CAD 2432 12th March 2011 @ 06.05 Male arrested O/S Rudolphs after dispute with security staff. Arrested for drunk and disorderly and offensive weapon.

CAD 2452 12th March 2011 @ 06.12 Group have left the club and are now trying to force re-entry. Left before arrival of Police.

CAD 2411 2nd April 2011 @ 04.20 Member of Rudolphs staff calls stating 15 youths attacking door staff with bricks and bottles. Youths disperse on arrival of Police. One arrest for Offensive Weapon.

CAD 1253 19th June 2011 @ 0155 Rudolphs security staff call to say female causing a disturbance at front door. Left before arrival of Police

CAD 1222 2nd July 2011 @ 0156 Rudolphs door staff call on behalf of female at venue alleging she has been hit in the face with a glass. Victim refused to press charges. CAD 1423 2nd July 2011 @ 0216 Ambulance service collect female O/S Rudolphs with glass cuts to face. Assault report taken at hospital.

CAD 635 9th July 2011 @ 0100 Rudolphs door staff call re fight outside. Police arrival and call for more assistance. Disorder stops. One report of GBH from victim struck over head with a bottle.

Signature: Signature witnessed by:

Continuation of Statement of **Mark greaves**

CAD 1998 6th August 2011 @ 0352 Male states door staff have assaulted his girlfriend after ejecting her from club. No offences alleged at scene.

CRIS REPORTS

2803994/10 Actual Bodily Harm [ABH] 20th February 2010 @ 01.20 hours.

Female victim in beer garden approached by female suspect who struck her over the head with a glass ashtray. CCTV not operating.

2807829/10 Grievous Bodily Harm [GBH] 7th April 2010 @ 01.30 hours

Male victim told to leave club by security staff after arguing with another male. Victim claims staff pushed him and he challenged them to a fight. Victim claims he was dragged into a side room by security staff and beaten. No CCTV in room. Victim later claimed he could not identify suspects.

2808956/10 Common Assault 17th April 2010 @ 0200 hours

Victim was at the bar when her boyfriend said they were leaving. Victim refused and was struck across the face. Suspect later arrested.

2811252/10 ABH 15th May 2010 @ 0545 hours

Male victim was asked for a drink by a female he did not know. He purchased one for her and as he walked away was punched in the head by a male. Victim left the club but was followed by suspect and 4 other youths who attacked victim outside club.

2812673/10 Assault on Police 31st May 2010

Police saw large group of males and females leaving Rudolphs. A fight starts outside and Police arrest a suspect for a Public Order offence. Suspect resists and kicks Police.

2814689/10 GBH 20th June 2010 @ 02.15 hours

Male victim in beer garden saw suspect talking to victims girlfriend. Victim told suspect to desist and suspect smashed a bottle over his head. No CCTV in Beer Garden.

2823426/10 ABH 1st October 2010 @ 23.40 hours

Club employee saw male being sick on the floor and started to escort him out of the club. Two males told victim to let their friend remain in the club but victim refused. One of the youth broke a bottle over victims head knocking him to the floor. CCTV shows security staff ejecting suspects rather than detaining them for Police.

2824726/10 ABH 16th October 2010 @ 0300 hours

Female victim was in toilet when female suspect approached her and accused her of stealing her phone. Victim denied this and suspected head butted her in the face. Victim left the club but was followed by suspect and attacked outside being punched and hair pulled.

2828997/10 ABH 5th December 2010 @ 0400 hours

Female victim approached in club by 2 girls. An argument over an ex-boyfriend started and suspect smashed a glass at victims feet and challenged her to a fight. Victim was punched to the ground and kicked by both girls.

Signature: Signature witnessed by:

Continuation of Statement of Mark greaves

2800632/11 GBH 9th January 2011 @ 02.40 hours

Victim was on the dance floor when she was struck 3 times over the head by the heel of a stilettoe heel. Suspect was victims ex-partners new girlfriend. Suspect arrested. CCTV quality poor.

2805188/11 - Actual Bodily harm [ABH] 4th March 2011 @ 23.45 hours

Victim accused of queue jumping and refused entry to club and door closed. Victim claims an unknown male then punched the club door and walked away. The door opened and victim was punched in the face. Video CCTV over-writes in one day so no evidence.

2808291/11 - ABH 9th April 2011 @ 04.25 hours

Suspect found her daughter kissing female victim in ladies toilet and punched victim in the face. Suspect arrested.

2815423/11 - ABH 2nd July 2011 @ 00.05 hours

Female victim standing at bar when her ex-boyfriends new girlfriend approached and punched her a number of times in the face. Suspect later arrested.

2815431/11 - ABH 2nd July 2011 @ 02.15 hours

Female victim in bar was approached by a group of girls, one of whom threw a glass at her causing a cut to her face.

2824954/11 - AFFRAY 23rd October 2011 @ 0350 hours

Suspect left club after argument with other youths. O/S club youths both draw knives from waistbands and attack suspect. Suspect fights back with a bottle.

SUMMARY

On Thursday 9th February 2012 I will meet Mr Walker and his manager at Quicksilver Patrol Base to discuss increasing security at the venue. This review was triggered by a non-fatal shooting at the venue on 21st January 2012. Advice will involve search policy on entry and CCTV system to decrease the chance of a firearm / knife being brought into the venue and having CCTV images suitable for identifying an incident / suspect.

Signature: Signature witnessed by:

Witness contact details

Home address: **Quicksilver Patrol Base, Unit 1 Quicksilver Place, Western Road**.....

Postcode: **N22 6UH**.....

Home telephone number Work telephone number **07766 161877**.....

Mobile/pager number Email address: **mark.greaves@met.police.uk**.....

Preferred means of contact:

Male / ~~Female~~ (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): **W1** Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
Yes / No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 164YR 175744 Mark Greaves** Station: **Quicksilver Patrol Base**.....

Time and place statement taken:

Olson Kendra

From: Mark.L.Greaves@met.pnn.police.uk
Sent: 09 February 2012 12:03
To: Barrett Daliah
Cc: Shah Noshaba; Olson Kendra; Diane.Blumsom@met.police.uk;
Eric.Childs@met.police.uk
Subject: Statements concerning review of Rudolph's.
Attachments: Agreed Mandatory Licensing Conditions Rudolphs Review.rtf; Rudolph's review MG11T
by PC Greaves.doc

Hi Dale, Noshi & Kendra

I met with Tony Walker and his manager Peter at 1000 hours on Thursday 9th February 2012 at Quicksilver Patrol Base. I supplied him with copies of the 2 attached documents. He has agreed the CCTV and door staff conditions listed in the attached form. He has agreed to employ a female SIA Door Supervisor and that all entrant / re-entrants are patted down searched and he has already purchased 2 metal detector 'wands' to assist them. Di took minutes and will supply you with a statement of what we agreed and what was served. <<Agreed Mandatory Licensing Conditions Rudolphs Review.rtf>> <<Rudolph's review MG11T by PC Greaves.doc>>

Mr Walker will get the CCTV in the next 10 days, but a.s.a.p. If I am not available to review it then Eric Childs CPO will assist: eric.childs@met.police.uk .

Please include Di in any emails to me as I am away next week but am available if the review takes place in that time. I would be very grateful if you can let me know of anything else you require for the review. I have liaised with Sgt Macpherson of Northumberland Park SNT and he has no problems with the premises or complaints from the public.

Regards

Mark

Mark Greaves PC 164YR
Crime Prevention Officer / CPDA / Licensing
Haringey Borough Police

Tel: 0208 3452164

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Appendix 1A – Mediated conditions proposed and agreed between the Metropolitan Police and the license holder.



Working together for a safer London

POLICE REPRESENTATION

Name and address of premises: Rudolphys, 750 High Road N17

Type of Application: Premises Licence Review.

In summary I wish to make representation on the following:

- Prevention of crime and disorder

I would recommend the following alterations be made to the licence conditions. I also suggest that additional conditions be attached to the licence, as set out below, to further promote the licensing objectives.

	Current Conditions – Annex 2	Police Agree	Recommendation
	<p>CCTV covering entrance to venue is recorded onto a VHS tape. Other cameras are recording onto a hard drive with no copying facilities.</p> <p>Door Staff are all male. Male entrants are patted down and females merely have their handbags searched. No metal Detector 'Wands' available to ascertain if entrants have weapons inside their crotch area.</p>	<p>No</p> <p>No</p>	<p>Security personnel, including: patrols outside the venue to control queuing customers, ensuring the SIA staff are appropriately monitored by the management of the premises, ensuring that toilets are monitored by a member of staff at least once every 30 minutes (and such monitoring to be logged in writing and made available</p>

			<p>to police on request).</p> <p>The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.</p> <p>A staff member from the premises who is conversant with the operation of CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay</p>
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			<p>when requested.</p> <p>There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol. They shall have on their person at all times this licence, and be able to produce this upon request to a police officer.</p> <p>A minimum of four (4) SIA staff are to be employed at the venue on Thursday, Friday and Saturday when the premises is open to the public for licensable activities. On other days there shall be a minimum of (2) SIA staff. A female SIA staff must be present at all times the premises is open to the public to search female entrants. Entry and search policy: SIA door staff must ensure entrants are fully searched for weapons which will include the use of metal detector search wands and full-pat down of every customer. The number of SIA staff may be reduced with the prior written permission of the police licensing officer or his nominee.</p> <p>All persons entering or re-entering the premises shall be searched by an SIA</p>
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			<p>trained member of staff including a full 'pat down search' and a 'search wand'.</p> <p>The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.</p> <p>An incident log shall be kept at the premises, it will 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 will record the following:</p> <ul style="list-style-type: none"> (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) any incidents of disorder (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
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			<p>emergency service.</p> <p>Police have visited Rudolphs and confirmed that all conditions listed above have been enacted. Police withdraw their Representations listed above.</p>
	Additional Conditions Requested by the Metropolitan Police	Applicant Agree	
1	Police Licensing Officers are to be informed of full details of any person hiring the venue for a private event, including event details, as soon as possible.		

If these conditions were accepted in full I would withdraw my representation.

Officer: Mark Greaves
Licensing Officer Haringey Police

Tel: 020 3276 0150

Mark.Greaves@Met.Police.UK

Date: 2nd March 2012

Appendix 2 – Representation from an ‘Interested Party’

To Whom it Concerns

I am a concerned resident, who lives in the vicinity of Rudolphs (used to be the White Hart Pub, steeped in the history of the Spurs the late Bill Nicholson would turn in his grave).

Here is a picture from my view, the early part of the week, all is quite and peaceful.

The week-end arrives - Friday and Saturday especially after 1am, patrons are arriving from all over car doors being slammed not closed quietly to respect the local community. Later in the early hours after 3am, patrons are arriving over the night buses (149 and 279). The music from Rudolphs can be heard from the outside.

I have witnessed male and female urinations on the street near St. Francis de Sale Church.

I challenged one male who was urinating on the side wall of Homes 4 Haringsley property. He replied I have a job and I pay taxes. I said excuse me in a loud voice, he ran away.

I watched as he crossed the road to Rudolphs. My suggestion would be to reduce the late opening hours and to have security patrolling outside the club and Breton Road this would improve matters and the community would feel safer.

Please note there is no night clubs in our area. Only Rudolphs.

**Appendix 3 – Relevant sections of the Statutory
Guidance to Licensing Authorities.
(Extracts from S182 Guidance)**

11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 The Regulations allow applications for reviews to be made electronically, as long as the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via businesslink or the licensing authority's electronic facility.
- 11.4 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.5 Licensing officers may not initiate their own reviews of premises licences, but elected members of the licensing authority may request reviews if they are concerned about licensed activities at a premises or such matters are brought to their attention (see paragraph 8.15 above). Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may also request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.6 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.7 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.9 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common

aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.

- 11.10 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.
- 11.11 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

- 11.12 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
 - representations considered by the licensing authority when the premises licence was first granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.
- 11.15 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.
- 11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

Appendix 4 – Relevant sections of the Licensing Authority’s own Statement of Licensing Policy.

10.5 Trading Standards

Trading Standards will carry out test purchasing for underage sales in licensed premises.

10.6 Environmental Health – Food Team

The Food Team will inspect all food premises and are able to take action in relation to any contraventions found under the Food Safety Act 1990.

11.0 Operating Schedule

11.1 The operating schedule will form part of the completed application form for a premises licence. The schedule should contain the information necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory. In respect of applications for provisional statements, applications will need to contain information as prescribed in Regulation.

11.2 Risk Assessments

Risk assessments help to identify areas of concern in the operating of the premises which may undermine the licensing objectives. Applicants can use the information to complete their application and Operating schedule, and the steps identified by the applicant are transferred on to the license as a condition. Risk assessments should be specific to the premises, the proposed licensable activities and the proposed hours of trading and also the anticipated number of people likely to be on the premises when licensable activities are taking place.

11.2 Further guidance in this policy on the Operating Schedule is contained in the Appendix.

12.0 The prevention of crime and disorder

12.1 The Home Office has identified that a large percentage of violent crimes, assaults and criminal damage are from offenders under the direct influence of alcohol. The Haringey Crime Audit 2001 acknowledged that alcohol related violence was found to be a problem in night-time entertainment areas and that almost a quarter of all arrests were drink related. Direct findings summarised that the misuse of drugs and alcohol has contributed to the increase of crime and disorder in the borough with young men being of particular concern. Alcohol has also been shown to be a factor in occurrences of domestic violence. In comparison to similar boroughs, Haringey compared well and had fewer violent crimes per 1000 residents than the adjoining boroughs of Islington and Hackney.

- 12.2 The Council is committed to reducing crime and disorder throughout the borough through its statutory duty under the Crime and Disorder Act and through the Haringey Safer Communities Strategy.
- 12.3 Good management, best practices and sound procedures in licensed premises do and can make an important difference to the level of alcohol related crime.

13.0 Public safety

- 13.1 Members of the public visiting licensed premises have the right to expect that due consideration has been taken in relation to public safety. Licensees, as providers of the premises for the sale of alcohol and/or regulated entertainment, must be able to demonstrate that they have considered and put in effect measures to protect members of the public.
- 13.2 In order to promote public safety responsible authorities may make representations on the grounds of public safety. The Licensing Authority will encourage those applying for a premises licence to undertake the necessary fire safety risk assessment and to be compliant with all relevant building control rules and regulations.
- 13.3 The Council recommends that the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion /Event Debrief Risk assessment Form 696A be used as an effective tool in this process.

Adult Entertainment

- 13.4 Nudity, striptease and other adult entertainment of a sexual nature fall within the remit of the Licensing Act 2003. This section details the approach the Licensing Authority will take when considering applications for this type of activity on its own merits. These premises may also require a licence under the Local Government (Miscellaneous Provisions) Act 1982.
- 13.5 Applicants to whom this applies are required to set out expressly in their Operating Schedule that they propose to offer entertainment involving nudity, striptease or other adult entertainment of a sexual nature. Any reference to music or dancing without express reference to adult entertainment will be interpreted as not including adult entertainment.
- 13.6 The Licensing Authority and the Police will have concerns about crime and disorder and public nuisance issues which may arise from the operation of the premises where these activities take place. The carrying on of these activities can provide the opportunity for prostitution, pimping, and other offences of a sexual nature. For these reasons there must be proper regulation of premises where these activities are offered.
- 13.7 When considering applications the Licensing Authority will have regard to whether the premises are in close proximity to the following:

- Schools

- Licensees will need to have measures or procedures in place to check the SIA register of door supervisors to ensure their premises and customers are only protected by door supervisors with an SIA licence.

14.0 The prevention of public nuisance

- 14.1 Licensed premises, especially those operating late at night and in the early hours of the morning can cause a wide range of nuisances that can impact on the people living, working or sleeping in the vicinity of the licensed premises. The Council is committed to protecting the residents and businesses in the vicinity of these licensed premises.
- 14.2 In particular, late night activities cause much of this nuisance. Late night cafés, clubs, pubs and restaurants can have a number of adverse effects on the residents in the vicinity of these premises. Nuisance such as noise, litter, anti-social behaviour, lights and odour all contribute to the loss of amenity to the general public.
- 14.3 Noise nuisance is of particular concern; music, people talking, ventilation equipment and traffic can all be disturbing especially at night when ambient noise is low.
- 14.4 The conduct of customers leaving premises or spilling out into public and open spaces is often a source of disturbance and anti-social behaviour. Problems can include littering, the breaking of glasses and bottles, vomiting and urination.
- 14.5 Fly posting or any other illegal methods of displaying advertisements relating to a licensed premises or events is considered to be a public nuisance and will not be tolerated by the Council. The Council will take action (including prosecuting) those that fly post and will support action by other Councils against those that fly post.
- 14.6 The Council is aware of the importance of the licensing trade to the local economy and its culture and leisure aspirations. Accordingly, it will try and work together with individuals and bodies who are able to make objection to licence applications, the statutory agencies and licensed businesses to ensure that licensed premises can provide a service in a responsible way and co-exist with the wider community.
- 14.7 In considering all licensed applications, the Council will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The council will expect applicants to address the issues under prevention of public nuisance detailed in the Appendix.

15.0 The protection of children from harm