

## 4. REPORT

### Background

A premises licence was originally granted to Edge Snooker Ltd on 25<sup>th</sup> November 2005. The premises has operated as a snooker hall previously but in 2012 a new license was granted to Mr Colin Kelsey to permit regulated entertainment at the premises and the premises has been used a function hall with two large halls. A restaurant has now been added to the operation of the premises. Ms D M Dunphy manages the premises on a day to day basis and is a business partner to Mr Kelsey.

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

#### Supply of Alcohol

Sunday to Thursday 0900 to 0100

Friday to Saturday 0900 to 0300

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

#### Plays

Monday to Sunday 0900 to 2300

#### Films

Monday to Sunday 0900 to 0200

#### Indoor Sporting Events

Sunday to Thursday 0800 to 0100

Friday to Saturday 0800 to 0400

#### Boxing and Wrestling

Monday to Sunday 0900 to 0000

All Boxing and Wrestling Events a minimum of six weeks notice to be given in advance to the Metropolitan Police Service and Licensing Authority.

Live Music, Recorded Music, Performance of Dance and Provision of Facilities for Dancing, Provision of Facilities for making Music

Sunday to Thursday 0900 to 0200

Friday to Saturday 0900 to 0400

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

#### Late Night Refreshment

Sunday to Thursday 2300 to 0100

Friday to Saturday 0900 to 0300

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

**The designated premises supervisor is: Mr Colin Robert Kelsey.**

**4.1 Details of the Application for Review and Supporting Documentation.**  
**Appendix 1**  
**Appendix 1 A- Copy of premises Licence**

The application for the review has been made on the following grounds:

The operation of the premises has failed to uphold the Licensing Objectives of The Prevention of Crime and Disorder, and failure to comply with the conditions of the licence. The papers reference an event that took place in February 2014 and the incidents that arose at the time.

**5. RELEVANT REPRESENTATIONS (CONSULTATION)**

**Responsible authorities:**

**5.1 Comments from Licensing Officer**

The Edge has previously been subject to a review brought by the Metropolitan Police For failing to comply with license conditions and operating beyond the hours permitted by the license. We attach a copy of the resolution from the previous review hearing on this matter at **Appendix 1B**. The panel will note that the conditions attached to the Premises License following the initial review required to use of Club scan for patrons attending the venue for events, it is the failure to carry out this condition and other requests under the licensing objective of the prevention of crime and disorder that has lead to the review application the panel has before them. A number of meetings were held with the manger of the premises to explain and advise on what was required of them to comply with the conditions of the license.

**5.2 Comments of Regulatory Services:**

**Environmental Health**

**No comments made**

**5.3 London Fire and Civil Defence Authority**

**No comments made.**

**6.0 Interested Parties**

**No comments made.**

## 7.0 POLICY CONSIDERATIONS

- 7.1 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.

- 8.0 The following provisions of the Secretary of State's guidance apply to this application: Paras 11.25 – 11.31. These provisions are attached at Appendix 2.
- 8.1 The following paragraphs of the licensing authority's Statement Of Licensing Policy apply to this application; page 46 and 47 Crime and Disorder, these provisions are attached at Appendix 3.
- 8.2 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 SUBMITTED BY THE MET POLICE**



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

Form 691

**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 **Mark Greaves**

apply for the review of a premises licence under Section 51 of the Licensing Act 2003  
for the premises described in Part 1 below

**Part 1 – Premises or club premises details**

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

The Edge, 117 Bruce Grove

Post town:

London

Post code:  
(if known)

N17 6UR

Name of premises licence holder or club holding club premises certificate (if known):

Colin Kelsey

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

LN/00009808

**Part 2 – Applicant details**

I am:

Please tick Yes

- |          |  |                                     |
|----------|--|-------------------------------------|
| <b>1</b> | <b>an individual, body or business which is not a responsible authority</b><br>(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/>            |
|          | a) a person living in the vicinity of the premises   | <input type="checkbox"/>            |
|          | b) a body representing persons living in the vicinity of the premises  | <input type="checkbox"/>            |
|          | c) a person involved in business in the vicinity of the premises   | <input type="checkbox"/>            |
|          | d) a body representing persons involved in business in the vicinity of the premises  | <input type="checkbox"/>            |
| <b>2</b> | <b>a responsible authority (please complete (C) below)</b>   | <input checked="" type="checkbox"/> |
| <b>3</b> | <b>a member of the club to which this application relates (please complete section (A) below)</b>  | <input type="checkbox"/>            |



Haringey Council

29 APR 2014

**RECEIVED**

TECHNOPARK, ASHLEY ROAD, N17 9LN

PROTECTIVE MARKING

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

Mr  Mrs  Miss  Ms  Any other title (e.g. Rev.)

Surname: \_\_\_\_\_ First Names: \_\_\_\_\_

I am 18 years old or over

Current postal address if different from premises address: \_\_\_\_\_

Post town: \_\_\_\_\_ Post code: \_\_\_\_\_

Daytime Tel. No.: \_\_\_\_\_ Email: (optional) \_\_\_\_\_

**(B) DETAILS OF OTHER APPLICANT** (fill in as applicable)

Name and Address: \_\_\_\_\_

Telephone Number (if any): \_\_\_\_\_

Email address: (optional) \_\_\_\_\_

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT** (fill in as applicable)

Name and Address: \_\_\_\_\_

Metropolitan Police Service, Quicksilver Patrol Base, Unit 1 Quicksilver Place, Western Road, London N17 6UR

Telephone Number (if any): 020 3276 0150

Email address: (optional) mark.greaves@met.police.uk

**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 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 2)

## PROTECTIVE MARKING

On 11th April 2013 a Review hearing took place regarding this venue. The Resolution is listed on the Licence. Amongst other findings the Committee stated security was inadequate and Licence holder was in breach of the Condition placed on the License relating to the provision of CCTV footage to Police on request. Conditions imposed included that the premises Licence Holder must ensure that 'Club Scan' facilities, this company is now called 'Scanet' are in operation when licensable activities are being carried out on the premises. A Condition on the Licence states 'we will have 20 CCTV cameras installed on recommendation of the Police.'

The Scanet system records photo ID of entrants. It also has the facility to take a photo of entrants and add ID details or a fingerprint of entrants. Despite Police insistence that photo ID of entrants be recorded to deter subjects prone to criminal / disorderly behaviour and to provide Police with identifiable details of victims, suspects and witnesses the venue has refused to do so.

On 15th February 2014 an event took place at venue that Police had expressed concerns about and agreed Scanet would be used to copy photo ID. CRIS: 2803574/14 relates to an allegation of robbery at this event where victim alleges his gold chain was snatched and he was 'pistol whipped' by suspect using a hand gun. CCTV from 5 of 20 cameras supplied to Police showing entrants gaining entry to venue in many cases without even a Scanet photo being taken and in some cases after violent disorder but still being allowed entry. Venue states that as soon as youths 'rushed the door' to avoid Scanet the event was stopped but CCTV disputes this. The entry to venue was clearly out of the venues control yet Police not called and event allowed to continue until disorder inside caused it to stop. Police recognised suspect from a photo on Scanet but this was pure luck as he was a well known local youth and picture good quality although no ID attached. If he had not been local or one of the many who got in without a photo being taken it would have greatly obstructed the enquiry.

Initial Police request for CCTV resulted in them being given film from cameras in rear yard and front entrance but not inside venue bar / dance floor area. Licensing Police requested CCTV from all cameras to view what happened inside venue but this has not been supplied. Police requested Scanet download of persons entering this event and previous ones but this not provided.

This venue has consistently refused to require photo ID of persons entering events as clients refuse and in some cases have stated they do not wish Police to have their details. Police consider this venue now has a reputation where entry can be gained without photo ID and in many cases without even a photo being taken. On some photos Police have seen on Scanet subjects wear bandanas over their faces, are just unidentifiable blobs or if they are short only the top of their heads is captured.

Police consider the venue has failed to prevent crime and disorder by knowingly breaching the Scanet condition and on night in question by letting disorderly youths into venue, in many cases with no photo taken with security not in control and then failing to supply Police with full CCTV footage of event and Scanet details. Since this event the venue cancelled 3 other 'raves' that were planned despite initial Police concern but continues not to use Scanet as required.

As the venue has now informed Police they have changed their style of operation with the main hall only used for church groups and smaller hall for events the Committee will decide exact terms of Scanet use as venue wishes the Condition removed from the Premises Licence.

**Please provide as much information as possible to support the application: (please read guidance note 3)**

PROTECTIVE MARKING

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

(Please tick yes)



PROTECTIVE MARKING

	Day	Month	Year
If yes, please state the date of that application:	1	1	0 4 2 0 1 3

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

In the Review application relating to the Review on 11th April 2013 Police alleged CCTV of an assault at the venue had not been supplied to Police as per requirement of Licence but rather had been allowed to 'over write' despite assuring Police it had been burnt off and was safe. Police believe this was a deliberate act to prevent Police finding out venue had stayed open past it's Licenced hours. CCTV from outside venue showed it failed to close on time on 2 occasions after this incident. Police requested Club Scan or a variation be a Condition on the venues Licence.

PROTECTIVE MARKING

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature:



Date:

28th April 2013

Capacity:

Police Licensing Officer

**Contact name** (where not previously given) **and postal address for correspondence associated with this application:** (please read guidance note 6)

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**APPENDIX 1 A- COPY OF PREMISES LICENCE**

## PREMISES LICENCE

Receipt: AG1028140

Premises Licence Number: LN/00009808

*This Premises Licence has been issued by:*

**The Licensing Authority, London Borough of Haringey,  
Urban Environment, Technopark, Ashley Road  
Tottenham, London, N17 9LN**

Signature:.....

Date: 27<sup>th</sup> April 2012  
23<sup>rd</sup> August 2013

### Part 1 – PREMISES DETAILS

**Postal Address of Premises or, if none, Ordnance Survey map reference or description:**

**THE EDGE  
117 BRUCE GROVE  
TOTTENHAM  
LONDON  
N17 6UR**

Telephone: 020 88800 9700

**Where the Licence is time limited, the dates:**

**Licensable activities authorised by the Licence:**

**Regulated Entertainment: Plays, Films, Indoor Sporting Events, Boxing or Wrestling Entertainment, Live Music, Recorded Music, Performances of Dance, Anything of a Similar Description to that of Live or Recorded Music or Performance of Dance. Provision of facilities for Making Music and Dancing or Anything with a similar description to that of Making Music and Dancing.**

**Supply of Alcohol**

**Late Night Refreshment**

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

**Supply of Alcohol**

**Sunday to Thursday                      0900 to 0100**

**Friday to Saturday                      0900 to 0300**

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

**Plays**

**Monday to Sunday                      0900 to 2300**

**Films**

**Monday to Sunday                      0900 to 0200**

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**Indoor Sporting Events**

**Sunday to Thursday 0800 to 0100**

**Friday to Saturday 0800 to 0400**

**Boxing and Wrestling**

**Monday to Sunday 0900 to 0000**

**All Boxing and Wrestling Events a minimum of six weeks notice to be given in advance to the Metropolitan Police Service and Licensing Authority.**

**Live Music, Recorded Music, Performance of Dance and Provision of Facilities for Dancing, Provision of Facilities for making Music**

**Sunday to Thursday 0900 to 0200**

**Friday to Saturday 0900 to 0400**

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

**Late Night Refreshment**

**Sunday to Thursday 2300 to 0100**

**Friday to Saturday 0900 to 0300**

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

**The opening hours of the premises:**

**Sunday to Thursday 0800 to 0200**

**Friday to Saturday 0800 to 0400**

**Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:**

Supply of alcohol for consumption **ON** the premises

Part 2

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:**

Colin Robert Kelsey  
27 Holden Point  
Waddington Road  
Stratford  
London E15 1QN

**Registered number of holder, for example company number, charity number (where applicable):**

Not applicable

**Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:**

Alvin Sylvester Elcock  
37 Oakfield Road  
Walthamstow  
London  
E17 5RN

**Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:**

Personal Licence: Z01N17730A/1  
Issued By: London Borough of Waltham Forest  
Expires on: 9<sup>th</sup> November 2021

## **Annex 1 –Mandatory Conditions**

**(2) Supply of alcohol:** No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Additional Mandatory Conditions in relation to Supply of Alcohol**

1.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that

## **Annex 1 –Mandatory Conditions**

an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

### **Exhibition of films:**

(2) Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where–

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section–

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984.

**Door supervision:** At specified times one or more individuals must be at the premises to carry out a security activity and each of these individuals must be licensed by the Security Industry Authority.



## **Annex 2 – Conditions consistent with the Operating Schedule**

### **THE PREVENTION OF CRIME AND DISORDER**

All glasses will be banned while dancing is taking place. Only plastic and toughened glasses will be used. We will have 20 CCTV cameras installed on recommendation of the police.

A minimum of two door supervisors' male and female licensed by the Security Industry Authority will be used when a dance is taking place.

Contact detail for a person in control of events shall be displayed for the public to raise any concerns

Proof of age will be strictly enforced.

CCTV footage will be available to the Police and Licensing Authority on request.

Recordings will be kept for a minimum of a 31 day period.

Details of external hire shall be provided to the police and the Licensing Authority with at least 10 days Notice prior to the event.

Films which do not have a certificate issued by the British Board of Film Censors will first be deposited to the Haringey Licensing Team prior to its showing.

All persons entering the venue for a 'dance' will be thoroughly searched and metal detectors used.

### **PUBLIC SAFETY**

Wheelchair access with disable toilet will be made available.

No glasses to be taken outside by customers.

Means of escape shall be maintained unobstructed immediately available and clearly identifiable.

Exit doors will be checked daily so they function satisfactory.

The premises will be adequately ventilated in all areas to which staff and customers have access.

Evacuation policy shall be in place satisfactory to everybody

Emergency drill and light tests will be carried out on a regular basis.

### **THE PREVENTION OF PUBLIC NUISANCE**

The noise from the premises will be at a level not to cause noise pollution.

SIA supervisor will direct traffic at the car park and ask patrons to keep noise to a minimum

There will be no bright lights to cause residents concern.

No gathering or drinking will be permitted outside on the pavement.

There is a no smoking area at the back of the premises.

Notice shall be prominently displayed at each exit from the premises.

Patrons will be asked to be considerate to neighbours when leaving.

All external lighting will be turned off after the premises are closed to the public.

### **Sound limits**

The noise from the premises will be at a level not to cause noise pollution.

## **Annex 2 – Conditions consistent with the Operating Schedule**

All regulated entertainment amplified activity will utilise the in-house amplification system, the maximum output of which is controlled by a noise limiter that will be set with the local authority.

### **Outside Areas**

No music will be played in, or for the benefit of patrons in external areas of the premises

No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, or within 10 feet of a doorway, window or opening to the premises.

No gathering or drinking will be permitted outside on the pavement.

There will be a smoking area at the back of the premises which will be supervised by staff throughout the evening.

No drinks will be allowed to be taken outside in the smoking area.

The premises will have a car park for members/customer use.

At the close of business members of staff will ensure that there clientele leave the car park in a quiet manner so as not to disturb residents.

There will be signs in the car park asking patrons not to rev there cars or play loud music.

### **Patrons entering/exiting premises**

Half an hour before closing time music will be reduced to background level.

When special or dance event are on, a minimum of 2 door supervisors will be required from the time of opening.

Searching and wandng of all patrons will be required on entering the premises.

Notices shall be prominently displayed at each exit from the premises, asking patrons to be considerate to neighbours when leaving.

When the premises turn out, a licensed door supervisor shall supervise patrons and ensure they leave in a prompt and courteous manner, respecting the neighbours.

A licensed door supervisor will be positioned on the exit door to ensure, that patrons do not leave with drinks.

Door supervisors will ensure that on the closing of the premises patrons do not loiter at the front or rear of the premises.

Door supervisors to remain at premises until premises and immediate outside areas have cleared of patrons.

### **Prevention of nuisance from light**

Bright lights will not be used in such a way as to cause concern to residents.

All external lighting will be turned off after the premises are closed to the public

Noise generated by ventilation equipment.

All ventilation and cooling equipment will be serviced annually so that it is in a working order and does not cause a noise nuisance at any time.

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **THE PROTECTION OF CHILDREN**

No alcohol will be sold at under 18 events.

No under 18 year olds are permitted to attend non-family orientated events.

Challenge 21 will be implemented at all such events.

No Children will be allowed admission under 18 years old without an adult accompanying them.

No unaccompanied children allowed on the premises.

No under 18 year olds are permitted to 'dances'/ events that are intended for an adult audience or non-family orientated events. Challenge 21 is to be implemented at all such events."

Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

The requested hours for all licensable activities are granted as requested, except for the following amendments:

#### Opening Hours

Sunday to Thursday	08.00 to 02.00
Friday and Saturday	08.00 to 04.00

#### The Provision of Regulated Entertainment: Live Music, Recorded Music, Performances of Dance & Provision of Facilities for Dancing:

Sunday to Thursday	09.00 to 02.00
Friday and Saturday	09.00 to 04.00

#### The Provision of Regulated Entertainment: Provision of Facilities for Making Music:

Sunday to Thursday	09.00 to 02.00
Friday and Saturday	09.00 to 04.00

#### The provision of Late Night Refreshment

Sunday to Thursday	23.00 to 02.00
Friday and Saturday	23.00 to 04.00

#### Supply of Alcohol

Sunday to Thursday	09.00 to 01.00
Friday and Saturday	09.00 to 03.00

All the conditions in the operating schedule are imposed.

In addition, under the objective of child protection:

“No alcohol is to be sold at under 18 events.”

“No under 18 year olds are permitted to attend non-family orientated events. Challenge 21 is to be implemented at all such events.”

All the conditions by the Environmental Response Team are imposed except for reference to the hours of operation. In addition:

“An SIA supervisor will direct traffic at the car park and ask patrons to keep noise to a minimum, as agreed by the applicant.”

All the Police conditions are imposed, subject to the following amendments:

“Reference to alcohol not being served 30 minutes before closing time does not apply, since the granted hours require this to be 1 hour.”

“Reference to the Police being informed of booked events shall now read – details of external hire shall be provided to the Police and the Licensing Authority with at least 10 days notice prior to the event, where possible.”

The following condition shall be added:

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

“Contact detail for a person in control of events shall be displayed for the public to raise any concerns.”

The Committee did acknowledge that there were issues in relation to public nuisance. The fact, however, that the premises had been operating on a similar basis without a great number of complaints was an important factor.

The Committee did consider that the conditions imposed would adequately promote the licensing objectives, which are more stringent than those attached to the previous licence.

The applicant was considered to be experienced, credible and appeared receptive to the concerns raised.

With the imposition of the more stringent conditions, it was difficult to justify the necessity for reducing hours any further. It was considered necessary and proportionate to reduce the hours of operation for Sunday to Thursday based on the fact that Sunday was presented as a particular problem and the fact that tolerance for disturbance is naturally lower during weekdays.

#### Informative

All parties are reminded that if these conditions do not adequately address licensing objectives, procedures exist to have the licence reviewed.

#### **Resolution 11<sup>th</sup> April 2013**

The Committee carefully considered the application for a review brought by the Metropolitan Police, heard from the Metropolitan Police's representative and the premises licence holder and carefully considered the Licensing Policy and Section 182 of the guidance. It was the Committee's decision to do the following:-

1. Suspend the license for a period of three months
2. Remove the Designated Premises Supervisor
3. Modify the conditions of the licence

The Committee felt that these steps were necessary and proportionate to promote the licensing objective relating to Crime and Disorder for the following reasons:

The Committee was saddened to hear and to see video evidence from the Metropolitan Police that, despite clear conditions on the Premises License for opening and closing times that the premises were open beyond the licensable opening times on the following dates:

- 30 December 2012
- 2 January 2013
- 6 January 2013

Furthermore, the Committee was concerned that the premises license holder appeared to have little or no knowledge of when the venue was booked and the numbers involved and conceded that management at the premises was weak and that security was inadequate. In addition there appeared to be no clear systems in place for the booking of events, the paperwork required for those bookings and the requirement that the Police and Licensing Authority should be notified of details of external hire, with at least ten days notice, prior to the event being held.

In addition the License holder was found by the Police to be in breach of the condition placed on his license relating to the provision of CCTV footage to the Police and Licensing Authority on request and that recordings should be kept for a minimum of 31 days. This related to an incident that was alleged

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

to have occurred at the venue. Due to the fact that CCTV footage for the 26 December 2012 was not retained on the request by the Police meant that the investigation into the alleged incident could not be pursued.

Finally, the Committee was concerned to hear evidence, in document form, from the Fire Authority, that the venue's capacity was 250 people in total but that Premises License holder was of the view that the premises could hold some 350 people. This again underlined the Committee's view that the Premises License holder had been unable to manage the premises and to comply with the conditions of his license.

Given all these circumstances, the Committee resolved to impose the following conditions: -

1) That the License holder retains copies of CCTV recordings and that they are made available to the Police on request with 48 hours of the request being made, together with facilities for viewing where requested. If the CCTV equipment is not installed and working to the satisfaction of the Police and Licensing Authority, then within 48 hours, the Police and Licensing Authority shall be notified and an estimate provided of the timescale for repair. For the avoidance of doubt, the premises licence holder will comply with all reasonable requests from the Police and should comply with all conditions set out in the operating schedule to the satisfaction of the Licensing Authority; save for the following conditions that, due to repetition, should be removed. These are set out on page 27 of the agenda pack under the heading Public Safety and are:-

2) Random searches shall be undertaken of customers after 10pm

Metal detectors will be randomly used by door supervisors

3) That the Premises Licence Holder ensures that at least one SIA approved, female security officer, is present at the premises when licensable activities are taking place and that there is a signing-in book for SIA staff to record when they were on duty.

4) That the Premises License Holder must ensure that 'club-scan' facilities are in operation when licensable activities are being carried out on the premises.

5) Finally, the License Holder must ensure that the requirements set out in the report of the Fire Authority, dated 15 November 2012, should be complied with to the satisfaction of the Fire Service and the Licensing Authority, before the premises reopens.

The Committee carefully considered whether to revoke the license in light of the findings of the Metropolitan Police set out above and the concessions made by the license holder of weak management. However, the Committee felt it was appropriate on this occasion to give the license holder an opportunity to remedy the innumerable concerns thus far.

## **Annex 4 – Plans**

LODGED WITH THE LICENSING AUTHORITY

**APPENDIX 1 B- COPY OF RESOLUTION FROM THE PREVIOUS REVIEW HEARING**



'The Edge' – 11 April 2013

The Committee carefully considered the application for a review brought by the Metropolitan Police, heard from the Metropolitan Police's representative and the premises licence holder and carefully considered the Licensing Policy and Section 182 of the guidance. It was the Committee's decision to do the following:-

1. Suspend the license for a period of three months
2. Remove the Designated Premises Supervisor
3. Modify the conditions of the licence

The Committee felt that these steps were necessary and proportionate to promote the licensing objective relating to Crime and Disorder for the following reasons:

The Committee was saddened to hear and to see video evidence from the Metropolitan Police that, despite clear conditions on the Premises License for opening and closing times that the premises were open beyond the licensable opening times on the following dates:

- 30 December 2012
- 2 January 2013
- 6 January 2013

Furthermore, the Committee was concerned that the premises license holder appeared to have little or no knowledge of when the venue was booked and the numbers involved and conceded that management at the premises was weak and that security was inadequate. In addition there appeared to be no clear systems in place for the booking of events, the paperwork required for those bookings and the requirement that the Police and Licensing Authority should be notified of details of external hire, with at least ten days notice, prior to the event being held.

In addition the License holder was found by the Police to be in breach of the condition placed on his license relating to the provision of CCTV footage to the Police and Licensing Authority on request and that recordings should be kept for a minimum of 31 days. This related to an incident that was alleged to have occurred at the venue. Due to the fact that CCTV footage for the 26 December 2012 was not retained on the request by the Police meant that the investigation into the alleged incident could not be pursued.

Finally, the Committee was concerned to hear evidence, in document form, from the Fire Authority, that the venue's capacity was 250 people in total but that Premises License holder was of the view that the premises could hold some 350 people. This again underlined the Committee's view that the Premises License holder had been unable to manage the premises and to comply with the conditions of his license.

Given all these circumstances, the Committee resolved to impose the following conditions: -

- 1) That the License holder retains copies of CCTV recordings and that they are made available to the Police on request with 48 hours of the request being made, together with facilities for viewing where requested. If the CCTV equipment is not installed and working to the satisfaction of the Police and Licensing Authority, then within 48 hours, the Police and

Licensing Authority shall be notified and an estimate provided of the timescale for repair. For the avoidance of doubt, the premises licence holder will comply with all reasonable requests from the Police and should comply with all conditions set out in the operating schedule to the satisfaction of the Licensing Authority; save for the following conditions that, due to repetition, should be removed. These are set out on page 27 of the agenda pack under the heading Public Safety and are:-

- 2) Random searches shall be undertaken of customers after 10pm  
Metal detectors will be randomly used by door supervisors
- 3) That the Premises Licence Holder ensures that at least one SIA approved, female security officer, is present at the premises when licensable activities are taking place and that there is a signing-in book for SIA staff to record when they were on duty.
- 4) That the Premises License Holder must ensure that 'club-scan' facilities are in operation when licensable activities are being carried out on the premises.
- 5) Finally, the License Holder must ensure that the requirements set out in the report of the Fire Authority, dated 15 November 2012, should be complied with to the satisfaction of the Fire Service and the Licensing Authority, before the premises reopens.

The Committee carefully considered whether to revoke the license in light of the findings of the Metropolitan Police set out above and the concessions made by the license holder of weak management. However, the Committee felt it was appropriate on this occasion to give the license holder an opportunity to remedy the innumerable concerns thus far.

There is no doubt that the license holder has a long way to go to repair the trust that has broken down between him and the Police and the Committee sincerely hopes that with this opportunity the licence holder will take the necessary steps to make his business safe for members of the public.

Please note that this decision is staid from coming into affect for 21 days after the date of the decision, pending any appeal that might be made and the determination of that appeal.

## APPENDIX 2– SECTION 182 GUIDACE

- 11.22 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.
- 11.23 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 that impact upon the licensing objectives.
- 11.24 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

#### **REVIEWS ARISING IN CONNECTION WITH CRIME**

- 11.25 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.26 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.27 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.28 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.29 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;

**APPENDIX 3— THE PROVENTION OF CRIME AND DISORDER POLICY STATEMENT**

## **Operating Schedule**

The operating schedule is part of the application for a premises licence and should contain information so that others can assess whether the steps a business intends to take will satisfy the licensing objectives. As such it is asking the applicant how their business will be run. This is an 'assessment of the risks' by the applicant and what control measures or actions are proposed to stop this risk. This must be specific to the premises and activities detailed in the application and not general in nature.

The operating schedule must include and consider:

- what activities are planned at the premises;
- the times during which the applicant proposes that the activities are to take place;
- any other times during which the applicant proposes that the premises are to be open to the public;
- where the applicant wishes the licence to have effect for a limited period, that period must be detailed;
- details of the Designated Premises Supervisor and a copy of the personal licence;
- if the activities include sale of alcohol, whether such sales are proposed to be for the consumption on the premises or off the premises, or both;
- the steps which the applicant proposes to take to promote each of the licensing objectives - See guidance below

(further items may be required from time to time if the Government so directs)

## **The Licensing Objectives**

Operating Schedules must clearly satisfy the four licensing objectives. This is considered in more detail below with each of the objectives in turn.

### **1. The prevention of crime and disorder**

Licencees have the responsibility to take steps to prevent crime and disorder. The Council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Such considerations should not only look at issues within the premises, but also matters related to the vicinity of the premises. Listed below are provisions that may be used if applicable.

The record of compliance with respect to the items contained in this section will be considered by the Licensing Sub Committee.

Applicants are expected to demonstrate how these will assist in their premises:

- Registered door supervisors – How they will be used in the premises, what they will be asked to do and what they are seeking to achieve. (NB Door Supervisors must be licensed by the Security Industry Authority) ;
- Use of CCTV - How CCTV will be used and monitored to help prevent crime and disorder;
- The use of responsible drinking promotions - what will and will not be used by the premises to promote custom ;
- Stopping the sale of alcohol to those under 18 years of age- how will the business achieve this. (Of equal concern for both on licences and off licences)
- Promoting of safer drinking (including the use of drink when driving) - what will the business specifically do, policy, practices, how may they assist customers to achieve this;
- Have effective protocols in place to deal with intoxicated patrons and/or persons under the influence of illegal drugs and the supply of illegal drugs. The issue of spiking drinks should also be considered. (This may include for example, co-ordination and participation in a local pubwatch scheme);
- Adequate search facilities - how this will operate;
- Methods to discourage drinking of alcohol ( supplied for consumption on the premises ) in a public place in the vicinity of the premises;
- Procedures to deal with violence and/or anti-social behaviour including any crime which discriminates against any sectors of the community;
- ✕ • Methods to discourage the handling and distribution of stolen, counterfeit or other illegal goods;
- Addressing prostitution or indecency at the premises;
- Ensuring adequate training given to staff in crime prevention measures
- Procedures for risk assessing promotions and events where the event is likely to attract customers that may heighten the possibility of violence and/or disorder and include plans to minimise such risks.
- Utilising good practices outlined in the British Beer & Pub Association publication- Drugs and Pubs: A Guide for Licensees.

## 2 Public safety

Licensees have the responsibility to take steps towards protecting public safety. The council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises: