

4. REPORT

Background

A premises licence was originally granted to Greene King Retailing Limited in November 2005.

Licensable activities authorised by the Licence:

Supply of Alcohol:

Sunday to Wednesday 1100 to 0100

Thursday to Saturday 1100 to 0300

Non Standard Timings Xmas Eve, Xmas Day, Boxing Day, New Years Eve, New Years Day, Spring and Aug Bank Holidays, good Friday, Easter Sunday & Monday, and any other Bank Holidays and Sunday preceding a Bank Holiday 1100 to 0300

Regulated Entertainment:

Monday to Saturday 2000 to 0100

Sunday 1900 to 0100

Non Standard Timings Xmas Eve, Xmas Day, Boxing Day, New Years Eve, New Years Day, Spring and Aug Bank Holidays, good Friday, Easter Sunday & Monday, and any other Bank Holidays and Sunday preceding a bank Holiday 1100 - 0100

New Years Eve 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 Wednesday 1100 to 0130

Thursday to Saturday 1100 to 0330

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

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

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

The designated premises supervisor is: **Mr Huseyin Salih**

4.1 Details of the Application for Review and Supporting Documentation. Appendix 1

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 conditions of the licence.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Metropolitan Police 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 on 15th June 2014 and the incidents that arose at the time.

5.2 Comments of Enforcement Services:

Have made representation **Appendix 2**

5.3 Comments of The London Fire and Emergency Planning Authority

No representation made on this matter.

6.0 Comments of Interested Parties

Various letters of representation have been received against this application.
Appendix 3

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 permanently or for a period of time as it may specify. The Licensing Sub Committee is asked to give 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 11.1-11.30 these are attached at **Appendix 4**.
- 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 5**.
- 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 –COPY OF REVIEW APPLICATION 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 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:

JOLLY ANGLERS 33 Station Road

Post town:

London

Post code:
(if known)

N22 6UX

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

Greene King Retailing Ltd

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

LN/000003203

Part 2 – Applicant details

I am:

Please tick Yes

- | | | |
|----------|--|-------------------------------------|
| 1 | an individual, body or business which is not a responsible authority
(please read guidance note 1 and 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 section (A) below) | ☐ |

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, Unit 1 Quicksilver Place, Western Road, London N22 6UH

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 | ☒ |
| 2 | Public safety | ☐ |
| 3 | The prevention of public nuisance | ☐ |
| 4 | The protection of children from harm | ☐ |

Please state the ground(s) for review: (please read guidance note 2)

PROTECTIVE MARKING

This report relates to a venue where the Premises Licence is held by Greene King Retailing Ltd. This is a tenanted venue and for some years the Salih family have been the tenants with various members acting as DPS. Mr Huseyin Salih is the present Designated Premises Supervisor (DPS). Mr Salih has worked in the venue for some years when his brother Steve was DPS and in the last year managed the venue with his sister. It is the Police view that this venue has been problematic for some time resulting in Huseyin and his sister taking over the management of the business in an attempt to reduce crime and disorder but they have failed to do so. When assaults are reported only Huseyin can operate CCTV and there have been a number of incidents when CCTV cameras were not functioning due to water damage. In a serious incident listed below on 18th April 2014 Police were later told CCTV not functioning where assault took place due to water damage. At time of incident where suspects made counter allegations of assault Police could not view CCTV as Huseyin could not remember the password and nobody else including his sister, previous DPS knew the password. It was sometime later in investigation that Police told the cameras covering the incident were water damaged. On 20th May 2014 I emailed David Carless at Greene King pointing out CCTV had still not been repaired. Mr Carless liaised with Huseyin and I was informed that CCTV cameras had been replaced on 31st May 2014. CCTV at venue is not good quality and in some areas at night persons are not identifiable and actions not clear.

The incidents that finally led to the Review application took place on 15th June 2014. Cris 2813248/14 relates to an incident of Grievous Bodily Harm at the venue. Victim and friends attended venue on Saturday 14th June 14 to watch the England World Cup game and greeted suspect in passing. Victim, suspect and Huseyin know each other as they are all involved in 5 a side football. Huseyin has access to suspects Face Book. This same evening I visited venue and informed Huseyin that 3 carriers of Police were patrolling that evening to deal with any crime and disorder and to call us if any problems occur. At about 0130 - 0145 according to victim but an hour later according to CCTV victim and girlfriend walked past suspect who was standing at the bar with an England flag draped across his shoulders. Victim patted suspect on the shoulder as he passed. Victim's girlfriend stopped and spoke with suspect. Girlfriend then approached victim and told him suspect had asked for her phone number. Victim approached suspect and asked 'what's going on'. Victim was headbutted in the face breaking his nose. SIA security walked past suspect seconds before incident but did not witness it although he did eject 2 males for fighting which appears to be suspect. Huseyin was present at time of assault but neither he or staff witnessed it. Victim's mother reported assault to Police later that day when victim came home from hospital and she saw the extent of his injuries. Assault was captured on venue's CCTV.

Cris 2813224/14 relates to an allegation of Actual Bodily Harm at about 0315 on 15th June 2015. Victim had been drinking at venue and was aware that a male known to him had been assaulted. He subsequently spoke with assaulted male, who was victim of earlier assault, outside venue and attempted to 'calm him down'. Victim then went back inside venue to continue drinking. When he later left venue he met suspect of earlier assault near to venue in Station Road N22. Suspect asked victim if he had been in the Jolly Anglers and when victim confirmed he had suspect began punching him about the head. Suspect was then joined by two other males who joined in punching and kicking victim who was on the floor. Victim contacted Police and all three suspects arrested nearby.

On 16th June 2014 I met Huseyin at venue to discuss these assaults. We viewed CCTV and assault was filmed but I noted other cameras were poor quality and in some identifiable images and actions not visible. Huseyin told me CCTV was not a Condition on his Licence. I told him agreeing telling him that it was a problem in a venue with the amount of crime at Jolly Anglers over the years in an area known for violence and disorder. Police did not Review previously to get CCTV a Condition as venue had it although not best quality. I mentioned the time it took to replace water damaged cameras was not satisfactory for such a venue. I also pointed out I had told him 3 carriers of Police were patrolling area due to England playing a World Cup match and to call us should problems occur but he didn't despite knowing a serious assault had taken place and knowing the suspect and that suspect was also known to victim. He did not call us and known suspect had loitered in the area and assaulted another of their clients shortly after assault in venue. Huseyin insisted he had assisted victim after assault and victim did not want Police called. I informed him Police were considering Reviewing the venue's Premises Licence due to violence and disorder and his managing of those incidents.

24th June 14 I met Huseyin and Rose at The Jolly Anglers to discuss proposed review on his request. He informed me he has instigated a policy of plastics from 0130 and security on Thursdays as well as Friday & Saturdays. I pointed out there are no Conditions on Premises Licence relating to CCTV and that I did not consider his CCTV system sufficient for a venue in such an area with its previous problems. The Licence also states need for SIA security but only one or more and no days / times given. He informed me he had learned how to turn off CCTV and that he had returned from a journey to Brighton, from Dartford Tunnel, to turn off CCTV for CID in latest incident. I pointed out we had discussed before that staff should be trained in at least being able to operate CCTV to show Police an incident should one occur and whilst it was good of him to return from a trip to Brighton to operate CCTV it would not have assisted if an incident had occurred and Police needed to view offence and suspect immediately to gain evidence of offence and suspect description. We had previously discussed giving CCTV code to staff and showing them how to use it after Huseyin was assaulted, Cris 2808549/14 refers, and could not recall code number but he still has not done so.

Police consider this to be a late opening venue known for violence and disorder in an area also known for violence and disorder and feel the Salih family have not run it in a manner conducive to fulfilling the Licensing Objective of preventing crime and disorder. Brother Steve was DPS and ran the venue during a time of violence that led to him leaving the management to sister Rose and brother Huseyin but violence has continued and Police do not consider venue has assisted them in detecting suspects to an acceptable extent. Police feel transferring DPS from one family member to another makes no difference to management of venue.

PROTECTIVE MARKING

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

PROTECTIVE MARKING

List of incidents relating to venue, MG3 refers.

Cris: 2813191/13 relates to an allegation of Actual Bodily Harm at the venue on Saturday 6th July 2013 at 0120. Huseyin Salih was on duty and heard victim shouting. Victim was then ejected from venue by SIA Door Supervisors. Members of the public assisted in ejecting victim. Mr Salih followed them out and saw victim lying on the floor and security returning to venue. Mr Salih saw the client who had helped eject victim punch victim in the face as he tried to get up. Victim received a black eye and scratches to arms. Police not called at the time, victim attended Tottenham Police Station next day. Some of venues CCTV cameras not operating due to water damage. MG11 statement from Huseyin Salih stating he did not call Police because it was all over despite suspects returning to the pub immediately after assault. Exhibit MG1

Cris: 2822316/13 refers to an allegation of Criminal Damage on Saturday 9th November 2013 at 0053. Police called by DPS Rose Salih. Police found a large group of people outside venue and suspect was pointed out as having damaged rear door of venue. Suspect tried to escape and was restrained and handcuffed. Suspect arrested and processed. Investigating Officer attended venue on 9th November 2013 to view CCTV and met Huseyin Salih who informed her he could not operate CCTV to establish if incident had been recorded but would get it downloaded asap. A few hours later Mr Salih informed I.O that he did not wish to substantiate any allegation as damage minor and easily repaired so no further Police investigation.

Cris: 2824040/13 refers to Sec 4 Public Order Act offence on Sunday 1st December 2013 at 0130. Police on patrol saw a large crowd outside venue. Security alleged suspects had tried to attack them and driven off in a white van. Police saw van and detained suspects. Security alleged they had removed suspects from venue for smoking cannabis and suspects had racially abused them before leaving. Suspects then returned and one had brandished a wrench at security. An argument began and that is when Police van drove up and suspects tried to decamp in white van. Security guard victim of abuse was shouting aggressively at Sgt Jessah, a black officer, 'you want me dead' and 'black people are always getting arrested'. When Police said they would arrest suspect for racially abuse security refused to assist Police in any way and would not substantiate allegations so no further action. I consulted Mr Salih about this and was informed the 3 SIA staff involved no longer worked at the venue.

Cris 2802904/14 relates to an allegation of Common Assault on Saturday 8th February 2014 at 0040. Females had argued and victim was pushed. Person pushing her was ejected from venue. Victim later went outside to smoke and found suspect waiting. Suspect tried to punch victim and spat in her face. Police called and suspect arrested. Doorway and immediate outside is covered by venues CCTV but those cameras were not operating.

CAD 860 at 0226 on 11th April 2014 relates to a call from L.A.S to an injured male in Jolly Anglers. YR21 attended venue at 0310 and PC 584YR stated: 'There are no allegations of any offence, there is a male with an injury to his nose, he does not know how he received the injury and there are no witnesses present who saw what happened. The landlord stated that the male had been in a drunken stupor for 2 hours and it could be possible that the injuries were self inflicted. The male has signed the pocket book of PC 584YR declining LAS and also declining Police involvement. Exhibit MG2

Cris 2808549/14 relates to an allegation of ABH on Friday 18th April 2014 at 0110. Victim was Huseyin Salih who was celebrating his birthday at venue and was struck about the head from behind. He got up and lashed out in self defence as fighting had broken out. Police found both suspects at scene with one lying on the floor. Both suspects alleged they had been the victims of assault not the assailants. Police requested they be shown CCTV of incident to ascertain what had occurred but only Mr Salih knew the password and he could not remember it due to his injury.

On 21st May 2014 at 1120 the Investigating Officer PC Scullion phoned venue to enquire about CCTV as both suspects had officially alleged assault. Mr Salih's mother answered the phone and was asked about for an update regarding availability of CCTV of incident. I.O heard male voice in background and asked if it was Mr Salih and was told it was but he was too busy to speak with I.O. She said she would ask Mr Salih about the CCTV. Mr Salih's mother also stated she had witnessed assault on her son but not given her details to Police at the time as she was more concerned with assisting her injured son.

On 25th May 2014 I.O phoned venue and asked Mr Salih about the CCTV. He was told water damage had caused those cameras covering where incident took place not to function. On 31st May I.O attended venue and spoke with Mr Salih pointing out the cross allegations. Mr Salih insisted no CCTV available and that the assaults on suspects had taken place outside the venue after they assaulted him but he could not assist further. The I.O made a lot of effort to find out what had happened and case is still progressing with suspects rebailed whilst the CCTV enquires were done and statements taken. This investigation relies on CCTV evidence to ascertain the facts of what occurred but CCTV from venue is not available.

Cris: 2809003/14 relates to an allegation of ABH on Thursday 24th April 2014 at 2337. Police received a call from staff at venue saying 5 people fighting outside. Victim and friend were inside venue when they got into a fight with 3 other males. The fight spilled outside. Victim had swelling under his eye and a bloody nose but he refused to assist in any investigation. CCTV not operating at this location due to water damage.

Cris: 2809087/14 relates to a Crime Related Incident on Saturday 26th April 2014 at 0055. Police on patrol were flagged down by a member of the public alleging a fight was occurring outside a pub in Station Road N22. Police found a group of youths outside Jolly Anglers. Three youths had bleeding faces but all claimed not to have seen any fight and injured parties refused to assist Police or receive treatment.

PROTECTIVE MARKING

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

☐

(Please tick yes)

Day

Month

Year

If yes, please state the date of that application:

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

PROTECTIVE MARKING

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.

☐

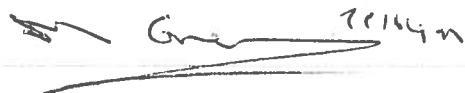
PROTECTIVE MARKING

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:

8th July 2014

Capacity:

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

Mark Greaves PC 164YR

Post town: London

Post code: N22 6UH

Telephone Number (if any):

020 3276 0150

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

mark.greaves@met.police.uk

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 1A –COPY OF CURRENT LICENCE

PREMISES LICENCE

Receipt: F00106373748

Premises Licence Number: LN/00001509
LN/000003203

This Premises Licence has been issued by:

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

Signature:.....

Date: 24th November 2005
22nd April 2014

Part 1 – PREMISES DETAILS

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

**JOLLY ANGLERS
33 STATION ROAD
WOOD GREEN
LONDON, N22 6UX**

Where the Licence is time limited, the dates:

N/A

Licensable activities authorised by the Licence:

Regulated Entertainment

- Live Music
- Recorded Music
- Facilities for Dancing

Supply of Alcohol

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

Supply of Alcohol

Sunday to Wednesday 1100 to 0100

Thursday to Saturday 1100 to 0300

Non Standard Timings Xmas Eve, Xmas Day, Boxing Day, New Years Eve, New Years Day, Spring and Aug Bank Holidays, good Friday, Easter Sunday & Monday, and any other Bank Holidays and Sunday preceding a Bank Holiday
1100 to 0300

LICENSING ACT 2003

Section 24

Regulated Entertainment

Monday to Saturday 2000 to 0100

Sunday 1900 to 0100

Non Standard Timings Xmas Eve, Xmas Day, Boxing Day, New Years Eve, New Years Day, Spring and Aug Bank Holidays, good Friday, Easter Sunday & Monday, and any other Bank Holidays and Sunday preceding a bank Holiday
1100 - 0100

New Years Eve 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 Wednesday 1100 to 0130

Thursday to Saturday 1100 to 0330

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

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

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

Part 2

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

Greene King Retailing Limited
Abbot House
Bury St Edmunds
IP33 1QT

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

5265451

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

Huseyin Salih
22 Flamstead End Road
Cheshunt
Herts
EN8 0HT

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 Number: LN/201300077
Issued By: Broxbourne Borough Council
Expires: 8th July 2023

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

Annex 1 –Mandatory Conditions

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.

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

GENERAL

- Strong management controls and effective training so that all staff are aware of the licensing objectives and in particular ensure: no under age drinking, drunkenness on the premises, drunkenness in public, use of drugs, violent and anti-social behaviour and to protect children from harm.

THE PREVENTION OF CRIME AND DISORDER

- Responsible management of the premises.
- Keeping to capacity levels of 175.
- Training and supervision of all staff, adopting best practice guides.
- Use of proof of age schemes, member of the pub watch scheme, employment of SIA door staff, use of toughened glass and plastic glasses for outdoors.
- There will be lighting outside the premises.

PUBLIC SAFETY

- Risk Management assessment will be checked weekly.
- Premises will have toughened glass throughout and plastic glasses throughout for the outside areas.
- Premises will provide for crowd management training and implementation for all door staff, monitoring door staff, regular testing and certification if appropriate of all procedures, appliances and systems pertinent to safety.
- Premises will keep to capacity level of 175.

THE PREVENTION OF PUBLIC NUISANCE

- Regular visits will be made to all parts of the premises including the exterior and deliveries etc. outside of opening hours.
- An acoustic lobby will be installed and maintained at the premises.
- Premises will liaise with public and private transport providers.
- External lighting and security lighting will be installed at the premises.
- Provision will be made for the collection and management of litter and effective ventilation systems to prevent nuisance from odour.

THE PROTECTION OF CHILDREN

- Children will only be allowed on the premises between 11.00 a.m. and 7.00 p.m.
- No children will be allowed in bars during entertainment.
- Children must be accompanied by an adult at all times.

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

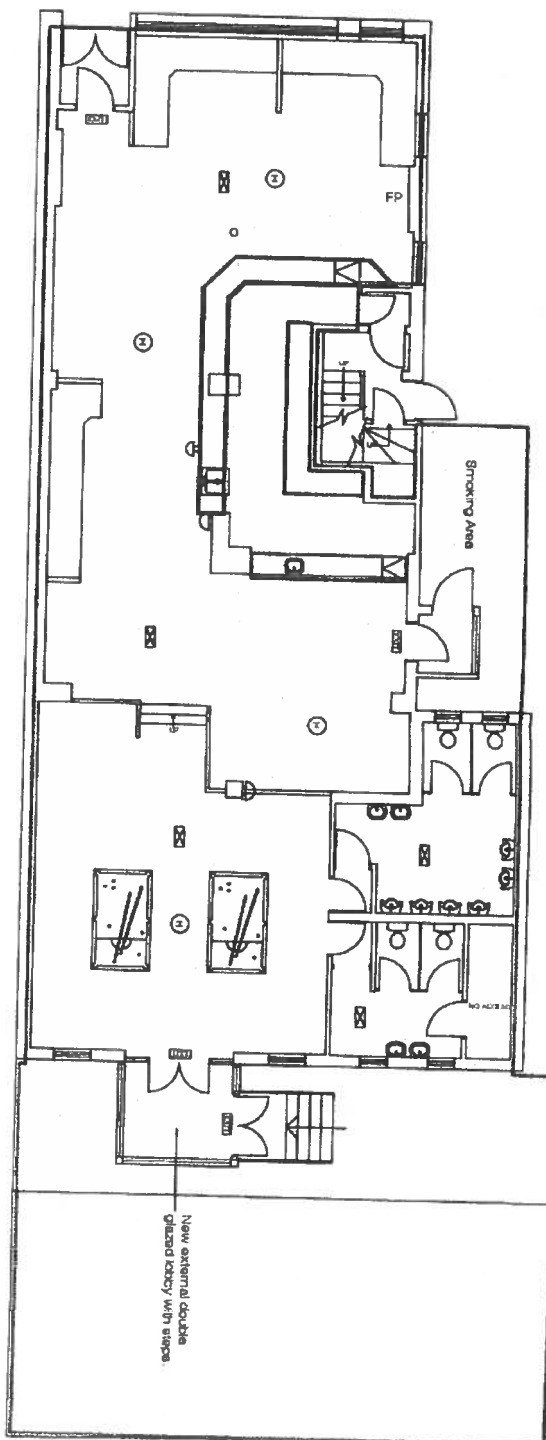
- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

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

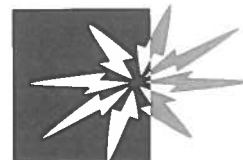
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המחלקה לבריאות הציבור
המחלקה לבריאות הציבור



APPENDIX 2 – ENVIROMENTAL HEALTH- ENFORCEMENT RESPONSE REPRESENTATION



Date: 4th July 2014

Direct dial: 020 8489 8232

Email: Enforcement.response@haringey.gov.uk

For a large print copy contact 020 8489 8232

Greene King – FAO: Mr D Carless.

Dear Sirs,

Re: THE JOLLY ANGLER PUBLIC HOUSE STATION ROAD, LONDON N22 REVIEW REPRESENTATION –UNDER THE LICENSING ACT 2003.

The Enforcement Response Team as a Responsible Authority wish to make the following representation in relation to the Review submitted by the Met Police relating to the Jolly Anglers Public House.

Our records show that the premises has been a constant source of noise nuisance complaints for residents living in close proximity. This became a real issue for the residents of Eclipse House, and continues to be an ongoing problem for them. The Council has worked with the premises to try and alleviate the problems that were occurring and this has been done by an informal agreement that has resulted in one noise complaint being received so far this year against the premises.

The Met Police has submitted a review on the grounds of Prevention of crime and disorder and trust the Licensing Sub Committee to take the appropriate steps to address the concerns. If the Licensing Sub Committee are minded to add additional conditions to the existing license or to alter or amend a licensable activity we would request that the following matters are considered:

To stop the use of the 'smoking area' to the side of the building for the purposes of consumption of alcohol 7 days per week from 22.30 hours.

The same smoking area to be closed from midnight every Monday, Tuesday, Wednesday and Thursday night. On Friday, Saturday and Sunday nights when regulated entertainment occurs, the smoking area will be monitored by SIA registered door staff in an attempt to keep noise levels to a minimum. No drinking will be permitted in the area after 10.30pm. Patrons will be able to smoke and then make their way back into the premises.

The SIA door staff move people to the smoking area and away from the front of the premises.

That the number of people within the smoking area is managed to ensure it does not become overcrowded at any one time, a limit of 6 people at any one time should be considered.

The hours of operation at the premises be reduced as follows:

Sale of alcohol

Sunday to Monday – 11.00am- 23.00pm

Friday and Saturday 11.00am-midnight

That Regulated Entertainment has the same terminable hours as above, and the premises close to the public 30 minutes later.

Reducing the hours will alleviate some of the concerns being raised by residents who have made representation during this Review process.

The panel will note that some of the residents have called for the pubs license to be revoked but this is one of the options open to the panel to determine, and we await the Committees determination.

If any of the above is unclear or you require further clarification please contact The Enforcement Response Team.

Yours sincerely,



Eubert Malcolm
Regulatory Services Group Manager

APPENDIX 3 – LETTER OF REPRESENTATION FROM ‘OTHER PARTIES’



Haringey

LICENSING ACT 2003 - REPRESENTATION FORM

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Committee.

* I would prefer my personal details not to be made

Personal Details
Name.....
Address.....
Postcode.....

available for personal safety! Thanks.

Licence application you wish to make a representation on
<i>You do not need to answer all of the questions in this section, but please give as much information as you can:</i>
Application Number.....
Name of Licensee.....
Name of Premises (if applicable)..... JOLLY ANGLERS
Premises Address (where the Licence will take effect)..... 33 STATION ROAD, WOOD GREEN, LONDON
Postcode..... N22 6UX

ENVIRONMENT
06 AUG 2014

Reason/s for representation
<i>Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives. Any representations that are considered to be vexatious or frivolous will not be considered (please see Haringey Council's leaflet Variations, Representations and Appeals for Premises Licences and Club Premises Certificates).</i>

Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.

The Prevention of Crime and Disorder

There have been regular incidents where clients from the pub fight violently on Station Road and Brabant Road and the police called to attend. We have been aware of people going in and out of the pub taking drugs, which we can at times smell from our window.

Public Safety

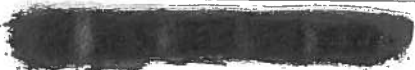
Especially on late closings, they use the entrance to our block as a smoking area, use the side of the building as urinals and it's very intimidating to walk through in the evenings to late night.

The Prevention of Public Nuisance

The clients are outside for a long time, sometimes up to 2 hours using foul language, threatening each other, sitting in cars heating their horns. Especially difficult to ignore during mild/warm weather when our windows are left open for fresh air.

The Protection of Children from Harm

We have a 4 year old whose window is also over the area that some of the clients gather and it's becoming more difficult to block out all the noise/language and inappropriate behaviour that he has witnessed when woken up by disturbances.

I, , hereby declare that all information I have submitted is true and correct.

Signed: 

Date:

11/08/14

Please send completed form to:

The Licensing Team

Enforcement

Urban Environment

Units 271-272

Lee valley Technopark

Ashley Road

London

N17 9LN

David Farmer
39 Newbury Road
Bromley
Kent
BR2 0QN

25 July 2014

FAO Lead Officer - Licensing

Dear Sir

License - Jolly Anglers

I am very surprised to see that there is a review of the license for the Jolly Anglers because of one incident on 25 June 2014.

I live in Bromley but I work in Wood Green and I regularly go to the Jolly Anglers after work for a drink.

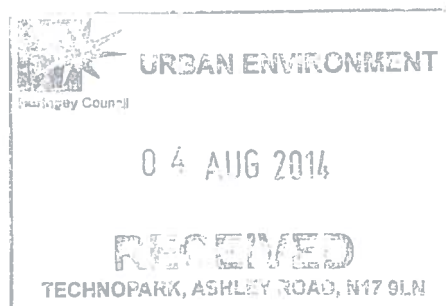
The Jolly Anglers is a family run pub with a friendly atmosphere. The majority of the drinkers there are regulars who are on first name terms with the management and the bar staff. Most of the staff have worked in the pub for a long time and they do keep the pub safe for their customers. They will not serve people that have misbehaved in the past or people who turn up drunk.

I do not go into other pubs in Wood Green because I do not feel safe in them. The other options in the immediate area are large chain pubs where they pay less attention to the behaviour of their customers and their level of intoxication.

More pubs like the Jolly Anglers should be encouraged.

Yours faithfully

David Farmer



Barrett Daliah

From: Licensing
Subject: FW: Jolly Anglers License Review

-----Original Message-----

From: Marsha Browne [<mailto:marshiebrowne@gmail.com>]
Sent: 04 August 2014 10:22
To: Licensing
Subject: Jolly Anglers License Review

Dear Sir/Madam

I have been informed that the license is being reviewed for The Jolly anglers Pub. As a resident of Eclipse house I wanted to express my experiences of this public house in the hope it would be considered when the license is reviewed.

Unfortunately I would support this review as the Jolly Anglers has been the cause of much noise and violence at my doorstep. Often times I arrive home late (as a single woman) to a large crowd of people often highly intoxicated with alcohol, lingering, swearing, arguing and sometimes fighting at the entrance. I have to walk through this crowd. Additionally there is mess, litter and sometimes individuals have been sick at the entrance door. When there is not fighting I often have to listen to loud music, karaoke, arguing and general noise while I am relaxing in my living room and late at night (some nights). There is often police being called and quite horrendous violent crimes are being dealt with.

I strongly hope our views as residents are considered when reviewing the license of The Jolly Anglers.

Thank you kindly,
Miss Browne

(Resident of Eclipse House, N22)

Sent from my iPhone

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For more information please visit <http://www.symanteccloud.com>

Lead Officer – Licensing
Haringey Council
Technopark
Ashley Road
Tottenham
London N17 9LN

31 July 2014

Dear Sir

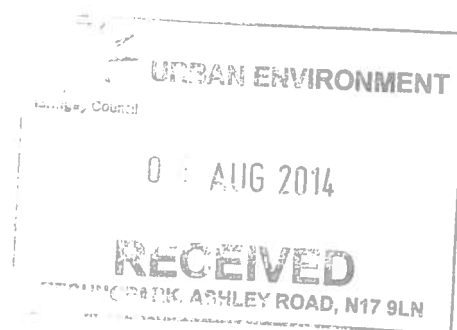
Jolly Anglers - 33 Station Road, Wood Green

As requested in the notice in the window of the Jolly Anglers I am writing to you to make a representation in support of the pub.

I regularly drink in the Jolly Anglers and it is a safe and friendly pub. The management do all that they can to make the pub safe and ensure there is no trouble.

Yours faithfully

Alan Kisten
23 Hazelwood lane
Palmer's green
N13 5EZ
07769505394



this pub is the best pub
not to be closed

Alan Kisten

Anderson Chanel

From: Licensing
Subject: FW: Licensing Act 2003 - Representation Form

On 5 August 2014 00:19,

Hi,

I would like to make a representation in respect of an application for a Premises License. I would like to respectfully request the Licensing Authority withhold my personal details (although I have provided them for your records below).

Reason/s for representation

The prevention of Crime and Disorder:

The Jolly Anglers pub is a hotbed for antisocial behaviour, petty and serious crime. I have had the misfortune of having to live next door to it for 7 years. During that 7 years, rarely has a Friday or Saturday night passed without a disturbance of the peace occurring directly underneath my windows, usually immediately following pub closing. Sometimes, in the case of more serious disturbances, the disturbance itself leads to the pub closing early. Fights are a near nightly occurrence. I've also witnessed the pub's patrons urinating against the entrance to my building, as well as along the side of the building beneath my windows. I've had to evict drunks who have been in the Jolly Anglers from inside my building. There have been break-ins and trespassing by the pub's clients. On Friday and Saturday nights it is also common to see drug dealers pulling up in cars on Brabant Road to sell drugs to those who are in the pub. Whilst the pub has bouncers on Thursdays, Fridays and Saturdays, they do little to discourage disturbances. I have in fact seen the bouncers playing an active roll during fights in the past.

Christmas Eve 2012 was a particularly notable both for the severity, viciousness and timing of the fight, but there have been many, many more recent examples too. I would love to see stats on how often the police are called to respond to an incident involving the Jolly Anglers. It seems that no weekend goes by without me seeing the flashing blue lights bouncing off my bedroom ceiling.

Public Safety:

I'm particularly concerned for the safety of me and my family. Both myself and my wife are shift workers and often return home late at night. On any night of the week, it is likely that we'll encounter the pub's clients loitering in the doorway of my building. Often they are rude, deliberately obtrusive and sometimes downright aggressive. On one particularly serious occasion, a resident in my block was badly beaten after asking someone not to urinate against the door of our building. I have separate concerns for the safety of the pub's clients themselves. Serious fights are such a regular occurrence, both within the pub and spilling out on to the streets. Regular brawlers are permitted in to pub week on week, with seemingly no appetite to refuse them entry. I've been witness to people punching and kicking each other in the road outside, even kicking unconscious men in the head. I've rung the police on a number of occasions in reaction to this. I'm in constant fear that one day somebody will be seriously injured or killed, either as a result of an attack or in a road traffic accident whilst attempting to evade one.

The Prevention of Public Nuisance:

There is no question in my mind that the Jolly Anglers is a magnet for anti-social behaviour. As well as littering, smashing bottles, fighting, urinating, I have to put up with awful nightly noise. Drunks shouting at the tops of their voices after midnight all week, and up to 3am at the weekends. As a shift worker with

frequent early starts, I struggle to sleep most nights. I have worn earplugs for years, but these can't drown out all the shouting, arguing and fighting. When I leave in the morning, I'm regularly confronted with large amounts of vomit on the doorstep of my building, as well as blood on the pavement.

The Protection of Children from Harm:

I would love to have Children, but I will not consider doing so while the pub next door continues to operate in its current fashion. I get so little sleep because of it at the moment! I'm genuinely afraid of some of the pub's clients and therefore do not think this is a suitable environment in which to raise children. That is a great shame.

I hear-by declare that all information I have submitted is true and correct.

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Anderson Chanel

From: Barrett Daliah on behalf of Licensing
Sent: 05 August 2014 10:54
To: Anderson Chanel
Subject: FW: Jolly Anglers license

Accept this

-----Original Message-----

From: Priya Dutta [<mailto:prib73@gmail.com>]
Sent: 05 August 2014 10:49
To: Licensing
Subject: Jolly Anglers license

> To whomever it may concern,
>
> I wish to lodge a complaint about excessive noise levels from the pub The Jolly Anglers, situated next to my block of flats, Eclipse House.
>
> On Friday and Saturday nights residents are subjected to shouting and screaming until 3am, with frequent calls to the police to break up altercations.
>
> In particular, I wish to complain about the behaviour of revellers on the morning of Sunday 3rd August. I was kept awake until 3am, with shouting heard constantly between 2am and 3am. It was audible even with the windows closed - a very unpleasant - and common - experience during the summer months.
>
> The residents of Eclipse House have had to cope with drunken and aggressive customers of the pub when trying to enter through the ground floor entry doors of the flat. Furthermore, we frequently have to walk over piles of vomit in our doorway on Saturday and Sunday mornings. This is simply unacceptable.
>
> I do not wish to see the pub landlord go out of business. I do, however, wish to see the pub's late night license revoked.
>
> Yours faithfully
>
> Priya Dutta
> Resident, Eclipse House

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Anderson Chanel

From: Barrett Daliah on behalf of Licensing
Sent: 05 August 2014 07:14
To: Anderson Chanel
Subject: FW: Jolly Anglers Pub, 33 Station Road N22 6UX: request to revoke license

From: Koushik Roy [<mailto:kroyno1@gmail.com>]
Sent: 04 August 2014 18:36
To: Licensing
Subject: Jolly Anglers Pub, 33 Station Road N22 6UX: request to revoke license

Dear Licensing Team,

I have been made aware that the license for The Jolly Anglers Pub in 33 Station Road, London N22 6UX is currently being reviewed.

As a resident of Eclipse House 35 Station Road next door to the pub, I would like to provide reasons as to why the pub should have its license revoked.

There have been many occasions, almost once a week where late night fights break out just outside the pub sometimes after midnight which create a lot of noise and has been an ongoing nuisance since we've moved in. Just this Saturday gone, screams and loud aggressive voices could be heard until way past midnight being generated from the pub. This would be further amplified as the patrons would be leaving after closing.

In addition to this, the patrons of the pub tend to congregate outside our premises regularly where they smoke and also have arguments. Trying to enter the flat can be an intimidating experience. Broken bottles and vomit have been regular occurrences outside the main entrance into the flat.

Our block of flats have a number of residents with young children. The amount of public nuisance generated from the pub next door can have an impact on not only adults but also the children residing in our block - I personally feel frightened.

It should be the local authorities responsibility to ensure that this place of crime and disorder has its license revoked.

Please feel free to contact me if you need further information or have any further questions.

With regards,
Koushik Roy
Flat 50 Eclipse House
35 Station Road
London
N22 6UX
07865045642

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For more information please visit <http://www.symanteccloud.com>

Anderson Chanel

From: Licensing
Subject: FW: Jolly Angler's License

Sent: 05 August 2014 12:47
To: Licensing
Subject: Jolly Angler's License

To whom it may concern

Dear Sir/ Madame

I'm writing to you in regards to the Jolly Angler Public House.

It has come to my attention that there seems to be a problem with their license renewal. As a neighbor for 3 years and having worked and still working in the hospitality sector, I would like to let you know that neither me or my partner have ever experienced any problems or inconvenience from the aforementioned Public House. Quite the opposite, it seems to be a clean and well run establishments. Moreover, space outside the pub and the block of flats is always well managed.

I would appreciate your consideration.

Yours Sincerely,

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APPENDIX 4 –EXTRACT FROM SECTION 182 GUIDANCE

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided 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 GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as 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 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made 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. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground 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 or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was 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 grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period 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 application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has 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 which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate 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 informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as 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 address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- 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;
 - 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);
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 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 that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 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.
- 11.22 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.
- 11.23 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

- 11.24 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. 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.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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. 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.

- 11.26 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.
- 11.27 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;
 - for unlawful gambling; and
 - for the sale of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;

- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

- 11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

APPENDIX 5– 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 Operating Schedule and 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

Licensees 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:

- Use of CCTV and panic buttons - how will these provisions be operated to protect safety ;
- Use of shatter proof drinking vessels or bottles , requiring use of toughened glass or plastic ;
- Use of security personnel both within and at the access points to premises. How many are proposed, what will be the duties and how will their activities protect safety. (Security staff must be licensed by the Security Industry Authority who will also advise on minimum numbers);
- Compliance with Health & Safety legislation including if required a documented health and safety policy statement, and comprehensive risk assessment ;
- Capacity limits where necessary to prevent overcrowding or prevent nuisance on entering or exit;
- Implementation of crowd management measures
- Undertaking the necessary fire safety risk assessment and to be compliant with all relevant building control rules and regulations;
- Adequate lighting (including any Emergency Lighting to BS 5266) - what areas of the premises are considered, particularly external areas.;
- Arrangements for emergency situations including any necessary evacuation (to include people with disabilities);
- The safe use of special effects equipment e.g. lasers, strobe lighting and smoke machines - this will include details from suppliers and contractors ;
- Installation of fire alarms and fire safety measures- service contracts in place (Fire Alarm to BS 5839 PTI);
- Clear signage throughout the premises e.g. emergency exits, fire extinguishers etc.
- For venues providing music and dancing in a 'nightclub' premises, what specific aspects of Safer Clubbing have been incorporated.
- Arrangements for the management, supervision and training of staff to ensure that the measures incorporated above are implemented.

3. The prevention of public nuisance

In considering all licence 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. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises:

Noise and other nuisance