

Licensing Act 2003 Licensing Sub-Committee on 03rd January 2008

Report title: Application for a Review of a Premises Licence at THE SWAN PUBLIC HOUSE, 363 HIGH ROAD, TOTTENHAM N17

Report of: The Lead Officer Licensing

Ward(s) BG

1. Purpose

To consider an application by The Metropolitan Police for a review of the Swan Public House premises license. A copy of the premises license is attached at appendix 1.

Summary of application

Inspector Gladwell of the Metropolitan Police has requested a review on the grounds that the operators are not promoting the statutory objectives of:

- 1 preventing crime and disorder
- 2 promoting public safety
- 3 preventing public nuisance
- 4 protecting children from harm

Date review application served: 21st November 2007

In accordance with regulation 38 of the Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005, officers arranged for notices of the review to be published for 28 days on the affected premises, on the public noticeboard at the Civic Centre and on the Councils website.

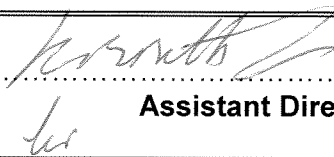
A copy of the review application and supporting documents are at appendix 2

2. Officers Observations

In determining this application the Licensing Sub Committee must have regard to the:

- 2.1 (a) need to promote the four licensing objectives
- (b) representations
- (c) relevant sections of the statutory guidance to licensing authorities (appendix 5)
- (d) relevant sections of the licensing authority's statement of licensing policy (appendix 6)

Report authorised by: Robin Payne.....



Assistant Director Enforcement Services

Contact Officer: Ms Daliah Barrett -Williams

Telephone: 020 8489 8232

3. Access to information:

Local Government (Access to Information) Act 1985
Background Papers

The following Background Papers are used in the preparation of this Report:

File: THE SWAN

The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22

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Appendices 2A – 2F are confidential and must not be made public without authorisation because they contain exempt information in the following categories:

No.1 – information relating to any individual

No.2 – information likely to reveal the identity of an individual

No.3 – information relating to the financial or business affairs of a particular person

No.7 – information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

4. REPORT

Background

- 4.1 The premises benefited from a justices' license until 24th November 2005 granted by the Magistrates, which allowed the sale of alcohol and a Public Entertainment License at that time granted by the Council.

The licences were converted and varied by the Licensing Sub Committee on 18th October 2005 to allow it to trade from 24th November 2005 with the following activities and times: copy at appendix 1

Licensable activities authorised by the Licence:

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

Provision of Late Night Refreshment

Supply of Alcohol

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

Films

Monday to Sunday 1100 to 2300

Live Music, Recorded Music, Provision of Facilities for Making Music and Dancing

Mondays to Wednesday 2000 to 0000

Thursday to Saturday 2000 to 0300

Sunday 2000 to 0100

Provision of Late Night Refreshment

Monday to Wednesday 2300 to 0030

Thursday to Saturday 2300 to 0330

Sunday	2300 to 0100
Supply of Alcohol	
Monday to Wednesday	1000 to 0000
Thursday to Saturday	1000 to 0300
Sunday	1200 to 0030

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

An additional hour of licensable activities Saturdays and Sundays before Bank Holidays and Christmas Eve.

The opening hours of the premises:

Monday to Wednesday	1000 to 0030
Thursday to Saturday	1000 to 0330
Sunday	1200 to 0100

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

An additional hour Saturdays and Sundays before Bank Holidays and Christmas Eve.

No new admission to the premises after 0000 every night

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

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

The designated premises supervisor is: Mr Paul Bruce

4.2 Details of the Application for Review. Appendix 2

The Police have brought about the review because of the high level of crime associated with the premises. The Police have had meetings with the Licensee since issuing a warning in July 2007 in relation to their concerns. The evidence produced by the Police shows various crimes including a Murder and grievous bodily harm as well as drug dealing taking place. There is also evidence of underage children being present on the premises and being sold and consuming alcohol on the premise.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Metropolitan Police

The Metropolitan Police have submitted various statements and reports to evidence their request for this review, these statements and reports are attached at appendix 2.

Appendix 2 – application form for review and supporting document

Appendix 2A – letter sent to licensee in July of notify of concerns

Appendix 2B – list of crime reports at the public house

Appendix 2C – statements from covert operations carried out at the public house.

Appendix 2D – Incident reports

Appendix 2E – statement and fliers showing advertised events beyond permitted hours

Appendix 2F – statement following visit carried out in November 2007

5.2 Comments of Child Protection Agency or Nominee

The Local Safeguarding Children Board have written a letter of support for the review, this representation is attached at appendix 3.

5.3 Interested Parties –

A representation has been received from Punch Taverns, who are the freeholders for the public house, through their Solicitors in support of the application for a premises license review. The representation is attached at appendix 4 and has been made available to the applicant.

6.0 POLICY CONSIDERATIONS

- 6.1 The following provisions of the Licensing Act 2003 apply to this application:
- Section 13(3) (definition of interested parties)
 - 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 objective, which are:

1. Take no further action
2. to issue formal warnings to the premises supervisor and /or premises license holder
3. modify the conditions of the license
4. exclude a licensable activity from the scope of the license
5. remove the designated premises supervisor
6. suspend the license for a period not exceeding three months
7. 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 decision of the Licensing Sub Committee.

- 6.2 The following provisions of the Secretary of State's guidance apply to this application: Paras 11.1 – 11.10, 11.14 – 11.21, 11.22 – 11.27. These provisions are attached at appendix 5.
- 6.3 The following paragraphs of the licensing authority's statement of licensing policy apply to this application; 7.13-7.14, 11.1-11.3, 12.1-12.4, 13.1-13.7, 14.1-14.3, 18.1-18.2, 25.1. These provisions are attached at appendix 6.
- 6.4 The Licensing Sub Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder objective in their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.
- 6.5 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.

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