



Licensing Act 2003 Licensing Sub-Committee on 31st January 2008

Report title: Application for a Review of a Premises Licence following a Closure Order at 'SHOUT' UNIT 4, HOLLYWOOD GREEN, HIGH ROAD, WOOD GREEN N22

Report of: The Lead Officer Licensing

Ward(s) Noel Park

1. Purpose

To consider an application for a review following a Closure Order issued by The Metropolitan Police for 'Shout' Unit 4 Hollywood Green, High Road N22. A copy of the premises license is attached at appendix 1.

Summary of application

A Closure Order was made by Inspector Paul Hughes in respect of the above premises on 1st January 2008 at 04.00a.m. An application was then made to the Magistrates Court The Court determined not to exercise its powers as the order had expired and there was no need for further action.

It is now for the Licensing Authority to review the premises license as required under section 167(2) of the Act.

Date notification received: 23rd January 2008

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 7 days on the affected premises, on the public notice board at the Civic Centre and on the Councils website.

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 4)**
- (d) relevant sections of the licensing authority's statement of licensing policy (appendix 5)**

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: 'SHOUT'

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

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 then holders Luminar Leisure Ltd. An application to transfer the license into Summit Clubs Ltd was made in August 2006. The current DPS was assigned to the premises is April 2007.

The current license permits the following activities and times: copy at appendix 1.

Licensable activities authorised by the Licence:

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

Sunday to Thursday 1100 to 0100

Friday & Saturday 1100 to 0300

No restrictions in regards to hours for the playing of recorded music

Supply of Alcohol

Sunday to Thursday 1100 to 0100

Friday & Saturday 1100 to 0300

Provision of Late Night Refreshment

Sunday to Thursday 2300 to 0100

Friday & Saturday 2300 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.

An additional hour to the standard times on the day British Summer time commences.

No more than 12 occasions per calendar year the ability to open outside of permitted times to carryout licensable activity. These extensions are to be notified to the Police and the Licensing Authority and require the consent of the Police.

The opening hours of the premises:

Sunday to Thursday 1100 to 0130

Friday & Saturday 1100 to 0330

New Years Eve opening hours 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** the premises only.

The designated premises supervisor is: Dilan Karunanayake

4.2 Details of the Review. Appendix 2

The review has been brought about due to the high levels of crime associated with the premises. The Police have had meetings with the Licensee in July 2007 in an attempt to address their concerns.

The evidence produced by the Police shows various crimes and public disorder breakouts as well as grievous bodily harm.

A copy of the Magistrates Court decision is tabled at Appendix 2A.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Metropolitan Police

The Metropolitan Police have submitted various statements and reports to evidence the need for the initial closure order and the subsequent review, these statements and reports are attached at appendix 3.

Appendix 3 – Closure Order issued

Appendix 3A – list of crime reports at the venue

Appendix 3B – Incident reports

5.2 Comments of Child Protection Agency or Nominee

5.3 Interested Parties –

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.