

5. REPORT

Background

5.1 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, the Prevention of Public Safety and the
prevention of Public Nuisance.

5.2 Licensable activities authorised by the Licence

Supply of Alcohol:

Monday to Friday	1000 to 0200
Saturday	1100 to 0200
Sunday	1200 to 0200
Good Friday	1200 to 2230
Christmas Day	1200 to 1500 & 1900 to 2230

For consumption **ON** and **OFF** the premises

Provision of Late Night Refreshment:

Monday to Sunday 2300 to 0300

Provision of Regulated Entertainment:

Friday & Saturday 2100 to 0200

Christmas Eve 2100 to 0200

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

**All licensable activities will be excluded from the outdoor rear area from 2230
hours everyday**

The opening hours of the premises:

Monday to Friday	1000 to 0300
Saturday	1100 to 0300
Sunday	1200 to 0300
Good Friday	1200 to 2250
Christmas Eve	2100 to 0200
Christmas Day	1200 to 1520 & 1900 to 2250

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

The designated premises supervisor is: **Khalid Khan**

- 5.3 Details of the Application for Review and Supporting Documentation.**
Appendix 1 - Comments of Councillor Barbara Blake.
Appendix 1 A- Copy of premises Licence

5.4 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

Comments of Metropolitan Police

- 5.5 Have made representation Appendix 2**

5.6 Comments of Enforcement Services:

Have made representation **Appendix 3**

5.7 Comments of The London Fire and Emergency Planning Authority

No representation made on this matter.

5.8 Comments of Interested Parties

Letter of representation have been received against this application. **Appendix 3**

6.0 POLICY CONSIDERATIONS

- 6.1 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.

- 6.2** 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**.
- 6.3** 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**.
- 6.4** The Licensing Sub Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence, and the protection of private and family life.

APPENDIX 1 – REVIEW APPLICATION NAD SUPPORTING DOCUMENTATION

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

WK/323857

(1)

Reference number:

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

(2) I/We

apply for the review of a [premises licence under section 51] [club premises certificate under section 87] of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 - Premises or club premises details

Postal address of premises or club premises, or if none, Ordnance Survey map reference or description The Nile Bar and Restaurant 435 West Green Road	
Post town London	Postcode (if known) N15 3PJ
Telephone number (if any) 0208 881 1411	

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

Number of premises licence or club premises certificate (if known)	HARINGEY COUNCIL LICENSING RECEIVED 18 JUN 2015
--------------------------------------------------------------------	----------------------------------------------------------

Part 2 - Applicant details

I am

- 1) an interested party (please complete section (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

Please tick ✓ yes

Delete any words in square brackets which do not apply

(1) Insert name and address of relevant licensing authority and its reference number (optional)

(2) Insert name(s) of applicant(s)

Please tick ✓ yes

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

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

Surname First names

I am 18 years old or over Please tick ✓ yes
 Date of birth

Day	Month	Year
03	02	1954

Current address

Post town Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Post town Postcode

Date of birth

Day	Month	Year
13	10	1970

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Post town	Postcode
Telephone number (if any)	
E-mail address (optional)	

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

Please tick ✓ one or more boxes

- 1) the prevention of crime and disorder
- 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 1)

The Prevention of Crime and Disorder.

The Nile Bar and Restaurant has a late licence until 2am. People who go to these premises park their cars in Stanley Road which is a residential street. Upon leaving the premises at this late hour people loiter by their cars, they are often drunk and are aggressive and have threatened residents (who are trying to sleep) when they ask them to be quiet.

Residents point out that fights regularly break out, there is loud arguments and shouting and often broken glass is left on the road and pavement. There is evidence of drug taking and drug dealing.

Public Safety

One resident has reported that his partner and young child now sleep at her parents at the weekend because of the noise and threatening behaviour. Another says his children have moved away despite their preference to stay

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

in the family home because of the intimidating atmosphere caused by these premises. One resident has witnessed people having sexual intercourse in the park on Stanley Road. All residents who have complained say they are now afraid to ask people to be quiet (at 3 and 4 am) because they fear for their safety.

The Prevention of Public Nuisance.

This is a residential area where people live and where have to get up for work. Equally, the blight of the anti social behaviour from people leaving the premises means that many residents of Stanley Road cannot enjoy or feel safe inside their own homes.

A number of residents state that they often have to sleep in back bedrooms which is not always possible depending on family size.

People who leave the Nile bar at this late hour are often worse off when they get home. They shout, play loud music, urinate and gather round their cars refusing to go home. One resident claims the atmosphere is akin to 'a street party' at 3 and 4 am. One resident states that his partner and small child are very intimidated by the noise and attitude of these people which is caused by the late licence of the Nile Bar and Restaurant.

The owner and manager have been contacted on numerous occasions by residents and the Council Licensing and Noise teams. For a short period they appear to try and encourage people to leave the premises quietly and not linger on Stanley Road. However, this is short

Continued:

Lived and after a week or two the problems and the noise begin again.

Therefore, neither the owner and the manager can be trusted to keep their word, although they consistently promise to do so.

Equally, they blame other businesses rather than accepting long term responsibility. The fact is that the noise, anti social behaviour and aggressive behaviour occur from 2am onwards when residents leave these premises.

Residents acknowledge that West Green Road is a busy area and there are several restaurants on this road. But the main complaint is that people attending the Mill Bar park their cars in Stanley Road and leave the premises at 2am and later and cause misery for the residents in this vicinity.

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

Please tick ✓ yes

If yes, please state the date of that application

Day	Month	Year

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

N/A

Please tick ✓ yes

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

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

Part 3 - Signatures (please read guidance note 3)

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

Signature Barbara J Blake

Date 11 June 2015

Capacity Ward Councillor

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

Barbara Blake
Haringey Council
River Park House

Post town London

Postcode N22 8HQ

Telephone number (if any)

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

barbara.blake@haringey.gov.uk

Notes for Guidance

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

WILLIAM, MARTIN, LIAM. MURPHY
COMMONLY KNOWN AS LIAM.
LICENSED DOORMAN

FLAT B,1, STANLEY ROAD,
S. TOTTENHAM, LONDON N15 3HB.
ENGLAND. UK & N.I.
TEL No.: 020 8889 4084
Mobile: 07967 695 745
E-mail: liammartinclint@gmail.com

1R. William ML MURPHY
Flat B,
1, Stanley Road,
S. TOTTENHAM
N.15.3HB
20/6/15.

DEAR LEAD OFFICER,

I HOPE YOU ARE
WELL.

I WANT TO OBJECT TO
THE LATE NIGHT LICENCES OF THE
NILE BAR WEST GREEN RD N15.

I HAVE WITNESSED
FIGHTS AND NOISY CARS AND LOUD
VOICES OUTSIDE MY FLAT AT 4 OR 5 AM
IN THE MORNING.

THE GOSSIP IS THAT THE
NILE BAR CONTAINS PROSTITUTES AND
DRUG ADDICTS.

IF YOU REQUIRE FURTHER
INFO! CAN YOU PLEASE

Yours Truly

William Murphy

Anderson Chanel

From: Byrne, Amanda [Amanda.Byrne@Camden.gov.uk]
Sent: 22 June 2015 14:40
To: Licensing
Subject: FW: Noise issue - The Nile Bar and Restaurant - West Green Road / Stanley road
Categories: Purple Category

FYI

Amanda Byrne
Property Manager

Telephone: 0207 974 6997

From: Byrne, Amanda
Sent: 22 June 2015 14:39
To: 'licensing@haringey.gov.uk'
Cc: 'barbara.blake@haringey.gov.uk'
Subject: Noise issue - The Nile Bar and Restaurant - West Green Road / Stanley road

FAO Daliah Barratt

I am just writing with regard to a noise issue that I am experiencing from The Nile Bar situated on the corner of Stanley Road/ West Green road N15.

I am a resident of Stanley Road and have been for the last 11 years. In this time there has always been a noise issue with regard to these premises. I have noticed that the noise and disruption that is caused from the users of this establishment seems to have increased over the last year or so – so I feel that I now need to raise these concerns.

The noise generated from the users of this bar / club is especially bad on a Saturday / Sunday night and on Bank Holidays the noise also increases.

I have to contend with the following on a weekly basis:

Noise from the music coming from this bar / club – especially loud in the summer when the back door to the club is opened.

Noise from the Cars that are parked in Stanley road by the people that are attending this club.

Noise from car alarms being activated this often entails car alarms going off in the early hours of the morning.

Noise from Car doors being slammed throughout the night.

Noise from Loud music coming from the cars themselves.

Noise from people talking, drinking by the side of their cars.

Noise from people arguing / talking while getting into their cars.

People urinating

People dumping rubbish / beer cans in my front garden.

These disturbances have steadily been increasing over the last few months. I now have to move out of my bedroom and into the spare room at the weekends if I want to get a good night's sleep. I also have a severely disabled child who has severe Autism and learning difficulties. He also has a sleep disorder connected to his condition and the noise generated from the users of this club often wakes him up – resulting in him being awake most of the night due to the noise. This then can result in him becoming very anxious and upset from lack of sleep.

Please could you look into the noise issue and confirm if there is any steps that the council can put in place to help eliminate the noise issue in Stanley Road especially on a Saturday night.

If you require any more information regarding this – please contact me on 07912695502

Regards,

Amanda Butler

Amanda Byrne
Property Manager
Property Services
Finance
London Borough of Camden

Telephone: 0207 974 6997
Mobile: 07879602870
Fax: 0207 974 5894
Web: camden.gov.uk

3rd Floor
5 Pancras Square
5 Pancras Square
London N1C 4AG

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Anderson Chanel

From: Barrett Daliah
Sent: 25 June 2015 14:57
To: Anderson Chanel; Shah Noshaba
Subject: FW: THE NILE BAR REVIEW PAPERS

Please let the licence holder get a copy of this also.
thanks
Sent from a mobile device

----- Forwarded Message -----

From: pete reilly <pete@soundsoftheuniverse.com>
Date: 25 Jun 2015 12:56:38
Subject: Re: THE NILE BAR REVIEW PAPERS
To: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>
CC: Cllr Blake Barbara <Barbara.Blake@haringey.gov.uk>

Hi, this is how the Nile Bar affects us.....

From Pete Reilly and Mandy Watkins, Stanley Road residents

On Wednesday, Friday, Saturday and some Sunday nights me and my family get a very poor nights' sleep due to the noise of the many people coming and going to The Nile Bar. It starts at about 11pm when lots of cars start arriving and parking down Stanley Road - the people in the cars are always smartly dressed Africans, and many of them are clearly quite drunk when they arrive. When people are drunk they are often talking, shouting and laughing at a much higher volume than if they were sober.

The coming and going of these people lasts until around 4am, sometimes even later. When the Nile Bar closes its not uncommon for groups of people to then congregate around the cars and turn their car stereos on, blasting their music out at a ridiculous volume, bottle of brandy or some other spirit on their car roof, pouring their drinks into plastic cups and having a bit of a street party - dancing, laughing, sometimes arguing, occasionally fighting etc.

Obviously these people need to go to the toilet sometimes - I recently heard someone right outside our front door, I looked out the window and a very drunk African man was wobbling about urinating up the little fence that separates our tiny front garden from the street. I banged on the window and shouted "Oi !" and the inebriated man "Said "Fuck you" whilst wobbling about with his penis in his hand. I'm glad my 3 year old son didn't have to see that. Other residents will tell you similar stories.

Something else I find very disturbing and I have raised this point with the police is just how drunk some of these people are, and then they get in their cars and drive off - I recently watched in horror as 2 men were supporting another man, one on either side, who was too drunk to even walk - one of them fished around in the almost unconscious man's pockets, found his car keys, opened the car door with the drunk man still hanging off his neck, and then the 2 men manouvred the drunk man in to the driver's seat amongst much laughter. The other 2 men then got in the car, I thought "I've got to go out there and try and stop them driving off, he's going to kill someone" but at the point the engine started and he roared off narrowly missing our parked car. Terrifying. Why the police don't come down Stanley Road and breathalyse some of these people occasionally is a complete mystery.

Not only are we kept awake for most of the night by these people but the mess left behind the following morning is really depressing, and dangerous - spirit bottles, beer bottles, empty cans of

drink and fast food containers litter the floor and used condoms are not unusual - last week my 3 year old son spotted a used condom on the floor before I did, I heard him say "What's this Daddy ?" and when I looked he was just about to pick it up.

Often some of the glass bottles will smash so piles of broken glass are a regular feature down Stanley Road - a shout we often hear from parents bringing their children to and from the John Vianney nursery, whose entrance is on Stanley Road, and something me and my partner often have to tell our 3 year old is "MIND THE BROKEN GLASS !!!" Its surely only a matter of time before a child sustains a serious injury

Apparently the owners of the Nile Bar claim that none of these people are their customers - I can see why they're saying that, they obviously don't want to lose their late license, but its an absolutely absurd claim and very easy to disprove. These are well dressed African people and its easy to watch them park their cars and go in the Nile Bar, and when the Nile Bar closes they all stream out and walk to their cars down Stanley Road. I understand in the past the Nile Bar owners have claimed the people parking their cars down Stanley Road are the West Indian customers from the Klassique Caribbean Wine Bar directly opposite the Nile Bar - the trouble with this theory is that as the Nile Bar owners well know the Klassique Wine Bar has been a Turkish mens social club for many years now, they just have never taken the old sign down. As you are no doubt aware Turkish mens social clubs are not places where you find well-dressed groups of West Indian or African men and women.

If someone from Haringey Council, or anywhere else, spent an evening or even just a couple of hours watching the people coming and going they would be left in no doubt whatsoever that these people are Nile Bar customers.

The Nile Bar is now a busy nightclub - we can now hear the 'thump thump thump' of the bass coming out of the premises, something we never used to be able to hear. To have a busy nightclub on the corner of what was a very quiet residential street, in an area where there are no other nightclubs, just doesn't seem fair to local residents, especially when many of us have to get up for work the next day

Many thanks and best regards
Pete Reilly

On 24 Jun 2015, at 13:55, Barrett Daliah wrote:

Anderson Chanel

Subject: FW: Report

From: R Ramdonee [<mailto:rramdonee@yahoo.co.uk>]

Sent: 28 June 2015 13:39

To: Cllr Blake Barbara

Subject: Re: Report

Hello Barbara,

The following nuisance events happened on the morning of 27/06/2015:

Could not sleep in the front room post midnight; cars arrived and queued to park for a rather long duration; passengers meanwhile disembarked and made their way to the Nile Bar.

While in the back room at about 1.50am I heard noise of people screaming and talking very loudly; people standing at the top of the road were calling those standing near the park entrance; later I noticed two women approaching their car parked opposite my house; the man went into the car while one the women stood at the back of the car and tried to change her underwear while the other woman applied some makeup; all the time they chatted loudly and then made their way to the Nile Bar; later, at about 2.30 am there was a lot of the usual noise of car doors slamming and engines raving while people talked loudly.

On the morning of 27/06/2015, there were similar disturbances throughout the night.

Regards
Ram
R Ramdonee

On Saturday, 27 June 2015, 22:31, Cllr Blake Barbara <Barbara.Blake@haringey.gov.uk> wrote:

Dear Ram

Yes please – send it to me.

Thanks
Barbara

From: R Ramdonee [<mailto:rramdonee@yahoo.co.uk>]

Sent: 27 June 2015 12:42

To: Cllr Blake Barbara

Subject: Report

Dear Barbara,

Hope you're well.

Last night was particularly rowdy all through the morning. I've noted the events. Do you want me to send you the notes?

Regards
Ram
R Ramdonee

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Anderson Chanel

From: Nicol Noventa [nicol.noventa@gmail.com]
Sent: 05 July 2015 19:09
To: Licensing
Cc: Cllr Blake Barbara
Subject: Nile bar situation in Stanley road

Good evening,

I received few weeks ago a letter from the council where was written to send an email here for any complaints. Well I live in Stanley road and for the last few months the situation got worse. There are people shouting in the middle of the night, people peeing in front of my gates, playing loud music and not only in the weekends. This situation is not acceptable, sometimes I am afraid to come home in the evening because there are big groups of men blocking the streets. I hope I could be of some help to make this problem end. Thanks for taking the time to read this, Noventa nicol

Inviato da iPhone

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APPENDIX 1A – COPY OF PREMISES LICENCE

PREMISES LICENCE

Receipt: AG766713

Premises Licence Number: LN00002148

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,
12th October 2010

Part 1 – PREMISES DETAILS

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

**DUKE OF CAMBRIDGE
433/435 WEST GREEN ROAD
TOTTENHAM
LONDON
N15 3PL**

Telephone: 020 8888 4669

Where the Licence is time limited, the dates: N/A

Licensable activities authorised by the Licence:

Supply of Alcohol

Provision of Late Night Refreshment

Provision of Regulated Entertainment: Recorded Music, Provision of Facilities for Making Music and Dancing

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

Supply of Alcohol

Monday to Friday 1000 to 0200

Saturday 1100 to 0200

Sunday 1200 to 0200

Good Friday 1200 to 2230

Christmas Day 1200 to 1500 & 1900 to 2230

Provision of Late Night Refreshment:

Monday to Sunday 2300 to 0300

LICENSING ACT 2003

Sec 24

Provision of Regulated Entertainment:

Friday & Saturday 2100 to 0200

Christmas Eve 2100 to 0200

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

All licensable activities will be excluded from the outdoor rear area from 2230 hours everyday.

The opening hours of the premises:

Monday to Friday 1000 to 0300

Saturday 1100 to 0300

Sunday 1200 to 0300

Good Friday 1200 to 2250

Christmas Eve 2100 to 0200

Christmas Day 1200 to 1520 & 1900 to 2250

New Years Eve licensable activities 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 both **ON & OFF** the premises.

Part 2

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

Mr Khalid Khan
35 Glenhurst Road
North Finchley, London
N12 9UB
Telephone: 079701 62508

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

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

Mr Khalid Khan
35 Glenhurst Road
North Finchley, London
N12 9UB
Telephone: 079701 62508

LICENSING ACT 2003

Sec 24

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

O1SX/WK/200509746

Issued by London Borough of Bame

Expires: 14th September 2015

Annex 1 –Mandatory Conditions

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

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

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

Additional Mandatory Conditions in relation to Supply of Alcohol

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Annex 1 –Mandatory Conditions

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

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

5. The responsible person shall ensure that–

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

(i) beer or cider: ½ pint;

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

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

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

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

Provisions of all Licensing Acts will apply.

THE PREVENTION OF CRIME AND DISORDER

Premises to be run in accordance with current Licensing Acts, particularly with regard to sales to persons under the influence.

A digital Closed Circuit Television System will be installed and maintained in the premises. The CCTV system will be recording at all times when the premises are open and the recordings shall be made available to the Police and Council on request.

A minimum of two SIA approved door supervisors will be employed on the premises between 2100 hours and the closing of the premises on Friday, Saturday, Christmas Eve and New Years Eve and at all pre-booked events.

The management will inform the Police and Local Authority of the name of the promoters and artists who will be performing at any function at the premises with 14 days notice of the events.

The Designated Premises Supervisor will be an active member of Pub Watch and will attend meetings on a regular basis.

PUBLIC SAFETY

The premises will comply with the statutory requirements.

Fire safety equipment will be checked regularly and any requirements made by the Fire Safety Officer will be complied with.

The work required by the Fire Officer in the Schedule reference 31/012685 will be completed to the satisfaction of the Fire Officer. The variation will only come into effect after this has been completed and until such time none of the licensable activities requested may be carried out.

THE PREVENTION OF PUBLIC NUISANCE

Appropriate steps will be taken to deal with any and all instances of public nuisance which may arise, particularly those involving noise disturbances.

A sound limiter will be installed on the premises, the limits of which will be agreed in conjunction with the Council and residential properties.

Signs will be displayed at the exit reminding customers to leave quietly and respect the neighbours.

Staff will call Taxis/Mini cabs for the use of customers leaving the premises when requested to do so.

All licensable activities will be excluded from the outdoor rear area from 10.30pm everyday.

When the door supervisors are on duty in accordance with the existing condition, they shall additionally supervise patrons and attempt to ensure those patrons leave in a prompt and courteous manner.

Illuminated external signs shall be switched off when the premises is closed.

Any security lights will be positioned to minimise light intrusion to nearby residential premises.

A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location,

Annex 2 – Conditions consistent with the Operating Schedule

date, time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers. In addition, the premises licence holder shall have displayed a notice viewable from outside the premises showing the name and contact details of the premises licence holder and the DPS to whom complaints may be forwarded.

Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed.

All doors and windows will remain closed during the licensed regulated entertainment activities or in any event after 11pm. All entrance doors will be fitted with a self-closing device and staff required to ensure that they are not propped open. A member of staff shall be made responsible to ensure the doors are opened for as brief a period as possible. Where necessary, adequate and suitable mechanical ventilation should be provided to public areas.

THE PROTECTION OF CHILDREN

Strict controls will apply regarding the sale of tobacco and/or alcohol to underage persons. Premises will operate a strict ID policy.

No children under the age of 18 will be admitted to the premises after 2100 hours on Fridays, Saturdays, Christmas Eve and New Years Eve and the age will be checked at the door by requesting photographic identification where there is any doubt that they are over the age of 18.

All staff will be trained that alcohol will only be sold to persons who can produce photographic identification where there is any doubt that they are over the age of 18.

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

Resolution of 12th September 2006

A sound limiter will be installed on the premises, the limits of which will be agreed in conjunction with the Council and residential properties.

All works identified by the Fire Officer must be carried to the satisfaction of the Fire Officer prior to the commencement of regulated entertainment.

Resolution of 12th October 2010

A sound limiter will be installed in the premises, the limits of which will be agreed in conjunction with the Council and adhered to.

All licensable activities will be excluded from the outdoor rear area from 10.30pm everyday.

When the door supervisors are on duty in accordance with the existing condition, they shall additionally supervise patrons and attempt to ensure those patrons leave in a prompt and courteous manner.

As proffered by the premises licence holder, illuminated external signs shall be switched off when the premises is closed.

Any security lights will be positioned to minimise light intrusion to nearby residential premises.

A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date, time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers. In addition, the premises licence holder shall have displayed a notice viewable from outside the premises showing the name and contact details of the premises licence holder and the DPS to whom complaints may be forwarded.

Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed.

All doors and windows will remain closed during the licensed regulated entertainment activities or in any event after 11pm. All entrance doors will be fitted with a self-closing device and staff required to ensure that they are not propped open. A member of staff shall be made responsible to ensure the doors are opened for as brief a period as possible. Where necessary, adequate and suitable mechanical ventilation should be provided to public areas.

Annex 4 – Plans

LODGED WITH LICENSING AUTHORITY

APPENDIX 2 – METROPOLITAN POLICE REPRESENTATION



**METROPOLITAN
POLICE**

TERRITORIAL POLICING

TOTAL POLICING

YR - Haringey Borough

Quicksilver Patrol Base
Unit 1 Quicksilver Place
Western Road
London
N22 6UH

Telephone: 020 32760150

Email: Mark.Greaves@met.police.uk
www.met.police.uk

15th July 2015

Dear Ms Barrett

Premises Licence Review: The Nile Bar, (Duke of Cambridge) 433 / 435 West Green Road N15 3PL

This report refers to Police liaison with The Duke of Cambridge Public House generally known as The Nile Bar. Police have liaised with the venue for some time regarding the use of plastics and believe the offence details listed below support that concern. CCTV at the venue is not satisfactory with head and shoulder images of persons entering venue not recorded clearly; camera is positioned too high and looks down on entrants. General quality is poor on screen over 4" and needs upgrading to match other Haringey similar licensed with much better quality images.

2801196/14 Sat 18/01/14 0230

On Saturday 18th January 2014 Police were driving past the NILE BAR on WEST GREEN ROAD when we got flagged down by a security staff of the venue. We have turned back around and attended the venue.

The staff member and some other people outside started to tell us that there was a male inside that had a serious head wound inside. That there was a male and female inside that had had a fight and the female has hit the male over the head with a glass. We have called up for some more units to attend due to the amount of people in and outside the bar.

We have entered the bar and on the floor was VIW1 with three other people around him. There was a lot of blood on the floor and VIW1 had head wounds that were bleeding. I have bandaged the wounds up on his head. LAS H201 have attended.

There was a cut to his left hand temple, a cut on top of his head and a cut under his right eye.

We have placed him in the ambulance and taken him to NORTH MIDDLESEX HOSPITAL.

Pc Tutton had spoken to the SUSPECT and she had told him that she had caused the injury and to view the CCTV as she did the attack in self defence as the VIW had tried to bite the SUSPECT earlier.

Pc Tutton has viewed the CCTV in the venue and seen the SUSPECT and VIW1 talking; VIW1 was sat opposite the SUSPECT. He has then got up and sat next to her. He has what appeared to lean into her and with this the SUSPECT has leant away, picked up a glass and with one motion while holding the glass hit it over the VIWs head.

The manager, Mr Kasule, informed me the victim and the suspect were together during the night. The victim, at times, would talk to the suspect. At one point during the night, the victim kneeled down in front of the suspect.

VIW/2 said he couldn't remember the time it happened but he saw the victim and suspect together and the victim threw a coat in the face of the suspect. The victim was ejected from the premises. While outside, the victim claims he needed to get back in as the suspect had his phone and wallet. VIW/2 went back into the venue and got the phone and wallet from the suspect. Upon giving it to the victim he told the manager, the suspect had £800 belonging to him, in an envelope.

The VIW/2 didn't want to get involved in that side of things and told the victim he would have to sort that out at a later date, believing the victim and suspect knew each other, and told him to leave.

The victim somehow managed to get back into the venue. The VIW/2 did realise this until the assault occurred and he saw the victim covered in blood.

On 1st April 2014 Police received this message from victim:

The victim has made contact via his solicitor. he has advised both he and the suspect are friends. They had too much to drink. He said he hit her earlier in the night with a hand bag and been escorted out of the venue. He confirms he returned and hit her again when she struck him.

Apparently he wishes to resume his friendship with the suspect and believes "To some extent led to her behaviour".

On 9th February 2014 I emailed Mr Ssali regarding the assault with a glass and on 26th February he informed me glass would be cleared from midnight and only plastics used from then. See email MG1

2806192/14 Thursday 20th Mar 14 0253 :

On Thursday 20th March 2014 we were called to CAD 652/20MAR14 to attend the Nile Bar as a fight had happened and a female had been cut on the mouth.

Time of call made 02:53

Time of arrival 03:00

When we attended the VIW1 was outside with a friend and there was blood coming from her mouth. A doorman (viw 3) was also waiting outside. The VIW1 had a cut to her lip and said that her tooth was slightly loose.

We approached the VIW1 and asked her what had happened:

She told us that she was unsure what had happened, she was in the bar with VIW2 and an unknown female had thrown a glass at her for no reason. She appeared to be drunk and kept repeating herself. Due to her not giving us a very clear story I have gone over to the doorman of the venue.

On speaking to the doorman VIW3 he has told us that earlier on in the evening VIW1 and SUSPECT had an altercation and he has seen VIW1 kick the SUSPECT. This had all calmed down and the VIW1 and SUSPECT both stayed in the bar. Then later on he has seen the VIW1 sat with her boyfriend and they were both mouthing off to the SUSPECT who was sat on the same booth as them.

The doorman has said that they have had their problems in the past and have never gotten along.

Due to the VIW1 being rude towards the SUSPECT she has then started to get angry and he could see them arguing. While arguing he has come along to prevent anything from happening. The SUSPECT was standing up arguing and the VIW3 has gotten her to sit down and told her to calm down. The argument has carried on and so the VIW3 has got hold of the SUSPECT to remove her from the bar. On grabbing her she has picked up a bottle and swung out and this has struck the VIW1 in the face.

On 27th March 2014 DS Harris spoke with victim: I spoke to the victim and she stated that she had been sitting and drinking at the venue. They had bought some food to eat and were at a table when the suspect told them that they wouldn't eat that if they knew how it was prepared. The victim replied that she didn't care. They argued. She said that the suspect struck a table with a Guinness bottle. A crowd came up to her and someone took the bottle from her. The victim recalled that it did not break. She then says that the suspect threw a glass at her causing the injuries complained of.

This incident took place 3 weeks after Mr Ssali emailed me, MG1, that no glass would served after midnight yet after 0230 hours a bottle and glass were used as weapons.

2819531/14: On Sunday 31st August 2014 at 0140:

CAD 1012/31AUG14

Police were called to the NILE BAR on West Green Road, N22 to calls of a group of 20 males fighting, many of them covered in blood. CCTV poor quality but this was victim and suspect fighting whilst other tried to stop them not 20 males fighting.

YR22N arrived on scene first and were directed to a small black Mercedes pulling away and driving off down Stanley road leading into Haringey Road and back out onto West Green Road.

The vehicle LB56 CPO was pulled over on Green Lanes by Ducketts Common where the victim was found in the front passenger seat.

The victim who declined to give his details had a 2" gash to the top of his shaved head. A 2' gash to his left forearm and hand and a couple of 3 - 4" slashes to his left bicep.

These wounds were cleaned and dressed by Police, however as appears the norm at the moment the London Ambulance Service had no one to send, so the victim was conveyed to the North Middlesex Hospital by his friend in the Merc and followed by YR80N

No other victims were found.

When VIW's were on Green Lanes opposite Ducketts Common. I tried to get an account from VIW1 about what had happened. I explained that we wanted to fully investigate this matter and try to trace and arrest the suspect. I spoke to him about seizing his clothing. He showed me his blood soaked t-shirt and laughed saying, I can't give my clothes to you.

One of the males with VIW1 said that the suspect had used a bit of broken bottle to attack VIW1 as he was probably too scared to fight him. He said he used it to stab at his head numerous times and attack his arm etc..

I attended North Mid and Met VIW 1/2 & 3 there. I spoke with VIW 1 and tried to get his account of what had happened.

As he was filling in the form to book in, I tried to read what he was writing to get his personal details. He spotted me doing this and turned himself so that I could not see.

All he would say is that he is not a snitch and didn't want us to do anything.

I wrote the following in my Pocket;

On 31/08/14 I was assaulted at Reg's bar in WEST GREEN ROAD N15. I am not willing to give Police my details & will not assist in the investigation.

On Sunday 19th October 2014 at 0130 visited Nile bar and bottles being used. Pointed out to Mr Ssali and phoned DPS Mr Khan but no reply.

CAD 829 On Thursday 18th June 2015 at 0242: This relates to an allegation that a male had been assaulted with a glass at venue but informant states 'his friend' does not want Police involvement. Enquires in hand.

On Saturday 27th June 2015 at 0030 I attended The Nile Bar and met DPS Mr Ssali. I pointed out to him that despite the email from the Licensee Mr Khan and the word of Mr Ssali that no glass would be used from midnight that there were numerous glasses and bottles in the venue and were still being sold over the bar.

On Tuesday 7th July Ms Barrett and I met with venues manager Bruno and viewed CCTV of incident. Suspect approaches victim and knocks his glasses off and then reaches over bar for a glass which he assaults victim about the head with. Bruno informed us he was now managing the venue and that the incident on 18th June 15 was his first day there and he witnessed incident. I had spoken with Bruno prior to the meeting to arrange it and give reason why and mentioned the agreed glass ban. At the meeting he told me the ban on glass had been implemented from 2200 hours. I asked if this included all bottles and was told it was not practical for persons buying a bottle of spirits but SIA staff restricted them from removing the bottle from their table. He also stated for 660ml bottles of beer there were not glasses available that size. I checked on the internet and could not find any that size but few beers were that size with the bar serving that size for Guinness import.

Whilst it is considered a positive move that a new management will run the venue although same Premises Licence holder and Mr Ssali will resign as DPS shortly when Bruno gets his Personal Licence Police are concerned about managing the risk of assaults using glass. Whilst the most recent incident involved a glass taken from behind the bar, confrontation was next to bar so that was the only glass within reach, it still shows the desire / instinct to use a glass weapon and if it had occurred elsewhere with beer / spirits bottles at hand I think it reasonable to assume such a weapon would be used.

I understand the issues with bottles of spirits / wine and accept that staff will ensure they are not carried around the venue, previously I have seen in person and on CCTV people walking around swigging from a brandy bottle, I feel the 660ml beer bottles are generally kept in the hand whilst drinking by a single person and they are the perfect size and shape to use as a weapon. I feel all drinks with the exception of complete bottles of spirits and wine should be served in plastics and if that means a small number of beers cannot be served after 2200 hours that the risk negates the cost and clients will likely drink other beers.

With regards offences of violence whilst those involving glass are listed above there are others that like the glass assaults occur after 0100 hours:

2804119/14 Sunday 23rd February 2014 at 0208: Victim is an SIA Door Supervisor in yellow jacket. He notes clients from venue urinating in Stanley Road next to venue and tells them to stop. When they return to front door victim refuses entry and one suspect punches victim in the face cutting his lip.

2812591/14 Sunday 8th June 2014 between 0100 - 0140:

Police were called to the venue after the caller stated that he had been assaulted by his girlfriend. He stated that she had slapped him around the face.

Police then received a second call from a female that stated that her partner was becoming abusive after they had an argument over what she was wearing.

On arrival police spoke to VIW1, he was intoxicated and seemed more interested in going back into the venue with his brother to carry on drinking.

From what we can gather from VIW1 he stated that he had been on a night out with his brother and his partner (SUS1) when an argument had taken place between VIW1 and SUS1 due to her being jealous over him talking to females within the venue. VIW1 then

said that the argument then became heated and she has then slapped him around the face causing redness.

A later call form SUS1 stated that she had been involved in an argument with VIW1 over what she had been wearing and that he had become abusive towards her.

VIW1 would not provide a statement but stated he wanted her cautioned in his words for what she had done.

VIW1 was asked to complete the SPECCS questions in book 124D but he refused. He was again asked if he would provide a statement but refused saying he just wanted to go back into the bar.

VIW1 brother demanded the incident number and once issued they left police to go back into the bar. VIW1 remained uncooperative.

Police have attended a public meeting regarding persons causing noise and disorder leaving the venue in early hours of the morning and note offences occurring after 0100 hours. Police feel consideration be given to reducing the hours of the venue from 0300 Monday - Sunday to 0000 Sunday to Thursday and 0100 Friday and Saturday.

With regards CCTV the venues is good quality on a 4" screen but even on a 14" PC screen quality is poor. CCTV should be upgraded to provide identifiable images:

A digital CCTV system to be installed in the premises.

Cameras must be sited to observe the entrance doors from the inside.

Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.

Cameras must be sited to cover all areas to which the public have access including any outside smoking areas. This includes frontage and side of venue in Stanley Road.

Provide a linked record of the date, time of any image.

Provide good quality images - colour during opening times.

Have a monitor to review images and recorded quality.

Be regularly maintained to ensure continuous quality of image capture and retention.

Member of staff trained in operating CCTV present during times venue is open to the public.

Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.

An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:

- (a) all crimes reported to the venue**
- (b) all ejections of patrons**
- (c) any complaints received**
- (d) any incidents of disorder**
- (e) seizures of drugs or offensive weapons**
- (f) any faults in the CCTV system or searching equipment or scanning equipment**
- (g) any refusal of the sale of alcohol**
- (h) any visit by a relevant authority or emergency service.**

Yours sincerely,

Mark Greaves

Licensing Officer Haringey Police

**APPENDIX 3 – ENVIROMENTAL HEALTH- ENFORCEMENT RESPONSE
REPRESENTATION**

Licensing Consultation

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation:

Team Leader Enforcement Response, Derek Pearce

Our Reference: WK323857

Date: 15th July 2015

Premises: Nile Bar Restaurant, 433-435 West Green Road, N15 3PJ

Type of application: Review

I would like to confirm that I have considered the above proposal with regard to the prevention of public nuisance on behalf of the Enforcement Response (Noise) Team & would like to make representations to the Application

Supporting Information

Summary of recent activity by the Enforcement Response team

22/9/13 Licensing warning re: regulated entertainment after permitted hours

4/2/14 Licensing warning re: use of outside area for regulated entertainment not permitted under licence

8/9/14 advisory letter sent re: complaints of noise from patrons on the street

28/3/15 complaint of licensable activity after permitted hours but no evidence found

The Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Monday to Friday 1000 to 0200

Saturday 1100 to 0200

Sunday 1200 to 0200

Good Friday 1200 to 2230

Christmas Day 1200 to 1500 & 1900 to 2230

Provision of Late Night Refreshment:

Monday to Sunday 2300 to 0300

Provision of Regulated Entertainment:

Friday & Saturday 2100 to 0200

Christmas Eve 2100 to 0200

The Review application states that patrons of the Nile Bar park their cars in Stanley Road, loiter by their cars and are often drunk or aggressive and have threatened residents who ask them to be quiet. Our view is that whilst there is a requirement for the Premises Licence holder to make arrangements to ensure that their patrons leave the premises quietly and respect immediate neighbours there is a limit to how far their influence can be expected to travel. The licensing sub-committee may wish to require how this may be conditioned.

This representation invites the licensing sub-committee to consider whether the current late hours are appropriate for this premises having heard all evidence from the local residents and locally elected representative(s). We also recommend, if the decision of the sub-committee is that late night licensable activity may continue, that the following alterations/conditions to the operating schedule under the "PREVENTION OF PUBLIC NUISANCE" objective are made.

The management must be motivated to ensure that steps are taken to protect residents from disturbance.

It may be that the decision of the sub-committee is that this premises in this location is not suitable to be open late hours e.g. after 11pm

PREVENTION OF PUBLIC NUISANCE

1) Appropriate steps will be taken to deal with any and all instances of public nuisance which may arise, particularly those involving noise disturbances. [A plan shall be prepared and updated at least annually and made available to the Licensing Authority and any authorised officer upon request which clearly outlines methods to be used to ensure this condition is complied with.]

~~A sound limiter will be installed on the premises, the limits of which will be agreed in conjunction with the Council and residential properties.~~

2) [The level of amplified regulated entertainment shall be controlled by means of a limiting device set at a level which upon request may be agreed with the licensing authority. It will be a responsibility of the Premises Licence holder to request assistance, in writing and to ensure that the limiter is working effectively.]

3) Signs will be displayed at the exit reminding customers to leave quietly and respect the neighbours.

4) Staff will call Taxis/Mini cabs for the use of customers leaving the premises when requested to do so.

5) All licensable activities will be excluded from the outdoor rear area from 10.30pm everyday.

6) When the door supervisors are on duty ~~in accordance with the existing condition~~, they shall additionally supervise patrons and attempt to ensure those patrons leave in a prompt and courteous manner.

7) Illuminated external signs shall be switched off when the premises is closed.

8) Any security lights will be positioned to minimise light intrusion to nearby residential premises.

9) A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date, time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers. In addition, the premises licence holder shall have displayed a notice viewable from outside the premises showing the name and contact details of the premises licence holder and the DPS to whom complaints may be forwarded.

10) Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed.

11) All doors and windows will remain closed during the licensed regulated entertainment activities or in any event after 11pm. All entrance doors will be fitted with a self-closing device and staff required to ensure that they are not propped open. A member of staff shall be made responsible to ensure the doors are opened for as brief a period as possible. Where necessary, adequate and suitable mechanical ventilation should be provided to public areas.

APPENDIX 4 – SECRETARY OF STATE’S 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 repetitive. 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 PREVENTION 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

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

1. The prevention of crime and disorder

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

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

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

- Registered door supervisors - How they will be used in the premises, what they will be asked to do and what they are seeking to achieve. (NB Door Supervisors must be licensed by the Security Industry Authority) ;
- Use of CCTV - How CCTV will be used and monitored to help prevent crime and disorder;
- The use of responsible drinking promotions - what will and will not be used by the premises to promote custom ;
- Stopping the sale of alcohol to those under 18 years of age- how will the business achieve this. (Of equal concern for both on licences and off licences)
- Promoting of safer drinking (including the use of drink when driving) - what will the business specifically do, policy, practices, how may they assist customers to achieve this;
- Have effective protocols in place to deal with intoxicated patrons and/or persons under the influence of illegal drugs and the supply of illegal drugs. The issue of spiking drinks should also be considered. (This may include for example, co-ordination and participation in a local pubwatch scheme);
- Adequate search facilities - how this will operate;
- Methods to discourage drinking of alcohol (supplied for consumption on the premises) in a public place in the vicinity of the premises;
- Procedures to deal with violence and/or anti-social behaviour including any crime which discriminates against any sectors of the community;
- X • 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: