

**MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE
THURSDAY, 31 JANUARY 2008**

Councillors Dodds, Patel and Peacock (Chair)

MINUTE NO.	SUBJECT/DECISION	ACTON BY
LSC01.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p>	
LSC02.	<p>URGENT BUSINESS</p> <p>None received.</p>	
LSC03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSC04.	<p>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
LSC05.	<p>SHOUT, UNIT 4, HOLLYWOOD GREEN, HIGH ROAD N22</p> <p>The Licensing Officer presented her report and advised the Licensing Sub Committee (the Committee) that a Closure Order was made by Inspector Paul Hughes in respect of the above premises on 1 January 2008. An application had then been made to the Magistrates Court. The Magistrates Court had then determined not to exercise its powers as the order had expired and there was no need for further action. It was now for the Licensing Authority to review the premises licence as required under section 167(2) of the Act.</p> <p>The licensing officer outlined the background to the premises at 4.1 and details of the current licence. The officer explained that the following policy provisions applied under 6.1-6.5 of her report.</p> <p>The Metropolitan Police representative addressed the Committee and explained that a meeting had taken place on 23 July 2007 between the police and management of the above premises. This was due to an unacceptable high number of incidents of crime and anti-social behaviour that had taken place in and around the premises during the last seven months. Several proposals had been put forward by management and introduced.</p> <p>The police representative further went on to inform the Committee of an incident which took place on 1 January 2008, a serious disorder issue arose outside the premises which precipitated the closure notice served on the premise. The applicant's representative explained that on 18 January 2008, research was carried out relating to "Shout" on the MP criminal intelligence system (CRIMINT) and no reports were found. In relation to call outs by the police further research was carried out using</p>	

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the Computer Aided Despatch (CAD) system and found that "Shout" had been the subject of 20 CAD reports relating to 11 incidents. The police officer stated that the Metropolitan Police were not seeking a revocation of the Licence however, it was the Police's view that in order for the violent activities to stop a review of the opening hours was necessary and that the premises should close at midnight as the criminal activities had previously taken place during the night. The management of "Shout" had endeavoured to deal with the problems but this had not worked. The Police and management of "Shout" had a good working relationship however, the concern was of the number of crimes occurring which would continue if the premises were allowed to stay open during the early hours of the morning.

The Committee questioned the applicant's representative on the original proposals put forward by "Shout", the research carried out by the Metropolitan Police and the incident on 1 January 2008.

The applicant's representative presented his case and detailed the current business practices in terms of trading hours, door charges, number of door staff on duty and toilet attendants. There were three personal licence holders who were all trained. The applicant's representative stated that the police had commented that the area surrounding the premises was not the easiest to operate a business. There were a number of late night premises close by who all had late night opening hours.

With respect to the incident on 1 January 2008, the applicant's representative outlined to the Committee the events that took place that morning. It was acknowledged there were a number of incidents which had taken place during June and July 2007 however, steps had been taken and implemented as detailed in the MP case. During 23 July 2007 and 28 December 2007 there had only been one incident which equated to one in every 5000 admissions. The management of the premises had assisted and cooperated with the police at every opportunity.

The Committee questioned the applicant on their policies and strategies in place to deal with incidents which arose. The applicant's representative confirmed that they consulted and cooperated with the police at all times.

The Police representative summed up their case and did not accept that the conditions currently in place would work. They believed however, a midnight closure would deal with the problems in respect of "Shout". Evidence had been provided that showed many incidents around "Shout" were a disproportionate amount, however they also acknowledged that "Shout" had endeavoured to do their best to deal with them but with little success.

The applicant's representative reiterated that there was a good working relationship with the police and that the premises were not the issue but the locality. The review of the premises licence came about due to the incident on 1 January 2008. Concern was raised over the number crime

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reports being attributed to "Shout" and based on the figures there were discrepancies.

The premises were a night club and it was recommended by the police they should close earlier than pubs in the locality. To cut back the hours to 12:00pm would be disproportionate for a night club. The applicant's representative tabled the suggestions put forward since 23 July 2007 and requested the Committee to propose a conditions table so they could continue with their improvements.

RESOLVED

The Special Licensing Sub Committee (the Committee) have considered a mandatory review of a premises licence following a closure order issued by the Metropolitan Police for the above premises.

The Committee have decided to take steps that it considered necessary for the promotion of the licensing objectives.

The Committee decided:

On the evidence presented by both parties the Committee considered that it was not necessary or proportionate to:

- a. Exclude a licensable activity from the scope of the licence.
- b. To remove the designated premises supervisor from the licence.
- c. To suspend the licence for a period not exceeding 3 months or
- d. To revoke the licence.

The Committee considered the crime reports and police evidence and considered that it was not necessary or proportionate to reduce the licensable hours as requested by the police. The Committee also had regard to the representations made by the Licensee that not all of the incidents were attributable to the premises.

The Committee considered there was sufficient evidence presented of assault, theft, criminal damage and a serious incident of public disorder on the night of 31 December 2007 – 1 January 2008 to necessitate the consideration of the existing premises licence conditions and to modify and to add to these in order to promote all four of the licensing objectives.

The Committee has imposed the following conditions:

1. On Friday and Saturday no customer will be allowed admittance to the premises after 02:00 and re-admittance will only be from the designated smoking area after that time.
2. From 02:00 on Friday and Saturday night three door supervisors in high visibility jackets will patrol the area in front of the premises.

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3. There will be seven door supervisors on duty from 22:00 on all days that the premises are open and from midnight on Friday and Saturday that number will rise to eight.
4. All door supervisors shall maintain radio contact with each other and the designated premises supervisor at all times.
5. The head door supervisor will remain at the entrance to the premises and at least one door supervisor will be deployed around the dance floor area.
6. The content of all glass bottles will be dispensed into glasses so that no glass bottles are handed to customers.
7. The premises will operate a Challenge 21 policy.
8. A metal detection wand shall be in operation at the front door.
9. No alcohol shall be taken outside of the premises.
10. Two toilet attendants shall be employed to monitor the toilets at the premises on all days that the premises are open.
11. There shall be installed at the premises a system of Chelsea hooks.
12. External CCTV shall be installed covering all entrances and all exits to and from the premises.
13. All CCTV recordings are to be of a sufficient quality to enable it to be used for evidential purposes if necessary and all records of all CCTV recordings inside and outside the premises to be kept for three months and made available to the Police and Licensing Authority upon request.
14. A risk assessment to be carried out in consultation with the Police to determine the number of persons that can be accommodation at any one time within the premises to be agreed with the Fire Officer.
15. To provide and operate a device which determines the number of persons accommodated at any one time within the premises which will include those persons in the designated smoking area.
16. Notices shall be displayed regarding search as a condition of entry and a Zero Tolerance on drugs.
17. The first paragraph in the operating schedule under the heading protection of children from harm shall be amended to read "persons under the age of 18 will not be permitted in the venue except at events especially organised for the youth market where no alcohol is sold".

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	<p>The rest of the conditions which relate to the protection of children from harm remain the same.</p> <p>18. The wording in Annexe 1 to the licence shall be amended by deleting the sentence regarding door supervision and inserting mandatory condition number 21.</p> <p>19. The existing premises licence and conditions shall remain in force save for those conditions that have been amended or are in conflict with the conditions that have been imposed by the Committee at the review hearing on the 31 January 2008.</p> <p>In reaching this decision the Committee took into account the human rights of the Licensee, the protection of property which may include existing licenses and the protection of family and private life. The Committee was aware of the importance of the Licensing trade to the local economy and to the culture and leisure aspirations.</p> <p>The meeting started at 10:30am and concluded at 3:30pm.</p>	
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**Cllr Sheila Peacock
Chair**