



Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	25 March 2014	B4	St Peter's

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
RE: ZENITH BAR, 125 PACKINGTON STREET, LONDON, N1 7EA

1. Synopsis

- 1.1 This is an application by the Police for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
 - i) The prevention of crime and disorder

2. Recommendations

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.

2.3 The steps stated in Sections 52(4) of the Act are as follows:

- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol, 10:00 until 02:00 the day following Monday to Sunday.
- ii) The provision of regulated entertainment by way of indoor sporting events from 10:00 until 00:00 Monday to Sunday. The provision of regulated entertainment by way of the exhibition of films, the performance of live music, the playing of recorded music and the performance of dance from 10:00 until 23:00 Monday to Sunday.
- iii) The provision of late night refreshment from 23:00 until 02:00 the day following Monday to Sunday.

3.2 Papers are attached as follows:-

- Appendix 1: application form,
Appendix 2: current premises licence
Appendix 3 map of premises location

3.3 The premise is now closed. On 6th February the licensing team were visited by a solicitor acting on behalf of the long term leaseholder. They had just taken possession of the building after evicting the licensee for rent arrears. The long term leaseholders have no intention of re-opening the premises for at least 3 months and when re open will do so in conjuncture with guidance from the Police and licensing team. The current licensee was also running a hostel and had received several visits form the Councils commercial team as Mr Obayuwana was not adhering to health and safety requirements. The leaseholders have given written undertaking that the premises when re opens will not facilitate a hostel.

3.4 The premises licence and DPS have now been transferred to Shepherd Neame Ltd with the full approval of the Police.

3.5 There are no additional representations to this application.

4 Planning Implications

4.1 There are no planning implications in respect of the premises review application.

5 Conclusion and reasons for recommendations


5.1 The Council is required to consider this application for review in the light of all relevant information from the applicant and the licence holder. It may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy
Licensing Act 2003
Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

Date

13/3/14

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@islington.gov.uk



APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Police - Responsible Authority

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

ZENITH BAR

125 PACKINGTON STREET

Post town LONDON

Post Code N1 7EA

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

Albert Obayuwana

42 Premier Avenue

Grays

Essex

RM16 2SD

020 7226 1408

albert@stardirect.co.uk

Number of premises licence or club premises certificate (if known

119506/3229

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Paul HOPPE PC 208NI Police Licensing Officer Islington Council Public Protection Division 222 Upper Street London N1 1XR
Telephone number (if any) 0207 527 2323
E-mail address (optional) licensingpolice@islington.gov.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

I am Police Constable Paul HOPPE 208NI, I am authorised by the Chief Officer of Police to carry out the Police licensing function.

This review is made on the ground of Prevention of Crime and Disorder, to prevent further crimes being committed in and around this venue, to protect members of the public and reduce crime.

The license conditions in force at this venue allow the sale of alcohol, late night refreshment, dancing, making music, performing music, playing recorded music, exhibition of films and indoor sporting events so is therefore a very comprehensive license which has a long list of Mandatory Conditions and also Conditions consistent with the operating Schedule and Conditions attached after a hearing by the Licensing Authority.

Since 2007 when the current Owner took over the venue, there have been reports of Drug Dealing / Antisocial behaviour/ Under-age Sales and License Breaches. The Owner/ Manager has been spoken to on a number of occasions and has received a lot of help and assistance from the Police, Islington Borough Council and London Fire Service, but still appears to refuse to improve the standard of this facility. Since October 2013 there have been four (4) full licensing visits and on each occasion, a notice was served to improve standards and adhere to agreed licensing conditions.

It is therefore requested that the licensing committee revoke the license.

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

On 7th August 2007 intelligence reports on police computer system that a well-known drug dealer is selling drugs from the venue. NIRT00350689

On 4th September 2007 local neighbourhood officers removed underage drinkers and children playing gaming machines. NIRT00351451

On 10th January 2008 police attend venue and speak to the owner after numerous complaints from residents on under-age drinking. NIRT00354865

On 26th February 2008 the venue becomes a Ward priority for local neighbourhood team after youths on mopeds were seen coming and going from the venue with 'packages'.
NIRT00356251

On 9th June 2008 gangs identified as being involved with smash and grabs raids were regularly seen congregating outside the venue on the tables and chairs. NIRT00359268

2009 – regular problems with known local youths all relating to the venue while open.

On 24th June 2010 COLAI school pupils were seen by staff being enticed into the venue by females who appeared to be staff. The students were in school uniform and clearly underage.
NIRT00389829

On 8th November 2012 There were reports of regular Drug Use/ dealing at the venue which was linked to workmen from the Packington Estate building site. NIRT00428507

The venue was closed in 2012 by Islington Borough Council and the London Fire Service due to unsafe building and operation.

On 14th October 2013 a resident complained that the venue was again ignoring the licensing conditions and serving after hours. When visited the owner claimed all present were friends.
NIRT00442796

Theft and Burglary offences in 2013 to the value of approximately £4500.

There have been full licensing visits on the following days:

October 18th 2013 – full licensing visit. Form 695 completed and warnings regarding poor standards given.

8th December 2013 – full licensing visit. Form 695 completed - Staff on duty had received no training. Section 19 warning given for four (4) breaches of conditions.

14th December 2013 – full licensing visit. Form 695 completed and Section 19 warning given for two(2) breaches of conditions

15th December 2013 – Police called to venue after drunk/ rowdy customers. Staff could not keep control and police had to intervene to keep customers and staff separate. There were possible drunk/ drugged customers on site. Police concerned over managers ability to run a 'good and proper' venue. NIRT00445451

29th December 2013 – Full licensing visit. Form 695 completed and warning letter given. LFB called due to unsafe electrical supply with water running to it. No trained staff. No training records. No fire safety certificates or any other certificates produced.

Summary and Recommendations:

It is clear that the venue is owned and operated by Mr Albert Obayuwana who run the venue for approximately the last six years. The venue has a very poor track record and has been closed in 2012 due to dangerous practices. It is the opinion of police that Mr Obayuwana is not running a safe and professional venue as is demonstrated by the large number of license conditions which are flagrantly being abused. Mr Obayuwana has been given a great deal of help from Council departments and the London Fire Service, however, this does not appear to have been translated into developing his professional operation.

It is the recommendation of Police that this venue have its license revoked immediately.

After all the assistance and advice Mr Obayuwana has received from Police, London Fire Service and Council Officers, this is the only option to promote the licensing objectives.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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 (See read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Handwritten signature]

Date

8th January 2014

Capacity

LICENSING POLICE

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

Post town

Post Code

Telephone number (if any)

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

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.



Premises Licence Summary

Licensing Act 2003

Premises licence number LN/4910-190214

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**PACKINGTON ARMS
125 PACKINGTON STREET**

Post town	London	Post code	N1 7EA
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Telephone number	
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Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence Ground Floor

- The provision of regulated entertainment by way of:
 - The exhibition of films
 - Indoor sporting events
 - The performance of live music
 - The playing of recorded music
 - The performance of dance
- The provision of entertainment facilities for:
 - Making music
 - Dancing
- The provision of late night refreshment
- The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Delete any that do not apply

- The provision of regulated entertainment for the exhibition of films:

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.00
Saturday	10.00	to	23.00
Sunday	10.00	to	23.00

- The provision of regulated entertainment for indoor sporting events:

Monday	10.00	to	00.00
Tuesday	10.00	to	00.00
Wednesday	10.00	to	00.00
Thursday	10.00	to	00.00
Friday	10.00	to	00.00
Saturday	10.00	to	00.00
Sunday	10.00	to	00.00

- The provision of regulated entertainment for the performance of live music:

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.00
Saturday	10.00	to	23.00
Sunday	10.00	to	23.00

- The provision of regulated entertainment for the playing of recorded music:

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.00
Saturday	10.00	to	23.00
Sunday	10.00	to	23.00

- The provision of regulated entertainment for the performance of dance:

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.00
Saturday	10.00	to	23.00
Sunday	10.00	to	23.00

- The provision of entertainment facilities for making music:

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.00
Saturday	10.00	to	23.00
Sunday	10.00	to	23.00

- The provision of entertainment facilities for dancing:

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.00
Saturday	10.00	to	23.00
Sunday	10.00	to	23.00

- The provision of late night refreshment:

Monday	23.00	to	02.00	the following day
Tuesday	23.00	to	02.00	the following day
Wednesday	23.00	to	02.00	the following day
Thursday	23.00	to	02.00	the following day
Friday	23.00	to	02.00	the following day
Saturday	23.00	to	02.00	the following day
Sunday	23.00	to	02.00	the following day

- The sale by retail of alcohol:

Monday	10.00	to	02.00	the following day
Tuesday	10.00	to	02.00	the following day
Wednesday	10.00	to	02.00	the following day
Thursday	10.00	to	02.00	the following day
Friday	10.00	to	02.00	the following day
Saturday	10.00	to	02.00	the following day
Sunday	10.00	to	02.00	the following day

Except on:

New Year's Eve, until the time authorised on the following day.

The opening hours of the premises:

Monday	10.00	to	02.30	the following day
Tuesday	10.00	to	02.30	the following day
Wednesday	10.00	to	02.30	the following day
Thursday	10.00	to	02.30	the following day
Friday	10.00	to	02.30	the following day
Saturday	10.00	to	02.30	the following day
Sunday	10.00	to	02.30	the following day

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

On and off supplies

Name, (registered) address of holder of premises licence

Shepherd Neame Limited
 17 Court Street
 Faversham
 Kent
 ME13 7AX
 01795 532 206
 gbarnes@shepherdneame.co.uk

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

138256

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Geoffrey Baker

State whether access to the premises by children is restricted or prohibited

No person under the age of 14 years shall be in the bar of the premises during the hours that the premises is authorised to sell alcohol subject to condition 3 of annex 2 of this licence.

It is an offence to allow persons under the age of 16 years to be on the premises whilst it is open exclusively or primarily for the supply of alcohol for consumption on the premises unless they are accompanied by a person aged 18 or over. No unaccompanied person under the age of 16 years shall be permitted on the premises between 12 midnight and 5am if alcohol is supplied for consumption on the premises.

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk

Annex 1 - Mandatory conditions

1. 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.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.
5. 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.

In this condition, 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.
6. 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).
 7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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.

9. 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.

Annex 2 - Conditions consistent with the Operating Schedule

1. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
2. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means the authorised hours specified on this licence for the sale by retail of alcohol. This restriction does not prohibit:
 - a, during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - b, during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - c, during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - d, consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - e, the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - f, the sale of alcohol to a trader or club for the purposes of the trade or club;
 - g, the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - h, the taking of alcohol from the premises by a person residing there; or
 - i, the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
 - j, the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
3. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - a He is the child of the holder of the premises licence.

- b He resides in the premises, but is not employed there.
 - c He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - d The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
4. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.
 5. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:
Children and Young Persons Act 1933
Cinematograph (Safety) Regulations 1955
Sporting Events (Control of Alcohol Etc) Act 1985
 6. Any customer suspected of possessing or using drugs on the premises will be immediately removed from the premises by the DPS, barred from entering the premises again and shall be reported to the Police.
 7. All staff will be fully trained in both the licensing law and Health and Safety legislation.
 8. The licensee shall put arrangements in place to ensure that when staff are dealing with young people they ask for valid proof of age e.g. Portman Proof of Age card, National Passport or Photo Drivers Licence before selling alcohol to them.
 9. A dedicated licensed taxi/mini cab service shall be available with the premises for customers.
 10. Bottling out from the premises between 23.00 hours and 07.00 hours on any day of the week is prohibited.
 11. Patrons of the premises shall be encouraged, by signs within the premises visible at all exit points, to disperse from the area of the premises quietly and quickly. Staff shall also supervise persons leaving the premises after entertainment has taken place and where necessary, request that persons leaving the premises do so in an orderly manner as quickly as possible.

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

1. That there will no new admissions to the premises after 12 midnight and after this time the doors should remain closed except for exit.
2. That the tables outside the premises be cleared and closed by 23:00pm
3. No unaccompanied children on the premises at all. And no under 16's after 21:00pm except for private functions.
4. All doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating regulated entertainment is taking place i.e. the playing of live/recorded music and the use of amplified speech.
5. The premises outdoor area will be cleared by 22:30 and not used beyond 23:00 hours.

6. Notices will be prominently displayed at exits requesting the public to respect the needs of local residents when using the beer garden and to leave the premises and the area quietly.
7. No deliveries will take place on Sundays or Bank Holidays and between the hours of 23:00 and 07:00 hours other days of the week.
8. No rubbish including bottles will be moved, removed or placed in outside areas on Sundays or Bank Holidays and between the hours of 23:00 and 07:00 hours other days of the week.
9. Noise and vibration from plant and equipment will not be allowed to emanate from the premises so as to cause disturbance to neighbouring properties.

Annex 4 – Plans

Licence

To see all the details that are visible on the screen, use the "Print" link next to the map.

Google

