



Governance and Human Resources
Town Hall, Upper Street, London, N1 2UD

AGENDA FOR THE LICENSING SUB COMMITTEE C

An additional meeting of the Licensing Sub Committee C will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **17 July 2014 at 6.30 pm.**

John Lynch
Head of Democratic Services

Enquiries to : Jackie Tunstall
Tel : 020 7527 3068
E-mail : democracy@islington.gov.uk
Despatched : 9 July 2014

Membership

Councillor Gary Poole (Chair)
Councillor Satnam Gill (Vice-Chair)
Councillor Michelline Safi Ngongo

Substitute

All other members of the Licensing committee

Quorum: is 3 Councillors

Welcome : Members of the public are welcome to attend this meeting.
Procedures to be followed at the meeting are attached.



A. Formal matters	Page
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1. Introductions and procedure
2. Apologies for absence
3. Declarations of substitute members
4. Declarations of interest

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a)Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business

B. Items for Decision	Page
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- | | |
|---|----------|
| 1. Marathon, 193A Caledonian Road, N1 1EF | 1 - 46 |
| 2. Menelik, 277 Caledonian Road, N1 1EF | 47 - 130 |

C. Urgent non-exempt items

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

D. Exclusion of public and press

To consider whether, in view of the nature of the remaining items on the agenda, any of them are likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

E. Urgent Exempt Items (if any)

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

ISLINGTON LICENSING SUB-COMMITTEES -

PROCEDURE FOR HEARING LICENSING REVIEW APPLICATIONS UNDER THE LICENSING ACT 2003

INTRODUCTION

TIME GUIDE

- 1) The Chair of the Sub-Committee will open the meeting and invite all members of the Sub-Committee, Officers, the applicant and anybody making representations, including witnesses (who have been given permission to appear) to introduce themselves.
- 2) The Chair will introduce the application and draw attention to the procedure to be followed as detailed below.

CONSIDERATION OF APPLICATIONS:

N.B. The Sub-Committee have read all the papers. All parties should use this time to present a summary of their key points and not to repeat the detail already provided in the report.

- 3) **The Licensing Officer** will report any further information relating to the application or representations. Where necessary the relevant parties will respond to these points during their submissions.

- 4) **The applicant (interested party or responsible authority)** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins

- 5) The Sub-Committee to question the responsible authorities on matters arising from their submission.

- 6) **Other representatives (interested party or responsible authority)** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins

- 7) The Sub-Committee to question the other representatives (interested party or responsible authority) on matters arising from their submission.

- 8) **The licensee** to present the key points of their application, address the representations and clarify any points requested by the Authority. Witnesses given permission by the Authority may appear. 10 mins

- 9) The Sub-Committee to question the applicants on matters arising from their submission.

- 10) If required, the Licensing Officer to clarify matters relating to the application and the Licensing Policy.

- 11) The Chair may give permission for any party to question another party in the order of representations given above.

CASE SUMMARIES

- 12) **Applicant**
 - 13) **Other representatives**
 - 14) **Licensee**
- 2 mins each

DELIBERATION AND DECISION

- 15) The Sub-Committee may retire to consider its decision. The Committee Clerk and Legal Officer will remain with the Sub-Committee.

- 16) If the Sub-Committee retires, all parties should remain available to provide further information or clarification.

- 17) The chair will announce their decision giving reasons and any conditions to be attached to the licence. All parties will be informed of the decision in writing.

Agenda Item B1

Environment & Regeneration
Municipal Office, 222 Upper Street, London, N1 1XR

Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	15 July 2014		Caledonian

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION
MARATHON, 193A CALEDONIAN ROAD, LONDON, N1 1EF**

1. Synopsis

- 1.1 This is an application by the Police service 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 is related to the licensing objective:
 - i) Prevention of crime and disorder.

2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Pollution Team	Yes
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No

London Fire Brigade	No
Local residents	One
Other bodies	No

3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale of alcohol for consumption on and off the premises Monday to Sundays from 10:00 to 02:00 Monday to Saturday and 12:00 to 00:30 on Sunday.
- ii) for regulated entertainment (live music, performance of dance, facilities for making music and facilities for dancing) 09:00 to 03:00 Monday to Sunday;
- iii) provision of recorded music (ground floor and basement) 24 hours, 7 days a week;
- iv) late night refreshment 23:00 to 02:30 Monday to Saturday and 23:00 to 01:00 on Sunday;

3.2 Papers are attached as follows:-

- Appendix 1: application form from Metropolitan Police and additional supplied material.
- Appendix 2: current premises licence
- Appendix 3: representations;
- Appendix 4: suggested conditions and map of premises location.

- 3.3 The current licensees have held a premises licence for these premises since November 2005, when Islington took over responsibility as the Licensing Authority for alcohol sales, regulated entertainment and provision of late night refreshment. Prior to this the licensees held public entertainment licences issued by the London Borough of Islington for these premises for a number of years.
- 3.4 On 18 October 2007 Mr Tesfa attended Licensing Officer Panel to discuss concerns following an unsatisfactory visit that found a number of breaches of the licence condition including no door supervisors at the premises or door supervisor log. Mr Tesfa agreed at the meeting that a door supervisor log would be kept, try and limit the drunkenness of customers and to not lock any fire exits if customers were on the premises.
- 3.5 On 14 June 2012 the Council's Licensing Sub Committee 'C' heard an application from Police to review the premises licence. The review application was supported by the Noise Team and a local resident. At the hearing the Committee decided to impose 8 additional conditions on the premises licence, shown as conditions 1 to 8 of Annex 3 of the current premises licence.
- 3.6 On 8 August 2012 following a complaint from a local resident about noise and fighting at the premises the Licensing Authority wrote to the licensee and requested copies of the CCTV from the night, membership rules and information on training given to staff. The same date licensing officers visited the premises and spoke to Mr Tesfa who told them that he had not received the decision following the review hearing (It was posted to his solicitors on 18 June 2012). He told officers that he has moved eight months before and had not changed the address on the premises licence with the licensing authority. Mr Tesfa informed the officers that the membership scheme was not in place and that membership cards had been ordered.
- 3.7 On 17 October 2012 the licensing authority wrote Mr Tesfa after attended Pubwatch and asking if he could remove the membership scheme imposed by the Licensing Sub Committee. The

Licensing Officer spoke to the Police about the likelihood of removing the membership scheme and the Police said they would object to any such application.

- 3.8 On 15 November 2012 Mr Tesfa attended Licensing Officer Panel to discuss concerns following reports of crime and disorder by the Police following a fight between customers on 3 November 2012. He advised the Panel that he had not completed the membership scheme and that his customers did not want to give their names and telephone numbers to join the scheme. The Panel advised him that he must have a valid membership scheme in place to comply with the licence conditions.
- 3.9 On 17 November 2013 the Council's CCTV Team recorded serious incidents outside of the premises. The Licensing Authority requested copies of the CCTV and upon viewing the images opened an investigation.
- 3.10 On 23 November 2013 the Police visited the premises to carry out a check that the conditions on the premises licence were being complied with. The premises was not compliant and there were breaches of the premises licence conditions, Annex 3 Conditions 2 & 7. There was only one door supervisor present and non-members present in the venue.
- 3.11 14 December 2013 the Police visited the premises again and found that there was only one door supervisor and that was a breach of Annex 3 Condition 2 of the premises licence.
- 3.12 29 December 2013 both the Council's CCTV unit and Police report a GBH to the Licensing Authority. The CCTV unit supply the Licensing Authority with CCTV. The Police attended but were unable to recover CCTV from the premises
- 3.13 On the 28 January 2014 Mrs Alla Tesfa was invited to attend the Council offices for an interview to be conducted under the Police and Criminal Evidence Act 1984 as part of an investigation of offences under Part 7, Section 136 of the Licensing Act 2003 on 28 February 2014. Mrs Tesfa did not attend the interview.
- 3.14 On 28 February 2014 Mr Tesfa attended the Council offices for an interview to be conducted under the Police and Criminal Evidence Act 1984 as part of an investigation of offences under Part 7, Section 136 of the Licensing Act 2003. Mr Tesfa was unable to produce membership rules nor was he able to provide a membership list that could be verified by the Licensing Authority.
- 3.15 On the 13 April 2014 Police wrote to the licence holder and invited them to submit a minor variation application to remove regulated entertainment, reduce the sale of alcohol and late night refreshment till midnight, add three conditions consistent with a restaurant licence and remove 17 conditions for sale of alcohol after midnight and regulated entertainment. The licensee did not agree to make the suggested minor variation.
- 3.16 On 31 May 2014 the Police issued a Closure Notice under S. 19 of the Criminal Justice and Police Act 2001 for breach of conditions. The premises licence at Annex 3 Condition 2 requires three SIA door supervisors on Friday and Saturday. The Police found one person acting as a door supervisor with an expired SIA badge. The Closure Notice detailed the steps to be taken to prevent further unauthorised use of the premises.
- 3.17 The Licensing Authority, Noise Team and a local resident submitted representations in support of the review.

4. Planning Implications

- 4.1 The Planning Service has reported that there are no restrictive conditions in force.

5 Recommendations

- 5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 5.2 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.
- 5.3 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.

6 Conclusion and reasons for recommendations

- 6.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions as appropriate 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

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk



ISLINGTON

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

PC Steven HARRINGTON 425NI On behalf of the Commissioner of Police of the Metropolis

Apply for the review of a premises license under Section 51 of the Licensing Act 2003 described in part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
MARATHON RESTAURANT & BAR	
193A CALEDONIAN ROAD	
Post town LONDON	Post Code N1 0SL

Name of premises licence holder or club holding club premises certificate (if known)
Mr Wassihun Yimenu TESFA & Mrs Alla TESFA

Number of premises licence or club premises certificate (if known)
LM/3122-160812

Part 2 - Applicant details

I am

Please tick ✓/yes

an interested party (please complete (A) or (B) below)

☐

a person living in the vicinity of the premises

☐

a body representing persons living in the vicinity of the premises

☐

a person involved in business in the vicinity of the premises

☐

a body representing persons involved in business in the vicinity of the premises

a responsible authority (please complete (C) below)

☒

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 Pc Steven Harrington 425NI Police Licensing Officer Islington Council Public Protection Division 222 Upper Street London N1 1XR
Telephone number (if any) 07799133204
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

- | | |
|--------------------------------------|-------------------------------------|
| the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| public safety | <input checked="" type="checkbox"/> |
| the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 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 Steven Harrington 425NI Police Licensing Officer for Islington and I act on behalf of the Commissioner of Police of the Metropolis.

The Marathon Restaurant has been the scene of a number of violent crimes over the past 18 months. The levels of violence are wholly disproportionate to similar well - managed venues in the area. Despite a previous review in June 2012 the Management have failed to improve the situation. The Management appear unwilling, or unable, to address the problems. In addition to this the customers are creating a public nuisance to nearby residents.

The Police invite the Sub-Committee to consider all options available to them in order to deal with this issue. Options include, reducing the hours the venue is open, installing further, tighter conditions and possible revocation of the license. All these are proportionate to promoting the licensing objectives.

The license conditions in force at this venue allow the sale of alcohol, late night refreshment, dancing, making music, performing music and playing recorded music 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.

Engagement:

The venue was subject to a license review on 1st May 2012. As a result of this conditions were added to the license. Mr Tesfa was the license holder at the time. The review was requested under the prevention of crime and disorder and public safety and was due to the number of violent incidents reported at the venue. Within three months of the review the violent crimes have continued. Mr & Mrs Tesfa were invited in for an Officer Panel on 15th November 2012 to discuss the continued violent crime. And continued lack of membership scheme. The venue was visited by Police Officers on 23/11/2013 and a warning letter issued. The venue was visited on 14/12/13 by Police Officers. Police licensing Officer Pc Paul Hoppe visited the venue on 8th January 2014.

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

Crimes relating to the premise.

A statement is attached giving full details of all the Crime reports listed below.

SUMMARY OF INCIDENTS

CRIS REPORTS

CRIS 2720155/12 ABH Monday 13th August 2012 0156hrs

A fight between two males within the venue both parties injured and arrested for affray and Actual Bodily Harm. Result No Further Action due to lack of evidence. Neither party wanted to substantiate the allegation.

CRIS 2724882/12 Common Assault Sunday 7th October 2012 0130hrs

A fight between two males, both known to each other, resulting in an allegation of Common Assault. CCTV confirms the fight occurred. No further action due to discrepancies in the two parties' version of events.

CRIS 2727380/12 GBH Sunday 4th November 2012 0100hrs

A fight between two males inside the venue after an argument over a chair. Result was one male charged with common assault due to level of injury out of proportion with the level of violence used.

CRIS 2717119/13 ABH Sunday 4th August 2013 0210hrs.

1 male was attacked by 5-6 other males. The fight started in the venue and the victim was dragged into the street where the attack continued. Another male has come to the aid of the first male and both have been assaulted. First male received a broken nose. The victims did not want to proceed, no further action taken. None of the staff could operate the CCTV system.

CRIS 2722677/13 Criminal Damage Sunday 13th October 2013 1340hrs.

Four males attended the venue. One of the males smashed a glass and all four left the scene. The suspects have never been traced. CCTV from the club failed to play even after new copies were given to police. The venue is a member's only club? Why do they not know the details of the four men?

2728601/13 GBH Sunday 29th December 2013 0220hrs.

The victim was in the venue and was involved in an altercation with another male. The victim was then punched inside the venue. Others intervened and the victim left the venue but was followed out and the assault continued. Victim received a broken leg as a result of the assault. Again staff could not operate the CCTV system.

INTEL REPORTS

Intel NIRT00444554 Licensing visit by uniformed officers on Saturday 23rd November 2013 at 0300hrs. Form 695 completed. A Form 695 was completed and on this it is documented that there was only one SIA registered Door staff present at the venue. This is a breach of the current license conditions although this was not recognised at the time by the officers carrying out the visit. It is also noted that there were non-members in the venue and that there was no venue license on show.

Intel NIRT00445399 Licensing visit by uniformed officers on Saturday 14th December 2013 at 0210hrs. A Form 695 was completed and on this it is documented that there was only one SIA registered Door staff present at the venue. This is a breach of the current license conditions although this was not recognised at the time by the officers carrying out the visit.

SUMMARY & RECOMMENDATIONS

MARATHON RESTAURANT & BAR is a venue that appears to attract younger clientele. It would seem that the immaturity of these patrons coupled with the permitted intake of excessive amounts of alcohol are the reason for the disproportionate levels of violent crime associated with the venue. We the Police would expect the Premises license holder and the DPS to identify these issues and deal with them swiftly and appropriately by implementing measures such as, i) Increase the age limit of patrons, ii) Increase staff awareness and training in recognising drunkenness and the effects of alcohol, iii) Provide a more efficient door policy together with SIA registered door staff. The venue was reviewed in June 2012 and conditions were added to the license in an attempt to deal with the same problems we have now.

Police seek as a minimum the following:

1. The venue is run as a restaurant and all restaurant licensing conditions are implemented.
2. The hours of licensable activities to mirror those suggested in the Council Licensing Policy 2013-2017 Licensing Policy 8. Restaurants - 11pm - Sunday to Thursday and Midnight - Friday & Saturday.
3. On all days licensable activity is later than 11pm SIA registered door staff are employed at a rate of 1 per 100 patrons or incomplete part thereof from 9.30pm until half an hour after closing.
4. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge.

The Police invite the Sub-Committee to consider all options available to them in order to deal with this issue. Options include, reducing the hours the venue is open, installing further, tighter conditions and possible revocation of the license. All these are proportionate to promoting 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

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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 Harry P. 425 NZ

Date 1st MAY 2014

Capacity Police Licensing Officer

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

The ground(s) for review must be based on one of the licensing objectives.

Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

The application form must be signed.

An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

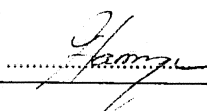
Statement of **Steven HARRINGTON PC 425 NI** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 193779**

This statement (consisting of:6..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

 PC425NI

Date: 26/06/2014

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

My name is Steven Harrington and I am a Police Constable with the Metropolitan Police Service. I currently work as a Licensing Officer at Islington Police Station. I have been given this specific responsibility by the Borough Commander who is acting under the written delegated authority of the Commissioner of Police for the Metropolis. A copy of this authority has been lodged with Islington Council Legal Department.

This statement is submitted to support the application by the Metropolitan Police Service made under Section 51 of the Licensing Act 2003. This is for the review of the premises license held for the premises at 193A Caledonian Road N1 0SL and known as the Marathon Restaurant & Bar.

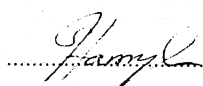
The application for a review is on the basis of concerns in relationship to the following Licensing Objectives:

- The prevention of crime and disorder.
- The prevention of public nuisance

SUPPORTING DATA

The data in this report has been collated from various Police indices. It has been taken from the CRIS system - the MPS computer database used to record all allegations of crime, the CAD system that records all calls to police and the CRIMINT system used for intelligence reports. I have searched for the period covering from 1st August 2012 until 28th February 2014. I have since conducted a further search between dates 15th May 2013 and the 15th May 2014. Should any new information be forthcoming I will produce it at the earliest opportunity. Details of locations of incidents are taken from the victim's account or use of CCTV images or accounts from witnessing police officers.

Signature:

 PC425NI

Signature witnessed by:

2006/07(1): MG 11(T)

RESTRICTED (when complete)

Continuation of Statement of **Steven HARRINGTON PC 425 NI**

SUMMARY OF INCIDENTS

CRIS REPORTS

CRIS 2720155/12 ABH Monday 13th August 2012 0156hrs Redacted copy Exhibit SAH/2

A fight between two males within the venue both parties injured and arrested for affray and Actual Bodily Harm. Result No Further Action due to lack of evidence. Neither party wanted to substantiate the allegation.

CRIS 2724882/12 Common Assault Sunday 7th October 2012 0130hrs Redacted copy Exhibit SAH/3

A fight between two males, both known to each other, resulting in an allegation of Common Assault. CCTV confirms the fight occurred. No further action due to discrepancies in the two parties' version of events.

CRIS 2727380/12 GBH Sunday 4th November 2012 0100hrs Redacted copy Exhibit SAH/4

A fight between two males inside the venue after an argument over a chair. Result was one male charged with common assault due to level of injury out of proportion with the level of violence used.

CRIS 2717119/13 ABH Sunday 4th August 2013 0210hrs Redacted copy Exhibit SAH/5

1 male was attacked by 5-6 other males. The fight started in the venue and the victim was dragged into the street where the attack continued. Another male has come to the aid of the first male and both have been assaulted. First male received a broken nose. The victims did not wish to proceed, therefore no further action taken. None of the staff could operate the CCTV system.

CRIS 2722677/13 Criminal Damage Sunday 13th October 2013 1340hrs. Redacted copy Exhibit SAH/6

Four males attended the venue. One of the males smashed a glass and all four left the scene. The suspects have never been traced. CCTV from the club failed to play even after new copies were given to police. The venue is a member's only club? Why do they not know the details of the four men?

2728601/13 GBH Sunday 29th December 2013 0220hrs Redacted copy Exhibit SAH/7

The victim was in the venue and was involved in an altercation with another male. The victim was then hit inside the venue. Others intervened and the victim left the venue but was followed out and the assault continued. Victim received a broken leg as a result of the assault. Again staff could not operate the CCTV system.

INTEL REPORTS

Intel NIRT00444554 Licensing visit by uniformed officers on Saturday 23rd November 2013 at 0300hrs. Form 695 completed. A Form 695 was completed and on this it is documented that there was only one SIA registered Door staff present at the venue. This is a breach of the current license conditions although this was not recognised at the time by the officers carrying out the visit. It is also noted that there were non-members in the venue and that there was no venue license on show. Exhibit Ref SAH/8

Signature:

Steven Harrington PC 425 NI

Signature witnessed by:

Continuation of Statement of **Steven HARRINGTON PC 425 NI**

Intel NIRT00445399 Licensing visit by uniformed officers on Saturday 14th December 2013 at 0210hrs. A Form 695 was completed and on this it is documented that there was only one SIA registered Door staff present at the venue. This is a breach of the current license conditions although this was not recognised at the time by the officers carrying out the visit. Exhibit Ref SAH/9

CAD REPORTS

A computer aided despatch (CAD) message is created every time a member of the public contacts police via either the 101 or 999 system. In some cases there will be no further information other than a CAD message, as the request or call may not necessitate any further work. In the majority of cases they do lead to further work, the majority being crime reports. You can however have several CAD messages for one incident, such as multiple informants. Police officers will also create CAD messages if they need to attend a venue which would necessitate any form of risk, or to pass messages/requests to other boroughs. It is almost impossible to successfully interrogate the CAD system with any degree of precision due to its use of 'incident qualifiers'. Operators will always use the most important qualifier to initiate any CAD, so as to pass the information on to officers in the fastest possible manner. Therefore if there is a firearms incident in a public house, a firearms marker will be used, then perhaps a disturbance marker and not necessarily a licensed premises marker (the officer will know they are going to a licensed premises as it would state such in the address field). For that very reason, to search a CAD system purely on the qualifiers used for licensed premises will not necessarily give an accurate indication as to how many times police have been called to a venue. Again, officers attending a venue to carry out a licensing check for example, may not necessarily initiate a CAD incident, depending on their level of the perceived risk.

CAD NI/1789 Date Sunday 20/10/2013 03:27hrs Exhibit SAH/1

An emergency 999 call was received by Police from Mr TESFA. The opening codes for this call were ASB, Rowdy or inconsiderate behaviour and then Violence against the person. Three police units attended the location and the result was No Crime.

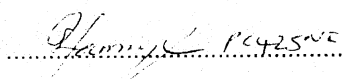
CAD NI/1510 Date Sunday 4/08/2013 02:29hrs Exhibit SAH/1

An emergency 999 call was made to Police by Mr TESFA. The opening code for this call was Violence against the person. Mr TESFA stated that there were a group of males fighting with his door staff trying to get in to the venue. This call was linked to another CAD 1491 04/08/2013 whereby the caller states that there are up to ten males fighting with weapons and they had all come out of the Marathon Restaurant.

Where I have found other CAD reports that have resulted in CRIS reports I have not put these as this would only be repetition.

CAD NI/1056 Date Sunday 04/05/2014 01:59hrs. Exhibit SAH/1

Signature:



Signature witnessed by:

Continuation of Statement of **Steven HARRINGTON PC 425 NI**

An emergency call was made to Police by a Mr McDermott who identified himself as door staff at the venue. He stated that there were several males throwing bricks and planks at the pub. Police attended and the result was that the Manager asked them to remove several drunk males from outside the venue.

All three hard copies are exhibited as one exhibit SAH/1

I have viewed Council CCTV footage of this incident. The footage starts at 0200hrs. A group of males can be seen outside the venue but none are seen to throw any objects towards the venue or the door staff. The door staff seem to be very relaxed and do not appear to be under any threat from anyone present. It appears that there is some sort of disagreement between the males outside the venue and some other males who come out of the venue. A number of these males appear to be drunk, due to their bodily actions, unsteady on their feet. The door staff do not appear concerned by this and do not appear to get involved. Police are seen to arrive at 02:19hrs. They can be seen talking to some of the males outside for a while before the Police leave. Some of the males who appear to be drunk are allowed back in the venue by the door staff. I Exhibit a copy of this CCTV as SAH/12

At no time during the footage are any items seen to be thrown at the venue or the door staff and it would appear that the only reason for the call was for Police to remove drunk males from outside, some of whom can clearly be seen coming out of the venue.

I have also viewed CCTV from inside the premises dated 17/11/2013. This CCTV shows an assault on a woman. A male pulls her hair, pulling her to the floor, he then stamps on her. Another male then slaps and punches this male knocking him to the floor. I Exhibit a copy of this CCTV as SAH/13 and a copy of the Council CCTV as SAH/10

DIALOGUE

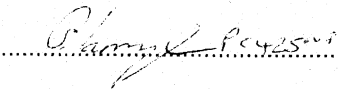
Mr & Mrs Tesfa were both invited in to the Council Offices to be interviewed on tape on 28th February 2014. Mrs Tesfa failed to turn up but Mr Tesfa did come in and was interviewed under caution regarding the issues being experienced at the venue. Mr Tesfa informed me that he had been involved with the premises for about ten years.

During the interview Mr Tesfa was of the opinion that once the people were outside of his venue that what they then did was nothing to do with him. It was pointed out to him that as the licensee of the premises he had a responsibility to ensure that his customers behaved themselves and that they left the area without disturbing local residents.

This review application is made on the grounds of Prevention of Crime and Disorder, to prevent further crimes being committed in and around this venue, to prevent public nuisance.

The license conditions in force at this venue allow the sale of alcohol, late night refreshment, dancing, making music, performing music and playing recorded music 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.

There have been a number of violent crimes at the venue over the last 18 months. All of these crimes have taken place after Midnight. These crimes have occurred after the license was reviewed and during a time when we would expect the licensee to be on top of any issues and dealing robustly with any incidents occurring in or around their venue which give rise to serious concerns over the ability of Mr & Mrs TESFA's ability to operate a safe, professional venue.

Signature: 

Signature witnessed by:

Continuation of Statement of **Steven HARRINGTON PC 425 NI**

The incident on the 29th December 2012 resulted in the victim receiving a broken leg. There are some serious questions to ask:

Where were the door supervisors during the assault?

The assault, some of which can be seen on council CCTV, which I Exhibit as SAH/11, was being carried out metres from the entrance to the venue yet the door supervisors did not intervene. Why?

On Saturday 31st May 2014 Pc Conisbee attended the venue along with uniformed officers to carry out a Licensing Visit. Pc Conisbee issued a Closure Notice under Section 19 Criminal Justice and Police Act 2001 for a breach of license condition Annex 3 Condition 2. Conditions attached after a licensing hearing. There should be a minimum of 3 SIA trained door staff working on Friday and Saturday. During Pc Conisbee's visit there was only 1 working and his license had expired on 5th January 2014. See statement from Pc Conisbee.

I produce a copy Pc Conisbee's statement/Sec 19 Closure notice and the Form 695 as Exhibit SAH/14

SUMMARY

The assault on the 29th December led to the victim sustaining quite serious injuries.

It does not appear that the door staff at the venue made any effort to intervene even though the persons involved had come out of the Marathon Restaurant.

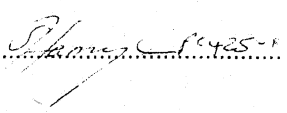
The majority of the offences referred to in this statement involve violence. All of the violent offences have occurred after Midnight between Midnight and 4am.

Re the assault captured on internal CCTV on the 17th November 2013 Exhibit SAH/13. I can find no record of Police being called to the venue and the female victim has not contacted police. This appeared to be a very violent assault with the male suspect appearing to stamp on the female victim who does appear to be unconscious after the assault. I have concerns that Police were never notified of this incident.

MARATHON RESTAURANT & BAR is a venue that appears to attract younger clientele. It would seem that the immaturity of these patrons coupled with the permitted intake of excessive amounts of alcohol are the reason for the disproportionate levels of violent crime associated with the venue. We the Police would expect the Premises license holder and the DPS to identify these issues and deal with them swiftly and appropriately by implementing measures such as, i) Increase the age limit of patrons, ii) Increase staff awareness and training in recognising drunkenness and the effects of alcohol, iii) Provide a more efficient door policy together with SIA registered door staff. The venue was reviewed in June 2012 and conditions were added to the license in an attempt to deal with the same problems we have now.

Police seek as a minimum the following:

1. The venue is run as a restaurant only and all restaurant licensing conditions are implemented.
2. The hours of licensable activities to mirror those suggested in the Council Licensing Policy 2013-2017 Licensing Policy 8 Restaurants - 11pm - Sunday to Thursday and Midnight - Friday & Saturday.

Signature:  Signature witnessed by:

Continuation of Statement of **Steven HARRINGTON PC 425 NI**

3. On all days licensable activity is later than 11pm a minimum of 3 SIA registered door staff are employed from 9.30pm until half an hour after closing.
4. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full interior and exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge.

The Police invite the Sub-Committee to consider all options available to them in order to deal with this issue. Options include, reducing the hours the venue is open, installing further, tighter conditions and possible revocation of the license. All these are proportionate to promoting the licensing objectives.

Steven C PC425NI

Signature: *Steven C PC425NI* Signature witnessed by:

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LM/3122-160812		
Postal address of premises, or if none, ordnance survey map reference or description MARATHON 193A CALEDONIAN ROAD			
Post town	London	Post code	N1 0SL
Telephone number			

Where the licence is time limited the dates Not Applicable
--

Licensable activities authorised by the licence Ground Floor <ul style="list-style-type: none">• The provision of regulated entertainment by way of: 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				
• The provision of regulated entertainment for the performance of live music:				
Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	03.00	the following day
Friday	09.00	to	03.00	the following day
Saturday	09.00	to	03.00	the following day
Sunday	09.00	to	03.00	the following day
• The provision of regulated entertainment for the playing of recorded music:				
Monday	00.00	to	24.00	
Tuesday	00.00	to	24.00	
Wednesday	00.00	to	24.00	
Thursday	00.00	to	24.00	
Friday	00.00	to	24.00	
Saturday	00.00	to	24.00	
Sunday	00.00	to	24.00	

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

Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	03.00	the following day
Friday	09.00	to	03.00	the following day
Saturday	09.00	to	03.00	the following day
Sunday	09.00	to	03.00	the following day

- The provision of entertainment facilities for making music:

Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	03.00	the following day
Friday	09.00	to	03.00	the following day
Saturday	09.00	to	03.00	the following day
Sunday	09.00	to	03.00	the following day

- The provision of entertainment facilities for dancing:

Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	03.00	the following day
Friday	09.00	to	03.00	the following day
Saturday	09.00	to	03.00	the following day
Sunday	09.00	to	03.00	the following day

- The provision of late night refreshment:

Monday	23.00	to	02.30	the following day
Tuesday	23.00	to	02.30	the following day
Wednesday	23.00	to	02.30	the following day
Thursday	23.00	to	02.30	the following day
Friday	23.00	to	02.30	the following day
Saturday	23.00	to	02.30	the following day
Sunday	23.00	to	01.00	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	12.00	to	00.30	the following day

Except on:

New Year's Eve, except on a Sunday, 10.00 until the time authorised on the following day

New Year's Eve on a Sunday, 12.00 to until the time authorised on the following day

The morning on which summer time begins the sale of alcohol is authorised until 03.00 hours

Sundays immediately before a bank holiday, other than Easter Sunday, the sale of alcohol is authorised to 02.00 hours

If there are no permitted hours on the following day, midnight on 31st December.

The opening hours of the premises: Not Specified

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

On and off supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr Wassihun Yimenu Tesfa

Mrs Alla Tesfa

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

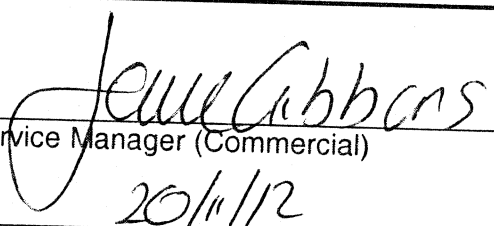
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Wassihun Yimenu Tesfa

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

LN/201100313 –London Borough of Enfield

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


Service Manager (Commercial)

20/11/12
Date of Issue

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. [Insert conditions consistent with premises operating schedule.]
2. sdfds
3. 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.
4. No person under fourteen shall be in the bar of the licensed premises during the permitted hours for the sale by retail of alcohol 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.

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. The sale of alcohol is not authorised after midnight on any day on which music and dancing is not provided after midnight.

On any day that music and dancing ends between midnight and two o'clock in the morning the sale of alcohol shall cease when the music and dancing end.

The sale of alcohol shall cease at midnight on any Sunday on which music and dancing is not provided after midnight;

Where music and dancing end between midnight on any Sunday and 00.30hours, sale of alcohol on that Sunday shall end when the music and dancing end.

Where music and dancing end between midnight and 02.00 hours on any Sundays immediately before a bank holidays the sale of alcohol on that Sunday shall cease when the music and dancing end.

The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

6. 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

7. The licence is subject to the following Additional Conditions referred to in the Standard Conditions for Places of Public Entertainment:

- ADDITIONAL CONDITIONS D: APPLICABLE TO PREMISES USING DOOR SUPERVISORS.
- ADDITIONAL CONDITION GO: APPLICABLE TO THE KEEPING OF GOOD ORDER.
- ADDITIONAL CONDITIONS SX: FOR PARTICULAR CONTROL OVER STRIPTEASE OR SIMILAR ENTERTAINMENT INVOLVING NUDITY.

8. A sound limiter shall be set and maintained on the premises and levels in the ground floor shall not exceed the following:*

- **97dB(linear) Leq (5mins)**
- **95 dB(A) Leq (5mins)**

9. All readings to be taken at the front section of the premises between the bars with the sound level meter facing the speakers at a distance of 3 metres and a height of 1.5 metres.

10. A notice shall be displayed in the premises asking patrons to leave quietly and this notice shall be displayed in Ethiopian and English.

11. At least one door supervisor, registered with the SIA, shall be employed when the license is in operation to assist with ensuring that patrons leave the premises quietly and that noise breakout is minimised.
12. The licensees shall take steps to ensure that the internal double doors shall not be opened at the same time as the external double doors at the premises.
13. The licence shall be subject to the Council's standard conditions for Places of Entertainment
14. The licence shall be subject to the Council's technical standards for Places of Entertainment
15. The maximum number of persons accommodated at any one time in the premises shall not exceed the following:
 - Ground Floor 100
- 16.

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

1. The licensee shall use polycarbonate drinking vessels.
2. A minimum of three SIA trained door supervisors on Friday and Saturday.
3. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
4. The DPS shall ensure that he and all staff receive training appropriate to the running of a licensed premises.
5. That last admittance to the premises shall be 1.00am from Monday to Sunday.
6. That there shall be no admittance to the premises after 11pm on Fridays and Saturdays unless patrons have been searched by premises staff.
7. That there shall be no admittance to the premises other than to members and their guests as defined under the membership rules, after 11pm from Monday to Sunday.
8. The licensee shall participate in the Pubwatch scheme.

Annex 4 – Plans

Reference Number: 88571-10/04/06

ADDITIONAL CONDITIONS D:
APPLICABLE TO PREMISES USING DOOR SUPERVISORS
These Conditions do not apply to cinemas or to theatres.

Log-book

D2 The *Licensee* shall maintain an accurate and up-to-date *log-book* in respect of all *Door Supervisors* employed on the *premises*. This shall comprise three distinct parts recording:

- (i) the name, address, telephone number and any registration number of each *Door Supervisor* (whether employed directly by the *Licensee* or through an agency); the name, address and telephone number of the agency providing the supervisor where the supervisor is not employed directly by the *Licensee*; and
- (ii) the name and any registration number of each *Door Supervisor*; the dates and times of commencement and finishing of work; the signature of the *Door Supervisor* in respect of both entries; and
- (iii) details of any incident in which the *Door Supervisor* is involved, including any calling of the police and any police action taken.

Note: This could form part of the general incident or Fire *log-book* for the *premises*.

Note:

- (1) A specimen *Door Supervisor log-book* is shown in Appendix D1.
- (2) *Licensees* are referred to BS 7960 (*Door supervisors/stewards – Code of practice*) for guidance.

SPECIMEN DOOR SUPERVISOR LOG-BOOK

PART 1

Name of Door Supervisor			
Address of Door Supervisor			
Telephone number of Door Supervisor			
Registration number of Door Supervisor			
Name of Agency (if Door Supervisor not directly employed by the Licensee)			
Address of the Agency			
Telephone number of the Agency			

PART 2

Name of Door Supervisor			
Registration number of Door Supervisor			
Date and time of commencing work			
Signature of Door Supervisor to confirm entry			
Date and time of finishing work			
Signature of Door Supervisor to confirm entry			

PART 3

Name of Door Supervisor			
Date of incident			
Time of incident			
Details of incident			
Were the police called?			
Details of any police action taken			

NOTE: This part of the *Door Supervisor log-book* may be combined with the general incident *log-book* for the *premises* (on which see Appendix 4.)

ADDITIONAL CONDITION GO:
APPLICABLE TO THE KEEPING OF GOOD ORDER

Good order

- GO1** The *Licensee* shall not permit conduct on the *premises* that is likely to cause disorder or a breach of the peace or drug misuse. In particular the *Licensee* shall ensure that none of the following shall take place:
- (i) indecent behaviour, including sexual intercourse, except as permitted by Theatres Act 1968;
 - (ii) the offer of any sexual or other indecent service for reward;
 - (iii) acts of violence against person or property and/or the attempt or threat of such acts;
 - (iv) unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971.

Note: In connection with drug misuse *Licensees* are referred to the *Licensee's National Drug Certificate Handbook*, published by the British Institute of Innkeeping.

ADDITIONAL CONDITIONS SX:
FOR PARTICULAR CONTROL OVER STRIPTease OR SIMILAR
ENTERTAINMENT INVOLVING NUDITY

SX1 **(a)** The *premises* shall not be used for any purpose which, but for this licence, would require a sex establishment licence.

Note: The definition of a sex establishment is set out in Appendix SX1.

(b) This Condition does not apply to any entertainment that is an integral part of a licensed performance of a play.

Note: The Conditions to be attached to any approval for the waiver of this Condition are set out below.

SX2 Not applicable

**CONDITIONS TO PERMIT ENTERTAINMENT INVOLVING STRIPTEASE AND/OR
NUDITY AND/OR SEXUAL STIMULATION
(WAIVER OF SPECIAL CONDITIONS SX1 or SX2)**

Definition	SX3	All references to striptease shall be deemed to include all forms of striptease or nudity, including the wearing of 'see through' clothing and sexual stimulation.
General	SX4	Only activities to which the <i>Council</i> has given its <i>consent</i> shall take place.
	SX5	The <i>approved</i> activities shall take place only in the areas designated by the <i>Council</i> and the <i>approved</i> access to the dressing room(s) shall be maintained whilst striptease entertainment is taking place and immediately thereafter.
	Note:	The <i>Council</i> will not permit the striptease to be in a location where the performance can be seen from the street.
	SX6	The striptease entertainment shall be given only by the performers/entertainers and the audience shall not be permitted to participate.
	SX7	Whilst striptease entertainment is taking place no person under the age of 18 shall be on the <i>premises</i> . A clear notice shall be displayed at each entrance to the <i>premises</i> in a prominent position so that it can be easily read by persons entering the <i>premises</i> with the following words: NO PERSON UNDER THE AGE OF 18 WILL BE ADMITTED
	SX8	Except as permitted by Additional Condition SX10, the <i>Licensee</i> shall not encourage, or permit encouragement to be made to the audience to throw money at or otherwise to give gratuities to the performers.

ADDITIONAL CONDITIONS FOR TABLESIDE DANCING

SX9	Entertainment under this <i>consent</i> may be provided solely by dancers to customers seated at table in the <i>approved</i> part of the <i>premises</i> .
SX10	There shall be no physical contact between customers and the dancers other than the transfer of money or tokens at the beginning or conclusion of the performance.
SX11	CCTV shall be installed to cover all the areas where dancing will take place.
SX12	Whilst dancing takes place not less than (insert approved number) <i>Door Supervisors</i> shall be employed in that part of the <i>premises</i> used for dancing.

DEFINITION OF SEX ESTABLISHMENT

Sex encounter establishment means:

- (a) *premises* at which performances, which are not unlawful, are given by one or more persons present and performing, which wholly or mainly comprise the sexual stimulation of persons admitted to the *premises* (whether by verbal or any other means); or
- (b) *premises* at which any services, which are not unlawful, and which do not constitute sexual activity are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs at any time while they are providing the service; or
- (c) *premises* at which entertainments, which are not unlawful, are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs during the entertainment; or
- (d) *premises* (not being a sex cinema) at which pictures are exhibited by whatever means (and whether or not to the accompaniment of music) in such circumstances that it is reasonable for the appropriate authority to decide that the principle purpose of the exhibition, other than the purpose of generating income, is to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity.

Sex cinema means:

any *premises*, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; or
- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

Williams, John

From: 29 May 2014 15:35
Sent: Licensing
To: Tomashevski, Katie
Cc: Re Marathon Nightclub 193a Caledonian Rd London N1 0SL
Subject:

Hi,

I live opposite the Marathon Nightclub.

Over the years I have been bothered at first by music noise from the above venue & now by shouting & fighting by its patrons.

The landlord of the Marathon has obviously tried hard, he has reduced the music noise & has tried to reduce shouting & fighting by having more/bigger security.

The problem is still the shouting & fighting...There are too many patrons standing in the streets outside during & after opening hours.

The average age of the clientele seems to have dropped over the years..too many drunk young men sorting out their differences outside the venue by fighting.

At 3am on the Cally plenty of cars drive up & down but hardly any people are walking around.. I believe this also has a bearing on the amount of trouble..would they openly brawl if they were at the

crowded N1 Angel? Maybe its because" its only down the Cally " that it been able to continue for so long..This for many years has been the view I suspect of many in the Police & Islington Council.

Also I must make the proviso that in all the years of watching this stuff from the flat I have never seen the patrons assault a member of the public..they just seem to want to fight each other.

I would not like the landlord of the Marathon to loose his license to trade..can a way be found to further reduce the levels of trouble so everybody can have quieter & stress free evenings.

I also make the request not to reveal personal details of mine wherever possible.

[REDACTED]
[REDACTED]
London [REDACTED]

Licensing Authority Representation

Licensing Act 2003

MARATHON BAR AND RESTAURANT 193A CALEDONIAN ROAD LONDON N1 0SL

I am submitting a representation of behalf of the Licensing Authority in respect of the application to review the premises licence by the Police.

The grounds for the representations are:

- Preventing crime and disorder
- Prevent public nuisance.

Licensing Policy Considerations

*Licensing Policies 9 & 10 Management standards and operating schedule
Licensing Policy 30 Review of Licences*

Reasons

The Licensing Authority has serious concerns over the Licensees ability to manage the premises within the terms and conditions of the premises licence.

The premises were subject to a review application in June 2012 which resulted in a number of additional conditions being added to the premises licence. In November 2012 the Licensee was invited to attend the Officer Panel to review management arrangements following a fight involving customers at the premises. Since this time we have received complaints from residents regarding fighting outside the premises on 2 further occasions and complaints about loud music.

Licensing Officers have investigated these complaints and established that conditions, imposed after the last review hearing, are not being adhered to, in particular:

- CCTV has not been forthcoming when requested, and on occasions not working
- The membership has not been properly implemented; there are no membership rules; there are no member lists; no restrictions on the number of guests that a member may bring to the premises, no membership criteria and no record kept of members addresses,
- Non-members being admitted to the premises
- Council CCTV indicated customers being admitted to the premises after 1am contrary to the no readmissions after 1am
- Lack of control by the licensee over the 2 contracted door supervisors,
- Discrepancies in the door supervisors records, including inadequate records for the door supervisor employed directly by the licensee

The Licensee has been advised to consider changing the style of operation to that of a restaurant and to reduce the hours of operation but they have been unwilling to make this change.

Recommendations

The Licensing Authority has serious concerns over the licensee's ability to effectively manage a late night premises of this type. The level of crime and disorder incidents linked to the venue has been significant and there is little confidence that lessons have been learned.

The standard of management is poor; the licence conditions attached to the licence following the review in 2012 are not being fully implemented and the licensee is unwilling to change

the style and hours of operation. The premises has already been subject to one review application therefore the Licensing Committee is asked to consider revoking the premises licence as an appropriate measure to promote the licensing objectives.

Janice Gibbons
Service Manager (Commercial)
Janice.gibbons@islington.gov.uk

28 May 2014



ISLINGTON

Noise Team
222 Upper Street
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E anne.brothers@islington.gov.uk

W www.islington.gov.uk

Our ref: abr/201445428

Your ref:

Date: 28 May 2014

Mr W Y Tesfa and Mrs A Tesfa
~~_____~~
~~_____~~

This matter is being dealt with by:
Anne Brothers

Dear Mr and Mrs Tesfa

**PREMISES LICENCE REVIEW APPLICATION, MARATHON, 193A CALEDONIAN ROAD,
LONDON N1 0SL. LICENSING ACT 2003**

Please find enclosed a copy of the Noise Team representation in relation to the premises
licence review application from the Police.

The representation is self-explanatory.

If you have any queries, please do not hesitate to contact me at the above office.

Yours sincerely,

Anne Brothers

Principal Technical Officer

cc. Katie Tomashevski, Licensing Officer

Mr Tesfa via e mail: ~~_____~~



**Islington Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority Environmental Protection

Your Name	Anne Brothers	
Job Title	Noise Liaison Officer	
Postal and email address	222 Upper Street, London N1 1XR anne.brothers@islington.gov.uk	
Contact telephone number	020 7527 3047	
Name of the premises you are making a representation about	Marathon	
Address of the premises you are making a representation about	193A Caledonian Road	
Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent public nuisance		We are in receipt of intermittent calls in relation to noise nuisance from amplified music at the premises and fighting outside. Please see attached sheet for details.
Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	Reduce the hours of trading to a restaurant licence. i.e. Sunday to Thursday close at 23:30 Friday and Saturday close at 00:30 Committee may be minded to require a closing down plan to be implemented by condition.	

Signed: Anne Brothers Date: 28 May 2014

Please return this form along with any additional sheets to: Licensing Support Team, Public Protection, 222 Upper Street, London N1 1XR or email to licensing@islington.gov.uk

This form must be returned within the Statutory Period. For more details please check with the Licensing Support Team on 020 7527 3031

Summary

Noise Team has been in receipt of intermittent complaints over the years in relation to noise from amplified music and fighting outside Marathon.

Residents in private rented accommodation in close vicinity of the premises are mainly transient however and they tend to move on after calling in. One resident in nearby social housing also reports fighting outside the premises but he fails to use the Noise Service as directed therefore it is very difficult to assist.

Details of visits carried out in the past 12 months

Date/Time	Details	Outcome
3/11/13, 02:15 onwards	Proactive visit	<p>Visited to watch closing time to see where the customers went as claimed by another licensee in the vicinity. Some customers went north but we had a look and they were gathered at the bus stop by the garage presumably to get buses home. Some customers went south.</p> <p>The premises didn't really empty out until just gone 03:30 – but entertainments are permitted until later than the bar which is supposed to close at 02:00.</p> <p>Some comings and goings were noted as follows:</p> <p>0240: Small group of people outside on arrival but we had to drive around a bit to find a suitable parking space. When we returned, they were gone and there was just a couple of DS's outside.</p> <p>0250: Just saw a young man in a red top go in. Hadn't previously seen him go out previously – but we had only been here a short while.</p> <p>Couple of men returned from having a smoke. Had seen them come out 10 minutes earlier. Man came out and walked away. Another man came out and was talking to the DS's on the door. Noted some breakout of sound when the door opens.</p> <p>0300: Man out. Walked away north. Two women out. Noted drunk white male outside for the past 15 minutes talking to the DS's.</p> <p>2 men out followed by another man. Very glamorous female approached and went inside.</p> <p>Noted that DS's have seen us sitting in the car (just south) and they know we are watching them.</p> <p>Saw a male with a female going in from Copenhagen Street side of the premises – they may be returning as we can't see that side of the premises from our vantage point.</p> <p>Female just came out with two men – they have got their coats on to leave. They walked away north.</p> <p>0305: Can't hear the music anymore.</p> <p>4 people standing outside and another group standing just north of Copenhagen Street. Can't say if they came out as a delivery van parked in front of us and temporarily blocked the view.</p> <p>0307: 6 men now outside.</p> <p>0308: Group that were standing just north of the junction have just walked away south. Didn't look like their customers.</p> <p>0310: 2 women out with coats.</p>

		<p>Group outside 6 men and 2 women just walked away north. 3 men came out and walked away south. Lone man went north. 0320: main exit of people from Marathon. Not noisy, not too many people. A few went north but they were waiting at the bus stop near the garage.</p> <p>We got a call so we had to leave at that point.</p>
11/1/14, 23:40	Proactive visit	<p>Visited to measure sound levels. On entry a man was playing keyboards. Premises has been completely refurbished front of house, the old decor has been completely removed along with the arch/partition that formerly separated the bar area from a rear area in the bar.</p> <p>Spoke to the licensee Mr T. Told him I had come along to measure sound levels inside. He told me the limiter was not connected but his musician would go and get it. While the man who had been playing keyboards went off to get the limiter we withdrew to the lobby area and I asked Mr T why the limiter had to be retrieved from somewhere before I could measure. He told me it was put away and they got it out and connected it when they needed to – when performers are playing.</p> <p>We went back inside and I saw the keyboard player wrestling with a wooden box and some leads. I was told the limiter was inside the box. I asked where it is placed when in use and it was moved to underneath the keyboards on the floor. I asked if I could have a look at the limiter, the box was enclosed and there was no vision screen. Mr T upturned the box, showing me it was padlocked. The box was quite badly manhandled while I was there.</p> <p>We went back outside and I told Mr T the limiter should be permanently hardwired into the sound system so that all amplified sound was routed through it. It had previously been in a side room near the bar, why had it been moved? No explanation was given; he shrugged his shoulders a few times and didn't make any sense when talking about the control of the volume. I explained there should be designated power points so the musicians could plug into the limiter and all amplified sound should be controlled by it. The musician seen playing the keyboards on entry, although not loud was not limited.</p> <p>We returned inside and the limiter was connected but the sound had cut off. I was asked what was I doing by one of the customers and I decided to make a tactical withdrawal to allow them to get some sound back on again and to avoid any potential hostility from the customers to our presence.</p> <p>I told Mr T the limiter must be hardwired into the electrical circuit and not moved around at all, it was not a portable piece of equipment. All amplified sound must be limited. I told him he must get this sorted out and get the system recalibrated by the end of the week and before trading next weekend. He told me he will contact Shaun Murkett.</p> <p>Took his e mail details to confirm findings in writing on Tuesday.</p>

I attach a copy of a warning letter I sent after the visit in January 2014 when the limiter as required by the premises licence was not in place. A calibration certificate from an accredited acoustic consultant from a recalibration carried out subsequent to the visit in January is also attached.

In addition I am pasting an e mail complaint received from a local resident with their personal details redacted in relation to an alleged fight outside the premises in December last year:

From: REDACTED
Sent: 31 December 2013 01:52
To: Brothers, Anne
Subject: The Marathon

Hi,

On Saturday/ Sunday morning 28th/29th December...fighting broke out again between patrons of the Marathon Nightclub

Approx 02.10 Groups of young men fighting & shouting outside Marathon..this moved across Cally road to my side of Copenhagen St.. then moved down Cally in vicinity of 24 hr shop.

Nightclub security flagged down passing police car.then more police in attendance..Police calmed situation then left.

Youths then allowed back into Marathon.

Approx 02.30 Marathon customers fighting again..this time fighting down Copenhagen St towards York way..could just about see a man lying in middle of road being kicked by two others...Tenants in flats shouting to leave man alone.

Fighters removed from scene by other customers from Marathon in vehicles

Police return too late.

4 am Marathon still open????

Don't bother really reporting these incidents anymore as nothing seems to change...My train was delayed so I was very late back in the house & therefore not asleep.

Keep being invited to Council meetings discussing in effect how Cally can be made a nicer place to live!!!!!! Not really looking forward to New years Eve with the Marathon as neighbours.

And if I could arrange to live somewhere else at the weekends I would. the thought of all this noise & trouble puts me on edge.

Yours,

XXXXXXXXXXXXXXXXXXXXXXX



ISLINGTON

Noise Team
222 Upper Street
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E anne.brothers@islington.gov.uk

W www.islington.gov.uk

Our ref: abr/

Mr W Y Tesfa and Mrs A Tesfa

This matter is being dealt with by:
Anne Brothers

Your ref:

Date: 14 January 2014

Dear Mr and Mrs Tesfa

LICENCE CONDITIONS, MARATHON, 193A CALEDONIAN ROAD, LONDON N1 0SL.
LICENSING ACT 2003, ENVIRONMENTAL PROTECTION ACT 1990

There is a noise condition on the premises licence for Marathon as follows:

1. A sound limiter shall be set and maintained on the premises and levels in the ground floor shall not exceed the following:*

- **97dB(linear) Leq (5mins)**
- **95 dB(A) Leq (5mins)**

2. All readings to be taken at the front section of the premises between the bars with the sound level meter facing the speakers at a distance of 3 metres and a height of 1.5 metres.

I visited on Saturday 11 January in order to check on maximum sound levels at the premises. The limiter was not connected to the sound system. A musician was playing keyboards at the time I entered the premises and Mr Tesfa sent him to retrieve the limiter in order to connect it to the keyboards that were in use.

The man came back with the limiter a few minutes later. It was contained in a wooden locked box. The man attempted to connect the limiter but the power to the sound system failed at that point and no sound came out of the keyboard. The limiter box was on the floor under the keyboards.

I asked to see if the limiter was inside the box via a vision screen and Mr Tesfa turned the box over but I could not see inside the locked box.

The limiter must be hardwired into the sound system and kept remotely from the keyboards or other amplification equipment such as DJ decks and the like. Previously the limiter was kept in a room to the left hand side of the bar near the door to the kitchen.

You should contact an accredited acoustic consultant and get advice from them regarding the proper installation of the limiter. As stated above it must be hardwired into the sound system, any visiting performers should then plug into the limiter via a designated power point by the performance area.

You must get these works carried out prior to next weekend. All amplified sound must be routed through a permanently installed limiter.

Provide a calibration certificate that states the sound levels quoted above will not be exceeded. Please note we require one minute measurements, not five minute measurements as stated on your licence.

The calibration certificate should contain the following information:

Date of calibration.

Make and model of the limiter installed.

Make and model of amplifier/sound distribution system.

Serial number of the limiter.

Location of the limiter and floor plan showing location of speakers.

Specified maximum sound levels with one minute Leqs at the Linear, "A" weighted, 63 and 125 Hz frequencies.

Details of the measurement point.


Details of the security arrangements for the limiter and other components.

Details of the sound level meter used during recalibration.

Calibration details for the sound level meter used.

Name and contact details of acoustician.

Yours sincerely,



Anne Brothers

Principal Technical Officer

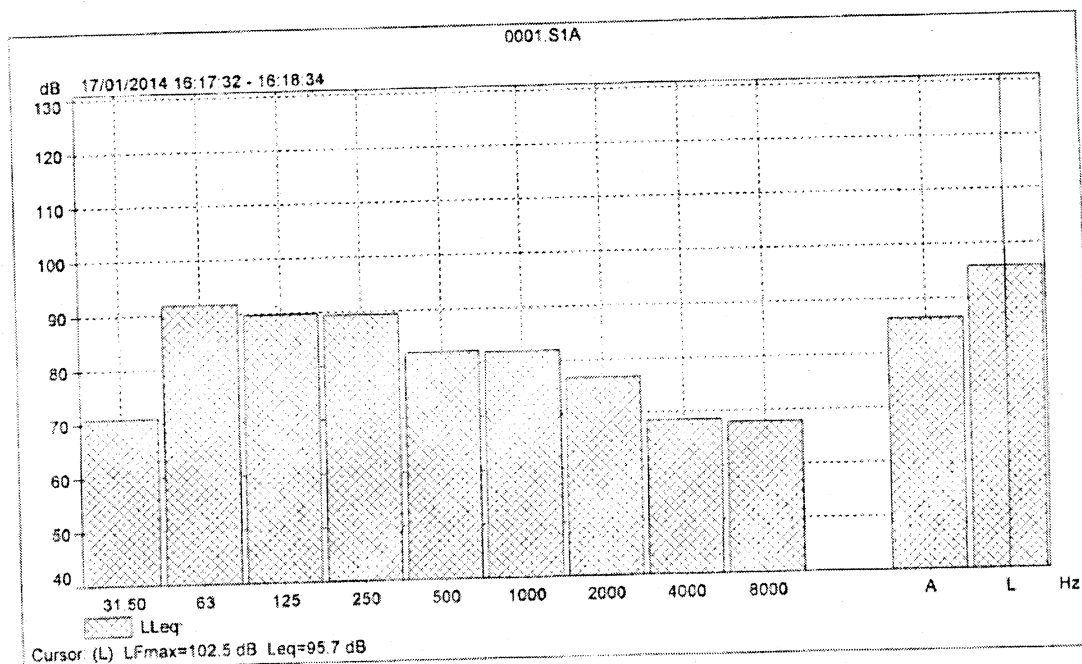
cc. Katie Tomashevski, Licensing Officer

Mr Tesfa via e mail:



Jan 2014

Page 43



Octave frequency spectrum of sound of music measured at centre of bar,
under old archway, at 2 metres from main loudspeakers .

Marathon bar, 193 a Caledonian Road, Islington, London N1

17th January 2014,

Sound limiter calibration.

Music Sound level 96 dB Leq linear 1min , (87 dBA LAeq. 1 min.)

© Shaun Murkett
Acoustic Consultants Ltd.

tel 020 7923 7275

Suggested conditions recommended by the Police (if revocation not determined)

1. The venue is run as a restaurant only and all restaurant licensing conditions are implemented.
2. The hours of licensable activities to mirror those suggested in the Council Licensing Policy 2013-2017 Licensing Policy 8 Restaurants - 11pm - Sunday to Thursday and Midnight - Friday & Saturday.
3. On all days licensable activity is later than 11pm a minimum of 3 SIA registered door staff are employed from 9.30pm until half an hour after closing.
4. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full interior and exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge.

Suggested conditions recommended by Noise Officer (if revocation not determined)

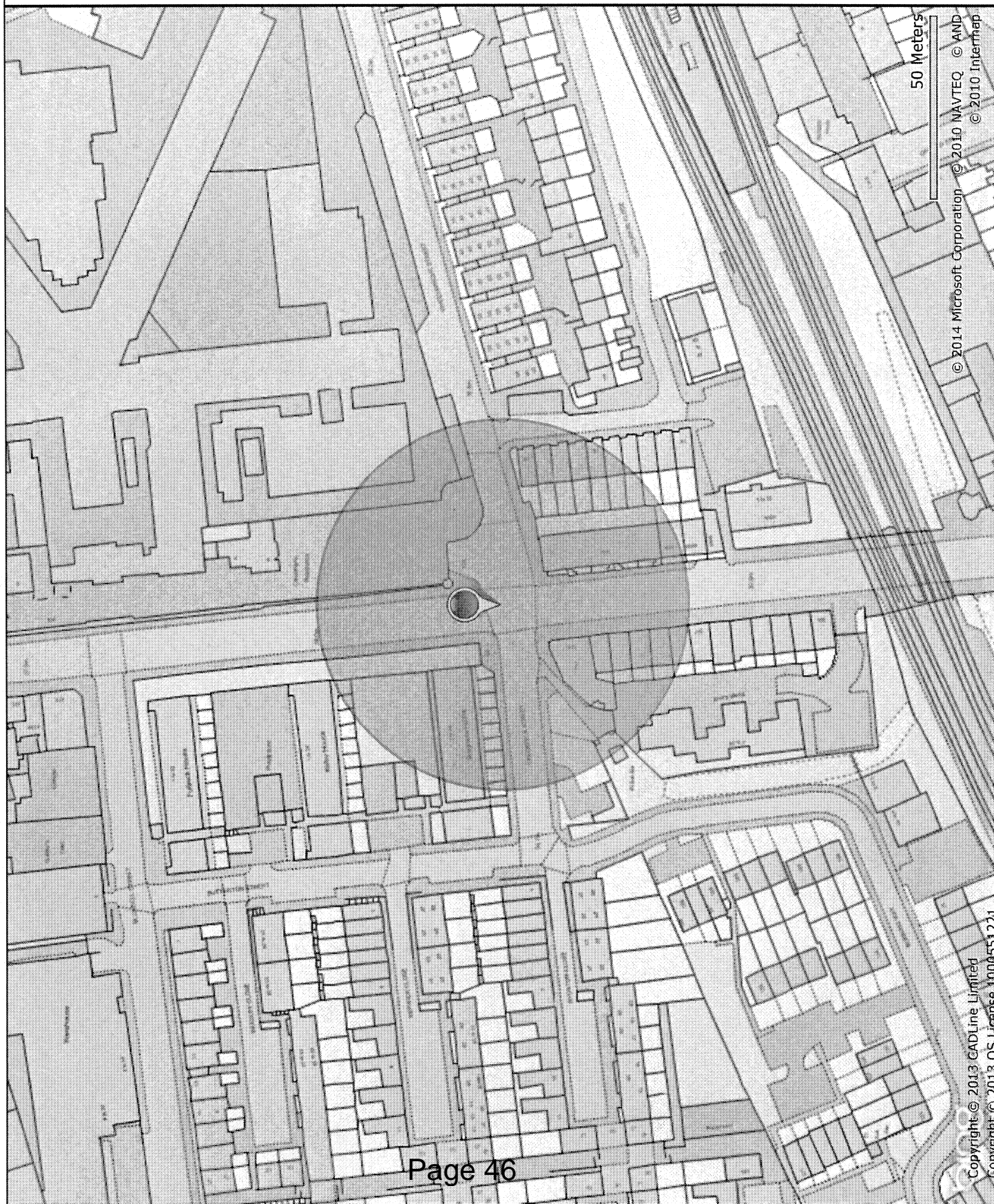
9. Reduce the terminal hours of trading to 23:30 on Sunday to Thursday and 00:30 Friday and Saturday.
10. Implement a closing down plan.

**Title : 193a
Caledonian Road,
London n1 0SL**

**Islington Borough
Boundary**

**Printed by :
RO RO**

**Printed at :
18-06-2014**





Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	15 July 2014		Caledonian

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
MENELIK, 277 CALEDONIAN ROAD, LONDON, N1 1EF

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 is related to the licensing objective:
 - i) Prevention of crime and disorder.

2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Pollution Team	Yes
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No

London Fire Brigade	No
Local residents	One
Other bodies	No

3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol on and off supplies on the Ground Floor on Mondays to Saturdays 10:00 to Midnight and on Sundays from Noon until 23:30.
- ii) The sale by retail of alcohol on and off supplies on the Basement Floor on Mondays to Wednesdays 10:00 to 01:30 the following day, Thursdays to Saturdays 10:00 until 03:30 the following day and on Sundays from Noon until 01:30 the following day.
- iii) provision of live music, performance of dance, facilities for making music and dancing (basement only) 09:00 to 02:00 on Sundays to Wednesdays and 09:00 to 04:00 Thursdays to Saturdays;
- iv) provision of recorded music (ground floor and basement) 24 hours, 7 days a week;
- v) provision of late night refreshment (ground floor) 23:00 to 00:30 on Mondays to Saturdays and 23:00 to 23:30 on Sundays;
- vi) provision of late night refreshment (basement) 23:00 to 02:30 on Mondays to Saturdays and 23:00 to 00:30 on Sundays.

3.2 Papers are attached as follows:-

- Appendix 1: application form from Metropolitan Police and additional supplied material
- Appendix 2: current premises licence
- Appendix 3: representations;
- Appendix 4: suggested conditions and map of premises location.

- 3.3 The current licensees have held a premises licence for these premises since November 2005, when Islington took over responsibility as the Licensing Authority for alcohol sales, regulated entertainment and provision of late night refreshment. Prior to this the licensees held public entertainment licences issued by the London Borough of Islington for these premises for a number of years.
- 3.4 On 17 August 2005 the Licensing Sub Committee agreed to extend the permitted hours, in the basement only, for the sale of alcohol to 01.30 on Sundays to Wednesdays and to 03.30 on Thursdays to Saturdays. The Committee also agreed to extend the permitted hours for regulated entertainment, in the basement only, to 02.00 on Sundays.
- 3.5 On 8 October 2008 the Council's Licensing Sub Committee 'B' heard an application from Islington's Noise Service to review the premises licence. The review application was supported by the Metropolitan Police. At the hearing the Committee decided to impose 17 additional conditions on the premises licence, shown as conditions 3 to 19 of Annex 3 of the current premises licence.
- 3.6 Following the hearing on 8 October 2008 officers from Islington's Licensing and Noise Services and Metropolitan Police officers have visited the premises and have reported breaches of licence conditions. The Licensing Service wrote a warning letter to the licensees on 19

November 2009 and a subsequent letter informing the licensees on 12 March 2009 that the Council intended to instigate prosecution proceedings.

- 3.7 On 8 April 2009 the Council's Licensing Sub Committee 'B' heard an application from Islington's Noise Service to review the premises licence because the conditions imposed by the review heard on 8 October 2008 had not been implemented. At the hearing the Committee were satisfied that the conditions had been complied with.
- 3.8 On 11 September 2008 Mr Arbi attended the Council offices accepted a simple caution in relation to six offences under the Licensing Act 2003 for breaches of the licence conditions and for selling alcohol outside the permitted hour.
- 3.9 On 26 November 2010 Mr Arbi attended Licensing Officer Panel to discuss concerns that the Police had following a number of violent crimes associated with the premises. Mr Arbi informed the Panel that the problems were from another local restaurant. It was agreed at the meeting that the licensee would exercise more control over his customers, try and limit the drunkenness and improve communication with the other local restaurants to prevent customers who were ejected from there from being allowed into his premises.
- 3.10 On 24 June 2012 the Police were called to the premises at 03:00 after reports of a fight where a victim was bottled. The Licensing Authority wrote to the licensee and requested copies of the CCTV from the night, door supervisor records, a copy of the searching policy and training records for door supervisors and copies of the incident book from the May to the date of the incident. Mr Arbi provided the SIA badges and sign in sheets, contract from Thomas Chase Security, incident report and type written note from the night but no other incident reports or CCTV.
- 3.11 On 1 October 2013 Mr Arbi attended Licensing Officer Panel to discuss concerns about customers witnessed fighting outside the premises by officers from the Council's Noise Team. A letter dated 8 October 2013 was sent to Mr Arbi detailing eleven follow up points from the meeting.
- 3.12 On 27 October 2013 the Council's CCTV Team recorded serious incidents outside of the premises. The Licensing Authority requested copies of the CCTV and upon viewing the images opened an investigation.
- 3.13 On the 6 February 2014 Mr Arbi and Mrs Getachen attended the Council offices for an interview to be conducted under the Police and Criminal Evidence Act 1984 as part of an investigation of offences under Part 7, Section 136 of the Licensing Act 2003.
- 3.14 On 11 February 2014 Mr Arbi returned for a follow up interview to be conducted under the Police and Criminal Evidence Act 1984 as part of an investigation of offences under Part 7, Section 136 of the Licensing Act 2003.
- 3.15 On the 4 April 2014 following a request by the Police the licence holder submitted a minor variation application to remove regulated entertainment, reduce the sale of alcohol and late night refreshment till midnight, add three conditions consistent with a restaurant licence and remove 29 conditions for sale of alcohol after midnight and regulated entertainment. This application was subsequently withdrawn.
- 3.16 On 31 May 2014 the Police issued a Closure Notice under S. 19 of the Criminal Justice and Police Act 2001 for breach of conditions. The premises licence at Annex 3 Conditions 3, 4 and 7 requires two SIA door supervisors, an up to date door supervisor register and to search customers with two electronic hand held wands. On the night no door supervisors were present

only one electronic hand held wand was available for use. The Closure Notice detailed the steps to be taken to prevent further unauthorised use of the premises.

- 3.17 The Licensing Authority, Noise Team and a local resident submitted representations in support of the review.

4. Planning Implications

- 4.1 The Planning Service has reported that there are no restrictive conditions in force.

5 Recommendations

- 5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 5.2 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.
- 5.3 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.

6 Conclusion and reasons for recommendations

- 6.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions as appropriate 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

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

wk/201444377

Appendix: 1



ISLINGTON

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

MENELIK

277 CALEDONIAN ROAD

Post town LONDON

Post Code N1 1EF

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

Samuel ARBI & Fanaye GETACHEN

FLAT 1-2

277 CALEDONIAN ROAD

LONDON

N1 1EF

COMMERCIAL LICENSING

21 APR 2014

PUBLIC LICENSING

Number of premises licence or club premises certificate (if known

LN/143299-011013

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

I am 18 years old or over

Please tick ✓ yes

☐

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 checked="" 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 based on the grounds of Crime and Disorder, to prevent further crimes being committed at the venue and in turn to protect patrons and staff alike.

The venue has a comprehensive licence permitting performance of live and playing of recorded music, making music, facilities for dancing, late night refreshment and the sale of alcohol. There is a long list of mandatory conditions, twenty (20) conditions consistent with the operating schedule and nineteen (19) conditions attached after a hearing by the licensing authority.

There have been a number of very serious incidents at the venue within the last twelve months which give rise to concerns over the licensees ability to operate a safe venue for staff and customers.

The premises licence for this venue is a 'Restaurant Licence' which states (Annex 2, condition 3) 'The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment'.

Over the last year (2013) there have been a number of fights and public order incidents at the venue, mainly outside. There have been six (6) CAD incidents, but only some of these incidents have generated crime reports, generally due to the confusion caused by the lack of assistance and evidence from the venue management and staff.

There have only been five (5) crime reports (2013); one (1) in February, three (3) of which happened in May 2013 and one (1) in August 2013; being two (2) thefts and two (2) violence against the person – one of these being a GBH. **However, excessive alcohol seems to be a common factor in these reports and all but one (1) happened after midnight.**

There has been a considerable amount of engagement from both Council and Police Officers; the DPS was called to Officer Panel on 8th October 2013, just two weeks before the large fight noted above.

On 6th February 2014 the DPS was interviewed by Council and Police Officers regarding the fighting at the club, during which he admitted breaches of licensing conditions.

There have been follow-up visits and further public order incidents (outlined below) which demonstrate further breaches and it is therefore requested that the licensing committee review this licence with a view to returning this venue to a restaurant and adopting the following recommendations:

1. Amend the opening hours of the premises to:

10.00 to 00.30 Monday to Sunday

2. Amend the permitted hours for all licensed activities to:

a. 10.00 to 00.00 Monday to Saturday

b. 12.00 to 22.30 Sunday

3. The supply of alcohol at the premises shall only be to a person seated, taking a table meal at the venue and for consumption by such as person as ancillary to their meal.

In the last year (2013), although there have been six (6) CAD incident reports to this venue, these have generated five (5) Crime Reports listed below:

Crime Reports:

2704591/13 - (February 2013 0400 hours) - ABH. Very drunk male was assaulted outside the club, it appears by a 'friend' whom he was drinking with earlier. He had a tooth knocked out and swollen lips. Other customers refused to assist police. After making the report and attending hospital, the victim refused to assist police in a prosecution.

2709870/13 – (May 2013 0230 hours) - Theft of Bag and Coat. Police called to a fight outside Menelik. This was sorted out by police, however the Victim then contacted police later in the day to say that his coat and bag had been stolen. He claimed they were left in the venue, but he found them hanging on railings outside. Victim appears confused over how belongings came to be outside venue. No CCTV of incident.

2709916/13 – (May 2013 0330 hours) - GBH – victim attended hospital after calling London Ambulance Service with facial injuries (fractured jaw). Was very drunk as was his friend who came with him. Both stated they had been drinking in Menelik and the victim was attacked outside by a group of five (5) black males, for no understandable reason, but it may be about politics. Police report notes that the victim was quite unco-operative, due to being drunk. No witnesses come forward. Police video experts state that CCTV at Menelik is of very poor quality and does not show anything outside the venue so, without any further evidence the report is closed.

2709968/13 – (May 0440 hours) - Common Assault – Victim is drunk and gets into a vehicle for a lift home with a group of males she says she may have seen at the venue before. During this drive, one of the males steals money and a mobile phone from her bag. She sees this and challenges the suspect who drops the property. She says she is calling the police so is pushed out of the vehicle when it stops. She only has minor injuries. Suspects are ETHIOPIAN males who frequent Menelik. After making this report, the victim refuses to engage with police. No further action.

2717253/13 – (August 2359 hours) - Theft – Victim had been drinking in Menelik and was standing outside on his mobile phone when the suspect cycled passed and stole his phone from his hand. This report was made two days after the incident happened and to an officer in BELGRAVIA. There does not appear to have been any assistance from staff at the venue to the victim.

It is worth noting that there have been two other crime reports of note which demonstrate that there has been an ongoing problem with violence at the venue, but these reports are more than a year old:

2726791/12 – (October 2012 0402 hours) – Threats to Kill/ Offensive Weapon - Victim threatened by a male with a kitchen knife because he had banned the suspect from the venue about three months before after the suspect broke a bottle and slashed the face of another customer inside the premises. The suspect threatened to kill the victim; running at him with the weapon. The victim declined to assist police further even though there were a number of good suspect leads.

2715560/12 - (June 2012 0310 hours) - GBH - Victim assaulted in the venue, causing severe damage to his jaw, which leads to a fight outside the venue involving a number of people. Items are thrown at the venue and windows broken. A lot of work is done by the investigating officer as there are assaults on three (3) people during the fighting.

Communication:

The DPS / Owner has been made aware of police concerns through formal interview and informal discussions. He has been advised on how he could operate his venue more professionally, but does not appear to wish to carry out any of these recommendations. In March 2014 the DPS/ Owner was in discussions to sell the venue to another restaurateur, but it appears that he did not tell the interested party that police were considering a review due to the public order problems at the venue.

During one visit to the premises, Police witnessed door staff not using wands to search customers. This is against conditions of the licence.

On 8th April 2014 the DPS applied to make the minor variation (above) which would bring the venue back to being a restaurant. There was no objection to this application from Police.

However, on Wednesday 16th April 2014, DADDS solicitors emailed police licensing team to withdraw the minor variation application.

Summary and Recommendations:

MENELIK has become a late-night drinking bar which caters almost exclusively for the ETHIOPIAN community. It is listed on the Internet as a Restaurant and there are some favourable reviews. It attracts mainly men and permitted excessive alcohol intake is highly probable to be the reason why there are so many public order incidents, which mainly occur in the road outside the venue, disturbing neighbours and always requiring police intervention.

There has been some considerable engagement by police and partners with the DPS. However it appears that he does not wish to take action on any of the recommendations made by Police or Islington Council Officers. Police would expect that any DPS would recognise the help both the police and Islington Borough Council have offered and act upon it.

The majority of these violent crimes, often involving a group of men attacking another group or individuals, happen between 0000 hours and 0430 hours. There does not appear to be a need for the service of food in the early hours of the morning. This venue has turned into a late-night drinking establishment with customers still arriving at 0300.

It is the opinion of the Police that Mr ARBI (DPS/ Owner) is neither running a safe nor professional venue. This is demonstrated by a number of violent crimes committed mainly outside the venue by his customers after drinking alcohol inside the venue. The police cannot afford to permit the venue to operate in its current state, which generates so much violent crime, due in part to the extreme level of intoxication of both the victims and supposedly, the perpetrators.

As a minimum, the Police have five recommendations, to return the venue to a restaurant:

1. Amend the opening hours of the premises to:

10.00 to 00.30 Monday to Sunday

2. Amend the permitted hours for all licensed activities to:

a) 10.00 to 00.00 Monday to Saturday

b) 12.00 to 22.30 Sunday

3. The supply of alcohol at the premises shall only be to a person seated, taking a table meal at the venue and for consumption by such as person as ancillary to their meal.

4. There shall be no vertical drinking.

5. There shall be no off-sales of alcohol.

Remove of the following premises licence conditions:

Annex 2 Conditions: 1,2,3,6,7,8,9,10,11,12,13,14,15,16,17,20

Annex 3 Conditions: 3,4,5,6,7,8,9,13,14,15,17,18,19

However, as Mr ARBI has been offered to voluntarily apply for these conditions in an attempt to reduce late night violent crime, and refused to do so, and the fact that the venue has been reviewed twice before, the police would also suggest that revocation of the Premises licence should also be considered.

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

Date

Capacity

[Handwritten Signature]

24th April 2014

POLICE LICENSING OFFICER

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.

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Paul HOPPE PC 208NI** URN:

01	NI		14
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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 216416**

This statement (consisting of: ... **2** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

Date: **27th February 2014**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the person named above. I am a police officer based on Islington Borough and currently attached to the licensing team at 222 UPPER STREET N1. This statement relates to an incident I was involved with outside 277 CALEDONIAN ROAD N11EF.

On SUNDAY 23rd FEBRUARY 2014 I was on duty in plain clothes driving an unmarked police vehicle SOUTH on CALEDONIAN ROAD N1. I was working a night duty, having started at 2000 hours on SATURDAY 22nd FEBRUARY 2014 due to a threat being made to a licensed premises in Islington. At about 0205 hours I was driving passed MENELIK ETHEOPIAN restaurant 277 CALEDONIAN ROAD N1 when I saw, from the corner of my eye, a disturbance starting outside the restaurant.

I stopped my vehicle on the left side of CALEDONIAN ROAD N1 and tried to request assistance via my personal radio. However, As I was doing this, a female officer, who was in uniform transmitted a request for assistance at the same location. She had pulled her marked police vehicle across CALEDONIAN ROAD N1 and was already getting out of her car. I locked my vehicle and, being aware that I was not in uniform, I safely ran across CALEDONIAN ROAD N1 towards the restaurant. The female officer was following suspects involved in the brief fight behind the restaurant and then back onto CALEDONIAN ROAD N1. There were very few people in the street at this time. I followed her to where she had caught up with the male who ran off and was handcuffing this IC3 male A/A40 to 45 years F509 chunky build wearing a red patterned T-shirt with black arms, red trousers and red trainers. While she was doing this, an IC3 female was trying to push in and in my view, obstruct the arrest. I pushed this female back telling her I was police (I was carrying my radio) and not to get involved. She insisted she was the mans wife and that he had done nothing. I was aware from radio chatter that other police units were on their way. There was another, more smartly dressed man also near this couple and he may have been recording the incident, however, he did not seem to be too interested or involved. Other units were on scene quite fast and I let uniformed officers deal with the ever-increasing crowd of people who I believe had come out of the MENELIK restaurant, while I tried to get the Council CCTV unit to review their camera sand

Signature:

Signature witnessed by:

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RESTRICTED (when complete)

Continuation of Statement of **Paul HOPPE PC 208NI**.....

see if the whole incident had been caught on CCTV. There did not appear to be any injuries. I had a very bad radio reception and communication with the CCTV monitoring station was very difficult, but it appears that the quality of the CCTV was not good enough to identify suspects as the camera was quite far away. I believe the male detained was placed in a police van, but later released.

Towards the end of the incident at about 0240 hours I spoke briefly with the manager of the venue and told him that I was licensing and that I would be dealing with this incident during the week with the Council Officer responsible for this area of the Borough. He wanted to speak to me there and then, but there were other requests for police assistance, one being to a man threatening to attack another licensed venue on CITY ROAD EC1 which I had to attend (CAD 1241 of 23/02/2014). There was no need to take this matter any further at this time as most licensing issues can be dealt with after the incident in 'slow time' this was my intention; also to speak with the Council Officers who I know had recently interviewed the manager. I kept telling him I had to go, but all he could say and repeat was "I need to do this now. It's not my fault this happened". I kept telling him I would deal with this during the week.

I have grave concerns over the management of this venue. It's licence is one of a restaurant, however, it is open to the early hours of the morning and there is a lot of drunken behaviour and fighting going on around this venue. On the night of this incident, there was only a maximum of four people involved and two/three door staff, however, during the incident, the management allowed more people out of the club to come into the street and get involved in the incident when they had no actual involvement. This causes police to have to deal with many more people than is necessary and a drain on police resources. This night, there were at least four police units and two sergeants on scene. It could have been dealt with by two units if the venue had kept its customers inside and not allowed them out to argue with police.

From an officer safety perspective, an increased number of people in the street who have been drinking and are argumentative towards police causes problems when it comes to identifying the real victims and witnesses as these bystanders wish to get involved. Officers have to react to the increased bystanders when they should only be dealing with those actually involved in the incident.

Signature: Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27

Statement of **Anne WOODS** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 231247**

This statement (consisting of: ... **2** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

Date:

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On SUNDAY 23RD FEBRUARY 2014 I was on duty in uniform in a marked police vehicle call sign NI21 night duty. At 0205 hrs I was single crewed in the police vehicle driving SOUTH down CALEDONIAN ROAD when I saw a group of males fighting with a bouncer outside Menelik Nightclub, 277 CALEDONIAN ROAD. I put my blue lights and sirens on and put up on the radio for further assistance CAD 1083/23FEB14 refers. I could see around five IC3 males fighting with one IC3 bouncer, they were about to get the bouncer to the ground when they see saw police and made off. A small IC3 male in a pink shirt identified himself to me as the manager of the Nightclub. He told me that a male in a red t-shirt who'd gone behind the club was involved. I didn't notice the manager actually trying to take any control of the situation, there were more people spilling out of the club to find out what was happening and there was no control on the door. I went behind the club to look for the male in the red t-shirt and I saw him walking away from me quickly whilst putting his belt back in his trousers. I detained the male who I now know to be Ajkilt FITSUM, 19/06/1988 on CALEDONIAN ROAD at the junction with BRIDGEMAN ROAD. I searched him for offensive weapons as I believed he'd used his belt as a weapon in the fight and could have been carrying further weapons. A small crowd gathered around the police van where he was detained and were very angry that the male was being detained. I didn't find anything and CCTV footage at the venue didn't show the male as directly involved and he was de arrested and released.

I spoke with the manager who seemed fixated on the male I had detained as the perpetrator despite not witnessing the fight and CCTV showing otherwise. The manager aggravated the whole situation by coming over to the detained male and shouting to towards him and the small crowd. His behaviour fell far below that of a professional manager of a nightclub. He seemed more concerned with a personal vendetta with the detained male rather than addressing the issue of disorder at the nightclub.

I spoke to the two bouncers who were working that night who told me that the fight had started because a group

Signature:

Signature witnessed by:

Continuation of Statement of **Anne WOODS**

of men and women arrived wanting to get into the venue when it was closed. They informed me that this is a common occurrence when group of people are refused entry to the club. There clearly was not enough door staff on duty to be able to control the groups of people arriving at the venue as well as those inside. The main bouncer who'd been assaulted suffered a diabetic fit afterwards when police were present as a result of the shock of the incident. He didn't wish to make any formal allegations at this stage and described an IC3 male in a blue jacket as being the main perpetrator.

Signature: Signature witnessed by:

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Paul HOPPE PC 208NI** URN:

01	NI		14
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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 216416**

This statement (consisting of: .. **12** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **25th April 2014**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

This statement relates to the Premises License Review of MENELIK Ethiopian Restaurant 277 Caledonian Road N1 1EF after a number of public order incidents and drunken behaviour directly linked to the venue in the year of 2012 to 2013 and beyond. I am a member of the Islington Police Licensing team and I have fully investigated this venue over the last four months since January 2014, through licensing visits, liaising with Council Licensing and Noise Liaison Officers and interrogating Police intelligence systems.

Reason for Review:

After a thorough investigation, the DPS has turned the restaurant into a late-night drinking establishment which has seen a number of violent incidents and assaults over the last year (although there is a track record of violent incidents linked to this venue), of which alcohol is a considerable factor; not all of which have been brought to police attention by the management. This report will list two GBH's, two ABH's and a number of drunken calls to police. There is also compelling CCTV evidence of drunken fights between customers which take place outside the venue. Police and Council Officers have tried to assist the DPS with advice and it was recommended that he seek professional assistance to improve the operation, but he has refused all help. That is, until this review was triggered (not for the first time). The venue has been reviewed by Committee twice already in further attempts to help the DPS control his venue. More recently it has been suggested to the DPS that he return the venue to a restaurant and draw back the hours, which is what the licence and indeed the name of the venue implies and he himself has stated in his defence in the past, by means of a minor variation, but again he has now refused to do this.

Police therefore have no hesitation in bringing this review in an attempt to Prevent Crime and Disorder, Reduce Public Nuisance and Protect the Public. The minimum Police are requesting is:

1. Amend the opening hours of the premises to:

Signature: Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

10.00 to 00.30 Monday to Sunday

2. Amend the permitted hours for all licensed activities to:

a. 10.00 to 00.00 Monday to Saturday

b. 12.00 to 22.30 Sunday

3. The supply of alcohol at the premises (on both floors) shall only be to a person seated, taking a table meal at the venue and for consumption by such as person as ancillary to their meal.

4. There shall be no vertical drinking (on either floor).

5. There shall be no off-sales of alcohol (on either floor).

Remove of the following premises licence conditions:

Annex 2 Conditions: 1,2,3,6,20

Annex 3 Conditions: 3,4,5,6,7,8,9,13,14,15,17,19

However, as the DPS has been offered to voluntarily apply for these conditions in an attempt to reduce late night violent crime, and refused to do so, and the fact that the venue has been reviewed twice before, and the violence continues, police would also suggest that revocation of the Premises licence should also be considered.

Premises:

Menelik Ethiopian Restaurant has operated as a licensed premises since 1993 (basement only). At this time, the current DPS and Owner, Mr Samuel ARBI and his wife Ms Fanaye GETACHEN were named as the Premises Licence holders, their address being _____ Mr ARBI alone was

named as the DPS, holding a personal licence from EALING Borough number 00603. In 2001, the ground floor was also taken over by Mr ARBI and Ms GETACHEN and turned into the restaurant.

On 29th October 2008, the Premises Licence was amended after a Licensing Committee review which took place on 8th October and seventeen (17) licensing conditions were added to Annex 3.

On 19th December 2013 the most recent amendments were made, changing the DPS home address to Flat 1-2 277 Caledonian Road London N1 1EF (which is above/ behind the venue).

The licence held is a comprehensive one. It includes provisions for the following licensable activities: Performance of live music, playing recorded music, performance of dance, entertainment facilities for making music, dancing, late night refreshment and retails sale of alcohol. (exhibited as PEH/1)

The venue opening hours are 0900 hours to 0400 hours Monday to Wednesday. 0900 hours to 0400 hours

Signature: _____

Signature witnessed by: _____

Continuation of Statement of **Paul HOPPE PC 208NI**.....

Thursday to Saturday and 0900 to 0200 hours on Sunday.

There are currently: nine (9) Conditions - Annex 1: Mandatory Conditions

Twenty (20) Conditions - Annex 2: Conditions consistent with Operating Schedule

Nineteen (19) Conditions - Annex 3: Conditions attached after a hearing by licensing authority.

The premises consists of two floors; the basement and the ground floor. Each floor has slightly different conditions (and times of licensed activities) attached (see premises licence). The ground floor is the main restaurant area and while the basement is also a restaurant it has facilities for dancing and a standing bar area. The venue caters almost exclusively for the ETHIOPIAN community and attracts males and females of a thirty (30) plus age-group.

Background

This review has been triggered by a number of public order incidents, violent assaults, drunkenness and poor management of the venue, specifically since October 2013. There has been considerable communication with the DPS who has not implemented any of the recommendations made to him, nor has he sought professional help from a recognised licensing agency, until this review was applied for.

The current DPS has been in place since October 2006. He has and is currently both the DPS and premises license holder, although his wife is named on the Premises Licence as joint premises licence holder. The venue and the licence are basically a *Restaurant* on two floors.

There are a total of forty-eight (48) Conditions on the Premises Licence.

The premises licence is very clear, as is the name of the venue - that this is a *Restaurant*.

Annex 2 Condition 3 states:

(with respect to the BASEMENT)

The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

Annex 2 Condition 4 states:

(with respect to the GROUND FLOOR)

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such a person as an ancillary to his meal.

However, over time, the DPS appears to have adapted this venue into a late-night drinking establishment as the majority of Annex 3 Conditions attached after a hearing by the licensing authority relate to general security of the venue - Door Supervisors, Search Policy, Search Equipment (must be used), CCTV, Challenge 21, Event

Signature:

Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

Promoters and the Decanting of alcoholic beverages into polycarbonate drinking vessels. The assumption that the venue is now a late-night drinking establishment is further proved by the fact that there have been no incidents of Anti-social behaviour or crime before midnight and all these incidents involve the consumption alcoholic beverages.

Noise:

The first complaint regarding noise was received on 5th May 2005. But although the club is not located in a high residential area, that is until 2007 when there was a large amount of work done by the noise team until 2009. During this period of time, the venue was reviewed and conditions were added to the licence.

On 30th July 2013 a warning letter was sent by Islington Council Noise team regarding complaints from residents over noise from customers leaving the venue which happened on Sunday 28th July 2014. This letter also highlights further problems around after-hours drinking inside the venue and an assault which happened outside. The DPS did not appear concerned; blaming another venue for the problems, even though it was witnessed by a Council Officer. (Exhibited as PEH/2)

There has also been a warning letter sent on 14th January 2014 regarding a visit from the noise team on 11th January 2014 which warned Mr ARBI that the noise limiter required calibration as the sound levels were too high and above those specified on the premises licence. (Exhibited as PEH/3)

Officer Panel:

On 1st OCTOBER 2013 the DPS was called to an officer panel at ISLINGTON Council offices by Terrie LANE, Licensing manager and the following points were discussed and agreed (Exhibited as PEH/4):

- 1) DPS was advised that he had been to a panel before and also two licensing reviews (see below). It was also pointed out that the next step will be a review of his license where it could be revoked.
- 2) Fights were witnessed by Council Officers. The DPS claimed these were fights by people who were not his customers.
- 3) Officers witnessed after hours sales at the venue. The DPS claimed these people were friends.
- 4) The DPS had not attended the last two Pubwatch meetings (condition of license).
- 5) Police had been called nine (9) times in the last year to the venue.
- 6) The DPS stated that problems which occurred outside the venue were not his problem as they were outside. It was pointed out that people involved, if they had been drinking in the venue, were his responsibility and that he should give these customers taxi numbers to get home.
- 7) The DPS was advised to close earlier or stop serving earlier and allow customers to phone for taxi's from inside the venue to prevent the noise and waiting outside. He was also advised to speak to his licensing officer to

Signature:

Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

work out a dispersal plan.

8) The DPS stated he was concerned over criminals using his venue. PC HARRINGTON advised that he would assist with this, but the DPS must make the initial approach for this to be handled formally.

9) The DPS was advised not to allow new customers in after 0100 hours to discourage trouble-makers travelling to the venue.

10) There was some discussion around door staff and how they should behave.

11) The DPS was advised to provide his new home address for the license as the current one is out of date.

The final paragraph of the letter states that the Council expect the DPS to comply with what was agreed and that he would be monitored to ensure changes are made. It also states that if there is another incident, the licence will be reviewed and he may be prosecuted for breaches of his licence. There was also a contact number for his allocated licensing officer.

It is true that none of these agreed conditions have been met, even though there has been further communication and assistance given.

Reviews:

The venue has been twice; on 8th October 2008 and again on 8th April 2009. This was before the Officer Panel was developed as a tool to assist managers who were struggling with their operation.

8th October 2008 - PREVENTION OF PUBLIC NUISANCE.

For this hearing, the police statement by Licensing Officer PC USHER (Exhibited as PEH/5) states that he had investigated the venue and found there had been a number of violent crimes between AUGUST 2007 and August 2008. PC USHER also clearly states that there is an issue after midnight with drunken behaviour of the customers of the venue, he requests that the licensable hours be reduced to 0200 hours and that fourteen (14) conditions be added to the licence around general security being searching customers on the way in and also that the DPS, Mr ARBI attend Pubwatch meetings. Mr ARBI also attended ISLINGTON police station on 31st JANUARY 2008 where the representation was discussed and police concerns over the level of violence were explained. In reply, Mr ARBI said that he would introduce a membership scheme, ban troublesome, customers and upgrade his CCTV.

As of todays date, none of this appears to have been done. I believe PC USHER has now retired from the MPS.

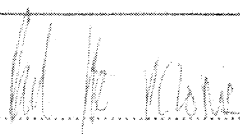
For this hearing, Mr ARBI produced a statement (Exhibited as PEH/6), in it at point eight (8) he states:

"I would like to make it clear that we do not serve any alcohol without a meal being purchased first". This has clearly now changed as I have witnessed new customers entering the venue in 2014 at 0300 hours in the morning.

Result: The Licensing Committee agreed with the responsible authorities and added conditions to the venues licence.

8th April 2009 - PREVENTION OF PUBLIC NUISANCE.

Signature:



Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

This review hearing was called by ISLINGTON Council Noise Team as five (5) of the conditions added to the venue licence at the review hearing of 8th OCTOBER 2008 had not been complied with, after a month of the conditions being added to the licence. There had been visits in NOVEMBER 2009 by the noise team who reported that the levels of noise were still outside the agreed levels and there were further minor breaches of other licence conditions noted by the noise officers.

Result: Once this review was called, and paperwork served, the DPS arranged for the outstanding work in relation to the excessive noise to be done. This work which should have done when the conditions were initially agreed at the previous review. Therefore when this hearing took place, the sound levels were acceptable by ISLINGTON Noise Team and in reality the hearing was a waste of time for all concerned (Minutes exhibited as PEH/7).

It is clear that this venue has a long history of problems, mainly in two areas:

- 1) Management /control of the premises
- 2) Misuse / excessive alcohol consumption leading to violent crime

Engagement

There has been a considerable amount of communication and engagement with the DPS, both at the venue, though Police visits and Council Officer visits and also at the Council offices by way of informal meetings, PACE Interview and Panel meetings.

It appears however, that the DPS is either not able or is not interested in taking any action to improve the quality of his commercial operation. He has admitted there are problems, but makes excuses. He does not take advice or seek assistance from professional bodies. It appears the only time the DPS takes any action is when he is threatened with a review of his licence.

Police Visits to the Premises:

Between NOVEMBER 2013 after the large fight outside the venue on 27th OCTOBER 2013 at 0250 hours and there have been three (3) licensing visits.

2nd NOVEMBER 2013 - 2300 hours - approximately - There were no recorded issues at this time. It should be noted that the restaurant was still open and the venue did not have a lot of customers in the basement. Mr ARBI was informed about the reason for the visit, being the previous fight outside.

21st DECEMBER 2013 - 2250 hours - The venue was visited and a form 695 completed. This was again an early visit and there were no reported problems. However, again only 10 people in the basement drinking. It should be noted that officers could only ask if customers are searched as there was no one going in or out at the time. There is no dedicated smoking area identified, only in the street.

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Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

24th JANUARY 2014 - 0400 hours - Due to officers being required elsewhere during the evening, this was a very late visit. The venue was closing and there were very few people around. No issues.

I am aware there have been a number of visits from Council Officers, mainly noise team. There have been a number of visits at the end of 2013 and again 2014; warning the DPS again about sound levels.

Two other visits of note from the noise team are:

Sunday 28th July 2013 (early morning)

Sunday 22nd September 2013 (early morning)

Both these two visits were regarding groups of young men congregating near the bus stop outside the venue causing Anti-Social Behaviour (ASB). A letter was sent from the noise team on 24th September 2013 to offer assistance in preventing problems (Exhibited as PEH/8). This is particularly key as there have been fights outside (for example on 27th OCTOBER 2013 at 0250 hours).

On Thursday 22nd MAY 2014 at about 1135 hours, Mr ARBI telephoned and asked to speak to another of my colleagues, not involved in this review. He did not wish to speak to me, but knowing the situation with this review, my colleague handed me the phone. Mr ARBI was very evasive and said he was dealing with my colleague. I reminded him that I was dealing with his premises and review and anything related to this should go through me. After denying that his phone call had anything to do with the review, he eventually admitted that both he, and the manager at another restaurant on CALEDONIAN ROAD N1 named MARATHON (which is also being reviewed by another colleague), wanted to discuss adding premises licence conditions around adding more door supervisors and installing an Identification Scanner at each venue, without me or the other review licensing officer. Clearly, this is an attempt to cut the review officers out of discussions and get police agreement from another police licensing officer who may not know the facts around the review for new conditions. This is typical of Mr ARBI's behaviour and style of operating. I have made it clear to Mr ARBI that if he wishes to make changes to his licensing conditions, he should seek advice from his appointed solicitors and complete the necessary paperwork. I reminded him that I have given him lots of advice around what conditions Police will accept due to the violence and poor management of the venue.

PACE Interviews:

On 6th February 2014 at 1413 hours until 1440 hours at the Council Offices 222 Upper Street N1 Mr ARBI attended for a PACE Interview with Mrs TOMASHEVSKI and PC HARRINGTON; accompanied by Claire KELLY of ORACLE solicitors. This interview was to ask questions regarding Annex 2 and Annex 3 conditions relating to search wands, dress codes and door supervisors. During this interview, Mr ARBI admitted he had been previously PACE interviewed 10 years ago and also to breaches of his licence conditions. Soon after he

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Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

admitted breaches relating to door supervisors, his solicitor requested a break and when the interview continued, Mr ARBI requested an interpreter. The interview then concluded at 1440 hours. (Transcript exhibited as PEH/11)

This interview was re-convened on 11th February 2014 at 1406 hours to 1513 hours at Council Offices 222 Upper Street N1. Mr ARBI attended and was accompanied by Hamza ADESANU, from ORACLE solicitors and Eden an Interpreter from CITAS for Mr ARBI. The interview was again lead by Mrs TOMASHEVSKI and PC HARRINGTON in attendance. Mr ARBI was again asked about the door supervisors. In his answers he now denies they leave earlier than he had admitted to before. Mr ARBI is shown footage of a large fight outside his premises on 27th October 2013 at 0254 hours (Exhibited as PEH/13 later in this statement). There is a big discussion on which door supervisors were working that night and Mr ARBI is confused or trying to confuse the interviewers as to who was actually working. Mr ARBI also denies the people fighting in the CCTV are his customers, even though it is early hours of the morning and no shops / bars open near (within 500 meters) of his venue. Hi own CCTV (he provided from inside the venue) evidenced that it was his customers fighting, but Mr ARBI still tried to deny it and blame some of the fighting on door supervisors from another venue.

Mr ARBI was asked what he had done to prevent crime (fighting in the street). The only thing Mr ARBI could come up with is that he had put up signs telling customers not to fight. He also tried to blame "...being the people come from different ethnicity and then that's why they start fighting, you know....". He also stated that "...but always the fight outside the premises" as if that was an excuse. PC HARRINGTON pointed out that on 1st OCTOBER 2013 Mr ARBI had been to an officer panel when the violent crime was discussed and then this large incident happened on 27th OCTOBER 2013, so the conditions Mr ARBI had put in were not working. Mr ARBI apologised but again tried to excuse the fighting saying "But this happened outside the premise". He was trying to excuse the fighting. He then tried to confuse the interviewers again by pretending not to understand which event was being talked about.

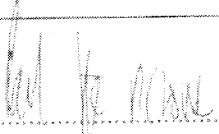
Meetings at Council Offices:

Mr ARBI has been to the Council offices on many occasions to seek clarification on the new conditions being sought in this review. He has attended usually with his wife and on one occasion with a 'family friend'. On every occasion, a full explanation was given, but he was also strongly advised to seek independent, professional help so that he could make informed decisions. Unfortunately he never took this advice to seek independent advice. Officers have tried to assist Mr ARBI in the professional running of his operation.

Telephone Calls:

The DPS, Mr ARBI has the direct office line for the Council Licensing Team, the Licensing Officer who is responsible for his venue and the Police licensing team. He has regularly telephoned these lines when he needs to

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Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

argue a point, but never for advice.

Crime Incidents of Note 2013

4th May 2013 - CAD 1783. Victim called police at 0404 hours to say that another customer has threatened to kill him. There appears to be a fight at the venue. Police arrive on scene and arrest a male customer for being drunk and disorderly. However, due to severe intoxication and or assault the male becomes unconscious and is taken to hospital. As he has been arrested, officers have to stay with him on hospital guard. Also, because he has been in the police van, this has to be sealed until it is known the outcome of his severe drunken state.

Crime Report - 2704591/13 - (February 2013 0400 hours) - ABH. Very drunk male was assaulted outside the club, it appears by a 'friend' whom he was drinking with earlier. He had a tooth knocked out and swollen lips. Other customers refused to assist police. After making the report and attending hospital, the victim refused to assist police in a prosecution.

Crime Report - 2709870/13 - (May 2013 0230 hours) - Theft of Bag and Coat. Police called to a fight outside Menelik. This was sorted out by police, however the Victim then contacted police later in the day to say that his coat and bag had been stolen. He claimed they were left in the venue, but he found them hanging on railings outside. Victim appears confused over how belongings came to be outside venue. No CCTV of incident.

Crime Report - 2709916/13 - (May 2013 0330 hours) - GBH - victim attended hospital after calling London Ambulance Service with facial injuries (fractured jaw). Was very drunk as was his friend who came with him. Both stated they had been drinking in Menelik and the victim was attacked outside by a group of five (5) black males, for no understandable reason, but it may be about politics. Police report notes that the victim was quite unco-operative, due to being drunk. No witnesses come forward. Police video experts state that CCTV at Menelik is of very poor quality and does not show anything outside the venue so, without any further evidence the report is closed.

Crime Report - 2709968/13 - (May 0440 hours) - Common Assault - Victim is drunk and gets into a vehicle for a lift home with a group of males she says she may have seen at the venue before. During this drive, one of the males steals money and a mobile phone from her bag. She sees this and challenges the suspect who drops the property. She says she is calling the police so is pushed out of the vehicle when it stops. She only has minor injuries. Suspects are ETHIOPIAN males who frequent Menelik. After making this report, the victim refuses to engage with police. No further action.

Crime Report - 2717253/13 - (August 2359 hours) - Theft - Victim had been drinking in Menelik and was standing outside on his mobile phone when the suspect cycled passed and stole his phone from his hand. This report was made two days after the incident happened and to an officer in BELGRAVIA. There does not appear to have been any assistance from staff at the venue to the victim.

On 27th February 2014 at 0205 hours I was on duty in plain clothes involved in an incident which was a fight outside the premises between door staff and customers trying to get into the premises. I witnessed a disturbance and then the aftermath. Besides the fight at the front, I also witnessed a number of customers being allowed to come out of the premises who had nothing to do with the fight, who then continued to shout and argue with police, which made the work police were doing in investigating the fight much harder. Mr ARBI was present on the evening and I spoke to him briefly. Yet again he could not understand that these incidents were related to his venue, even though I had witnessed the incident. (Statement from PC HOPPE 208NI exhibited as PEH/9 and PC WOODS Exhibited as PEH/10).

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Continuation of Statement of **Paul HOPPE PC 208NI**.....

October 27th 2014 - Customers fighting outside the venue with door staff. At least ten (10) to fifteen (15) males fighting with each other in the street and with door staff. The CCTV is very clear; it starts with males who jump out of a car and shows males on both sides of the road throwing punches and kicks at each other and running up and down the road. As this is at 0254 hours (early hours of the morning when no shops are open), these people are all customers of the venue. Mrs GETACHEN (Mr ARBI's wife) is seen in the CCTV footage arguing with customers. (CCTV exhibited as PEH/13)

CAD 1388 - 11th MAY 2014 at 0318 hours - Fight outside venue involving 5 people. Local resident informs police of incident. By the time CCTV cameras are focussed on location, the fight appears to have stopped, but there is still a heated argument. Police are busy and arrive later but cannot find evidence of offences.

It is clear that there have been and continue to be, a number of violent crimes linked to the venue. Many of these crimes appear to involve excessive alcohol consumption by both the suspect and victim which results in confused allegations and violent outcomes from an incident. If the parties involved had been sober, the outcome would have been a peaceful one.

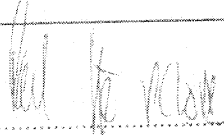
Conclusion

This venue and the Management team have been having problems around excessive alcohol consumption since at least 2008 when the first review of the premises licence was heard. There is no evidence of improvement since then, even though responsible authorities have tried on many occasions to assist the DPS through a variety of methods and approaches.

The venue is a restaurant, a fact that Mr ARBI the DPS relied upon in his statement to the first review Committee in 2008, and there is no reason to not believe that the restaurant is not a very good one. However, it is the problems arising from excessive alcohol consumption in the late night/ early morning drinking den that the venue has become which is causing police concern. It is almost as if the venue were a Jekyll and Hyde character; the restaurant is Jekyll and the basement drinking den; Hyde.

The vast majority of violent crime and disorder/ noise complaints occurs after midnight. This is a fact which responsible authorities have tried to assist Mr ARBI in dealing with, but he refuses to take advice or assistance and the violent crime and management failings continue.

The DPS does not appear to be capable of managing this venue. Even with the large number of conditions he has on his licence to assist him in running a professional business, he still fails. There is no point in adding more conditions as the DPS is failing in achieving the current conditions; door staff without wands, no searching policy, after-hours sales and violent fights between extremely drunken customers. The DPS does not appear to understand that there is a link between the excesses of alcohol consumption and the problems he is experiencing.

Signature:  Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

The patience of Police has run out with this venue regarding preventing crime and disorder. The DPS has been offered the opportunity to return his venue to a restaurant and close at midnight (0000 hours). There does not appear to be an issue with the restaurant part of the business and this would mean that there would not have to be a third review. Responsible authorities have tried to explain to him why this would be beneficial, having shown him CCTV of fights, visiting his premises and interviewing him. He has been advised to seek professional help to do his own review of his business, but it seems that he just does not believe there is a problem, not matter what the evidence.

On 4th April 2014 Mr ARBI did make an application to amend his conditions and return the venue to a restaurant. However, he then had a change of heart and after putting in the application, sought legal advice and within four days, withdrew this application. He knew there was a huge amount of evidence of breaches of licence conditions against him and that he had been interviewed, attended an officer panel and his premises licence had been reviewed twice: there is now nowhere left to go other than another review which could lead to revocation of his licence.

Even after all the communication and assistance I have tried to give Mr ARBI, on 22nd MAY 2014 he decided to try to go behind my back and directly contacted one of my colleagues (who he thought knew nothing about this review), about adding conditions to his premises licence. It was only because the police licensing team communicate with each other, that my colleague passed the phone call to me. This attempt at undermining this review is a typical example of how Mr ARBI carries out his business.

I am aware the Islington Council Licensing team are in the process of bringing a prosecution against Mr ARBI for breaches of licensing conditions.

Recommendations

As previously noted, this same DPS / Owner/ Manager has exhausted the whole licensing process; he has been spoken to on the phone, informally met with, written to, formally interviewed, been to officer panel and twice reviewed. Still the venue causes concern over breaches of licence conditions and violent drunken confrontations by customers outside.

Police have given this premises a lot of time, energy and thought. The simplest solution (which has already been offered) to preventing violent crime happening outside this premises in the early hours is to reduce the hours and return the venue to a restaurant.

Police therefore have no hesitation in bringing this review in an attempt to Prevent Crime and Disorder,

Signature:

Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

Reduce Public Nuisance and Protect the Public. The minimum Police are requesting is:

1. Amend the opening hours of the premises to:

10.00 to 00.30 Monday to Sunday

2. Amend the permitted hours for all licensed activities to:

a. 10.00 to 00.00 Monday to Saturday

b. 12.00 to 22.30 Sunday

3. The supply of alcohol at the premises (on both floors) shall only be to a person seated, taking a table meal at the venue and for consumption by such as person as ancillary to their meal.

4. There shall be no vertical drinking (on either floor).

5. There shall be no off-sales of alcohol (on either floor).

Remove of the following premises licence conditions:

Annex 2 Conditions: 1,2,3,6,20

Annex 3 Conditions: 3,4,5,6,7,8,9,13,14,15,17,19

However, as the DPS has been offered to voluntarily apply for these conditions in an attempt to reduce late night violent crime, and refused to do so, and the fact that the venue has been reviewed twice before, and the violence continues, police would also suggest that revocation of the Premises licence should also be considered.

Signature: _____

Signature witnessed by: _____

Dated 31/5/14

PEN IN

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

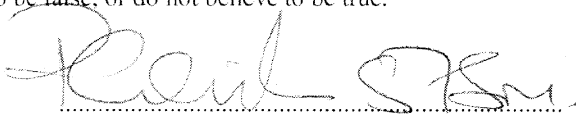
Statement of **Peter CONISBEE PC575NI**..... URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 189041**

This statement (consisting of: ... **2** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:



Date: 31/05/2014.....

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the above named person, currently a police licensing officer for Islington police. This statement refers to a licensing visit conducted at MENELIK restaurant and subsequent issuance of a Section 19 Closure notice.

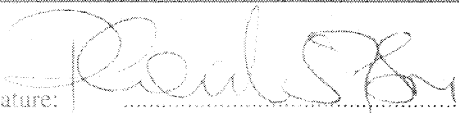
On Saturday the 31st of MAY 2014 I was on duty in plain clothes conducting a number of licensing visits in the early hours of the morning. At about 0245 I attended MENELIK restaurant, 277 CALEDONIAN ROAD, N1 to conduct a full licensing visit. I was in the company of PC285NI AHMED, PC300NI AHMED and SPC5952NI BATHA. On entering the premises I noted that there were no SIA registered staff on duty at the entrance, loud music was being played from within. We walked downstairs into the basement where I saw a number of people dancing, and a number of people were sat drinking. At the bar area I saw a male who I know to be the joint holder of the premise licence and Designated Premises Supervisor (DPS) of the premises, Mr Samuel ARBI.

I am aware that the premise is equipped with a comprehensive licence. The hours of opening on a Friday are 0900-0400 hours. The licence relating to the basement area permits the sale of alcohol on a Friday night from 1000-0330 hours, late night refreshment from 2300-0230 hours, the performance of dance, dancing and making music from 0900-0400 hours.

Under Annex 3 - Conditions attached after a hearing by the licensing authority, number 3 states; When alcohol and/or public entertainment is provided by way of music and dancing 2 SIA registered door supervisors will be employed from 9pm until half an hour after closing time, one of them being female whenever practicable.

Mr ARBI informed me that he had only recently sent his door staff home early. He gave no reason as to why. I asked him how long ago and he said it was only a short time ago, he gave no specific time. I asked him to show me the workings of his CCTV system which he did, and asked him to go back to about 0100 hours. On viewing the CCTV I saw no door staff at all. I asked him when he had sent them home, he then told me that it was a

Signature:



Signature witnessed by:

2006/07(1): MG 11(T)

RESTRICTED (when complete)

Continuation of Statement of **Peter CONISBEE PC575NI**

couple of hours ago. I asked him to be more specific but he was unable to. I then put it to him that there had been no door staff all evening, to which he did not reply.

I then requested to see his door supervisors register which was on a shelf by the till area. I noted that there was no entry in the register since the 17th of May 2014. I then asked to see the two fully functioning wands used by his door staff, he could only show one.

Under the same Annex as mentioned previously, number 4 states;

Door Supervisors Register - A register shall be maintained recording all SIA door supervisors employed at the premises. This shall include their name, badge number, the agency they work for (if any) and the time they start and finish work.

Number 7 states that there will be at least 2 fully functional search wands in use at the premises.

I asked Mr ARBI if he was aware of the content of his licence and whether he was aware that he was breaching his licence in respect of not having door staff, not keeping the SIA register up to date, and that he only had one fully functional search wand. He stated that he was aware of all the breaches.

Throughout the entirety of the visit Mr ARBI seemed unmoved and somewhat nonchalant by the issues raised.

I informed him that I would be serving a S.19 closure notice for the said breaches under the licensing act of 2003. I fully explained the workings of such a notice and completed the paperwork The notice was signed by Mr ARBI and we then left the address.



Signature: 

Signature witnessed by:

Statement 9 June 14

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Paul HOPPE PC 208NI** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 216416**

This statement (consisting of: ... **3** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **9th June 2014**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

This statement is further to my statement of 25th April 2014 relating to the review of the premises licence of MENELIK RESTAURANT 277 CALEDONIAN ROAD N1 1EF. I am a member of the ISLINGTON Police Licensing Team based at ISLINGTON Police Station N1.

This statement relates to further communications with the DPS and a licensing visit that was conducted on 31st MAY 2014 at 0255 hours at MENELIK RESTAURANT 277 CALEDONIAN ROAD N1 1EF. During the week leading up to 31st MAY 2014, I produced a licensing briefing relating to premises which required licensing visits on ISLINGTON Borough. As I have applied for a review of the premises licence of MENELIK RESTAURANT due to the large number of crime related and management issues related directly to the venue, I included MENELIK as one of the venues that were to be visited that night.

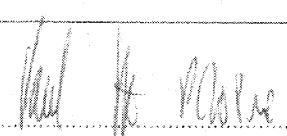
Visit:

On FRIDAY 31st MAY 2014 at 0255 hours, PC AHMED 285NI, PC AHMED 300NI, PC BATHRA 5952NI and PC CONISBEE 575NI attended MENELIK to carry out this licensing visit. I provided these officers with a copy of the premises licence for MENELIK. During this visit, the officers identified the following breaches of licence conditions:

ANNEX 3:

Condition 3: When alcohol and/or public entertainment is provided by way of music and dancing 2 SIA registered door supervisors will be employed from 9 pm until half an hour after closing time, one of them being female whenever practical. – FAILURE – there were no door staff at all on duty. The DPS, Mr ARBI said to officers that he has sent the door staff home early. However, CCTV does not show Door Supervisors working at all.

Condition 4: Door Supervisors Register – A register shall be maintained recording all SIA door supervisors employed at the premises. This shall include their name, badge number, the agency they work for (if any) and the time they start and finish work. – FAILURE – The last time the register was completed was on 17th May 2014.

Signature:  Signature witnessed by:

2006/07(1); MG 11(T)

RESTRICTED (when complete)

Continuation of Statement of **Paul HOPPE PC 208NI**.....

Condition 7: On any occasion when entertainment is being provided by means of a DJ and/or live music, all patrons visiting the premises will be searched by means of an electronic hand held wand. All visiting DJ's will be searched upon arrival. There will be at least 2 fully functional wands in use at the premises. – FAILURE – only one working wand in operation.

On the night PC CONISBEE 575NI issued a Section 19 of the CRIMINAL JUSTICE AND POLICE ACT 2001. Which Mr ARBI the DPS signed on the night as being correct.

Exhibits:

One (1) Form 695 completed on 31st MAY 2014 exhibited as PEH/14

One (1) Section 19 of the CRIMINAL JUSTICE AND POLICE ACT 2001 Closure Notice, exhibited as PEH/15

One (1) Statement from PC CONISBEE 575NI - Police record of visit of 31st MAY 2014. Exhibited as PEH/16

Further Communication:

Subsequent to this visit, on THURSDAY 22nd MAY 2014 at 1129 hours, Mr ARBI telephoned the Police Licensing team and asked to speak to PC CONISBEE 575NI. I was sitting next to PC CONISBEE who handed me the telephone. I spoke to Mr ARBI who did not realise who he was speaking to and asked if he could speak to PC CONISBEE regarding making changes to the conditions on his premises licence. I again, slowly told Mr ARBI who he was speaking to and he seemed shocked that it was me. I asked him why he did not ask for me if he was looking to make changes to his licence, as I had been dealing with him for some time. He could not explain why he asked for PC CONISBEE and made excuses about checking his licence. I believe Mr ARBI was trying to persuade one of my colleagues to agree conditions, thinking that we do not communicate with each other. I clearly told Mr ARBI that if he had questions relating to his premises licence, he should direct them through me and that I believed he was trying to go behind my back to make changes to his licence. I also told him I was very disappointed at this development and that I would be adding this information to my statement. I also reminded him that he should seek advice from his legal representative and not police. He did not seem at all bothered by my comments.

Conclusion:

Mr ARBI knows his premises licence is being reviewed because of the poor management and violent offences that have been occurring in his premises for quite some time. These breaches of the premises licence are typical of the very poor management style of the DPS. As PC CONISBEE 575NI comments in his statement (PEH/16), Mr ARBI "...seemed unmoved and nonchalant by the issues raised".

I cannot believe that the Manager/ DPS/ Owner, Mr ARBI would be so ridiculously incompetent as to send his door supervisors home or in fact not have any door supervisors, on a Saturday evening, which is usually a very

Signature:



Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

busy night for the venue, and especially when his licence is being reviewed.

It is also typical that he appears to be trying to cut me out from conversations regarding changes he is considering making at his venue. I have given him plenty of opportunity to make changes to his licence, but he withdrew his application.

Recommendations:

In light of these developments, I now have no option other than to recommend revocation of the premises licence at MENELIK RESTUARNT 277 CALEDONIAN ROAD N1 1EF for the following reasons:

- 1) The DPS / Manager/ Owner, Mr ARBI no longer wishes to abide by the conditions of his premises licence.
- 2) There has been a complete refusal by Mr ARBI to work in partnership with the police.
- 3) Mr ARBI does not appear to understand the licensing objectives of Reduction of Crime and Disorder, Prevention of Public Nuisance and Public Safety.

Paul Hoppe

Signature:

Signature witnessed by:

Witness contact details

Home address:

Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability**Witness care**

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- | | | | | |
|--|-----|--------------------------|----|---|
| a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| b) I have been given the Victim Personal Statement leaflet | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> N/A <input type="checkbox"/> |
| e) I consent to my medical record in relation to this matter being disclosed to the defence: | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> N/A <input type="checkbox"/> |
| f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services: | | | | <input type="checkbox"/> |

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **208NI 216416 Paul HOPPE** Station: **Islington**

Time and place statement taken:

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

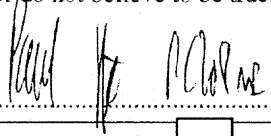
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Paul HOPPE PC 208NI** URN:

01	NI		14
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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 216416**

This statement (consisting of: ... **3** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **25th June 2014**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

This statement is further to my previous statements of 25th April 2014 and 9th June 2014, relating to the Premises License Review of MENELIK Ethiopian Restaurant 277 Caledonian Road N1 1EF after a number of public order incidents and drunken behaviour directly linked to the venue in the year of 2012 to 2013 and beyond. This statement is written after viewing CCTV which has been supplied to me by the Islington CCTV Team based at the Council Offices 222 UPPER STREET LONDON N1.

Summary:

I have received CCTV from ISLINGTON council CCTV team which shows further anti-social behaviour by drunk customers clearly leaving MENELIK restaurant after 0300 hours with alcoholic drinks, throwing glass into the road, fighting and openly urinating in the street. At no point in time do door supervisors show on the forty (40) minutes of CCTV or attempt to intervene. This further evidence adds weight to my request for a licence revocation at this venue.

Circumstances:

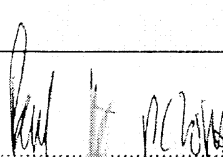
I have viewed the CCTV from early morning of SATURDAY 22nd JUNE 2014 night, into the morning of SUNDAY 23rd JUNE 2014 between 0300 hours and 0340 hours which I exhibit as PEH/18. I also exhibit a statement from the CCTV operator confirming the provision of the CCTV to me, as PEH/17. This CCTV shows a number of public order and management issues during the time period 0300 hours to 0340 hours.

The CCTV shows the following. The timing of the disc starts at 0000, but this equates to 0300 hours in the morning.

Time**Event**

0918 approximately

One (1) IC3 MALE with long sleeved shirt takes his drink in a glass from inside the venue out.

Signature: 

Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

0930	One (1) IC3 MALE wearing red shirt and shorts with a white vest underneath and a black hat is drunk and brings a drink in a glass from inside the venue outside onto pavement.
1146	One (1) IC3 MALE wearing a light coloured long sleeved shirt, shorts with dark shirt underneath comes out of the venue with a drink in a glass, has a sip and throws the glass into the road.
1157	Three (3) IC3 MALES from the venue fighting and arguing at the bus stop just outside the venue, into the road, narrowly avoiding traffic in road.
1250	More IC3 MALES coming out of the venue with glasses from inside the venue. These males are clearly drunk and get on the N191 bus at 1509.
1948	IC3 MALE in black hat opening urinating in the street. He makes no attempt to hide this.
3840	Another IC3 MALE openly urinates against a tree as the group of three (3) males all walk away.

This CCTV clearly shows males coming out of the venue, drunk with glasses of what appears to be alcohol. They are outside for quite some time; forty (40) minutes in total, causing anti-social behaviour, fighting arguing and drinking in the street. These males seem to go in and out of the venue as they please without any door supervisors intervention. At no point does the CCTV show any door supervisors attempt to prevent this behaviour or deal with these customers and I would question whether there were door supervisors on duty during these incidents. Although there were no apparent calls to police requesting assistance, this is the type of behaviour and poor management practise is typical of the way this venue operates.

I am seriously concerned over the fact that the DPS has previously admitted that he cannot control his customers during a PACE interview (exhibited as PEH/11 and PEH/12), and he allows them to come and go as they please, send his door staff home early (my statement on 9th JUNE 2014), take drinks outside and cause anti-social behaviour. I am very surprised that Mr ARBI, the DPS is so relaxed over his management of security as he knows he is being reviewed by the Council Licensing Committee. This is not a good example of promoting the licensing objectives of the Prevention of Crime and Disorder and Preventing a Public Nuisance.

Recommendation:

Even though the premises licence is being reviewed, there are further incidents of anti-social behaviour by customers from this venue. The DPS clearly cannot manage or control the customers of this venue. I therefore have no hesitation in requesting the Licensing sub-Committee revoke the premises licence at MENELIK

Signature:

Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

restaurant 277 CALEDONIAN ROAD N1 to prevent any further crime and disorder and public nuisance.

Paul Hoppe

Signature: *Paul Hoppe*

Signature witnessed by:

Witness contact details

Home address: Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability**Witness care**

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- | | | | | | |
|--|-----|--------------------------|----|--------------------------|------------------------------|
| a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| b) I have been given the Victim Personal Statement leaflet | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A <input type="checkbox"/> |
| e) I consent to my medical record in relation to this matter being disclosed to the defence: | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A <input type="checkbox"/> |
| f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services: | | | | <input type="checkbox"/> | |

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **208NI 216416 Paul HOPPE** Station: **Islington**

Time and place statement taken:



ISLINGTON

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN/143299-011013		
Postal address of premises, or if none, ordnance survey map reference or description			
MENELIK 277 CALEDONIAN ROAD			
Post town	LONDON	Post code	N1 1EF
Telephone number	020 7700 7774		

Where the licence is time limited the dates
Not Applicable

<p>Licensable activities authorised by the licence</p> <p>Basement:</p> <ul style="list-style-type: none"> • The provision of regulated entertainment by way of: 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 <p>Ground Floor:</p> <ul style="list-style-type: none"> • The provision of regulated entertainment by way of: The playing of recorded music • 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																																							
<ul style="list-style-type: none"> • The provision of regulated entertainment for the performance of live music (Basement only): <table> <tr> <td>Monday</td> <td>09.00</td> <td>to</td> <td>02.00</td> <td>the following day</td> </tr> <tr> <td>Tuesday</td> <td>09.00</td> <td>to</td> <td>02.00</td> <td>the following day</td> </tr> <tr> <td>Wednesday</td> <td>09.00</td> <td>to</td> <td>02.00</td> <td>the following day</td> </tr> <tr> <td>Thursday</td> <td>09.00</td> <td>to</td> <td>04.00</td> <td>the following day</td> </tr> <tr> <td>Friday</td> <td>09.00</td> <td>to</td> <td>04.00</td> <td>the following day</td> </tr> <tr> <td>Saturday</td> <td>09.00</td> <td>to</td> <td>04.00</td> <td>the following day</td> </tr> <tr> <td>Sunday</td> <td>09.00</td> <td>to</td> <td>02.00</td> <td>the following day</td> </tr> </table>					Monday	09.00	to	02.00	the following day	Tuesday	09.00	to	02.00	the following day	Wednesday	09.00	to	02.00	the following day	Thursday	09.00	to	04.00	the following day	Friday	09.00	to	04.00	the following day	Saturday	09.00	to	04.00	the following day	Sunday	09.00	to	02.00	the following day
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Saturday	09.00	to	04.00	the following day																																			
Sunday	09.00	to	02.00	the following day																																			

- The provision of regulated entertainment for the playing of recorded music (Basement and Ground Floor)

Monday	00.00	to	24.00
Tuesday	00.00	to	24.00
Wednesday	00.00	to	24.00
Thursday	00.00	to	24.00
Friday	00.00	to	24.00
Saturday	00.00	to	24.00
Sunday	00.00	to	24.00

- The provision of regulated entertainment for the performance of dance (Basement only):

Monday	09.00	to	02.00	the following day
Tuesday	09.00	to	02.00	the following day
Wednesday	09.00	to	02.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	04.00	the following day
Saturday	09.00	to	04.00	the following day
Sunday	09.00	to	02.00	the following day

- The provision of entertainment facilities for making music (Basement only):

Monday	09.00	to	02.00	the following day
Tuesday	09.00	to	02.00	the following day
Wednesday	09.00	to	02.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	04.00	the following day
Saturday	09.00	to	04.00	the following day
Sunday	09.00	to	02.00	the following day

- The provision of entertainment facilities for dancing (Basement only):

Monday	09.00	to	02.00	the following day
Tuesday	09.00	to	02.00	the following day
Wednesday	09.00	to	02.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	04.00	the following day
Saturday	09.00	to	04.00	the following day
Sunday	09.00	to	02.00	the following day

- The provision of late night refreshment (Ground Floor):

Monday	23.00	to	00.30	the following day
Tuesday	23.00	to	00.30	the following day
Wednesday	23.00	to	00.30	the following day
Thursday	23.00	to	00.30	the following day
Friday	23.00	to	00.30	the following day
Saturday	23.00	to	00.30	the following day
Sunday	23.00	to	23.30	

- The provision of late night refreshment (Basement):

Monday	23.00	to	02.30	the following day
Tuesday	23.00	to	02.30	the following day
Wednesday	23.00	to	02.30	the following day
Thursday	23.00	to	02.30	the following day
Friday	23.00	to	02.30	the following day
Saturday	23.00	to	02.30	the following day
Sunday	23.00	to	00.30	the following day

- The sale by retail of alcohol (Ground Floor):

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	12.00	to	23.30

- The sale by retail of alcohol (Basement):

Monday	10.00	to	01.30	the following day
Tuesday	10.00	to	01.30	the following day
Wednesday	10.00	to	01.30	the following day
Thursday	10.00	to	03.30	the following day
Friday	10.00	to	03.30	the following day
Saturday	10.00	to	03.30	the following day
Sunday	12.00	to	01.30	the following day

The opening hours of the premises:

Monday	09.00	to	01.00	the following day
Tuesday	09.00	to	01.00	the following day
Wednesday	09.00	to	01.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	04.00	the following day
Saturday	09.00	to	04.00	the following day
Sunday	09.00	to	02.00	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, telephone number and e-mail (where relevant) of holder of premises licence

Samuel Arbi & Fanaye Getachen

**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**

Samuel Arbi

**Personal licence number and issuing authority of personal licence held by
designated premises supervisor where the premises licence authorises the
supply of alcohol**

00603 - London Borough of Ealing

Islington Council

Public Protection Division

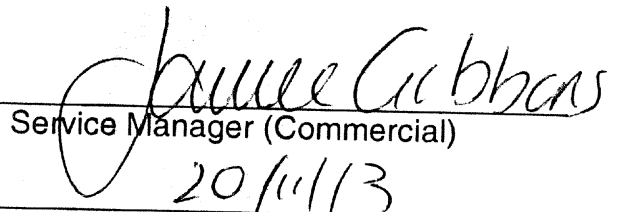
222 Upper Street

London

N1 1XR

Tel: 020 7527 3031

Email: licensing@islington.gov.uk


Service Manager (Commercial)

20/11/13
Date of Issue

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. 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;
2. 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
3. With respect to the basement:

The sale of alcohol is not authorised after midnight on any day on which music and dancing is not provided after midnight.

On any day that music and dancing ends between midnight and two o'clock in the morning the sale of alcohol shall cease when the music and dancing end.

The sale of alcohol shall cease at midnight on any Sunday on which music and dancing is not provided after midnight;

Where music and dancing end between midnight on any Sunday and 00.30 hours, sale of alcohol on that Sunday shall end when the music and dancing end.

Where music and dancing end between midnight and 02.00 hours on any Sundays immediately before a bank holidays the sale of alcohol on that Sunday shall cease when the music and dancing end.

The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

4. With respect to the Ground Floor:

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such a person as an ancillary to his meal.

Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

5. The maximum number of persons accommodated at any one time in the premises shall not exceed the following:

Basement 80

6. The licence shall be subject to the Council's technical standards for Places of Entertainment.

7. The licence shall be subject to the Council's Standard Conditions for Places of Entertainment.

8. The licence is subject to the following Additional Conditions referred to in the Standard Conditions for Places of Public Entertainment:

ADDITIONAL CONDITIONS D: APPLICABLE TO PREMISES USING DOOR SUPERVISORS.

ADDITIONAL CONDITION GO: APPLICABLE TO THE KEEPING OF GOOD ORDER.

ADDITIONAL CONDITIONS SX: FOR PARTICULAR CONTROL OVER STRIPTease OR SIMILAR ENTERTAINMENT INVOLVING NUDITY.

9. All amplified sound played on the premises shall be subject to the control of an entertainment noise control system ("noise limiter").

10. The entertainment noise control system is to be set to the thresholds in condition 11, Annex 2, to prevent amplified sound played on the premises causing nuisance or undue disturbance to occupiers of other premises in the neighbourhood. These levels may be varied should justified complaints be received or if additional sound insulation works are undertaken.

11. The entertainment noise control system is to be calibrated to and maintained at the settings below thereby restricting amplified sound levels. Measurements should be taken in the basement aisle, with the microphone facing the front of the premises, approximately 1 metre from the foot of the stairs leading to street level:

- 87dB(A) Leq (1 min)

- 92 dB(Lin) Leq (1 min)
 - 82 dB 63Hz octave band (1 min)
 - 87 dB 125 Hz octave band (1 min)
12. The entertainment noise control system controls are to be placed in a secure, lockable cupboard or similar location. The entertainment noise control system is to be completely independent of control by persons other than the licensee. Access to the entertainment noise control system control is to be restricted to the licensee or designated manager.
 13. The mixer/amplifier unit controls should be covered with a secure, lockable cupboard to prevent tampering with the lead plugs running from the noise limiter. The mixer/amplifier unit controls are to be completely independent of control by persons other than the licensee. Access to the mixer/amplifier unit controls is to be restricted to the licensee or designated manager.
 14. The entertainment noise control system settings are not to be varied so that the music noise levels described above are exceeded without the written approval of the Council.
 15. The entertainment noise control system shall be regularly monitored, checked and its calibration adjusted as necessary to ensure the above levels are not exceeded. At least annually, by the 31st July each year, the licensee shall submit, to the Council, a certificate from an acoustic consultant, registered with the Institute of Acoustics:
 - a) Confirming that the entertainment noise control system is operating correctly so that the music noise levels outlined above are not being exceeded.
 - b) Detailing the components and make up of the sound system under the control of entertainment noise control system.
 16. If there are any changes in the distribution and type of loudspeakers or amplification equipment serving the sound system then the entertainment noise control system shall be re-calibrated so that the levels given above are not exceeded.
 17. The sound insulation properties of the premises shall be monitored, maintained and adapted as necessary to ensure that amplified sound played within the premises does not cause nuisance or undue disturbance to occupiers of nearby premises.
 18. Notices are to be displayed requesting patrons to leave quietly.
 19. The telephone number of a local taxi firm shall be made available for patrons.
 20. Door Supervisors, registered with the Security Industry Authority, shall be employed at the premises.

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

1. Notices shall be displayed reminding patrons to use the toilets before exiting the premises.
2. There shall be no accompanied children under 18 years on the premises at any time and no children under 16 years.

3. When alcohol and/or public entertainment is provided by way of music and dancing 2 SIA registered door supervisors will be employed from 9 pm until half an hour after closing time, one of them being female whenever practicable.
4. Door Supervisors Register – A register shall be maintained recording all SIA door supervisors employed at the premises. This shall include their name, badge number, the agency they work for (if any) and the time they start and finish work.
5. Management shall take a photocopy of all door staff SIA badges and secure them in a personnel folder and place this in the safe.
6. Door Supervisors to display their SIA licence by means of a luminous arm band.
7. On any occasion when entertainment is being provided by means of a DJ and/or live music, all patrons visiting the premises will be searched by means of an electronic hand held wand. All visiting DJ's will be searched upon arrival. There will be at least 2 fully functional wands in use at the premises.
8. A written security and searching policy shall be in operation at the premises, a copy of which shall be provided to any security company providing door supervisors. Training shall be undertaken and recorded to ensure that door supervisors understand this policy.
9. Electronic searching equipment shall be maintained in working order. All Door Supervisors must be trained in the use of this equipment and a record kept of this training.
10. CCTV shall be installed, operated and maintained both inside and outside the premises in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. A working copy shall be supplied free of charge to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request. It is the responsibility of the premise to download any recording requests.
11. Notices shall be displayed both outside and inside the premises informing patrons that there is CCTV in operation.
12. Premises to adopt BII Challenge 21 The National Proof Of Age Standards Scheme.
13. A notice shall be displayed at the entrance advising patrons of any dress code and drug policies. This information shall also be included on tickets used by the premise licence holder and on any official website operated by the holder for the premises. Tickets/website will also warn patrons of the fact that they will be searched upon entry.
14. When outside promoters or DJ's are performing Metropolitan Police Risk Assessment form 696 must be completed and submitted to the Metropolitan Police Clubs and Vice Unit and Islington Police Licensing Unit with at least 14 days notice. Form 696A to be submitted within 3 days of the completion of the event.
15. Polycarbonate drinking vessels only to be used. All glass bottles to be decanted.

16. Premises must be represented at any local pub/club watch meetings.
17. The works referred to as Phase 1, identified in the "Report on Noise survey" dated 6 October 2008, be completed within 6 weeks, the period to commence 28 days after receipt by the licensee of the amended licence and works to be completed to the satisfaction of Islington's Noise Service.
18. Phase 2 works, identified in the "Report on Noise survey" dated 6 October 2008, be carried out if considered necessary by Islington's Noise Service.
19. The music limiter shall be calibrated to the satisfaction of the Noise Team.

Annex 4 – Plans

Reference Number: ISL 87248 1/2 and 2/2

ADDITIONAL CONDITIONS D:
APPLICABLE TO PREMISES USING DOOR SUPERVISORS
These Conditions do not apply to cinemas or to theatres.

Log-book

D2 The *Licensee* shall maintain an accurate and up-to-date *log-book* in respect of all *Door Supervisors* employed on the *premises*. This shall comprise three distinct parts recording:

- (i) the name, address, telephone number and any registration number of each *Door Supervisor* (whether employed directly by the *Licensee* or through an agency); the name, address and telephone number of the agency providing the supervisor where the supervisor is not employed directly by the *Licensee*; and
- (ii) the name and any registration number of each *Door Supervisor*; the dates and times of commencement and finishing of work; the signature of the *Door Supervisor* in respect of both entries; and
- (iii) details of any incident in which the *Door Supervisor* is involved, including any calling of the police and any police action taken.

Note: This could form part of the general incident or Fire *log-book* for the *premises*.

Note:

- (1) A specimen *Door Supervisor log-book* is shown in Appendix D1.
- (2) *Licensees* are referred to BS 7960 (*Door supervisors/stewards – Code of practice*) for guidance.

SPECIMEN DOOR SUPERVISOR LOG-BOOK

PART 1

Name of Door Supervisor			
Address of Door Supervisor			
Telephone number of Door Supervisor			
Registration number of Door Supervisor			
Name of Agency (if Door Supervisor not directly employed by the Licensee)			
Address of the Agency			
Telephone number of the Agency			

PART 2

Name of Door Supervisor			
Registration number of Door Supervisor			
Date and time of commencing work			
Signature of Door Supervisor to confirm entry			
Date and time of finishing work			
Signature of Door Supervisor to confirm entry			

PART 3

Name of Door Supervisor			
Date of incident			
Time of incident			
Details of incident			
Were the police called?			
Details of any police action taken			

NOTE: This part of the *Door Supervisor log-book* may be combined with the general incident *log-book* for the *premises* (on which see Appendix 4.)

ADDITIONAL CONDITION GO:
APPLICABLE TO THE KEEPING OF GOOD ORDER

Good order

- GO1** The *Licensee* shall not permit conduct on the *premises* that is likely to cause disorder or a breach of the peace or drug misuse. In particular the *Licensee* shall ensure that none of the following shall take place:
- (i) indecent behaviour, including sexual intercourse, except as permitted by Theatres Act 1968;
 - (ii) the offer of any sexual or other indecent service for reward;
 - (iii) acts of violence against person or property and/or the attempt or threat of such acts;
 - (iv) unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971.

Note: In connection with drug misuse *Licensees* are referred to the *Licensee's National Drug Certificate Handbook*, published by the British Institute of Innkeeping.

ADDITIONAL CONDITIONS SX:
FOR PARTICULAR CONTROL OVER STRIPTEASE OR SIMILAR
ENTERTAINMENT INVOLVING NUDITY

SX1 **(a)** The *premises* shall not be used for any purpose which, but for this licence, would require a sex establishment licence.

Note: The definition of a sex establishment is set out in Appendix SX1.

(b) This Condition does not apply to any entertainment that is an integral part of a licensed performance of a play.

Note: The Conditions to be attached to any approval for the waiver of this Condition are set out below.

SX2 Not applicable

**CONDITIONS TO PERMIT ENTERTAINMENT INVOLVING STRIPTEASE AND/OR
NUDITY AND/OR SEXUAL STIMULATION
(WAIVER OF SPECIAL CONDITIONS SX1 or SX2)**

Definition	SX3	All references to striptease shall be deemed to include all forms of striptease or nudity, including the wearing of 'see through' clothing and sexual stimulation.
General	SX4	Only activities to which the <i>Council</i> has given its <i>consent</i> shall take place.
	SX5	The <i>approved</i> activities shall take place only in the areas designated by the <i>Council</i> and the <i>approved</i> access to the dressing room(s) shall be maintained whilst striptease entertainment is taking place and immediately thereafter.
	Note:	The <i>Council</i> will not permit the striptease to be in a location where the performance can be seen from the street.
	SX6	The striptease entertainment shall be given only by the performers/entertainers and the audience shall not be permitted to participate.
	SX7	<p>Whilst striptease entertainment is taking place no person under the age of 18 shall be on the <i>premises</i>. A clear notice shall be displayed at each entrance to the <i>premises</i> in a prominent position so that it can be easily read by persons entering the <i>premises</i> with the following words:</p> <p style="text-align: center;">NO PERSON UNDER THE AGE OF 18 WILL BE ADMITTED</p>
	SX8	Except as permitted by Additional Condition SX10, the <i>Licensee</i> shall not encourage, or permit encouragement to be made to the audience to throw money at or otherwise to give gratuities to the performers.

ADDITIONAL CONDITIONS FOR TABLESIDE DANCING

SX9	Entertainment under this <i>consent</i> may be provided solely by dancers to customers seated at table in the <i>approved</i> part of the <i>premises</i> .
SX10	There shall be no physical contact between customers and the dancers other than the transfer of money or tokens at the beginning or conclusion of the performance.
SX11	CCTV shall be installed to cover all the areas where dancing will take place.
SX12	Whilst dancing takes place not less than (insert approved number) <i>Door Supervisors</i> shall be employed in that part of the <i>premises</i> used for dancing.

DEFINITION OF SEX ESTABLISHMENT

Sex encounter establishment means:

- (a) *premises* at which performances, which are not unlawful, are given by one or more persons present and performing, which wholly or mainly comprise the sexual stimulation of persons admitted to the *premises* (whether by verbal or any other means); or
- (b) *premises* at which any services, which are not unlawful, and which do not constitute sexual activity are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs at any time while they are providing the service; or
- (c) *premises* at which entertainments, which are not unlawful, are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs during the entertainment; or
- (d) *premises* (not being a sex cinema) at which pictures are exhibited by whatever means (and whether or not to the accompaniment of music) in such circumstances that it is reasonable for the appropriate authority to decide that the principle purpose of the exhibition, other than the purpose of generating income, is to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity.

Sex cinema means:

any *premises*, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; or
- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

[REDACTED]

22nd May 2014

Commenting on Licence Application for Menelik Restaurant.

Representation:

Licencing Team,

I would like for raise an objection with this licence being given on two counts Crime Disorder and Public Nuisance.

With the current licence being valid until 4am including Sundays and often going on for longer. As a resident living in the vicinity of the club [REDACTED] the noise is constant, with no one including the owners respecting that people live around them. There are fights on a regular basis with groups of 15 or more people fighting in the street and this also includes the owners themselves, however when the police arrive they run back into the club. It is now getting out of control.

I really do not know how many people this club holds but it must be a health and safety issue.

At closing time or when the customers leave there is total disorder outside in the street they block the pavements and they congregate at the bus stop and the noise from the shouting, singing, car doors banging and the music from the club it's self as the doors open.

I have reported this to the noise team.

I do not know on what grounds the Council can issue licences to 4am in a residential area.

Yours Sincerely,

[REDACTED]

[REDACTED]

Licensing Authority Representation

Licensing Act 2003

Review: MENELIK, 277 CALEDONIAN ROAD LONDON N1

I am submitting a representation on behalf of the Licensing Authority in respect of the application to review the premises licence by the Police.

The grounds for the representations are:

- Preventing crime and disorder
- Prevent public nuisance.

Licensing Policy Considerations

<i>Licensing Policies 9 & 10</i>	<i>Management standards and operating schedule</i>
<i>Licensing Policy 30</i>	<i>Review of Licences</i>

Reasons

The Licensing Authority has serious concerns over the Licensees ability to manage the premises within the terms and conditions of the premises licence.

Mr Arbi, one of the Licensee had previously accepted a simple caution for licensing contraventions on 11 September 2009 but management of the premises has not improved. The Licensing Authority continued to be concerned about the management and called the Licensee into Licensing Officer Panel on 1 October 2013 and followed this meeting up with a warning letter and a list of measures discussed to improve the management of the premises. Further incidents of crime and disorder occurred outside the premises on 27 October 2013, just 26 days after the Licensee attended the Licensing Officer Panel.

Recommendations

The Police have submitted a review application and Noise Team have submitted a detailed representation.

The Police Review details the proposal for a minor variation made to the Licensees to avoid the review. The Police requested reduction of hours and removal of regulated entertainment and corresponding conditions with the addition of three conditions so the premises could operate as a restaurant till midnight. This proposition was rejected. Because of the Licensees lack of engagement with the Police the Licensing Committee is asked to consider revoking the licence as an appropriate measure to promote the licensing objectives.

Janice Gibbons
Service Manager (Commercial)
22 May 2014
Janice.gibbons@islington.gov.uk



ISLINGTON

Noise Team
222 Upper Street
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E anne.brothers@islington.gov.uk

W www.islington.gov.uk

Our ref: abr/201444385

Your ref:

Samuel Arbi and Fanaye Getachen

[REDACTED]
277 Caledonian Road
London N1 1EF

This matter is being dealt with by:
Anne Brothers

Date: 16 May 2014

Dear Mr Arbi

PREMISES LICENCE REVIEW, MENELIK, 277 CALEDONIAN ROAD, LONDON N1 1EF.
LICENSING ACT 2003. NOISE TEAM REPRESENTATION

Please find enclosed a copy of a representation from Noise Team. This is in relation to the review application.

If you have any queries on the review process, please contact the Licensing Team.

If you have any queries regarding this representation, please contact me at the above office.

Yours sincerely,

Anne Brothers

Principal Technical Officer

cc. Mr Arbi and Ms Getachen, Joint Licensees, Menelik Restaurant, 277 Caledonian Road,
London N1 1EF



**Islington Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority Environmental Protection

Your Name	Anne Brothers	
Job Title	Noise Liaison Officer	
Postal and email address	3 rd Floor, 222 Upper Street, N1 1XR anne.brothers@islington.gov.uk	
Contact telephone number	020 7527 3047	
Name of the premises you are making a representation about	Menelik	
Address of the premises you are making a representation about	277 Caledonian Road, London N1 1EF	
Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent public nuisance 3	Yes	Please see attached sheets that detail visits to the premises and near vicinity and warning letters sent in relation to noise inside and outside the premises.
Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	Should Committee be minded to amend the premises licence Noise Team recommends that all noise conditions are retained if any regulated entertainments are to be permitted. We note the Police have suggested the removal of the following noise conditions: <u>Annex 2:</u> Conditions 9, 10, 11, 12, 13, 14, 15, 16, 17 and 20. <u>Annex 3:</u> Conditions 3, 4, 5, 6, 7, 8, 9 and 19 We must urge these conditions in relation to noise and good order be retained on the premises licence.	

Signed: Anne Brothers

Date: 16 May 2014

Please return this form along with any additional sheets to: Licensing Support Team, Public Protection, 222 Upper Street, London N1 1XR or email to licensing@islington.gov.uk

This form must be returned within the Statutory Period. For more details please check with the Licensing Support Team on 020 7527 3031

Summary of Visits. Letters sent (copies attached) and e mails relating to Menelik over the past 12 calendar months

Anonymous letter received dated 23/7/14. Copy attached. (1)

28/7/13, 03:55

Serious assault witnessed involving customers of Menelik.

I saw the victim leaving the premises and he was assaulted further down the road by a group of other customers who had also left the premises.

We ran down the road and intervened, stopping the assault on the man who was on the ground surrounded by several men all kicking him about the body and head. Called the Police and ambulance and the assailants backed off, they all got in a car, white BMW reg'd REDACTED.

We visited the premises shortly afterwards once the incident outside was over and the licensee denied it had anything to do with his premises. He claimed it was connected to another premises some distance away south.

30/7/13.

Warning letter sent – copy attached.(2)

A copy of a previous letter dated 22/2/12 was enclosed and is attached.

N.B. The licensee informed me at a later date that he never received this letter as he had moved house.

11/8/13

Proactive visit, 03:10 and 03:55

Nil significant noted tonight.

12/9/13

Another call revived from a local resident in connection with noise and fighting outside the premises.

Advisory e mail was sent to the resident

22/9/13

03:15 and 03:45 Proactive visit

People outside and in the very near vicinity of this place. All young men. Some comings and goings from the club as well. Some of them were hanging around by the bus stop just to the north. Some more were in the bus stop to the south on the other side of the road as we arrived. All but one of them went away towards the Bemerton early on during observations. They were all quite noisy, some shouting intermittently. All looked quite friendly with each other.

Saw a fight being broken up amongst the people behind the northbound bus stop by a couple of men seen on the door. Saw the licensee on the stairs later on just before their official closing time.

Entered the premises at just before 04:00. Was kept waiting on the street for a few minutes before we were let inside - the door was locked with a deadlock again. As I entered I saw some people go outside via the rear door, I looked and could see a couple of men on the stairs in the rear courtyard; I was told they had gone outside to smoke.

Told him people should not use the rear to smoke due to potential noise issues for residents. He said the residents upstairs had been in the club that night and they did not mind.

The Licensee again claimed the noisy people outside were nothing to do with Menelik

Warned him that if the situation did not change his licence could be implicated and that the gatherings outside would not be happening if his club wasn't there and his business could be destroyed by this unless he tackles the issue.

He also told me he has changed address and that I should write to him at the premises. He told me he has not received my recent letter. He said he moved from his address on the licence 4 weeks ago. Told him he needs to contact Licensing to change his contact details on the licence.

Will re-send letter to premises address.

24/9/13

Warning letter sent (3). Copy attached.

E mail sent to CCTV Manager:

-----Original Message-----

From: Brothers, Anne

Sent: 24 September 2013 13:04

To: Tuckey, Sean; Tomashevski, Katie; Harrington, Steve

Cc: Hart, Jan

Subject: Menelik, 277 Caledonian Road, N1 1EF

Dear Sean

We have an issue with the above licensed premises in that youths are gathering outside in the early hours of the morning.

They are (apparently) not being given access to the club but according to the licensee they just hang around outside hassling women.

I have visited twice recently (most recently last Sunday morning from 03:00 onwards) and I have witnessed fights involving people outside on both occasions I have visited.

I am informed there is a CCTV camera (Ref camera 69) positioned on the corner of Bridgeman Road that could capture some of the activity outside.

The premises licence has timings until 04:00 on Fridays and Saturdays. Would it be possible to bring the camera into use to monitor outside the premises for a while?

Anne Brothers

Noise Liaison Officer

Noise Team

Public Protection

Islington Council

3rd Floor 222 Upper Street, London N1 1XR Tel : 020 7527 3047 Fax: 020 7527 3059 Alternative contact: Noise Support Team: 020 7527 3258

NP Report dated 28/10/14:

Ref F1 947443 re: call out over the weekend.

resident called, REDACTED

NP report pasted below (JEL):

03:20 Sunday morning. N.B. Resident declined a visit.:

I visited the venue and it was closed and there were no persons outside. However, there were a number of people (20 or so) about 200 yards up the road argument and there were ten or so staggered down to the venue. I believe that all these persons may have recently left the premises in question. NFA

17/11/13

Menelik, Caledonian Road, 02:50 proactive visit

Visited at the above time and watched people leaving. We were standing approx 40 metres away and the music noise was very loud when the door was opened. Need to check sound levels inside.

Noted constant noise from customers outside until we left the area at 0335. Saw the DS's leave at 0330. They were NOT outside dispersing people while we were watching.

11/1/14

Menelik, Caledonian Road, 23:00 Proactive visit

Visited at the above time to measure sound levels in the basement. Outbreak of high levels of amplified sound heard previously but inappropriate to visit on that occasion – too late.

BF sound measurements as follows:

Ref BF	Linear	"A"	125 Hz	63 Hz
1	94.0	86.3	89.1	87.0
3	106.2	99.6	103.5	92.4
4	107.0	100.0	104.8	92.7
Licence specifies	92	87	87	82

First measurement is taken when licensee Mr Arbi adjusted the sound and told me that was the highest volume available.

Further two measurements taken after I queried the volume and I adjusted a master volume switch on the keyboard/mixer desk.

Checked the limiter, it is behind the bar and in a locked box. Checked it – the key was in the cabinet below and noted the power light was on but there were no attenuation lights showing meaning it had become disconnected from the system.

Informed Mr Arbi that levels achieved are significantly in excess of the permitted maximum volume. Told him he must recalibrate the sound system and provide a calibration certificate asap and in any case the system should be recalibrated before next weekend.

He said he would contact his acoustician. Told him he must be mindful of the volume in the meantime and he should only play out music closer to the volume measured during the first measurement.

Warning letter to be sent.

14/1/14.

Warning letter sent re: sound levels – copy attached (4)

17/1/14

New calibration certificate received. Copy attached (5)

2/2/14

Menelik, Caledonian Road, 03:00 Proactive visit

Notes as follows:

0300: 7 men outside, loud voices. DS standing on the door – in their way, not letting them in. DS then closed the door on them after a shouting match. DS asked the man outside – “Do you want to get yourself knocked out?”. This was followed by the DS (still shouting) saying “calm yourself – calm yourself”.

Noted that when the door was held open there was significant escape of VLM from inside. The limiter has just been recalibrated – the music noise outbreak should not be so noticeable.

The 3 men that had been refused entry then went to the bus stop just north – noted some loud conversation from them.

Then more people started coming out. The DS said – “Don’t start brother or I will hurt you” when the young man at the centre of the previous exchange went back to the door again. The DS violently pushed him away and said “Do you want a fight” – “I am old school” – “Next time you touch the door I will slap you”

0305: More people are coming out. Noted a group of young looking men jostling and shouting outside.

0307: More people coming out – some loud voices and laughter.

0310: DS is being very aggressive again, chasing someone down the street – being pulled back by an older looking customer.

0312: DS’s went back inside. People are hanging around directly outside and just to the south.

0314: Now a few more have come out. A handful went north but most of them are hanging around in groups just south of Story Street. Noted loud conversations.

0315: Noted that a group has now gone away southbound.

Noted there were a mix of older and some rather young-looking customers and the younger ones appear to be visibly intoxicated.

0316: Man just got thrown out, he was shouting at the DS’s “I will flatten you” when he regained some composure. He was one of the older-looking customers. The DS’s (X2) are just inside and the door is closed. The man is continuing to shout at them through the window. Saw them go back downstairs.

0320: More people are coming out. Noted group of 7 come out and stand directly outside, noted loud conversations. They were followed by more people leaving.

0321: 15 people directly outside, all talking amongst each other. 3 walked away south and a few more must have come out as I still counted 15 directly outside. Noted loud talking and laughter from the group.

Saw 3 go back inside, noted 10 outside now, a couple of others must have gone away.

Noted that when the door is left to fall closed by itself – it slams.

Angry older man (mentioned above as being thrown out) is still there, he is thumping the glass and kicking the door – then he noticed the door was unlocked and he went back inside!

Saw more people coming out and some people walking away.

0325: 12 people directly outside now.

0326: DS brought angry man out again, he said to him – “Calm down or I will bust your head” but angry man was not backing down. Another customer intervened and tried to calm him down, pulling him away from the door and the DS.

0330: Noted that DS’s have now seen us. We were sitting in the car directly opposite facing south.

DS's now engaging with people outside asking them to leave. Angry man talking to the DS's again – noted the DS's are calmer now they have seen us. No more threats of ABH/GBH from them. Noted they stood together and put their hands in their pockets, body language was calmer but more assertive and appropriate. Noted 10 customers are still around to the south by Jersey Chicken – south of Story Street. The DS's went back inside.

0340: Visited premises.

Challenged DS's on their conduct and my ASB colleague (SIA registered) had a productive conversation with them about it. Told them their conduct was not compatible with the SIA training they had received. One of them (the more aggressive one quoted above) was not showing his SIA card and it was on a lanyard around his neck and tucked into his overcoat – the other one had his on an armband. Mr A joined in the conversation and a number of matters were raised:

- DS's said difficult to control people inside at closing time, if they came back downstairs customers will re-enter but they need to get everyone out. Told Mr Arbi they need another DS and/or he should participate more by going upstairs and standing on the door.
- Customers do not speak English – language barrier. Told them to get an Eritrean/Amharic speaker.
- If customers get heated, other previously calm customers begin to get stropky. If they leave trouble makers until later (to get them out) the other customers will refuse to leave. Told them it's a performance and they could try getting the calmer customers out first – then get the troublesome ones out. There is a rear door, they could try ejecting people through there – would be less of an audience for them to perform to?
- ASB colleague (AFU) suggested the DS's wear Hi Viz to make them stand out from the crowd – could give them more authority when dealing with difficult customers.

Would also suggest an over 25 (or even over 30's) policy here may reduce trouble. Told Mr A. the customers are his responsibility and things need to change. Too much noise outside and the threats heard from the DS's did not help at all.

- The troublemaker seen on arrival was a very young looking man – although the DS claimed he was older than him..... he kept going back and shouting because he had not got his jacket. Saw the DS's allow his friend back inside eventually to retrieve the jacket. He then went away after a bit more shouting outside but he was there for what seemed a considerable time before he got his jacket back.....

Mr A said he was closing earlier than the latest permitted hour – asked him what time he closed the bar – 03:00. Told him if he wants to close the premises at 03:00, he should close the bar at 02:30.

Noted stropky DS's number and checked him on line and he is registered. Did not note the other DS's number – I have seen him before and he is the head DS. Left it at that.

Have previously suggested closing down plan here and would query any implementation of a sensible closing down plan. 03:00 close for the bar followed by almost immediate exodus is not good management and I told Mr A that if I had been served with a drink at 03:00 and then immediately told to leave it would annoy me a

bit. They need to change the culture of closing at this place and the DS's behaviour seen tonight left a lot to be desired.

16/2/14

Menelik, Caledonian Road, 00:20, Proactive visit.

Visited to check on wands in use and sound check.

Saw one wand outside but didn't check if it was working or not. While we were outside a group of women entered and the DS's looked in their bags briefly but they were not scanned by the wand.

Was kept waiting outside for about 5 minutes for the licensee to let us in.

Measured sound inside as follows. Musician was playing keyboards, no singer yet.

Ref	Linear	"A"	125 Hz	63 Hz
	89.6	85.8	84.7	78.3
	89.7	84.9	84.5	79.6
	89.5	84.7	84.0	79.5
Licence states	92	87	87	82

Told the licensee that sound levels were within maximums permitted. Noticed the compressor working when the volume was increased.

Discussed non-use of the wands outside with the licensee. He told us to talk to the DS's directly. Spoke to the DS's, 3 on the door, the two seen previously and another one who looked very young.

Went through the condition requiring all customers be searched using the wand and they argued they couldn't touch the women. Told them that scanning with the wand did not constitute touching and the young DS said he had worked on the Olympics and his instructions were not to search women.

Reiterated advice that scanning with the wand did not mean they had to touch the women. And if the wand reacted they could get the licensee's wife up to search the women. Told them that women carry weapons as well as men.

While we were there another group of women approached and the DS's asked to look in their bags and the women refused and walked away. We saw those women hanging around at the back of the premises later when we returned to our car which was parked at the rear.

Noted that at the levels measured above, the music noise could not be heard outside at all.

16/2/14

Menelik, 03:00, Proactive visit.

Noticed a fight starting outside. Man in a white shirt seemed to be the main aggressor.

0305: Police are passing by and they stop to intervene with the fight, which by that time was by the bus stop just to the north.

0308: Police are leaving now.

Noted some tension and further arguments outside. We stood and watched until approx. 03:25, not as noisy as previously. Did not note presence of DS's outside tonight.

Mixed age range of customers seen, some young, others more mature.

0321: Noted some shouting and pushing and shoving.

23/2/14,

ASB proactive visit, 03:11

Visit 0311 saw large group outside approx 40 people being very loud with one male chucking a glass bottle in to the road 0314 people whistling and shouting lots of people leaving with drinks in their hands and one male came out and used story street as a toilet 0322 most of the group got on two n91 busses toward holloway and the other towards Kings Cross

2/3/14

Menelik, 02:55 Proactive visit.

Noted a scuffle going on in the road (not the pavement) directly outside on arrival. Think 3 men were involved and it was 2 against 1. They were very drunk, they walked away after a few minutes, 2 together hugging, didn't notice where the third man went. The two men walked away south hugging each other, noted loud talking from them as they went south past us.

0300: 5 people are gathered outside, 3 more come out followed by a steady trickle of people leaving. Police have just arrived with blue lights, possibly called by resident in response to the fight seen? (I have spoken to two residents recently and advised them to call the Police in response to fighting and associated noise).

Police spoke to DS's and looking south towards us. Noted some shouting to the south of us at this time. Police then went away.

For the next few minutes noted customers coming out in dribs and drabs.

Noted DS's are NOT outside at this time.

Some people remained in the immediate vicinity and others walked away. Noted that some people were leaving with drinks.

Heard a lot of loud voices and shouting as people went away but what we saw was generally quite good natured if noisy tonight – apart from the couple of scuffles seen which were only brief.

0319: Left the area.

16/3/14

Menelik, 03:00 Proactive visit

Visited at the above time. Parked up facing north just south of Story Street.

Stayed and watched dispersal until 03:30.

Some loud conversations and peaks of noise but unremarkable tonight.

(1)

Contact Islington
222 Upper Street
London, N1 1XR

23.07.2013

To whom it may concern

Dear Sir/Madam,

I am writing to express my concern about an unpleasant situation that seems to be repeating itself regularly.

About six weeks ago I was woken up by people shouting on the street at around 4.00am on a Monday morning. At first I thought it was people on their way home after a night out and didn't think of it as a problem.

But the following week the same thing happened and then again one week later. It then had become a problem as I was regularly woken up just a couple of hours before getting up to go to work.

I understand that over weekends people enjoy themselves going clubbing and socializing but it is also an important point for other people to have the chance to sleep the right amount of hours to ensure healthiness during private time and working hours. I am sure I am not the only person in the area whose sleep has been disturbed by this situation.

I noticed that the people that were making noise and shouting at that time in the morning were coming out from a place below Menelik Ethiopian Restaurant, at 277 Caledonian Road, always at around 4.00am on Monday morning (lately on Sunday morning also).

I write this letter to make Islington Council aware of the problem and I ask for the appropriate action to be taken to make sure that the rules of conduct are followed by the above mentioned business and in specific that people coming out of the premises do so in a decent manner and with respect for the local residents.

Yours sincerely,

Caledonian Road resident

COPY



ISLINGTON

Noise Patrol
Public Protection Division
222 Upper Street
London N1 1XR

Samuel Arbi and Fanaye Getachen
[REDACTED]
[REDACTED]
[REDACTED]

T 020 7527 3047
F 020 7527 3059
E anne.brothers@islington.gov.uk
W www.islington.gov.uk

Our ref: abr/111242817
Your ref:

Date: 22 February, 2012

This matter is being dealt with by:
Anne Brothers

Dear Mr Arbi and Ms Getachen

CLOSING DOWN AND DISPERSAL OF PATRONS, MENELIK, 277 CALEDONIAN ROAD, LONDON N1 1EF. LICENSING ACT 2003, LICENSING OBJECTIVE OF THE PREVENTION OF PUBLIC NUISANCE.

I visited Menelik in the early hours of 15 January at 03:50, the reason for the visit was that I was passing by at the time and noticed a significantly large group of people standing directly outside the premises. I visited and had a discussion with Mr Arbi with regard to dispersal of customers at the end of the night's trading.

During our conversation Mr Arbi claimed the people outside were not customers of Menelik but were from the Marathon at the junction of Copenhagen Street and Caledonian Road which is approximately 800 metres away. I advised Mr Arbi that I did not agree with him and that the people standing directly outside were very likely to be his customers who had just left the premises and were all talking outside before they went home or on to somewhere else.

There are conditions on the premises licence for Menelik in relation to the control of noise and dispersal of customers at closing time as follows:

- Notices are to be displayed requesting patrons to leave quietly.
- The telephone number of a local taxi firm shall be made available for patrons.
- Door Supervisors, registered with the Security Industry Authority, shall be employed at the premises.

At the time of the visit I informed Mr Arbi that there is a responsibility on the licensee to ensure a quick and efficient dispersal of customers at the end of trading and for the conduct of customers in the immediate vicinity of the premises. I suggested that he could cultivate a working relationship with a cab company and offer cabs to customers at closing time. I have since referred to the premises licence and found the condition above that requires that the number of a local taxi firm should be made available to customers. I suggest that you could take this further and actively offer to call cabs for customers to speed up dispersal and discourage any gathering of people directly outside. Mr Arbi stated that not many of your customers need cabs as they all live locally.

I noted the door supervisors were inside the premises at the time of the visit and appeared to be purely concerned with keeping the door closed to make any re-entry by customers that had left

the premises difficult. I would suggest that a door supervisor should be outside the premises to direct people away once they have gone outside and not allow customers to loiter on the frontage.

I acknowledge that at the time of the visit you were well on the way to closing the premises, the music had stopped and you were clearing up and there were some customers remaining inside drinking-up. I have to recommend that you pay attention to the dispersal of customers though and work towards moving them away quickly from the vicinity of your premises.

This letter is advisory and part of proactive preventative measures in order to ensure that licensees are aware of the licensing objective of the prevention of public nuisance. This is particularly important at closing time and the incidence of public nuisance from noise from customers as they leave can be reduced if a dispersal policy is implemented at the premises.

I have a sample closing down plan for your consideration. Have a look at it and see if you can use any of the guidance offered to reduce the likelihood of gatherings outside at closing time:

1. Reduce the volume of music for the last half hour prior to the bar closing; this can be done gradually so that by the time the bar closes, the music volume is reduced to background levels.

2. Slow the tempo of the music played out during the last half hour.

3. From the time the bar closes for sales and drinking-up time ends, the lighting should be gradually increased so that by the time the drinking-up is over, the lighting has been brought up to full beam. You can continue playing out music at background levels while people are drinking-up.

DO NOT keep the music going at loud levels and then just put the lights up to full beam. This is not conducive to a quiet and calm dispersal of customers from the premises as required.

4. As people begin to leave, door supervisors should be outside, encouraging people to disperse from the area and not allowing them to loiter on the frontage.

5. Management should be more actively involved with seeing customers off the premises, your manager could stand by the door as people are leaving and wish them goodnight and ask them to be considerate to neighbours as they leave. Managers should supervise the Door Supervisors during dispersal. Door supervisors should remain outside with customers until they have all left the immediate vicinity of the premises.

6. We would advise that customers should be more proactively monitored for rowdiness outside generally and a "three strike" rule could perhaps be implemented where if rowdy customers outside (and inside) will not quieten down, they are warned about their behaviour. If rowdy behaviour continues they should be warned a further one time and then if there is still no improvement they should be barred from the premises.

Yours sincerely

Anne Brothers

Principal Technical Officer

cc. Samuel Arbi, DPS, Menelik, 277 Caledonian Road, London N1 1EF

Louise Norris, Noise Patrol Manager

Licensing



ISLINGTON

Samuel Arbi and Fanaye Getachen
[REDACTED]
[REDACTED]
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Noise Team
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T 020 7527 3047

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E anne.brothers@islington.gov.uk

W www.islington.gov.uk

Our ref: abr/201319682

This matter is being dealt with by:
Anne Brothers

Your ref:

Date: 30 July 2013

Dear Mr Arbi and Ms Getachen

CLOSING DOWN AND DISPERSAL OF PATRONS, MENELIK, 277 CALEDONIAN ROAD, LONDON N1 1EF. LICENSING ACT 2003, LICENSING OBJECTIVE OF THE PREVENTION OF PUBLIC NUISANCE.

Further to my visit to your premises at approximately 04:20 last Sunday morning, this is to repeat my advice in relation to closing down and dispersal of patrons. We are in receipt of a complaint from a local resident in relation to noise from your patrons at closing down time. I have to inform you that from what I saw prior to the fight, the complaint about noise from your customers outside at closing time is entirely justified.

I told you I would write to you with advice about a Closing Down Plan and on referring to the file I find I sent you a letter about this issue last February. I enclose a copy of that letter and must urge you to implement a Closing Down Plan as discussed in that letter in order to minimise noise from your customers as they leave your premises.

In addition I have to mention again the fight that my colleague and I witnessed when a group of men who had left your premises set upon another man, seriously assaulting him. I called the Police and an ambulance to attend the man and my colleague and I managed to break up the group of men who were attacking him. When I discussed this with you, you told me it could not have been your customers and you again blamed the Marathon down the road – if you look at the previous letter I sent you, you tried to attribute noise from customers leaving your premises to the Marathon last year.

In addition, when I entered the premises there were still a lot of customers present with drinks who you claimed were your friends. A closing time is specified on the premises licence for Menelik. The premises should be cleared of all customers and other people apart from staff members by 04:00.

I have to warn you that should noise from your customers continue unabated at closing time, Noise Team is likely to make an application to review the premises licence for Menelik. This could have serious implications for the premises licence as we will apply for the licence to be modified. This could result in a loss of your trading hours and the removal of permitted regulated entertainments..

I must urge you to take this matter seriously and implement a closing down plan at the premises.

Yours sincerely,

A handwritten signature in cursive script that reads "Anne Brothers".

Anne Brothers
Principal Technical Officer
cc. Aled Griffiths, PEHO Noise Team
Katie Tomashevski, Licensing officer.



Samuel Arbi and Fanaye Getachen
Joint Licensees
Menelik Restaurant
277 Caledonian Road
London N1 1EF

Noise Team
222 Upper Street
London N1 1XR
T 020 7527 3047
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E anne.brothers@islington.gov.uk
W www.islington.gov.uk

This matter is being dealt with by:
Anne Brothers

Our ref: abr/201319682

Your ref:

Date: 24 September 2013

Dear Mr Arbi and Ms Getachen

NOISE OUTSIDE MENELIK FROM YOUTHS GATHERING ON THE STREET.
LICENSING OBJECTIVES OF THE PREVENTION OF PUBLIC NUISANCE AND THE
PREVENTION OF CRIME AND DISORDER. CLOSING DOWN AND DISPERSAL OF
PATRONS, MENELIK, 277 CALEDONIAN ROAD, LONDON N1 1EF. LICENSING ACT 2003.

I enclose previous correspondence sent to your given address that you informed me was no longer your address. Please contact licensing in order for your premises licence contact address details to be amended.

I remain very concerned about the gatherings of youths seen outside Menelik last Sunday morning and previously on 28 July. According to local residents this is a regular thing and I have to reiterate what I told you on Saturday night, that is: if your premise was not there, the gatherings outside would not be happening. Your premises licence could be at risk if the Licensing Objectives are not promoted by you.

I have e mailed the Licensing Officer, Ms Tomashevski and PC Steve Harrington and will be meeting them to discuss possible ways forward to assist in relation to these matters.

Yours sincerely,

Anne Brothers
Principal Technical Officer
cc. Katie Tomashevski, Licensing Officer.
Encl: Previous letter dated 30 July 2013

PEH/4.
[Handwritten signature]



ISLINGTON

Mr Samuel Arbi
Menelik
277 Caledonian Road
London
N1 1EF

Licensing Team
Public Protection Division
222 Upper Street
London N1 1XR
T 020 7527 3233
F 020 7527 3057
E terrie.lane@islington.gov.uk
W www.islington.gov.uk

Our ref:
Your ref:

Date: 8 October 2013

This matter is being dealt with by:
Terrie lane

Dear Mr Arbi,

LICENSING OFFICER PANEL 1 OCTOBER 2013

MENELIK 277 CALEDONIAN ROAD N11EF

I am writing to confirm the outcome of your attendance at our Licensing Panel on the 1 October 2013, where you met with representatives of the Council and the Metropolitan Police.

You were asked to attend the Panel following an authorised officer's visit to the premises on 28 July and 22 September 2013 to Menelik 277 Caledonian Road N1.

At the meeting the Panel discussed the following:

1. You were advised you had been to panel before and also to licensing review. You were reminded of the visits made by our officers and what they witnessed. You were brought in to Panel to remind you of your responsibilities as the next step will be a review of your licence where it could be revoked, or we may decide a prosecution is more appropriate.
2. On the dates that you were visited, fights were witnessed by our officer. You claimed that they were not your customers. You were also witnessed selling alcohol after hours. You stated that these were your friends. You have also failed to turn up to the last 2 Pubwatch meetings.
3. The Police have been called to your premises nine times in the past year and so improvements must be made.
4. You stated that the problems are always outside your premises. You were advised to not allow your customers to drink too much and that they are your responsibility, even when outside and you must manage them when they are leaving. You were advised to call taxis for your customers and allow them to wait inside, and also to give customers taxi numbers or direct them to the nearest bus stop.
5. You were also advised to close the bar earlier and to lower the volume of the music, to allow you to call taxis for your customers from inside and they would have time to wait for them before the premises closes.



CUSTOMER SERVICE EXCELLENCE

6. You were advised to speak to your licensing officer to work out a dispersal procedure. Katie will help you with this.
7. You said that you are concerned about people who are criminals using your premises and that they cause problems if they are turned away. The Police officer advised that you should speak to the officers who work with the Licensing team and Katie can help with this.
8. You were advised that you may need to change the way you operate your business. You may want to think about closing earlier and you must also ensure that you close the bar on time.
9. I also advised you to think about not letting people in after 1am, to discourage trouble makers coming from other areas. You must also bar any customers who cause trouble. You can also work with the Marathon Restaurant so that if they bar someone you can do the same. You said that you will talk to the Marathon.
10. You were asked how your door staff deal with customers and you stated that they check people when they come in. You must instruct them to search customers when they arrive, not allow re-entry or people arriving after 1am and they must ensure that people leave the premises quietly and not cause disturbance to neighbours.
11. You must also ensure that the licensing team have your correct home address on the licence. Please complete the change of details form which is on our website and the fee for this is £10.50. You must also contact Ealing Council to change the address on your Personal licence.

The Panel expect you to comply with what was agreed during our discussion and further monitoring will take place to ensure that you comply with your licence conditions and promote the four licensing objectives.

You were advised that if there is one more incident your licence will be reviewed and we may also prosecute you in the Magistrates Court.

If you need to discuss this letter or any further matters, please contact me on the above number or Katie Tomashevski on 0207 527 3882.

Yours sincerely

Terrie Lane
Licensing Manager

If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.



ISLINGTON

Samuel Arbi and Fanaye Getachen
 277 Caledonian Road
 London N1 1EF

Noise Team
 222 Upper Street
 London N1 1XR

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 E anne.brothers@islington.gov.uk
 W www.islington.gov.uk

Our ref: abr/

This matter is being dealt with by:
Anne Brothers

Your ref:

Date: 14 January 2014

Dear Mr Arbi

NOISE CONDITIONS ON PREMISES LICENCE, MENELIK, 277 CALEDONIAN ROAD, LONDON N1 1EF. LICENSING ACT 2003. ENVIRONMENTAL PROTECTION ACT 1990

There are noise conditions on the premises licence for Menelik as follows:

- All amplified sound played on the premises shall be subject to the control of an entertainment noise control system ("noise limiter").
- The entertainment noise control system is to be set to the thresholds in condition 11, Annex 2, to prevent amplified sound played on the premises causing nuisance or undue disturbance to occupiers of other premises in the neighbourhood. These levels may be varied should justified complaints be received or if additional sound insulation works are undertaken.
- The entertainment noise control system is to be calibrated to and maintained at the settings below thereby restricting amplified sound levels. Measurements should be taken in the basement aisle, with the microphone facing the front of the premises, approximately 1 metre from the foot of the stairs leading to street level:
 - 87dB(A) Leq (1 min)
 - 92 dB(Lin) Leq (1 min)
 - 82 dB 63Hz octave band (1 min)
 - 87 dB 125 Hz octave band (1 min)
- The entertainment noise control system controls are to be placed in a secure, lockable cupboard or similar location. The entertainment noise control system is to be completely independent of control by persons other than the licensee. Access to the entertainment noise control system control is to be restricted to the licensee or designated manager.
- The mixer/amplifier unit controls should be covered with a secure, lockable cupboard to prevent tampering with the lead plugs running from the noise limiter. The mixer/amplifier unit controls are to be completely independent of control by persons other than the licensee. Access to the mixer/amplifier unit controls is to be restricted to the licensee or designated manager.

- The entertainment noise control system settings are not to be varied so that the music noise levels described above are exceeded without the written approval of the Council.
- The entertainment noise control system shall be regularly monitored, checked and its calibration adjusted as necessary to ensure the above levels are not exceeded. At least annually, by the 31st July each year, the licensee shall submit, to the Council, a certificate from an acoustic consultant, registered with the Institute of Acoustics:

- a) Confirming that the entertainment noise control system is operating correctly so that the music noise levels outlined above are not being exceeded.
- b) Detailing the components and make up of the sound system under the control of entertainment noise control system.

I visited Menelik on Saturday 11 January.

I measured sound on the basement floor as follows:

Ref BF	Linear	"A"	125 Hz	63 Hz
3	106.2	99.6	103.5	92.4
4	107.0	100.0	104.8	92.7
Licence specifies	92	87	87	82

You are therefore required to recalibrate the sound system and supply us with a calibration certificate.

The calibration certificate should contain the following information:

Date of calibration.

Make and model of the limiter installed.

Make and model of amplifier/sound distribution system.

Serial number of the limiter.

Location of the limiter and floor plan showing location of speakers.

Specified maximum sound levels with one minute Leqs at the Linear, "A" weighted, 63 and 125 Hz frequencies.

Details of the measurement point.

Details of the security arrangements for the limiter and other components.

Details of the sound level meter used during recalibration.

Calibration details for the sound level meter used.

Name and contact details of acoustician.

Yours sincerely,


Anne Brothers

Anne Brothers

Principal Technical Officer

cc. Katie Tomashevski, Licensing Officer

Samuel Arbi via e mail: [REDACTED]

 Shaun Murkett
Acoustic Consultants Ltd.

Certificate of calibration. Jan 2014

This is a certificate of calibration for the sound controlling equipment installed at the Menelik restaurant bar, 277 Caledonian Rd. Islington, under the management of Mr. Samuel Arbi. The noise limiting device installed is an AVC 2 Formula Sound controller sound limiter, serial no. 8509 for the sound system, to control internal sound levels in the bar.

The sound system comprised musical instruments and cd players and a Mackie CFX 12 mixer, connected to the new Formula sound AVC 2 sound limiter, serial number 023857, then to the Peavy XR 560 power amplifier section. These were feeding two JBL M330 large sized full range loudspeakers. All critical controls were located in a tamper proof rack.

To fulfill the conditions of the local authority entertainment licence for this establishment, and to keep external noise breakout to a minimum, and inaudible at the residents, a limit on the internal sound levels from amplified music has been agreed.

The AVC 2 sound controller limiter has been set to an internal music sound level limit of 87 dB Leq _{1 min} linear, (79 dBA Laeq _{1 min}), 73 dB at 63 and 84 dB at 125 Hz measured at center of room, 1m from new street side lobby at 2.3 m from the main speakers.

This calibration was made with a Bruel and Kjaer type 1 sound level meter in accordance with relevant British Standards, at around 5 pm on the afternoon 17th January 2014, and witnessed by bar owner Mr Samuel Arbi, and Shaun Murkett.

This calibration is valid only for the equipment as specified above, and for one year only. It is part of the licence conditions to inspect and re-calibrate the limiters annually by a professionally qualified consultant accredited by the Institute of Acoustics to satisfy local authority requirements.



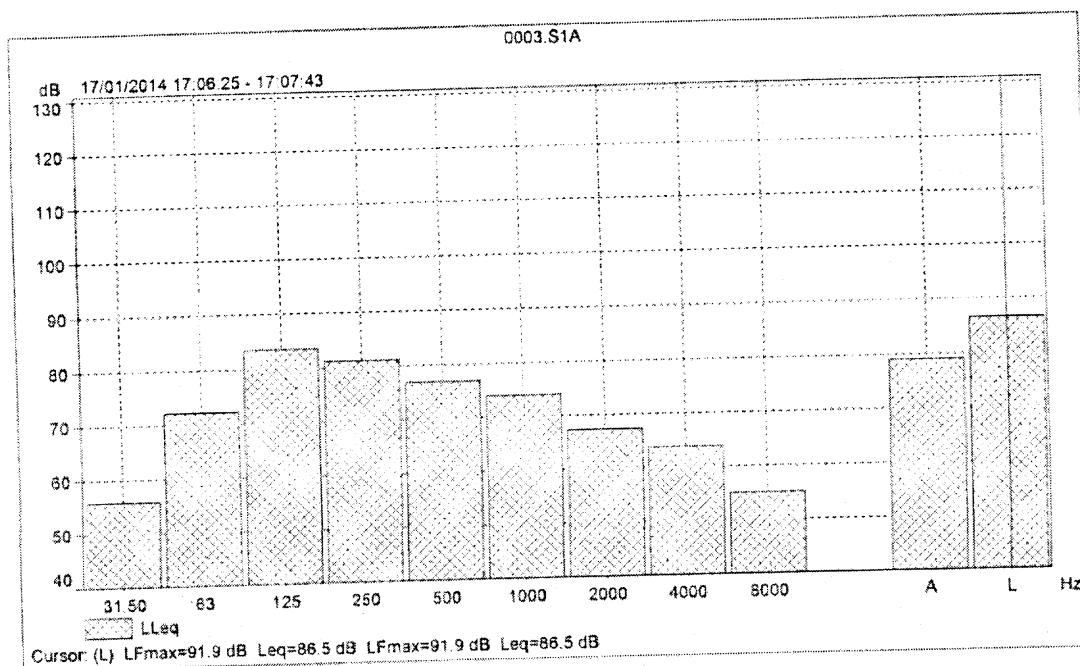
Shaun Murkett 17th January 2014

1 Clissold Road, Stoke Newington, London N16 9EX
t: 020 7923 7275 m: 07956 367598
e: murkett@aol.com

www.shawnmurkett-acoustics.co.uk

Managing Director and Principal Consultant, Shaun Murkett BSc, C.Eng, M.I.E.E, M.I.O.A.

Registered company (no. 105047) reg. no. 779-625-00



Octave frequency spectrum of sound of music measured at centre of bar, in front of new side street lobby, at 2 metres from main loudspeakers .

Menelik bar, 277 Caledonian Road, Islington, London N1

17th January 2014,

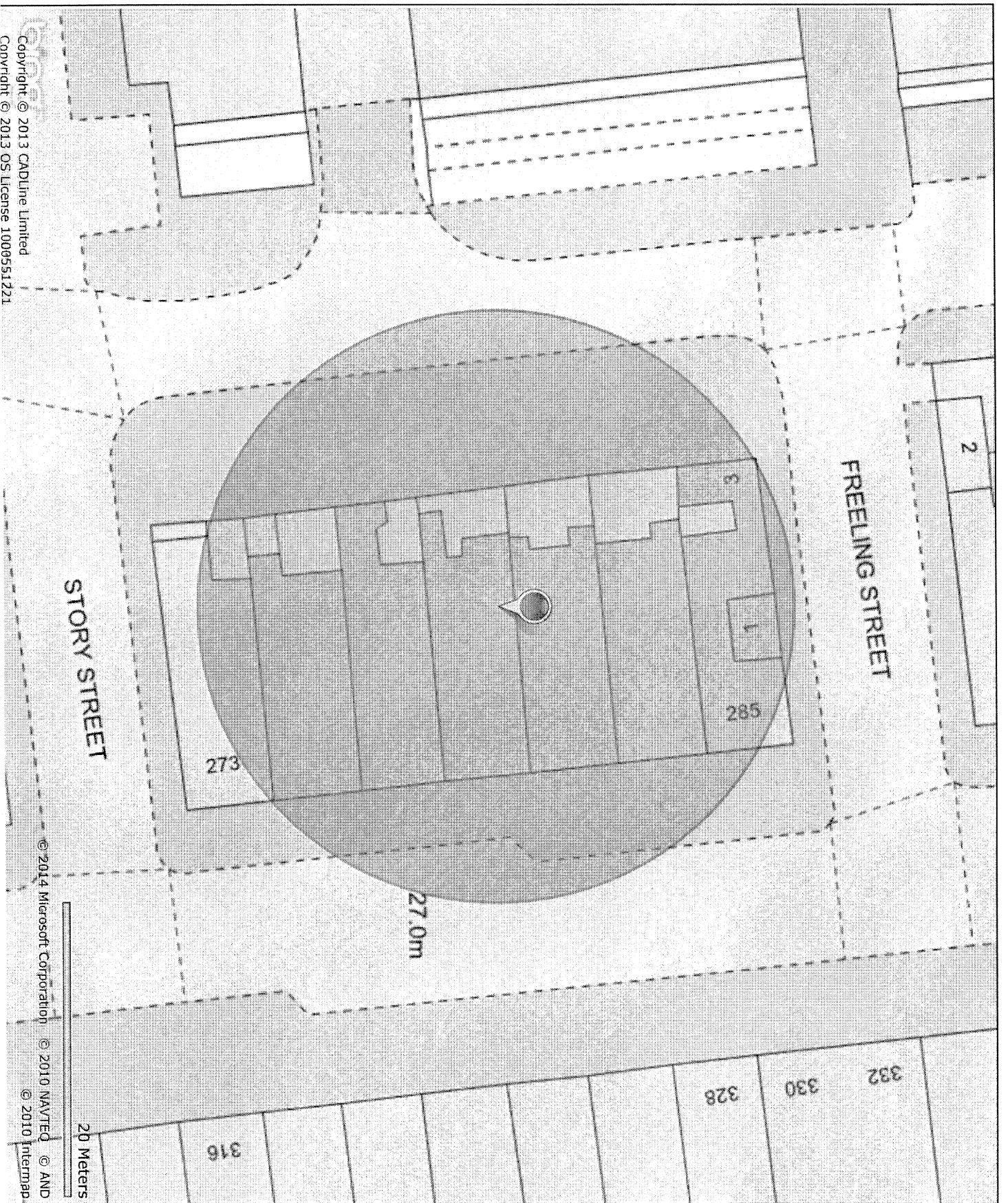
Sound limiter calibration.

Music Sound level 87 dB Leq linear 1min , (79 dBA LAeq. 1 min.)

© Shaun Murkett
Acoustic Consultants Ltd.

tel 020 7923 7275

No conditions suggested



**Title : 277 Caledonian
Road N1 1EF**

Islington Borough
Boundary

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