



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	1 st 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

19.6.14

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

[Handwritten Signature] PC 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.

WITNESS STATEMENT

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

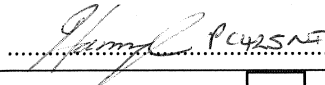
Statement of **Steven HARRINGTON PC 425 NI** URN:

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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:



Date:

11/06/2014

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.

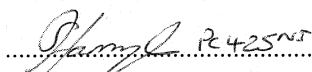
The application for a review is on the basis of concerns in relationship to the following Licensing Objectives:

- 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:



Signature witnessed by:

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

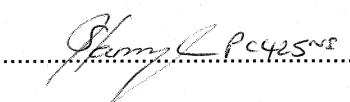
Four males attended the venue. One of the males smashed a glass and all four left the scene. The suspects have never been traced. CCTV from the club failed to play even after new copies were given to police. The venue is a member's only club? Why do they not know the details of the four men?

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:  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.

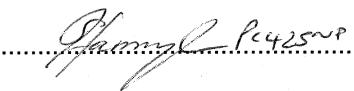
CAD NI/1789 Date Sunday 20/10/2013 03:27hrs

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

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.

Signature:  Signature witnessed by:

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

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

An emergency call was made to Police by a Mr Mc dermott 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.

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.

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 CCTC 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/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:

Steven Harrington
PC 425 NI

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 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.

The assault captured on CCTV SAH/10 on the 17th November 2013. 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:

Steven Harrington PC 425 NI

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.

Henry PC425NI

Signature:

Henry PC425NI

Signature witnessed by:



Appendix: 2
ISLINGTON

**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 Groung 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

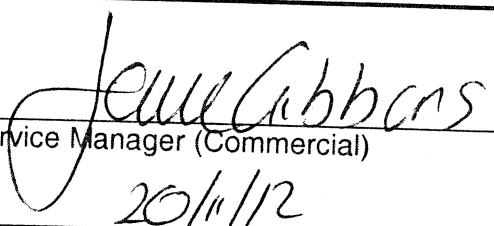
Registered number of holder, for example company number, charity number (where applicable)

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

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
Licensing Policy 30*

*Management standards and operating schedule
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

Mr W Y Tesfa and Mrs A Tesfa
Flat 2
193 Caledonian Road
London N1 0SL

This matter is being dealt with by:
Anne Brothers

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

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: wtesfa12@googlemail.com



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

Mr W Y Tesfa and Mrs A Tesfa
Flat 2
193 Caledonian Road
London N1 0SL

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/

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.

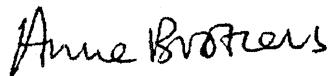
Details of the security arrangements for the limiter and other components.

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,

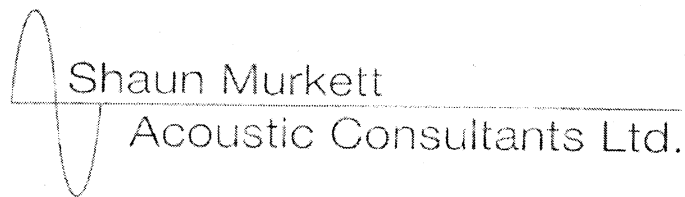


Anne Brothers

Principal Technical Officer

cc. Katie Tomashevski, Licensing Officer

Mr Tesfa via e mail: wtesfa12@googlemail.com



Shaun Murkett

Acoustic Consultants Ltd.

Certificate of calibration.

Jan 2014

This is a certificate of calibration for the sound controlling equipment installed at the Marathon Restaurant, 193a Caledonian Rd. Islington N1 OSL, under the management of Mr. Tesfa. The noise limiting device installed is an AVC 2 Formula Sound controller limiter, serial no. 017628 for the live music part of the main sound system, to control internal sound levels in the bar.

The musical instruments were connected to the Mackie CFX 12 mixer and then to the AVC sound limiter, then to the power amplifier, an EP 2500. In the front bar dance area there were 2 large sized Peavey BWX loudspeakers, on stands, chained in position.

To fulfill the conditions of the local authority entertainment licence for this establishment, and to keep external noise breakout to a minimum, 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:-

96 dB Leq _{1 min.} linear, 87 dBA Laeq _{1 min.}, 92 dB at 63 Hz; 90 dB at 125 Hz.
Measured at around center of bar, near opening between areas, at 2 m from the nearest loudspeaker.

This calibration was made with a Bruel and Kjaer type 1 2260 sound level meter in accordance with relevant British Standards, at around 5 pm on the night of 17th January 2014, and previously witnessed acceptable and inaudible by the resident, the Local authority noise team, owner Tesfa, 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 service and re-calibrate the devices 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

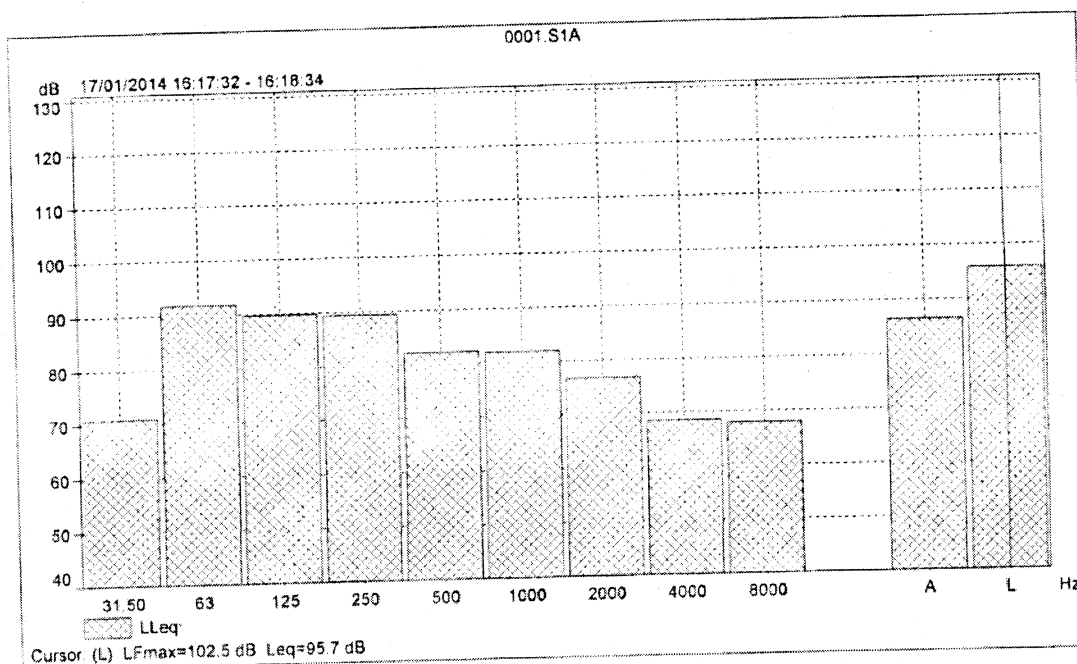
t: 020 7923 7275 m: 07956 367598

e: murkett@acl.com

www.sh Shaun Murkett Acoustics Ltd

Managing Director and Principal Consultant: Shaun Murkett, BSc, C.Eng, MIEE, MIOA

Registered Company no 3708246 VAT no 251 251 251



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**

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18-06-2014**

