



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	26 August 2014		Caledonian

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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
- 1.3 This application was previously listed for a hearing on 1st and 17th July 2014 respectively, these meetings were both adjourned.

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

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