

**Licensing Sub Committee D - 9 November 2017**

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 9 November 2017 at 6.30 pm.

**Present:**           **Councillors:**           Nick Wayne (Chair), Satnam Gill and Marian Spall

**Councillor Nick Wayne in the Chair**

**198        INTRODUCTIONS AND PROCEDURE (Item A1)**

Councillor Nick Wayne welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

**199        APOLOGIES FOR ABSENCE (Item A2)**

There were no apologies for absence.

**200        DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

**201        DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

**202        ORDER OF BUSINESS (Item A5)**

The order of business would be as the agenda.

**203        MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on 12 September 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**204        VINS, 93 GROSVENOR AVENUE, N5 2NL - NEW PREMISES LICENCE (Item B1)**

The licensing officer reported that the premises was not in a cumulative impact area. The licensing team had not received any further communication from the interested parties.

The applicant stated that the representations were speculative rather than evidence based. This would be a restaurant and alcohol would be served with food. This was not the type of venue that would be associated with noise or crime issues. The police and the noise team had not made objections and proposed conditions should satisfy concerns from residents.

In summary, the applicant stated that he considered that the presence of the restaurant would aid police and prevent problems in the area.

**RESOLVED**

- 1) That the application for a new premises licence, in respect of Vins, 93 Grosvenor Avenue, N5 2NL, be granted to allow:-
  - a) The sale of alcohol, on and off supplies, from 11am to 11pm Monday to Sunday.
  - b) The premises to be open to the public from 11am to 11.30pm Monday to Sunday.
- 2) That conditions detailed on pages 43 and 44 of the agenda be applied to the licence.

**REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

Four local resident objections had been received. Conditions had been agreed with the noise team and the police and they had therefore made no representations.

The Sub-Committee noted that the premises were not in a cumulative impact area and was a restaurant which was food led rather than alcohol led. The applicant considered that the proposed conditions would satisfy the concerns of residents.

The Sub-Committee concluded that granting the application with the agreed conditions would promote the licensing objectives. Conditions proposed, the hours sought and the nature of the business was such that the Sub-Committee was satisfied that the grant of the licence was appropriate and proportionate.

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**ST PAUL ISLINGTON, 274B ST PAULS ROAD, N1 - NEW PREMISES LICENCE (Item B2)**

The licensing officer reported that the premises was not in a cumulative impact area. There was one resident objection and the licensing team had received no response from the notice of hearing. The applicant had reduced the hours applied for by 30 minutes. It was noted that the planning situation had been clarified and there was no formal objection from the planning team.

The applicant's representative stated that all the details for the application were in the papers.

**RESOLVED**

- 1) That the application for a new premises licence, in respect of 274B St Pauls Road, N1, be granted to allow:-
  - a) The sale of alcohol, on and off sales, Monday to Thursday from 8am to 10.30pm, Friday and Saturday from 8am to 11.30pm and Sunday from 9am to 10.30 pm.
  - b) Late night refreshment from 11 pm to 11.30 pm Friday and Saturday.
  - c) Opening hours to be:- Monday to Thursday 8am to 11pm, Friday and Saturday from 8am until midnight and Sunday 9am until 11pm
- 2) That conditions detailed on pages 95 and 96 of the agenda be applied to the licence.

**REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee noted that two resident objections had been received, one of which had been withdrawn after speaking with the applicant. The Sub-Committee noted that the planning situation had been clarified and there was no formal objection from the Planning team.

The Sub-Committee noted that the premises were not in a cumulative impact area and the hours sought were within the hours specified in licensing policy 8.

The Sub-Committee concluded that granting the licence was justified as appropriate and proportionate for the promotion of the licensing objectives.

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**BEST MANGAL/CLUB REINA, 85 CHARTERHOUSE STREET, LONDON, EC1M 6HJ - PREMISES LICENCE REVIEW (Item B3)**

The licensing officer reported that a response from the licensee's representative had been circulated. This would be interleaved with the agenda papers.

Counsel for the police reported that the review had been brought following a number of incidents at the premises culminating in a serious incident on the 1 September 2017. There had been a total of 9 reported crimes between 2014 and the 1 September 2016. One of these was actual bodily harm. From September 2016 there had been a total of 17 crimes at the venue including affray and actual bodily harm. The police were not seeking revocation but the objectives of crime and disorder needed to be addressed. There had been a history of breaches and conditions were not considered to be sufficient. Eight conditions had been agreed with the licensee's representative as detailed in the tabled response however there were three areas of disagreement concerning the number of door staff, the limitation of hours and the removal of the designated premises supervisor (DPS). There had been a number of meetings with the management of the premises including one on the 1 February following a number of complaints and an allegation of assault by the doormen. The minutes of this meeting were at page 120 of the agenda and recommendations agreed as detailed at page 122. There was a further meeting held (details on page 124) following an incident on the 25 February where there had been a serious assault on a female and where the security staff had not tried to prevent any incident. There was a further incident on the 20<sup>th</sup> August and patrons had been witnessed dispersing in a disorderly fashion and a male patron threatened officers with a bottle. These issues were raised at a meeting on the 31 August between the licensee, the police and the licensing team. At this meeting the police spoke about the use of promoters but the very next evening, on the 1 September, the police were then called to an incident at the club where a promoter, who had been linked with another club disorder, had been used. If the licensee had mentioned this at the meeting on the 31 August, it was considered that this incident could have been prevented. On the 1 September there had been the same issues as highlighted previously by the police. Door staff had not been easily identifiable. It was proposed that conditions as detailed on pages 110 and 111 be added to the licence. Regarding condition 1, Mr Kurt had been the DPS since May 2016 and since then problems had arisen. The venue had used three different security companies since December 2016. Events had changed at the venue. Offenders had been allowed to leave and no calls had been made to the police or the ambulance service. The police stated that had no confidence in Mr Kurt. Regarding condition 2 the police stated that evidence suggested that Mr Siorem had been more involved in the day to day management of the venue. The police accepted

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that six door staff would generally be enough but door staff employed had not adequately dealt with any problems. There had been issues with patrons congregating on the stairs and door staff had not kept the stairs clear. The police stated that the licensee would say there had been no problems for two months but they considered that this was because they were now only opening on a Saturday. Staff training was commended but the police were unsure that the DPS role had been addressed. The incidents had all taken place at 3 to 4 am. Many incidents had taken place at the event end and during the dispersal of patrons.

In response to questions it was noted that form 696 was being submitted on a regular basis. These could be submitted prior to 14 days before the event and at that time promoters were not causing problems. Sometimes promoters would only be highlighted to the police as a problem the week before. It was not known whether incidents were on promoted nights or under general club admission.

The licensing authority supported the review of the licence. It was submitted that the premises were poorly run and although conditions had been generally met there was a history of disturbance. Security had been ineffective and the licensing authority would require security to be more visible. The management had been spoken to on a number of occasions but incidents still occurred. The licensing authority had no confidence in the DPS or the general manager. It was noted that the general manager always spoke for the DPS at meetings. The licensing authority would support a reduction in hours. Works had been carried out on the ground floor which had not been approved by building control and the means of escape had been compromised. It could be stated that the premises were being used illegally. There had been complaints about queuing arrangements and security arrangements were seen to be deficient.

In response to questions it was noted that the general manager had been the spokesperson for the licence holder and the DPS. He had been in charge of promotions and the day to day running of the business.

The public health team reported that there was a clear link between alcohol and violence. Ambulance call outs were significantly higher after 11pm, 52% of call outs occur between 11pm and 5am compared to 35% in general. Violent incidents at the premises were contributing to late night harm.

The licensee's representative apologised that the review had been submitted. There had been positives and the DPS had controlled the premises well for lengthy periods since May 2016. It was disappointing that management had been slow to react to problems.

The original security team had left following the closure of Fabric and the DPS had been let down by two other teams which were poor quality. The current security team were now on course. The DPS had attended a recent training event which was a level two course. The representative asked that the number of door supervisors be not increased as it was good quality door supervisors that was required rather than quantity. The tipping point for the review was a promoted event. Urban style music would no longer be used. The team would focus on the door supervisors used. The age profile was to be increased. CCTV had been provided to assist the police. All other proposed licensing authority conditions could be agreed. The licensee's representative stated that the DPS was a quiet person but was in attendance at the premises and understood the licence and should remain as DPS. He was present at all trading sessions and attended recent training. He did not disagree that the general manager could take a backstep from the running of the premises. Security staff all now wore high visibility clothing and he informed the Sub-Committee that if the hours were reduced the business would not be sustainable and would close. The licensee could not agree with police condition 6 for this reason also. The DPS stated that to help dispersal they stopped serving alcohol half an hour before closure and lights were slowly raised.

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In response to questions it was considered that urban nights had been the reasons for the problems. These had now been cancelled and the premises were now concentrating on electronic music. Urban music was also preferred by a younger age group. The DPS stated that he had not realised that urban music was a problem until the 1 September incident. Each promoted event brought a different crowd. There was a young crowd at the event on the 1 September. The Sub-Committee were informed that the Saturday evening brought a regular promoter but the weekdays had brought most problems with different promoters. The licensee used form 696 to check on promoters. They would not want to risk using promoters that could cause issues. Over the past two months there had been events each Saturday and on 2 or 3 Fridays. The Friday and Saturday evenings were needed for the business. There had been no urban music events in the past few months. The general manager had gone to other venues to look at other promoters. He stated that this type of music was known to carry some risk. Saturday events did involve some urban music. The Fridays they had opened were very successful. They ran about 200 events each year and had been unlucky on 16 or 17 evenings. The DPS stated that he should remain as he was always on the premises and he believed he was doing everything he could. He did not see the need for a new DPS. He had stopped the urban music which he considered was the main reason for their problems.

In summary the licensing officer reported that some proposed conditions would not apply to the ground floor restaurant.

The licensing authority considered that a more experienced DPS needed to be appointed.

The police stated that the licensee wanted a successful business in a vibrant area but the business needed to be safe as well as successful. The police representative was heartened by how things were going and in hearing how the DPS was committed to the business but he needed help in doing so and could be assisted if there was a different DPS. The licensee had claimed that there had been lengthy periods which had been trouble free but the police did not consider this was true. Since November 2016 there had been many incidents as detailed on pages 108/109 of the report. They had only highlighted the most serious incidents. It had only been relatively quiet in June and July 2017. The DPS should be aware of the licence conditions. The licensee had attended training after the 25 February incident and further problems had not been prevented. They had proposed 8 door staff and would strongly encourage high visibility. The high visibility condition was agreed by the licensee's representative. It was stated that none of the other venues with these opening hours had these issues and would encourage shorter hours e.g up to 2am. It was considered that the DPS needed time to consolidate the changes. If the hours were reduced to 2am there may not be the need for 8 door staff and this would be a saving. There was also scope for a minimum age condition, perhaps 21 years as a minimum age.

The licensee's representative reported that the change in door supervisors had been a significant weakness. Changes had been made regarding the events and the type of music on offer. The premises had already moved to an older age group and would be happy to agree a minimum age of 20 years. He asked that Mr Kurt remained as DPS. He had attended enhanced training. A reduction in hours would be a revocation in practical terms. Six door supervisors was a suitable number. One body worn camera was to be increased to three and they would be wearing high visibility.

In response to a question about incidents on Saturday evenings, the police stated that there had been problems on a number of Saturday evenings and it was not confined to Friday evenings.

The Sub-Committee left the room for deliberation and returned to ask the parties to agree which of the proposed conditions would be applicable to the first and second floor only.

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These were agreed by both parties at the meeting. It was noted that the situation regarding the one licence for two separate areas needed to be regularised.

### **RESOLVED**

1) That the premises licence, in respect of Best Mangal/Club Reina, 85 Charterhouse Street, EC1M 6HJ be modified as follows:-

- a) remove Mr Sinan Kurt as the designated premises supervisor and
- b) to modify the licence to include additional conditions to the licence as detailed on pages 182 and 183 of the agenda with the following amendments:-

Police condition 4 – A minimum of 8 SIA registered door supervisors on Fridays and Saturdays and 6 on Sundays to Thursdays. There must be at least one female on duty each day and must be provided by an ACS accredited company.

Police condition 5. – The venue shall close at 1am Sundays to Thursdays and 3am on Fridays and Saturdays.

Additional condition - The hours for the sale of alcohol shall be to from 12 noon until 12.30am on Sundays to Thursdays and from 12 noon to 2.30am on Fridays and Saturdays.

Police condition 6 – Last entry time shall be 12.30am.

Licensing Authority condition 7 to read. All door supervisors shall wear a high visibility tabard.

The following conditions on pages 182 and 183 shall not apply to the ground floor restaurant;-

Police conditions 2, 3, 4, 7, 8, 9, 10, and licensing authority conditions 3, 4, 5, 6 and 7.

- c) To modify the licence to include the following additional condition:

There be a minimum age restriction for patrons of 20 years. (This condition shall not apply to the ground floor).

### **REASONS FOR DECISION**

The Licensing Sub-Committee considered and the written submissions and CCTV footage in this application for review of the licence. In particular, the application concerned the sale of alcohol on and off supplies, Monday to Sundays 24 hours a day.

The application was brought by the Police following a number of incidents at the venue involving violence since December 2016, involving common assault, GBH, ABH affray and Public Order Offences.

It was common cause that there had been 8 offences involving violence at the premises where police had to be called to the premises within the period 1<sup>st</sup> December 2016 and 10<sup>th</sup> September 2017. A total of 17 crimes were committed in this period.

The Licensing Sub-Committee and all parties concerned also had the benefit of viewing the incidents which occurred at the premises on 1<sup>st</sup> September 2017 which involved people attacking others with baseball bats.

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It was also common cause that the authorities had attempted to engage with the licensee since 1<sup>st</sup> February 2017, the most recent being on 31<sup>st</sup> August 2017. The very next day the extensive assaults and violence occurred inside and outside the premises as shown on the CCTV footage.

The footage showed a total lack of control by management and staff of the situation taking place within the premises.

The Police, Public Health and the Licensing Authority all recommended modifying certain existing licence conditions and adding further ones.

The Licensee agreed to the modifications and adding of the recommended conditions with the exception of the following:-

- The removal of Simon Kurt as the Designated Premises Supervisor (DPS)
- The removal of the events Manager, Mr. Omun Sirorem from the day running of the club
- The changing of the opening hours
- An increase in the number of SIA registered door supervisors
- The last entry time.

The Licensing Sub-Committee was deeply concerned about the crime taking place at the premises particularly since December 2016. The violence was also spilling on to the street outside the premises.

Despite engagement with the authorities, the DPS and Mr. Sirorem showed that they were ineffective in managing the premises adequately and had failed to promote the licensing objectives. The two persons concerned lacked the ability to manage and control the premises properly putting patrons of the venue and members of the public at risk of serious harm.

The day after they met with the Responsible Authorities, the incident of the 1<sup>st</sup> September 2017 took place.

The Licensing Sub-Committee noted that staff had received training but was of the opinion that there was clear evidence that management of the business had lost control. The LSC had no confidence in the DPS or the manager. The security was also ineffective and needed to be more visible. The security had not been doing their job.

With regard to the opening hours, the Licensing Sub-Committee noted that since the review application was served, the venue had only been open on Saturday nights and not on Thursdays and Fridays as before. It also heard from the licensee that the type of music played at the premises had changed (no longer playing "urban" music), and that entry to the premises had been restricted to people over 20. This the Licensing Sub-Committee had been informed as to achieve a different demographic for the venue.

No one was asking the Licensing Sub-Committee to revoke the licence at this stage.

Taking all the representations into account the Licensing Sub-Committee were of the opinion that it would reasonable modify the existing conditions and add further conditions as set out above. In addition, the DPS was to be removed. The Licensing Sub-Committee were of the opinion that these measures were both proportionate and reasonable to promote the licensing objectives.

**207      AMY NEWS, 1 HILLMARTON TERRACE, N7 9JR - LICENCE TRANSFER (Item D1)**

The Sub-Committee noted that this item had been withdrawn.

The meeting ended at 9.15 pm

**CHAIR**