

**Licensing Sub Committee C - 23 January 2020**

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 23 January 2020 at 6.30 pm.

**Present:**       **Councillors:**       Phil Graham, Michelline Safi Ngongo and Gary Poole

**Councillor Michelline Safi Ngongo in the Chair**

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

Councillor Michelline Ngongo welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

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

Apologies for absence were received from Councillor Ben Mackmurdie.

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

Councillor Phil Graham substituted for Councillor Ben Mackmurdie.

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

None.

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

The order of business would be as the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 21 November 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**74       PREMISES LICENCE SUMMARY REVIEW - ORLEANS, 259-261 SEVEN SISTERS ROAD, LONDON N4 2DD (Item B1)**

The licensing officer reported that an application had been made for the licence holder to be named as the designated premises supervisor (DPS). An additional statement had been submitted by the police and a draft operational policy had been circulated. These documents would be interleaved with the agenda papers.

Concern was expressed that the draft operational policy had only been received at 3pm on the day of the meeting and it would be difficult for members to form a view about this crucial document.

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The police stated that they had reached an agreement with the venue. There had been an incident on Christmas Day where it appeared that door staff had assaulted a drunk patron. There had been continued engagement with the licensee over the period and it had been determined that whilst there was no evidence of deceit by management, failings of this magnitude fell on the DPS. The police had recommended that there be a replacement of SIA provider, a replacement of DPS and the implementation of an operation manual. The venue had agreed with these three points. The venue had drafted the operation manual. This was not the finished article and could be amended over time. The venue had engaged, the security company appeared to be suitable although had not been tested on this venue and the new DPS was likely to be accepted. He did not consider that it would be appropriate to withdraw the review but stated that they had reached an agreement with the venue.

In response to questions, it was noted that the venue management were not aware of the incident and it had only been provided to them by the Council's CCTV. The police were not entirely satisfied with the management and that was why they were now requesting a new DPS. The venue had sourced a new security team and had withdrawn an appeal against the interim measures after agreeing with the police that they should not rush to re-open before bringing in necessary changes. The new DPS also had an investment in the premises as the licensee and it was expected that this would bring an improvement. Police checks had unearthed very few serious offences. Crime at the venue was considered to be low level and the number of incidents fairly average for this type of premises. However, the implementation of an ID scanning system had taken longer to install than expected. The operation manual would need to be developed further as procedures would need to be seen how they would work in practice.

The police were unable to say that the venue had attempted to interfere with evidence or that they conspired with the security company. They stated that any call to the emergency services had not been timely.

The manager stated that they did not support the behaviour of the security company. They had appointed the security company in May 2019. He had initially called Nightsafe following the incident and then called the police once he had seen that the patron had cut on his head. They were forced to accept the closure as they no longer had confidence in the security team and would not have time to find a new team by New Year's Eve. There had been a previous incident where a drunk customer had said she had been stabbed. When he examined her as first aider he had not seen any blood. She had been very drunk. This was a spurious incident and should not be raised again by the police. There had been an officer panel in June 2019 and it was accepted regarding this incident that the police should have been called earlier. Reporting had been an issue but the operational manual now outlined the procedure for these matters. The new DPS would communicate at official levels, would have staff meetings and agree new responsibilities with different people. The one good thing about the closure is that it had made staff recognise this was an interconnected experience. They had been a responsible venue and were part of the community. They belonged to different associations. Proper reporting records had been an issue. Issues with security would be refined during operation. The

venue had been open 29 years and had moved with the times, sometimes not as quickly as they would like. They provided different entertainment, in a safe environment and had made concerted efforts to put things in place. The new DPS would be proactive and would implement and refine the operational document. They had worked in collaboration with the police and licensing team.

In response to questions, it was noted that there had been an incident on a female in January 2019 and an issue with a door supervisor in May 2019. The female had no injury except one that was a couple of days old. Regarding the incident on Christmas Day, this was away from the door and had not been seen by management. The manager stated that he called the police following the incident on Christmas Day. He had called Nightsafe initially, but when he saw that the patron had been injured he called the police. It was noted that there been enough door staff. Regarding the incident in May, the manager stated that he had underestimated the severity of the wound and the member of staff was driven to hospital. No ambulance had been called. The security team had not been changed due to the May incident. It was expected that the operations manual would help regarding incidents, as procedures and checklists would be looked at every day. He recognised that he was fallible. He was putting forward a younger team to take control. They would be happy to attend the late night levy meetings.

In summary, the police considered that issues would be addressed by a new DPS, security team and written operational procedures.

### **RESOLVED**

- 1) That the premises licence in respect of Orleans, 259-261 Seven Sisters Road, N4 2DD be modified as follows:-
  - The DPS be replaced,
  - The SIA provider be replaced
  - That a new Operation Manual be agreed with the police and licensing team.
- 2) The Sub-Committee further decided that the interim steps remain in place until all modifications as detailed were met in full or for 21 days, whichever was the earlier.

### **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 heard evidence that the licensee had been in dialogue with the police following the incident and the suspension had provided an opportunity for the police to work with the licensee.

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The Sub-Committee noted that the incident involved was very serious and the manager acknowledged this. The Sub-Committee noted that the manager had extensive experience in the licence trade and that he accepted the interim measures had been necessary.

The Sub-Committee noted that the licensee had taken action to ensure that all the proposed conditions would be met. A new DPS had been identified, a new security team had been appointed and an operation manual had been drafted and was available for the Sub-Committee. The manager submitted that he called the police as soon as he had realised that the patron had been injured.

In making their decision, the Sub-Committee noted the views of the responsible authorities in particular, the police who are responsible for crime and disorder. The Sub-Committee considered that it was reasonable and proportionate to remove the designated premises supervisor, replace the SIA providers and to implement a written operation manual which would be agreed with the police and the licensing team.

The Sub-Committee considered whether it was appropriate for the promotion of the licensing objectives for the interim steps to remain in place, or if they should be modified or withdrawn. The Sub-Committee was satisfied that the suspension should remain in place until all conditions were met in full or for 21 days, whichever was the earlier. The relatively short timeframe for the continued suspension was reasonable in the circumstances and would ensure that the licensing objectives would be promoted.

The meeting ended at 7.50 pm

**CHAIR**