

Licensing Sub Committee B - 15 November 2021

Minutes of the meeting of the Licensing Sub Committee B held on 15 November 2021 at 6.30 pm.

Present: **Councillors:** Phil Graham (Chair), Valerie Bossman-Quarshie and Anjna Khurana.

Councillor Phil Graham in the Chair

278 INTRODUCTIONS AND PROCEDURE (Item A1)

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

279 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Marian Spall.

280 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Anjna Khurana substituted for Councillor Marian Spall.

281 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

282 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

283 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meetings held on the 20 July 2021, 12 August 2021 and 22 October 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

284 THE ROYAL OAK, 250 ST JOHN'S WAY, N19 3RJ - PREMISES LICENCE REVIEW (Item B1)

The licensing officer introduced all parties. She stated that documents had been circulated from Ei Group and the police setting out actions and conditions agreed upon following discussions between the parties.

The police officer reported that this review related to an incident in mid-October. A male was assaulted outside the venue and the outcome could have been fatal. He was taken to hospital by his father. The venue did not call the emergency services

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and they chose to obliterate the crime scene through cleaning. A summary review was held on the 23 October 2021 and the licence was suspended, pending the full review hearing. The position of the police initially was that the licence would be revoked but since that time the licence holder decided to withdraw from the licence and submitted his keys to the leaseholder and a licence transfer was submitted. The police engaged with Ei/Stonegate, who were in agreement with the severity of the issue and together had put forward a suitable schedule to enable the venue to be kept open. These contained unusual stipulations including a soft opening, a six month closure and body worn video. The legal adviser had made minor changes to ensure that these were practicable for conditions should the Sub-Committee be minded not to revoke the licence. The police submitted that they were content with these thorough and robust conditions assuming a suitable management operator could be found for the premises.

In response to questions, the police stated that the difference this time was that the previous operator had left and the proposed management would be Ei/Stonegate. If there were further issues and the licence was reviewed, the police would consider this as the last chance. It was considered that the risk was around the operator of the venue. The Chair was concerned that there may have been other incidents at the venue which the police were not aware of and he would not wish to be in this position again. The police considered that if the options submitted did not satisfy the Sub-Committee they could not offer anything else. Conditions did not mean anything if they were not upheld. The police stated that they would rather see the venue open if it could be run safely. They had been reassured by the licence holder who was committed to running a safe venue. The licence holder held a long lease and did not want a closed pub. The licence holder and the police had worked together and the police did not consider any more could be done. The police also considered that, if the venue closed, patrons would go to other local venues. This licence holder was aware of the risks, knew the nature of the operations and it would be a heavily conditioned licence. Other venues may be less robust.

The Licensing Authority fully supported the application by the Police. They stated that the venue had a chequered history and it was good to see the schedule for re-opening. There had been a serious incident in 2015, which police had not been called to, a review following a serious incident in 2019 and this latest incident. The Licensing Authority stated that they fully supported the suggested programme but stated that this was a challenging area. They did not wish to see pubs closing but this premises needed very robust management to ensure that there were no further incidents of this type. Public Health supported the review and had concerns regarding public safety. There was a clear link between assaults and alcohol consumption and they supported the proposed conditions.

The licensee's representative stated that Ei was the leaseholder of around 4000 pubs including community pubs. They were a responsible operator. The lease had been granted 36 years ago. Since 2013, at the time of the incident in 2019 and for this incident, the previous licence holder had been the tenant and he had employed the designated premises supervisor (DPS). The DPS was on the premises on the evening of the most recent incident. The victim had been targeted and the issue

was the handling of the aftermath. The actions of staff and the DPS, who cleaned all the evidence were reprehensible. The client did not seek to justify these actions. Following the suspension of the licence in October the tenant wished to walk away from the venue and Ei was pleased to accept. The client had not been involved in previous events. This was a national operator. The list of measures put forward went well beyond the normal. The client was content to remain closed for six months to demonstrate the new operation, the DPS must be approved by the police and there would be a soft reopening, with an increased hour each month, which meant that a full reopening would be at least ten months away. Hours would then be reduced to 11pm. CCTV would be improved both inside and out and the licence would be held in the client's name for at least 12 months. Any transfer offer after that time would need to be approved by the police. There would be undercover bi-annual checks made, body worn cameras were to be worn, there would be a proper barring system and continued oversight by the area manager. The community should have a pub but not any associated crime which had not been taken seriously by irresponsible management. He stated that the proposals were a proportionate response.

In response to questions, the Director of Licensing at Ei stated that there had been a change in ownership in March 2020 and the owner had not been aware of any incidents prior to 2019. A person of the right calibre would be appointed as designated premises supervisor after discussions with the police. There would be more frequent regional manager visits and it was proposed that further unannounced visits would take place every four to five weeks. The licensee's representative stated that the regional manager visits could take place every four to five weeks in the first instance. The Chair was concerned that only four visits a year had been thought to be acceptable. The Sub-Committee needed to consider public safety. Residents of the area had said that they were pleased now it was closed. The Chair would not wish to explain to people why he had allowed somebody else to be injured or worse. The Director of Licensing for Ei stated that visits from the regional manager would last between 6-8 hours at a minimum of four times a year. There would also be review meetings with the police every four weeks and frequent visits from the Regional Director. The licensee's representative stated that Ei/Stonegate was one of the most responsible operators unlike the previous licence holder. Conditions had been offered as part of a number of measures but the premises would be observed and further actions taken if necessary. The licensee's representative stated that Ei/Stonegate had taken over 19 months before but would not have been able to remove the tenant if they had not been in breach of their lease. Freeholders could not take on every licensing responsibility. The Chair considered that a responsible landlord would want to look at the history of the venue he was taking on. The licensee's representative stated that there had been no evidence of concern over the past 19 months and the police had not said that there were any issues with Stonegate as an operator. As soon as they were appointed as the licence holder, Stonegate liaised with the police and produced a large set of measures. It would not be a problem if visits were to be increased. Problems had been with previous management. The premises would be opened gradually, Stonegate would keep hold of the licence and the police would be

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involved with the choice of DPS. Stonegate was the responsible licensee. If there was anything else to add they would be happy to discuss that.

There could be some venues with weak management that were run by customers. The licensee's representative stated that this would not be the case for this premises. This was a national operator and would set rules from the very beginning. It was better if individuals were managed well in pubs and barred if necessary. This operator was committed to a safe drinking environment. It was suggested that there could be a security risk assessment which was periodically discussed with the police.

In summary, the police stated that if the Sub-Committee was not happy with the measures proposed they should revoke the licence as they could not offer any further reassurance. The Licensing Authority stated that the measures which included a gradual reopening were good. Stonegate was a reputable operator and it was suggested that they could remain as the licence holder rather than the proposal to transfer the licence after a year. If they wanted the premises to remain open that may be an option that could be considered. The officer from public health wanted safe and well run premises and asked that the Sub-Committee look at all available options.

The licensee's representative stated that the condition regarding regional visits at 8c) of the proposed conditions could be amended to have monthly meetings for the first year at least. There would be periodic meetings with the police and a full security risk assessment prior to reopening. It was also proposed that Ei remain the licence holder for two years prior to any future transfer but it was stated that any transfer would need police consent. He considered it was better to have a pub that was run safely in the hands of a reputable operator than no pub at all.

RESOLVED

- 1) That the premises licence in respect of The Royal Oak, 259 St John's Way, N19 3RJ be revoked.
- 2) That the interim step of suspension to remain in place pending the final determination of any appeal.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and considered the material provided. 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 Police stated the reasons for bringing the review as being the actions of venue staff following an incident that occurred outside the premises in mid-October 2021. Venue staff failed to call emergency services and deliberately cleaned the crime scene. The Police stated that their initial stance was that they would invite the Sub-Committee to revoke the licence but that events since the summary review hearing had changed their position. The licence holder had returned the keys to the

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leaseholder and the licence had been transferred to Ei Group. The DPS had gone and Ei Group had engaged with the Police and an extensive schedule of proposed conditions had been agreed including that the premises would remain closed until at least May 2022 and would have a 'soft' reopening which would mean that the premises would not operate their full hours for at least ten months.

In response to questions, the police officer confirmed that he was of the opinion that the package of measures put forward was the best that the police and the licence holder could collectively offer and if this did not satisfy the Sub-Committee then the Sub-Committee should revoke the licence.

The Sub-Committee heard from the Licensing Authority that they supported the application by the Police. Although it was good to see the licence holder engaging with the Police the premises had a chequered history. There had been a serious incident in 2015, the 2019 review and now this review. The Licensing Authority would support a six month closure and soft reopening but the premises would need very robust management and revocation may be the only way to ensure that there were no further incidents. The officer from Public Health confirmed that they supported the police application.

The Sub-Committee heard from the Licence Holder's representative that the licence holder is a responsible, national operator that operates 4000 pubs. At the time of the incident, the previous licence holder had the tenancy of the premises and was entirely responsible for the operation of the premises. The DPS present at the time of the incident, was employed by the previous licence holder. Ei Group had nothing to do with this and did not try to justify it. Ei Group were glad to accept the previous Licence Holder's termination of the tenancy and transferred the licence into their name. Ei Group is a national operator of repute and wants to get the running of these premises right. The list of measures offered went well beyond the three month suspension suggested by the Licensing Authority. If the Police was not satisfied with the proposed new operator and DPS the premises would not open. The hours would be permanently reduced to 11pm. The licence would be in the name of Ei Group for at least 12 months. The Police would have the power to name people to be barred from the premises. There would be area manager oversight.

The Sub-Committee considered the proposed conditions, reduction in hours and removal of a DPS and concluded that these measures would be insufficient to protect public safety and prevent crime and disorder at the premises. The Sub-Committee was of the view that, in light of the chequered history of the premises and the previous modifications to the licence, the proposed conditions were not sufficient to make a difference to the operation of the premises. The Sub-Committee was concerned that the nature of the incident, a targeted attack on the victim, was indicative of community safety issues in the wider area. The Sub-Committee was also concerned that the nature of the actions taken by staff following the incident suggested that the management had lost control of the premises and that it was being controlled by the clientele. In these circumstances, the Sub-Committee was not satisfied that the change in management or conditions proposed would be sufficient to tackle these issues and promote the licensing

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objectives. The Sub-Committee had to consider the safety of the public and concluded that the only way to guarantee the safety of the public was to revoke the premises licence.

The Sub-Committee decided that it was proportionate and appropriate for the licence to be revoked.

The Sub-Committee considered the option of imposing additional conditions but concluded that there were no conditions that could have been applied that would have tackled the issues raised by the police.

The Sub-Committee also considered the option of suspension but concluded that a suspension would not have served to resolve the problems identified by the Police and would not be sufficient to promote the licensing objective of crime and disorder and public safety.

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. For the reasons as detailed above, the Sub-Committee decided that it was proportionate and appropriate for the suspension to remain in place until any appeal was finally determined.

The meeting ended at 8.10 pm

CHAIR