LICENSING SUB-COMMITTEE

Thursday 16 February 2017 at 7.00 pm

MINUTES

PRESENT: Councillor Andrew Wilson, Councillor Max Deckers Dowber and Councillor Liz Atkins

APOLOGIES:

ALSO PRESENT:

1 ELECTION OF CHAIR

MOVED by Councillor Max Deckers-Dowber, SECONDED by Councillor Liz Atkins

RESOLVED: That Councillor Andrew Wilson chair the meeting.

Councillor Wilson confirmed that the Temporary Event Notice for The Royal Oak (item 5a) would be considered first.

2 DECLARATION OF PECUNIARY INTERESTS

None were declared.

3 MINUTES

RESOLVED: That the minutes of the previous meeting held on 18 January 2016 be approved and signed by the Chair as a correct record of the proceedings.

5 CONSIDERATION OF OBJECTION TO A TEMPORARY EVENT NOTICE

5a THE ROYAL OAK, 78 FITZALAN STREET, LONDON, SE11 6QU (BISHOP'S)

Special circumstances justifying urgent consideration

A meeting of the Licensing-Sub Committee has been convened as a result of an objection raised by the Council's Community Safety Area Tem regarding a Temporary Event Notice (TEN). Section 105(2)(a) of the Licensing Act 2002 (part 5) required a minimum of two days' notice to be given. The event was due to take place on 25 to 26 February 2017.
The Chair is of the opinion that although the meeting has not been convened with at least five clear days notice, it should proceed now as a matter of urgency to consider the objections to the TEN because of the special circumstances of the need to comply with the statutory requirements of the Licensing Act 2003.

The meeting will progress in accordance with the following procedure:

- Licensing Officers will present the report. Members will ask any questions that need clarifying.
- The Noise Officer will then give evidence; Members will ask any questions that need clarifying.
- The applicant will then make a presentation; Members will ask any questions that need clarifying.
- After all queries have been answered by all parties, the Sub-Committee will adjourn to deliberate in private.

**Presentation by the Licensing Officer**

The Sub-Committee noted that:

- This was an application for a temporary event served by Mr William Prophet for The Royal Oak. The application had been submitted on 3 February 2016 for an event scheduled for 25-26 February 2017 for a maximum of 100 persons.
- The notice was for the authorisation of regulated entertainment and the sale of retail alcohol from 19:00 to 03:00 hours. A copy of the notice was attached on pages 15-22 of the additional agenda papers.
- Objection to the temporary event notice (TEN) had been received from the Council’s Community Safety Team on 8 February 2017 on the basis of public nuisance.
- A copy of the objection had been provided to the applicant on 9 February 2017 and was attached as Annex B, page 23, of the additional agenda papers.
- Officers had provided supported documents with regard to their objection. This was appended as Annex C, pages 25-29 of the additional agenda papers.
- The current premises licence for the venue could be found on pages 31 to 37 of the additional agenda papers.

Map and photographs of the premises were circulated to members.

**Presentation by the Applicant**

Mr David Lingard, Community Safety Area Manager, informed the Sub-Committee that:

- The venue was located between residential properties in Fitzalan Street;
- Previously a TEN had been granted on 28 January 2017 and following that event, a complaint was received regarding singing, anti-social behaviour and loud music until 03:00;
- The Community Safety Team undertook a visit to the premises on 3 February 2017. Officers spent five minutes banging on the locked door of the premises;
- Upon entering the premises, officers observed 40-50 customers inside the pub and three customers smoking including one person with an electric cigarette;
- On being questioned by officers, Mr Prophet stated that he was having a small private family party;
- Customers smoking and the front doors being locked while in public use was a
major safety concern as the door was not an emergency door. Therefore, in the event of a fire, emergency services would have difficulty accessing the building.

In response to questions from Members, Mr Lingard confirmed:

- Complaints had been received pertaining to the venue remaining open past the terminal hour of its licence;
- A TEN would normally satisfy the licensing requirements. However, on some occasions, there have been complaints of rowdy behaviour and singing when people left the premises, such as the event held on 28 January 2017 which had caused noise disturbance to residents;
- The complaint received pertaining to the event held on 28 January 2017 had resulted in normal routine visit to the premises by Community Safety Officers on 3 February 2017. The visit was to ensure that the establishment was complying with its licence requirements.

Presentation by the Premises Licence Holder

Mr William Prophet did not attend the meeting.

Adjournment and Decision

At 7.15 pm, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private

The Sub-Committee had heard and considered representations from Mr David Lingard.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided issue a counter-notice so that the event could not take place for the following reasons:

- This was an application for a counter notice on the temporary events notice applied for by The Royal Oak, 78 Fitzalan Street on the 25 & 26 February 2017.

- The Sub-Committee had heard from Community Safety Officers about a temporary event that was held on 28 January 2017 that led to a complaint from a resident. The following weekend, Community Safety officers visited the premises just after 23:00. Full details of this visit were included in the Community Safety's Officer's report. The report included witnessing patrons smoking in the venue, music being played and customers drinking after the terminal hour. There were no efforts made to clear the premises and the door was locked. When challenged by officers, Mr Prophet, the premises license holder, suggested that he needed an additional hour. Mr Prophet also did not attend the committee meeting.

- The Committee has considered the application and is satisfied that the Licensing Objectives for the prevention of crime and disorder and the prevention of public nuisance would be undermined. Particularly as there were no conditions on the current licence that could be applied to this temporary event.

- The application for a counter notice was granted.

RESOLVED: To issue a counter-notice to prevent the event going ahead.
On introducing the application, the Chair, Councillor Andrew Wilson, explained that it had been brought to his attention that a vast number of residents wished to speak regarding the application. In previous meetings, if this occurred, it would normally be suggested that representatives be nominated to speak on behalf of some residents who had submitted representations regarding the application. However, all residents who had submitted representations would be entitled to speak if they desired. On this basis, residents who had submitted representations were asked to consider this option in order to hear the application in a reasonable amount of time.

The Chair then enquired how many residents wished to speak in support or against the review, to which he noted that six persons wished to address the Sub-Committee against the review with one in support of the review.

Presentation by the Principal Licensing Officer

The Sub-Committee was informed that this was an application for a review of the current premises licence. The Sub-Committee’s attention was drawn to Chapters 2, 3, 9, 10 and 11 of the Statutory Guidance, and to Sections 4, 5, 6, 8, 10, 11, 13 and 19 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 5.10 of the report on page 20 of the agenda pack.

The Sub-Committee noted that:

- This was an application to review the premises licence of Scandals Bar and Club, 82-84 Norwood High Street;
- The application had been submitted by Community Safety on 21 December 2016 concerning a series of complaints and observations in relation to anti-social behaviour, noise and other disturbances immediately outside the venue particularly after the premises closed at 03:00 on Saturday to Sunday mornings;
- The premises licence holder was Southern Properties (Norwood) Ltd. and the Designated Premises Supervisor was Mr Carlos Harris;
- The premises licence holder was being represented by Mr Gary Grant, Barrister and Mr Joshua Simons, Principal Licensing Agent;
- The review was based on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance;
- 14 representations had been received in support of the review from the Police and Public Health. They also included representations from residents concerning public nuisance. These were contained as Annex C;
- 50 representations against the review from residents and local businesses had been received. These were included as Annex D. Annex D.1 also contained statements in support of the premises but cannot be taken as representations against the application;
- Details of the application together with support documents can be found on pages 23-293 main agenda, and pages 1-111 of the third despatch agenda papers;
- CCTV footage had been submitted by the Police. The viewing of the footage by
the Sub-Committee would be dealt with following advice to the Sub-Committee from the Council’s legal adviser;

Map and photographs of the premises were circulated to members.

In response to a question from Members regarding the licensing policy, the Licensing Officer confirmed that the venue was located on Norwood High Street which was within a local centre shopping parade. If the venue was considered as a nightclub or a high volume vertical drinking establishment, it would not be considered appropriate for the area. However, for a premises located in a “district town centre”, the policy terminal hours for the venue would be 01:00 Fridays and Saturdays and 00:00 Thursday to Sunday.

Presentation by the Applicant

Helen Pooley, Barrister, representing the applicant Mr Calvin McLean, Community Safety Area Manager informed the Sub-Committee that:

- The application for the review clearly stated that it was based on the prevention of crime and disorder and prevention of public nuisance;
- The application outlined the concerns and complaints that had been made in relation to the premises, which had been chronologically documented on page 32 of the agenda papers and also included up-to-date monitoring detailed on pages 31-35 of the additional agenda papers;
- The complaints illustrated very serious, sustained and troubling issues which the applicant believed were directly linked to the late terminal hour for licensable activity at the premises.
- Protracted and inconsistent nuisance required a robust and proportionate response and therefore, the applicant sought an amendment of the terminal hour for all licensable activity to 23:00 Sundays to Thursdays and 00:00 Fridays and Saturdays accompanied by a robust dispersal policy and any other additional conditions the Sub-Committee believed should be included;
- The representations against the application had been submitted largely by non-locals, employees and local businesses.
- Although the applicant did not challenge the good deeds evidenced, there was a need to balance the concerns raised by other local residents in favour of the application, as they were concerned with nuisance and crime and disorder;
- The additional letters of support provided by the premises licence holder (pages 95-101, of the second set of additional papers) were not dated and no explanation had been provided as to why they had not been included as representations. Therefore, she requested the Sub-Committee to consider that issue during deliberations;
- She made reference to the additional monitoring evidence, witness statements and CCTV footage following the incident that occurred on 5 February 2017 and raised the following three points:
  1. The nuisance and disturbance were inconsistent as it had occurred at different times which made it difficult for residents to prepare for that inconsistency as they did not know what time an incident would occur.
  2. The witness statements dated 5 February 2017 made reference to persons shouting in the streets, bleeping their car horns and making noise. Those particular sounds alarmed residents as they were awoken from their sleep.
  3. The consistent complaints and problems identified in the application were issues that Mr Blake and Mr Harris left unnoticed for a considerable time as
documented on pages 43, 48 and 57 of the agenda papers.

- Despite knowledge of the problems at the premises, a threat of a review by the Council and continual monitoring of the premises by officers, management had failed to make any improvements at the premises;
- A consultant report had been prepared by Mr David Gair that suggested recommendations to change the venue. However, the event on 5 February 2017 showed that no changes had been made. Therefore, it cannot be guaranteed that any further recommendations would be adhered to by premises staff;
- The CCTV footage showed that door staff were inactive on 5 February 2017.
- Up until 5 February 2017, the consultant report alleged that malicious phone calls had been made. Although Mr Grant may argue that the incident on 5 February 2017 was an isolated incident, there was a need to consider the history of repeated anonymous calls and numerous complaints made by frightened residents pertaining to the premises which could not be regarded as malicious;
- The CCTV operator notified the Police instead of door staff regarding the incident on 5 February 2017 and she questioned how long the disturbance and nuisance would have continued;
- In response to previous complaints received, Mr Blake had informed officers that the security team were new and still adjusting to the premises, which should no longer be the case. The statements from officers and CCTV evidence showed that security staff were inactive on 5 February 2017;
- The evidence submitted by the Premises Licence Holder included a dispersal policy and improvements that should be made at the premises. The evidence to date showed that no change had been made to the premises. The problems at the premises were associated with either poor management or the type of clientele that attended the club;
- Lambeth’s Licensing Policy clearly demonstrated how premises licence holders should manage issues such as exit, dispersal and noise. The events at the premises, in particular over the last few months demonstrated that no proactive plan had been put in place by management as their policies were not working;
- She invited the Sub-Committee to consider the issues that had occurred over the past few months, especially as nuisance and complaints had been sustained;
- It was noted that an application had been made to change the Designated Premises Supervisor to Paul Beech. However, the applicant knew nothing of Mr Beech’s experience. Therefore, the premises licence holder should be asked to provide further details;
- In relation to the issues, she suggested that the terminal hour for licensable activity should be reduced to either 23:00 or 00:00 in order to eliminate nuisance caused to residents;
- The CCTV should be viewed in private as a result of data protection issues with persons being identified on the CCTV.

In response to a questions from Members, Mr McLean and Ms Pooley informed the Sub-Committee that:

- The CCTV footage was 15-20 minutes in length which showed disorder from dispersal;
- The footage had not been included in the agenda as a result of the timing of when the incident occurred;
- The CCTV was served to the premises licence holder and representatives within seven days;
• Community Safety felt it was pertinent for the Sub-Committee to review the CCTV in order to make a decision.

Mr Gary Grant, Barrister, representing Mr Elliot Blake on behalf of the Premises Licence Holder, said that he had no objections to the footage being shown in private as a result of data protection issues. However, he felt that members of the public should be excluded.

Jonathan Melnick, Legal Adviser to the Sub-Committee confirmed that:

• Licensing hearing regulations allowed exclusion of the public where it was in the public interest to do so. Here it was important to consider data protection issues such as persons on the footage, in whatever capacity, being identified by members of the public;
• He also understood that criminal proceedings may arise. If that was the case, the matter might well be heard by a jury in the Crown Court, posing a risk of contaminating the potential jury pool;
• Given the likely objections from the Premises Licence Holder who needed to view the CCTV, he suggested that the CCTV should be viewed in private by the Sub-Committee;
• Although the press and public should be excluded, he advised that given the numbers of people in attendance, it would be more practical for those viewing the CCTV footage to leave the room to view the footage in another room.

At 7.50pm, all parties viewing the CCTV footage left the room to view the CCTV footage in private. The meeting resumed at 8.20pm

In response to further questions from Members, Mr McLean and Ms Pooley informed the Sub-Committee that:

• The nuisance at the premises had occurred as a result of the late terminal hour of licensing activity from the premises;
• As a result of Mr Gair’s consultation report, Community Safety would have expected to see demonstration of what improvements the management intended to take;
• As the premises licence was subject to a review, there should have been a marked improvement made at the premises since the incident;
• It was accepted that a few issues with a 440 capacity venue would arise but Community Safety had to consider the views of residents outlined in their representations;
• The incident occurred at Rothschild Street which was 200 metres away from the premises;
• Although he accepted that management should not take full responsibility when patrons were situated away from the premises, nuisance occurred as a result of the late terminal hour.
• The incident on 5 February 2017 had initiated very close to the premises and escalated down Rothschild Street. Staff had responsibility to ensure that the crowd were dispersed effectively away from the premises. A large crowd of people remained outside the entrance and security staff made no attempts move people away as outlined in Mr Gandhi’s statement at page 39 of the second set of the additional agenda papers;
• He would have expected security staff to have called the Police following the occurrence of the incident but this had not been done and was considered
irresponsible, especially as a new security team should have been used by the premises;
• He believed that a terminal hour for licensable activity of 00:00 would be more appropriate for the area to avoid anti-social behaviour issues;
• Regarding the email received from the Cabinet Caseworker that praised the good work of the venue (page 99, second set of additional agenda papers), Mr McLean confirmed that that email was dated 17 August 2016. Although Mr Blake and Mr Harris tried to work with the Council regarding the complaints, the issues continued, which resulted in a final warning email being sent to the premises;
• Although CCTV was in the area, it was the expectation that a responsible premises still called the Police if issues arose which were considered positive and would not go against the premises;
• He was uncertain whether the dispersal plan provided, although positive, would be effective. The dispersal plan would not have been useful in relation to the incident on 5 February 2017, as the incident was considered very serious and could only be dealt with by the Police.

Presentation by Interested Parties

PC Joe Farrelly, Police Licensing Officer, informed the Sub-Committee that:
• The Police had made a representation in support of the review submitted by Mr Calvin McLean;
• The CADs showed that although the timings of incidents were different, they all related to the same issue of anti-social behaviour;
• The graph produced by the Police identified calls made regarding 41 incidents that occurred in the area surrounding Norwood High Street (pages 118-119 of the agenda papers). Although other licensed establishments existed in the area, they all closed earlier than Scandals and as the incidents occurred after 03:00, the Police believed that they related to Scandals.

In response to questions from Members, PC Farrelly informed the Sub-Committee that:
• The location of the incident reported to the Police by residents was given as Scandals;
• He had only joined the team in July but had conducted two visits to the premises where the premises was considered “satisfactory”.

Councillor Jennifer Brathwaite, informed the Sub-Committee that:
• The venue was situated within her ward;
• Since she had been first elected as a councillor until present, Scandals had been a source of complaint for many local residents;
• The venue had been poorly managed by other licensees which had a significant detrimental impact on the physical and emotional well-being of local residents;
• Whilst the present premises licence holder could not be held responsible for previous issues, she was disappointed that there continued to be a series of complaints relating to loud music, general disorder and disturbances emanating from the failure of the licensee to disperse patrons from the premises. Residents should not be expected to put up with this disturbance which occurred after 03:00;
• When the premises licence holder took over the management of the premises, given the history, she expected them to have made some improvements. However, despite several warnings to the premises licence holder and in spite of
some efforts made to address some concerns raised by residents, they still had difficulty controlling patrons, despite their licence coming under review;

- The management appeared to be unable or unwilling to operate within their licensing objectives as evidenced by the incidents on 22 September 2016 and 5 February 2017;
- The club was situated on Norwood High Street which had a very high number of residential households and was considered to be a quiet road;
- As a councillor, she only supported well-managed businesses. For example, she provided assistance to the owner of Sugar Bar situated in close proximity to the premises, that wanted to change its licence;
- Therefore, for the reasons specified above and also that management blatantly operated beyond their licence, the premises can no longer be trusted to continue. As a result, she supported the application to reduce the hours and for the Sub-Committee to impose further changes to the operational schedule

In response to questions from Members, Councillor Braithwaite confirmed that:

- The terminal hour for the premises was a decision for the Sub-Committee. However, the present hours were unsuitable, as they failed to effectively disperse patrons;
- She held regular surgeries and received regular complaints from residents regarding the premises. She was embarrassed that over the years no action had been taken by the Council.
- She recognised that some efforts had been made by management but the numerous complaints made by residents could not be ignored.

**Presentation the Premises Licence Holder**

Mr Gary Grant, Barrister, representing Mr Elliot Blake on behalf of Southern Properties (Norwood) Ltd, Premises Licence Holder, explained that he required more than 20 minutes to present his case in order to complete all the evidence and call Mr Elliot Blake, Mr Dave Gair, Rory McGoldrick and Patricia Borer as witnesses.

The Chair, Councillor Wilson, confirmed that he would only allow Mr Grant 20 minutes to present his case. However, Mr Grant would be given the opportunity to expand upon points he had during questioning by the Sub-Committee.

Mr Grant, then informed the Sub-Committee that:

- There was a need to try and permit an extraordinarily important establishment for the community of West Norwood whilst living in harmony with local residents. It was expected that conflicts from such establishments would arise. As a result, the proposals as detailed on pages 45-47 of the second set of additional agenda papers had been devised as a fair solution to minimise problems;
- The proposals would not be suitable to every resident. Also, they were not what Mr Blake on behalf of the Premises Licence Holder required as the solution would affect their business, if the proposals were implemented;
- He provided further details relating to the proposals as follows:
  - The rebranding of the premises was important as this was reflected by presence of patrons and staff present at the meeting. There were 31 jobs that would be affected regarding the decision;
  - There were letters of support from residents at Windsor Grove and he asked those residents present to raise their hands for the Sub-Committee;
Peaceful patrons overwhelmingly, attended Scandals. However, there were a few individuals that caused problems. Hence, the CCTV footage shown pertaining to the event on 5 February 2017;

- The venue hosted two club nights ‘Fish Nights’ on Fridays and the usual Saturday night club;
- Mr Blake proposed to half the number of club nights held per week which would be achieved by reducing the hours for Friday nights until 01.30 instead of 05.00. This would ensure that the premises effectively operated as a bar that night. This would essentially remove 50% of the nightclub impact on residents;
- Very robust conditions had been introduced to minimise impact on Saturday nights to close the club at 3.30am instead of 5.00 am;
- A 25+ age policy will be introduced and younger persons will not be permitted in order avoid issues;
- 12 door staff would be provided by an appropriate SIA approved contractor. Alpha Security who had an extraordinary record of looking after other night-time establishments had now been engaged by the premises. Although the dispersal plan provided had not yet been implemented, he requested sufficient time for this to work;
- A metal detector would be used at the premises and an appropriate electronic ID system would be used so that photographic ID could be made of patrons entering the club;
- The previous Designated Premises Supervisor has now been removed and replaced by Mr Blake;

The conditions would have a huge effect of limiting issues

- There were numerous customers and businesses that relied on Scandals and he made reference to the letters which explained the service provided by Scandals, such as the ‘Wanted Elite Youth Football Club’ which Mr Blake sponsored as outlined on page 233-245 of the agenda papers that supported his argument;
- On making reference to the representation provided by Community Safety, Mr Grant explained that no account had been given regarding various months between the incidents that occurred at the premises, which was not considered as consistent nuisance;
- The Police had withdrawn their concerns regarding crime and disorder and public safety but, instead had produced a representation based on the prevention of public nuisance;
- He urged the Sub-Committee to read the representations submitted against the review, in particular, pages 166, 167, 183, 195, 96, 198 and 269 of the agenda papers;
- Residents that lived on Windsor Road had contacted Mr Blake regarding problems and they had been resolved;
- Mr Blake also managed another venue and relied on staff members to run the club. However, he would now manage the club himself with a new security team;
- Serious events such as the one that occurred on 5 February 2017, did not usually occur at the club.

Mr Grant, then called Mr Blake to address the Sub-Committee who said that:

- He had acted regarding complaints that had been brought to his attention and proceeded to read the email supplied by Maxine Smith, Cabinet Caseworker on page 99, of the second set of additional agenda papers.
- He had received a telephone call Maxine Smith regarding complaints from
residents at Windsor Close that lived close to Scandals;

- In February he sent email both to Mr McLean and Mr Anderson regarding the matter but had received no reply. He later received a reply from Mr McLean who advised him to proceed with his request to write to residents at Windsor Close, inviting them to attend the venue for a meeting;
- 20-30 residents attended the meeting and as a result, their concerns were addressed;
- He acknowledged that issues existed at the premises, hence his reason for engaging trustworthy companies to produce a deployment and dispersal plans to make improvements;
- Community Safety did not inform him of whom made complaints;
- He had worked with the Police to resolve issues and following their request, had engaged additional security staff.
- Staff had attended an drug and alcohol and personal awareness courses and would attend further up-to-date training;
- He had engaged a new experienced security company that had a good track record of managing licensed establishments. They had attended the premises on two occasions to see how the premises operated;
- He was confident that with the new plans and security in place that issues at the premises would be resolved;
- He had recently obtained a personal licence an intended to become the DPS at the premises. Also, other staff members had obtained their personal licence;
- He appreciated that customers from Windsor Close now supported the venue an also the vast numbers of customers, small businesses and residents that attended the meeting to support him.

Mr Grant then advised that he wished to call Rory McGoldrick, Alpha Securities, Mr Dave Gair, Shield Associates, and Patricia Borer, resident to address the Sub-Committee.

In response to a question, the Jonathan Melnick, Legal Adviser to the Sub-Committee informed that persons such as Mr McGoldrick who specifically provided reports for the review should be questioned instead of making a representation. Although Ms Borer had not made a valid representation the Sub-Committee was entitled, if it thought it necessary, to ask questions of her. However, the decision was for the Sub-Committee.

At this point, Ms Pooley confirmed that Mr McLean had not been notified that Mr McGoldrick would be called as a witness.

Jonathan Melnick, Legal Adviser to the Sub-Committee confirmed that both he and Mrs Pennycook, Democratic Services, had seen an email advising that Mr McGoldrick would be called to speak. This appeared to be an oversight that Community Safety had not been informed. However, he reiterated that Mr McGoldrick would only be questioned and not allowed to make a representation.

The Chair, Councillor Wilson, confirmed that the Sub-Committee would only pose questions to parties instead.

In response to questions from Members, Mr Blake, Mr McGoldrick, Mr Grant and Ms Borer confirmed that:
- Around 200 patrons remained at the premises until 05:00;
- The venue was not hired out to persons under 25;
• Under 25s would now only be admitted if they attended with a group of older people;
• Security personnel would be spread out along the street to encourage patrons to leave the area. They would also be encouraged to use a recognised taxi service, which was mirrored at other venues;
• Mr McGoldrick would have expected staff to have called the Police on 5 February 2017;
• A risk assessment pertaining to any event should be submitted to the Police beforehand;
• Management would be willing to work with the Police and Council to address issues such as litter;
• Training courses had already been booked for staff to attend so that they could cope with intoxicated or difficult customers and take appropriate action where necessary;
• Mr Elliot intended to either telephone or personally visit resident that had concerns. A community website was available to send emails pertaining to complaints;
• Two persons would be employed to street the streets after events held at the premises;
• If the terminal hour was reduced to 01:00 on Saturdays, the business would no longer be viable and staff would be made redundant. As a nightclub, the majority of his customers attended after 01:00;
• Ms Borer explained that:
  o Residents had issues with the venue for the past 12 years pertaining to loud music etc;
  o On speaking to Mr Blake, he visited her to discuss issues. As a result, he called a meeting with other residents to address problems;
  o Following the meeting, Mr Blake prevented persons parking their cars in Windsor Close;
  o Since March until present, there have been no issues;
  o On behalf of residents, she thanked Mr Blake for the improvements he made at Windsor Close.
• Mr Elliot acknowledged that issues existed hence his reason for dismissing the previous DPS. As the new DPS, he endeavoured to ensure that the premises would be properly managed.

At this stage, Ms Pooley requested permission to cross-examine the parties.

The Legal Adviser to the Sub-Committee confirmed that cross-examination was not normally permitted but left the decision for the Sub-Committee.

In response to being asked his views, Mr Grant denied Ms Pooley’s request, as he had not sought to cross-examine any party due to time constraints.

The Chair then asked the six residents who initially indicated that they wished to speak to address the Sub-Committee and four residents indicated their wish to speak.

At this point, The Chair, Councillor Andrew Wilson, requested that Calvin McLean, Community Safety leave the meeting, following a comment he overhead being made Ms Pooley, Barrister.

In response, Jonathan Melnick, Legal Adviser to the Sub-Committee, stated that as he had not heard the comment made by Mr McLean or had seen anything unusual. A party could only be excluded if they were disruptive and Mr. McLean, in his opinion, had not
acted in such a way. Moreover, such a decision would be unfair given that members of the public had been making audible comments and clapping during the hearing, which had not resulted in any attempt to exclude them. The Chair then rescinded the request.

The Chair, then invited persons who had made representations against the review, to address the Sub-Committee. However, following legal advice, as those individuals had not submitted written representations, they were not allowed to speak.

Adjournment and Decision

At 10.07 pm, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private.

The Sub-Committee had heard from Ms Pooley, Mr McLean, PC Farrelly, Councillor Brathwaite, Mr Grant, Mr Elliott and Ms Borer. The LSC had also considered the written representations and supporting documents produced.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the review and impose further conditions and amendments as detailed below. The Chair confirmed that written notification of the decision and reasons for that decision would be sent in due course.

RESOLVED: To grant the review and impose further conditions and amendments as follows:-

Amendment

The hours for licensable activity will be as follows:

Sunday - Thursday
10:00 – 00:00
With closing time amended to 00:30

Friday
10:00 – 01:00
With closing time amended to 01:30

Saturday
Licensable activity may start from 10:00
Late night refreshment shall cease at 03:00
All other licensable activity will cease at 02:00
Premises to close at 03:30

Conditions

1. The current Designated Premises Supervisor (DPS) shall be removed and the premises shall close until Mr Elliot Blake becomes the new DPS.

2. Entry will be restricted to customers aged 25 and over.
3. A minimum of twelve SIA registered door staff shall be on duty whilst the premises are in use under the premises licence. Additional male and female SIA door staff to be employed at the premises when required on the basis of an operational risk assessment. Identify badges will be displayed at all times and SIA numbers, full names, address, contact telephone numbers, times worked and duty performed to be entered into an occurrence book and made available to police immediately upon request.

4. All customers shall pass through a metal detecting search arch as a condition of entry in addition to being hand-searched (i.e. a pat-down search).

5. All customers must provide identification to be scanned into an electronic identification system (such as Scannet) as a condition of entry.

Additional conditions applying throughout the week

6. The capacity of the premises is limited to 400 customers.

7. A written dispersal policy will be drawn up by the licence holder in agreement with officers from environmental health, police and the licensing authority. The premises shall be operated in accordance with the dispersal policy.

8. All door supervisors at the premises shall be supplied by a company with Security Industry Authority Approved Contractor Status.

9. Carlos Harris may not be employed at the premises in any capacity and is not to be present on the premises at any time licensable activities are taking place (including as an invited guest).

10. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an Environmental Health Officer from the Local Authority, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the satisfaction of the Environmental Health Officer. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of the specialist consultant and records of any approvals shall be available for inspection by the Environmental Health Officers. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

12. Litter patrols must be conducted on Norwood High Street 50 metres either side of the premises after it closes to the public every night.
Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the review and impose further conditions and amendments. The Chair confirmed that written notification of the decision would be sent in due course.

The meeting ended at 10.40 pm

CHAIR
LICENSING SUB-COMMITTEE
Tuesday 21 February 2017

Date of Despatch: Tuesday 28 February 2017
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