

Decisions of the Licensing Sub-Committee

22 December 2014

Members Present:

Cllr Brian Salinger (Chairman)
Cllr Maureen Braun
Cllr Anne Hutton

Officers to the Panel:

Maria Lugangira – Governance Officer
Harinder Dhaliwal – Legal Services
Daniel Pattenden – Licensing Officer

Responsible Authority:
PC Vicky Wilcock –Metropolitan Police

Applicant
Mr Ian Stebbings – Counsel for McGowans

1. **APPOINTMENT OF CHAIRMAN**

Councillor Brian Salinger was appointed as Chairman.

2. **ABSENCE OF MEMBERS (IF ANY)**

Apologies were received from Councillor Alison Cornelius who was substituted by Councillor Anne Hutton.

3. **DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)**

None were declared.

4. **LICENSING SUB-COMMITTEE HEARING PROCEDURE**

The Chairman introduced the Sub-committee Members and explained the procedure that would be followed at the meeting.

5. **SUMMARY REVIEW, MCGOWANS, 26-28 CRICKLEWOOD LANE, LONDON, NW2 1HB (Agenda Item 5):**

The Sub-Committee to consider the application for an Expedited Summary Review of a Premises Licence, under section 53A of the Licensing Act 2003 for McGowans, 26-28 Cricklewood Lane, London, NW2 1HB

6. **MOTION TO EXCLUDE THE PRESS AND PUBLIC**

RESOLVED - That, under Regulation 14(2) of the Licensing Act 2003 (Hearings Regulations 2005), the parties be excluded from the meeting.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session.

8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE

RESOLVED – That the press and public be re-admitted.

The Sub-Committee, having considered the application and all verbal and written representations received, unanimously **RESOLVED** –

This is an application for a summary expedited review of the premises licence for McGowans, 26-28 Cricklewood Lane, London, NW2 1HB. The application for the review of the premises licence under section 53A of the Licensing Act 2003 was made by the Metropolitan Police due to this being a serious case of Crime and Disorder. In the past 16 months, there have been 21 recorded crimes, 19 of these being violent offences and nearly every offence and call made to the police has involved the excessive consumption of alcohol. In particular, the necessity for an expedited review was as a result of a serious crime that took place on the evening of Thursday 13th November 2014.

An interim hearing was held at Hendon Town Hall on Thursday 27th November 2014 at 10.30am in order for a licensing sub-committee to determine what interim steps should be taken to prevent serious crime occurring at the premises. The Sub-Committee's view was that immediate measures were necessary to prevent serious crime occurring as well as to promote the licensing objectives of the prevention of crime and disorder. The Sub-Committee agreed that in the circumstances, the only measure that would promote the licensing objective of the prevention of crime and disorder and would prevent serious crime and serious disorder from occurring at the premises was the immediate suspension of the premises licence. The suspension would take immediate effect pending the determination of any review.

In today's hearing, representations were provided by Mr Ian Stebbings, Counsel for McGowans. Mr Stebbings referred to the agreement that had been reached between the police and the premises licence holder. He stated that the conditions imposed such as effective CCTV, having additional security and an incidents/refusals book would assist immensely in the promotion of the licensing objectives and in particular the prevention of Crime and Disorder. Mr Stebbings also confirmed that the DPS has been removed and replaced with Mr Neill Reagan. Mr Stebbings stated that the problems that have occurred at McGowans were as a result of the previous DPS. PC Vicky Wilcock provided representations on behalf of the police in line with the agreement that was reached between McGowans and the police. The agreement that was reached between McGowans and the Police stipulates as follows:

Period of suspension of the premises' licence is to continue until 10:00 hours on 2 January 2015.

The following conditions will be removed from the licence:- 8, 9, 10, 14, 21.

The following conditions are to be inserted into the licence:-

CCTV

CCTV shall be maintained to the satisfaction of the Police and licensing authority. Recordings from the installed CCTV must be kept for 30 days and shall be immediately available for inspection and viewing by authorised Council Officers and/or the Police

At the request of the Police and/or licensing officers, CCTV recordings in a playable format must be provided within 24 hours of the request.

Ensure that the CCTV system is operating and recording 24 hours, every day

Signage shall be put up in the premises and be clearly visible to all customers, stating that CCTV recording is in operation and signage must, at a minimum, be put up at all entry and exit points

Incident/Refusals Book

An incident/refusals book will be maintained and used at the premises. Upon request, it will be readily available for inspection by the police or local authority officer.

Security

Security personnel, registered with the Security Industry Authority (SIA), employed at the premises will enter their full name, valid phone contact details, SIA badge number, employing company, along with the times they are working in a register upon commencement of their work at the premises. The Designated Premises supervisor/manager at the time will be responsible for ensuring that this is done and for confirming the security staff's details and permissions to work.

There will be one SIA security door supervisor present at the premises from 21:00 hours until all licensable activity ends on Friday and Saturday.

All reasonable efforts are to be employed by the management and security personnel to keep customers quiet and orderly upon leaving the Premises.

The licence holder will promote the effective and quiet dispersal of patrons from the premises by requesting them both verbally, including when necessary, public announcement, and through visible signage displayed prominently at the exits, to leave and disperse in an orderly and quiet manner. Door supervisors will pay particular attention to this at the point of exit.

Signage

The premises shall prominently display signage informing customers:

- a. To leave quietly and to respect their neighbours.
- b. Stating that CCTV is in operation and police have instant access to the footage.

Training

Members of staff shall undertake training in relation to underage sales, the operation of the CCTV, recording of information in the incident/refusals book on a six monthly basis.

In light of the above agreement, and in the promotion of the licensing objectives, in particular prevention of crime and disorder, the Sub-Committee decided:

- (1) To suspend the premises licence until 10.00 hours on 2nd January 2015
- (2) To modify the conditions of the premises licence in line with the Agreement made between the police and the premises licence holder.

To remove conditions 8, 9 and 10 from the licence. However, the Sub-Committee felt that condition 21 should not be removed due to the necessity of adequate lighting for CCTV purposes but added 'where it is under the control of the licensee'. In relation, to condition 14, the Sub-Committee felt that this should not be removed but that the additional wording of 'if one exists' should be inserted at the end of the sentence.

Informative

All parties were advised of their right of appeal to Willesden Magistrates' Court before the expiration of a period of 21 days.

9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT (Agenda Item 9):

There were none.

The meeting finished at 1.20 pm