

Decisions of the Licensing Sub-Committee

13 February 2017

Members Present:

Councillor John Hart (Chairman)
Councillor Claire Farrier
Councillor Brian Salinger

Officers:

Sinéad Clifford – Legal Officer
Andrew Charlwood – Governance Officer

Responsible Authorities:

Daniel Pattenden – Licensing Officer
PC Vicky Wilcock – Metropolitan Police
PC John Akers – Metropolitan Police

Licensee:

Denise Green – Designated Premises Supervisor, The Hendon
Matthew Phipps – TLT Solicitors
Sue Shaw – Business Development Manager, Greene King

1. **APPOINTMENT OF CHAIRMAN (Agenda Item 1):**

Councillor Brian Salinger, seconded by Councillor Claire Farrier, nominated Councillor John Hart to preside as Chairman for the meeting.

RESOLVED that Councillor John Hart be appointed as Chairman for the meeting.

2. **ABSENCE OF MEMBERS (Agenda Item 2):**

None.

3. **DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (Agenda Item 3):**

None.

4. **LICENSING SUB-COMMITTEE HEARING PROCEDURE (Agenda Item 4):**

The Chairman explained the procedure that would be followed for the meeting.

5. **REVIEW OF PREMISES LICENCE – THE HENDON, 377 HENDON WAY, LONDON, NW4 3LP (Agenda Item 5):**

The Sub-Committee considered a Review of Premises Licence for The Hendon, 377 Hendon Way, London, NW4 3LP, together with submissions from the Licensing Officer, Responsible Authority and the licence holder and their representatives.

6. **MOTION TO EXCLUDE THE PRESS AND PUBLIC (Agenda Item 6):**

RESOLVED that the parties be excluded from the meeting, together with the press and public, in accordance with regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations) 2005.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION (Agenda Item 7):

The Sub-Committee deliberated in private session, accompanied by officers from HB Public Law and the London Borough of Barnet Governance Service.

8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE (Agenda Item 8):

The parties to the review were readmitted to the meeting.

The Sub-Committee noted that one of the incidents recorded in the police record of incidents had taken place on Saturday, 12 March 2016 and not Thursday, 10 March 2016.

The Sub-Committee highlighted the seriousness of the review and requested that the licence holder take into account the risk of the licence being revoked if a further review was to occur as a result of future incidents.

The Chairman read out the decision of the Sub-Committee, which was as follows:

“This was an application for a review of the premises licence for The Hendon, 377 Hendon Way, London NW4 3LP. The review of the premises licence was made under Section 51 of the Licensing Act 2003 by the Metropolitan Police on the basis that they believe that the premises licence holder is failing to promote the licensing objectives of the prevention of crime and disorder and public safety.

The review was made following reports of violent altercations taking place at the premises since December 2015 resulting in injury the most recent having occurred on 3 December 2016. Additionally, the Police have concerns regarding the CCTV, the security staff and the implemented action plan failing to resolve the issues.

The Sub-Committee have heard detailed submissions from the Metropolitan Police, the Designated Premises Supervisor (DPS), the ‘licence holders legal’ representative and the Business Development Manager for Greene King Ltd. We acknowledge the concerns of the Police, namely the poor CCTV, competency of security staff and the use of glasses, pool cues and balls as weapons. A number of incidents have occurred at the premises, the most recent being 3 December 2016. The Committee accepts that there were no incidents between 11 March 2016 and 2 December 2016. Furthermore, it is accepted that a number of changes have been implemented namely: the CCTV system has been significantly upgraded and improved; a radio system is in place between the door and bar staff; a better risk assessment process has been introduced; there is a list of individuals banned from entering the premises; and the Saturday night music policy has been changed following dialogue with the Police.

The role of the Sub-Committee is to determine what steps should be taken in connection with the premises licence, namely the promotion of the crime and disorder and public safety.

We must consider whether the owner or any DPS is able or indeed willing to comply with the legal requirements of holding a licence and what action is appropriate to promote the licensing objectives in view of the problems at this premises. The Sub-Committee has not been asked to consider revoking the licence today and we do not believe that it would be appropriate in this case.

The Sub-Committee must consider how to promote the licensing objectives. It does not seem appropriate therefore to remove the DPS or exclude a licensable activity. However, the Sub-Committee notes that it has taken this review hearing for the premises licence holder to implement significant changes to its security and CCTV systems.

The Police have provided a list of proposed conditions to be added to the existing licence, which has been seen by the Respondent. It is noted that a number of the proposed conditions are agreed between the Police and Greene King Ltd namely bullet points 2 to 8 (see below). The only comment the Sub-Committee have in respect of these agreed conditions is that the condition regarding the DPS and any staff in a supervisory position replaces the existing condition 17 on the premises licence in its entirety and the condition regarding no admittance after 24:00 hours be deleted as this exists in condition 30 of the premises licence.

In respect of the item 1. We accept the respondents' submissions' regarding the SIA door staff requirements. In light of this we recommend that this condition reads as follows "The premises licence holder shall ensure that suitable numbers of SIA staff are employed at the premises on any night when regulated entertainment is taking place. Levels of SIA staff must be risk assessed on a regular basis to ensure the safety of staff and customers attending the premises. A risk assessment will be completed and recorded and available for inspection for any other occasion (i.e. if a major sporting event is being televised at the premises or if there is a function involving a DJ or live performer on any other days of the week, these staff will also be required). They will be on duty from an appropriate time as identified by the risk assessment. The DPS/Manager will risk assess whether the use of polycarbonate glasses shall be used on such occasions".

We make one further change to the final suggested condition namely the second sentence is deleted so that the condition reads "The DPS/Manager will risk assess when the use of pool/snooker tables is not appropriate".

Full details of the agreed conditions will be included within the minutes which will accompany this decision, when published.

Any party aggrieved with the decision of the licensing Sub-Committee on one or more of the grounds set out in schedule 5 of the Licensing Act 2003 may appeal to the magistrates' court within 21 days of notification of this decision.

Any party aggrieved with the decision of the licensing panel on one or more of the grounds set out in schedule 5 of the Licensing Act 2003 may appeal to the magistrates' court within 21 days of notification of this decision."

Full details of the conditions to be retained, amended and/or removed as agreed by the Sub-Committee are set out below:

Retain existing licence conditions numbered 8, 10, 11, 12, 14, 15, 16, 25, 26, 27, 28, 29 and 30

Delete existing conditions 7, 9, 12, 18, 19, 20, 21, 22, 23, 24 and 31. Deleted conditions to be replaced with:

1. The premises licence holder shall ensure that suitable numbers of SIA staff are employed at the premises on any night when regulated entertainment is taking place. Levels of SIA staff must be risk assessed on a regular basis to ensure the safety of staff and customers attending the premises. A risk assessment will be completed and recorded and available for inspection for any other occasion (i.e. if a major sporting event is being televised at the premises or if there is a function involving a DJ or live performer on any other days of the week, these staff will also be required). They will be on duty from an appropriate time as identified by the risk assessment. The DPS/Manager will risk assess whether the use of polycarbonate glasses shall be used on such occasions.
2. A log of security staff employed at the premises will be kept recording who they were and when they worked, their SIA badge number and a contact number.
3. All SIA staff will have radio contact with each other and the person in charge of the premises.
4. An age verification policy will be in place and employed at the venue. All staff must receive suitable training in this respect on recruitment and again at regular intervals. The policy and its implementation must be reviewed when there is evidence that it is not working. Evidence of such training must be reviewed when there is evidence that it is not working. Evidence of such training must be made available when requested by an enforcement officer.
5. The DPS, and any staff in a supervisory position, must receive training on dealing with aggressive customers and illegal activities. Evidence of such training must be made available when requested by an enforcement officer.
6. A digital colour CCTV system shall be installed at the premises which shall be capable of the following:
 - Footage will be stored for a minimum of 31 days before overwriting
 - All camera images will be of a good enough quality for circulation for ID purposes
 - There will be someone at the premises who is able to operate the CCTV system whenever the premises is open to the public
 - The system shall be capable of burning off footage onto disks, USB or some other suitable medium
 - Cameras will cover areas identified by the police including the main entrance to the premises, any outside smoking/seating areas, entrance routes to the toilets, the customer side of the service bar and areas used for games (i.e. gambling machines, pool/snooker tables, punch bag machine) all seating areas and dance floors should have comprehensive coverage
 - At all times the premises is open to the public the system will be operational. Any faults should be logged
 - Footage shall be provided to the police or local authority within a reasonable time period of the request
7. There shall be an incident log maintained at the premises that shall be used for recording the following:
 - All incidents of crime and disorder occurring at the premises

- All occasions where the emergency services are called to the venue
- All confrontational ejections/refusals of entry
- Any known faults with the CCTV system

8. The DPS/Manager will risk assess when the use of the pool/snooker tables is not appropriate.

Notes:

The following proposed condition proposed by the Metropolitan Police be removed because it is a duplication of existing condition 30:

“There will be no admittance of new patrons on any night after 24:00 hours.”

The following proposed condition proposed by the Metropolitan Police be removed because the use of polycarbonate glasses by the premises is addressed in new condition 1:

“Polycarbonate glasses shall be used from 2100 hours in any day when SIA staff are required.”

The following proposed condition proposed by the Metropolitan Police be amended to delete the requirement to cease the use of the pool/snooker tables after 22:00 hours when SIA staff are required (revised wording as per condition 8. above):

“The DPS/Manager will risk assess when the use of the pool/snooker tables is not appropriate. The use of these tables is to be restricted after 22:00 hours on any night when SIA staff are required.”

The meeting finished at 1.00 pm (having commenced at 10.30am)