

LICENSING SUB-COMMITTEE

Meeting held on Thursday 10 March 2016 at 2:13pm in The Council Chamber,
the Town Hall, Katharine Street, Croydon CR0 1NX

MINUTES - PART A

Present: Councillors Jane Avis, Margaret Bird and Maddie Henson
Reserve Members drawn from the Members and Reserve Members
of the Licensing Committee.

Absent: None

Apologies: None

MINUTES - PART A

A21/16 Appointment of Chair for the meeting

RESOLVED: Councillor Jane Avis was appointed Chair for the meeting.

A22/16 Disclosure of Interest

None.

A23/16 Urgent Business (if any)

None.

A24/16 Exempt Items

RESOLVED: To agree the allocation of business between Part A and Part B of the agenda.

A25/16 Licensing Act 2003: Application for a review of the premises licence at 791 London Road, Thornton Heath, CR7 6AW

The Licensing Sub-Committee considered the Application for a Review of a Premises Licence at 791 London Road, Thornton Heath and the representations received from the Police as contained in the report of the Executive Director 'Place' and circulated to all parties after publication of the agenda.

The Sub-Committee also considered the report by Adrian Studd, independent licensing consultant, the CCTV provided and verbal representations made at the hearing by the police as applicant and the premises licence holder and his representative.

At 2:38pm, the Police sought to show a DVD of CCTV footage. As this contained recognisable images of patrons and staff it was **RESOLVED** that, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for while the DVD was being shown on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

The Licensing Sub-Committee determined that the Public Interest Test provided for in paragraph 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 had been applied and favoured exclusion of the information from the Press and Public.

Following the screening of the CCTV footage supplied by the Police, the representative of the Premises Licence Holder sought to show additional footage and this was agreed by all parties. A copy of the DVD provided by the Police and the memory stick provided by the Premises Licence Holder have been retained by the clerk.

The press and public were re-admitted to the meeting at 4:02pm.

The Licensing Sub-Committee adjourned to make its deliberations at 5:30pm. At 6:40pm the Sub-Committee re-convened and the Chair announced that the Sub-Committee required more time to make its decision and that it would therefore inform all parties of its decision on 11 March 2016.

The Sub-Committee considered whether taking any of the following steps were necessary to promote the four licensing objectives:

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding 3 months
- To revoke the premises licence

The Sub-Committee having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy has **RESOLVED** to remove the Designated Premises Supervisor and amend the licensing conditions. It is of the view that these steps are necessary and proportionate in order to prevent crime and disorder and promote public safety.

The Sub-Committee noted that:

- The CCTV showed a number of people were admitted (albeit not with permission) to the premises out of hours and without a proper search being undertaken. Any object/weapon could have been brought into the Premises.
- The CCTV showed that the door staff made insufficient attempts to stop the people entering.
- On 6 February 2016, the Designated Premises Supervisor allowed the unauthorised people to remain in the Premises for about an hour, this was a risk to public safety and did not prevent crime and disorder.
- In evidence the Premises Licence Holder's representative said, "If this happened again, it would be the same response. The decision made was the right one."
- The incidents of unauthorised entry occurred in the early morning (around 0300 am).
- The incidents involved more than one person entering unlawfully.
- Where responsible authorities such as the Police have already issued warning requiring improvement, and those have failed, the Sub-Committee should not merely repeat that approach. In this case there has been many interventions by the Police. However, despite this, the licensing conditions have been breached and the Committee no longer have confidence that the Designated Premises Supervisor can uphold the licensing objectives.

The Sub-Committee was concerned that the Designated Premises Supervisor:

- Is not able to secure the premises in order to prevent crime and disorder and promote public safety.
- Stated in evidence that "If this happened again, it would be the same response. The decision made was the right one." He did not appreciate that the public's safety was at risk when the unauthorised persons were allowed to stay within the premises.
- Allowed breaches of the Licensing Objectives to occur.

The Sub-Committee finds that:

- The following measures are appropriate when an unauthorised person enters the premises: ask them to leave immediately, if this fails, turn off music, switch lights on, inform them the Police have been called and make an announcement that the premises will close with immediate effect.
- Given its concerns about the Designated Premises Supervisor, it necessary for them to be removed.

- Increasing in the number of door staff, increases the likelihood they will be able to prevent persons entering the premises without permission. Thus preventing crime and disorder and protecting public safety.
- Reducing the operating hours and ensuring no entry or re-entry after 12.00 (midnight) would reduce the likelihood of unauthorised persons entering and associated crime and disorder and risks to public safety.
- The licence conditions should be amended as follows in order to prevent crime and disorder and promote public safety:

1. Increase number of door staff during at risk times

Ensure that a minimum of 10 door supervisors, to include at least 1 female, are deployed at the premises from 30 minutes prior to the premises being open to the public and 30 minutes after the premises close on Friday – Sunday the revised opening hours being 1200 (noon) hours until 0200 hours the day following

2. Revise the operating hours of licensing activity

The terminal hour for all licensable activity is amended as follows:

The sale by retail of alcohol on the premises

Monday – Thursday 2000 hours until 0100 hours on the day following

Friday – Sunday 1200 (noon) hours until 0130 hours on the day following

The provision of regulated entertainment namely:

Recorded music and the provision of entertainment facilities for dancing.

Monday – Thursday 2000 hours until 0130 hours on the day following

Friday – Sunday 2000 hours until 0200 hours on the day following

Live music

Monday – Thursday 2000 hours until 0130 hours on the day following

Friday – Sunday 2000 hours until 0200 hours on the day following

The provision of late night refreshment

Monday – Thursday 2300 hours until 0130 hours on the day following

Friday – Sunday 2300 hours until 0200 hours on the day following

The opening hours of the premises
Monday – Thursday 1200 (noon) hours until 0130 hours on
the day following
Friday – Sunday 1200 (noon) hours until 0200 hours on the
day following

3. Entry/ re-entry

There shall be no entry or re-entry to the premises after 1200
(midnight) hours Monday – Sunday.

In deliberating one member considered that revocation was
appropriate. The majority determined as above.

A26/16

Camera Resolution

See Agenda Item 6 above.

MINUTES - PART B

None

The meeting concluded at 6:41pm