

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 19 FEBRUARY 2014**

COUNCILLORS

PRESENT Derek Levy, Yusuf Cicek, Anne-Marie Pearce and Andreas Constantinides (for item 776)

OFFICERS: Mark Galvayne (Principal Licensing Officer), Catriona McFarlane (Legal Services Representative), Charlotte Palmer (Licensing Enforcement Officer), PC Martyn Fisher (Metropolitan Police Service), Jacqui Hurst (Democratic Services)

Also Attending: Premises Licence Holder, Legal Representative and Translator for Deniz Off Licence, 269 Fore Street, Edmonton, N18
Premises Licence Holder, Leaseholder, Members of Staff and Legal Representative for Club 303, 1 Jute Lane, Enfield, EN3
The Operator, Representative of the Operator, and Legal Representatives of Punch Taverns for Punch Taverns PLC at the premises known as Maze Inn, 7 Chase Side, Southgate, N14.

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WELCOME AND APOLOGIES

The Chairman welcomed all those present, introduced the Members, and explained the order of the meeting.

Councillor Yusuf Cicek attended for consideration of the following items set out in the minutes below:

Deniz Off Licence, 269 Fore Street, Edmonton, N18 (Minute No.774 below refers)

Club 303, 1 Jute Lane, Enfield, EN3 (Minute No.775 below refers)

Councillor Cicek then had to leave the hearing due to ill-health and was replaced by Councillor Andreas Constantinides for the following item:

Maze Inn, 7 Chase Side, Southgate, N14 (Minute No.776 below refers)

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DECLARATION OF INTERESTS

NOTED that there were no declarations of interest in respect of any of the items on the agenda.

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This was re-affirmed following the arrival of Councillor Constantinides.

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HIDEOUT CAFE, 225 ORDNANCE ROAD, ENFIELD, EN3 (REPORT NO.198)

RECEIVED application made by Mr Javad Kohansal for a new Premises Licence for the premises known as and situated at Hideout Café, 225 Ordnance Road, Enfield, EN3.

Mark Galvayne, Principal Licensing Officer, advised those present that this application had now been withdrawn. The matter had been settled in advance of this meeting and representations had been withdrawn.

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DENIZ OFF LICENCE, 269 FORE STREET, EDMONTON, N18 (REPORT NO.199)

RECEIVED application made by the Licensing Authority for a review of the Premises Licence for the premises known as and situated at Deniz Off Licence, 269 Fore Street, Edmonton, N18.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. The review had been requested by the Licensing Authority, as set out in the agenda papers previously circulated.
2. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. The review is made on the grounds of prevention of crime and disorder and the protection of children from harm. The authority considers that it is appropriate, for the promotion of the licensing objectives, to revoke the licence.
 - b. The licence had been subject to previous reviews and variations.
 - c. The history of licence breaches set out in full in the background information and visit history which included the sale of non-duty paid goods and failures in underage test purchases. Due to the history of illegal activities as documented, it was deemed that the only appropriate course of action would be the revocation of the licence.
3. The opening statement of PC Martyn Fisher, Metropolitan Police Service, including the following points:
 - a. The Metropolitan Police service fully supported the application of the Licensing Authority to revoke the licence. The Premises Licence holder had failed to demonstrate confidence in meeting the licensing conditions.

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4. The following questions arose:
 - a. Councillor Levy questioned the repeated episodes of non-duty paid goods and the licence holder's ability to meet the conditions of the licence, and the actions which had previously been taken by the Licensing Authority. In response Charlotte Palmer, Licensing Enforcement Officer, outlined the minor variations which had previously been applied to the licence. All appropriate conditions were already attached to the premises licence. Breaches of the licence continued to occur.

5. The opening statement of Mr. G. Hodkinson, legal representative for Mr Koca, the Premises Licence Holder, including the following points:
 - a. Mr Koca had not realised the seriousness of his position until the hearing today. A Magistrates Court hearing was scheduled to take place on 26 March 2014. There were 8 charges of which Mr Koca has pleaded guilty to 7. The charges were set out in full to the hearing and related to the sale of non-duty paid cigarettes and tobacco in small quantities on a number of separate occasions. Mr Koca had pleaded not guilty to the sale of counterfeit alcohol. Mr Koca has 3 employees and 75% of the income from the premises was in relation to alcohol and tobacco.
 - b. The legal representative sought an adjournment to the review of the licence until the Magistrates Hearing had taken place on 26 March 2014. It was also stated that should a decision be taken today to revoke the premises licence it would prevent an appropriate re-organisation of the business and the ability to continuing to offer work to the 3 current employees. If an adjournment was not granted the possibility of suspending the licence pending the Court hearing was also raised.
 - c. As a point of clarification, Mark Galvayne, Principal Licensing Officer, stated that the Licensing Authority or the Police could not review or revoke a personal licence, this could only be a decision of the Magistrates Court.

6. Questions were invited from those present in response to the opening statements. The following points arose:
 - a. Councillor Levy stated that an adjournment had not been requested prior to the start of the hearing and so it would now continue to proceed. He drew attention to section 4.6 of the application report, Guidance section 11.24. He also questioned the statement that Mr Koca had not previously realised the seriousness of his situation. Mr Koca had been a licence holder for some considerable time and the licence had been subject to previous review. Advice would have been given over the period of time in question when the incidents had taken place and goods seized.
 - b. In response to a question by Councillor Pearce, it was noted that Mr Koca had received his licence holder training in both Turkish and English and that the employees of the premises had received training from Mr Koca.
 - c. Councillor Levy drew attention to the prosecution history set out in the documentation when the conditions of the licence would have been clearly reiterated. Mr Koca had been a licence holder for 9 years and had been

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subject to previous reviews and warnings. Mr Koca's legal representative responded and explained Mr Koca's current position.

d. In response to a question raised by Councillor Levy, the legal representative stated that he would seek a suspension of the licence rather than revocation until a week after the Magistrates Court hearing on 26 March.

d. Councillor Cicek questioned Mr Koca's business plan if the licence was suspended. The legal representative confirmed that there was no plan in place at this time. He further stated that Mr Koca had acted on previously highlighted deficiencies including adequate staff training and the provision of CCTV.

e. It was noted that whilst there had been no police incidents reported since 7 January, there had been a further licence breach recorded by the Licensing Authority on 29 January 2014 the detail of which was noted by those present.

f. In response to a question raised by Mark Galvayne, Principal Licensing Officer, it was noted that Mr Koca had employed a legal representative at his previous licence review.

g. Mr Koca's legal representative had stated that Mr Koca was aware of other premises in the area selling non-duty paid goods. Charlotte Palmer, Licensing Enforcement Officer, requested details of the premises in question. This was not provided.

7. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. Mr Koca had admitted the sale of non-duty paid tobacco on a number of occasions.
 - b. Attention was drawn to the relevant law, guidance and policies set out in the documentation.
8. The closing statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. All relevant conditions were already contained within the licence. There had been previous reviews and warnings and all appropriate action had been taken. The premises had consistently failed to meet the conditions of the licence. The position of the licence holder had been made clear on previous occasions.

RESOLVED that

1. In accordance with the principles of Section 100(A) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

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The Licensing Sub-Committee retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Licensing Sub-Committee RESOLVED that it considered the steps listed below to be appropriate for the promotion of the licensing objectives:
 - To revoke the licence.
3. The Chairman made the following statement:

“Having considered the written and oral submissions from all parties, the Licensing Sub-Committee had determined that revocation is the appropriate step to support the promotion of the licensing objectives.

Home Office Guidance (Sections 11.27 and 11.28) suggests that the use of premises for the sale of smuggled tobacco and alcohol is a particularly serious offence. The Licensing Sub-Committee thinks likewise.

The guidance further states that revocation may even be considered in the first instance of any such use. We have heard that there have been three such episodes in the past 13 months. The premises also has a continuing history of failure to comply with the conditions of the licence voluntarily added to it.

The Licensing Sub-Committee has heard from the licence holder’s representative that until today, the Premises Licence Holder had not understood the seriousness of his actions in repeatedly selling non-duty paid goods, and failing to comply with conditions over an extended period of time; which includes a previous review of the licence in 2010 relating to the underage sale of alcohol, and more recently the sale of tobacco to an underage person.

On each of these occasions, the Premises Licence Holder was legally represented. However, he has either wilfully chosen to misunderstand the advice; or is genuinely ignorant of his responsibilities as a licence holder.

This gives the Licensing Sub-Committee no confidence in Mr Koca’s ability to run a licensed premises lawfully, and therefore sadly the Licensing Sub-Committee must agree with the applicant’s assertion that there is no alternative appropriate course of action for the promotion of the licensing objectives other than to revoke the licence.

The Licensing Sub-Committee is aware that there is a pending court case for the sale of counterfeit goods. However, even if this was not so, our decision today would be the same”.

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CLUB 303, 1 JUTE LANE, ENFIELD, EN3 (REPORT NO.201)

RECEIVED a review of the Premises Licence following a closure order for the premises known as and situated at Club 303, 1 Jute Lane, Enfield, EN3.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. The Council had received, the previous day, an application to change the premises licence holder from Mr Islamoglu to Vanessa Short.
 - b. That the premises had been subject to a closure order issued by the Metropolitan Police Service and upheld by the Magistrates Court. The Licensing Sub-Committee now had to hold a hearing to consider the closure order, the court order and any relevant representations. Oral representations would be presented to the Sub-Committee.

2. The opening statement of Mr R. Clark legal representative on behalf of the Metropolitan Police Service, including the following points:
 - a. That the incident in question had taken place on 1 February 2014. Attention was drawn to the witness statement of PC Martyn Fisher, Licensing Enforcement Officer for Enfield Borough Police, as set out in the documentation. The details of the incident were set out in full to those present including: the police had been called by a customer; a large number of police had been assigned to the incident; the incident had occurred 2 hours after the closing time of the premises and 2.5 hours after the sale of alcohol should have ceased; only 6 cameras out of 18 had been working and none had been recording so no CCTV footage was available; approximately 20-30 people had been involved; there had been no calls to the police or ambulance service from the Club management; the door staff had not taken an active role in resolving the issue. The police had been forced to employ a tazer to settle the incident. There had appeared to be 2 incidents with the second arising from the arrest of a male on the premises. There had been failings by the Club management to allow customers to remain on the premises 2 hours after the closure time.
 - b. Attention was drawn to the detail contained within the police incident printout sheets contained within the written documentation.
 - c. The Metropolitan Police Service were not seeking a revocation of the licence but were seeking restricted hours to 23.00 hours and if this was not agreed then a number of changes to the licence conditions were being sought.
 - d. In summary the Metropolitan Police were concerned at the Management failings at the premises; the lack of CCTV footage; the hours of operation; the lack of control of the door staff and other premises staff;

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out-of-hours noise disturbance; and, that the premises required drastic remodelling and restriction of hours.

e. PC Martyn Fisher added that a male had been unconscious with a head injury, no ambulance had been called by the Club which was of grave concern. The male later disappeared. Officers had employed 2 tazers to control the situation. Urgent Police assistance had been required. Following the initial entry of the first police officers, the Club doors had been closed and subsequent police attending had to ask for entry.

3. The following comments and questions arose:
 - a. The Police representative stated that it was common practice to seek a change to the premises licence holder when such a review was sought. He was concerned that Mr Islamoglu would still remain on the premises and that the operation would continue unchanged under Vanessa Short who had previously been a premises licence holder at the Club but had resigned under the previous ownership.
 - b. Councillor Levy drew attention to the police statements in respect of a female member of staff being unco-operative and the door security issues which had been highlighted.
 - c. In seeking clarification it was confirmed that the Police were not seeking a suspension of the licence but a restriction of hours to 23.00 hours or a series of conditions. The conditions sought had been discussed with the Club's legal representative and were provided to the Council's legal representative for consideration by the Sub-Committee.
4. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. The background history to the premises and the complaint history of the premises since the licence had last been transferred covering 22 December 2013 to 17 January 2014 including out of hours noise complaints and customers entering the Club after designated entry hours. The incident in question was a breach of the licensing hours and the lack of CCTV footage was also a breach of conditions.
 - b. The Premises Licence Holder should have control over activities at the premises and ensure that they cease on time. The designated Premises Licence Holder should be removed from the licence.
 - c. The Licensing Authority supported the reduction of licensed hours requested by the Police and the amendments sought to the licence conditions.
5. As a point of clarification, Mark Galvayne, Principal Licensing Officer, stated that the request to transfer the premises licence to Vanessa Short was subject to a 14 day consultation period with the Police and was subject to any representations received.
6. The opening statement of the legal representative of Club 303, Mr D. Jenson, including the following points:

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- a. The seriousness of the incident on 1 February 2014 was acknowledged. A large group of men had congregated inside the premises but had entered in small numbers which had suggested a degree of pre-planning. The Club had begun its closing down procedure but it had become clear that the group were not intent on compliance. Mr Islamoglu had taken the decision that it would be better to allow the group to remain inside the premises and dissipate naturally and so avoid confrontation. It was recognised that this had been a breach of the licence conditions. It was stated that the arrival of the police had caused the confrontation. He rejected the submission that it had been a failure of management at the Club. It had been an intolerable situation that was actively managed.
 - b. The first police that had arrived had asked for the doors of the premises to be closed.
 - c. The police had arrested 2 individuals for unrelated matters. No other individuals had been detained.
 - d. The injured individual seen on the floor had been put in the recovery position and had not judged to be unconscious.
 - e. It was not accepted that there had been a lack of co-operation by the door staff. They were employed on contract.
 - f. This was a single isolated incident.
7. The following questions and comments arose:
- a. Councillor Pearce questioned the size of the group of men involved in the incident and the numbers that could be accommodated at the Club. Concern was expressed that the Police had not been called earlier by a member of staff.
 - b. In response to a statement which had been made, Councillors stated that the Club should be in control of the security staff at the premises and noted with concern that a female member of staff had been seen to be obstructive.
 - c. The Club's legal representative reiterated the actions of Mr Islamoglu to contain the situation in the Club and not call the police. He accepted that a breach of the licence conditions had occurred by allowing customers to stay on the premises beyond the agreed opening hours. It was also stated that only 6-8 customers were left on the premises when the police arrived with the remaining individuals being members of staff. Mr Islamoglu had not thought it necessary to call the police.
 - d. It was noted that the Club used a "clicker" on the door to count customers in and out.
 - e. In response to a question raised by Councillor Cicek, it was noted that the customers in question had not been regulars at the Club and were from "out of town".
 - f. Mr Islamoglu did not agree that customers had been allowed late entry as referred to in the Licensing Authority's oral representations.
 - g. The lack of CCTV footage was raised and the issue of only 6 cameras having been switched on but not recording. The Club's representatives confirmed that there were now 15 cameras operational on the premises.

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h. Councillor Levy summarised that the premises were currently closed and that the Police were seeking a reduction in licence hours or additional conditions on the licence in the light of this incident and the history of the premises.

i. The Club's legal representative accepted that the incident had been a serious one and that the terms of the licence had been breached. However, the Premises Licence Holder was now being changed; approved security staff were in place; the CCTV system was now fully operational; and, it was proposed to introduce a Club ID scan system. He went on to state the importance of retaining the current opening hours at the premises in order to compete with other similar venues. The Club had received significant investment and currently employed 20 people. He stated that this had been an isolated incident which was not indicative of the Club's normal clientele. It was noted that an enclosed area at the back of the premises was a designated smoking area.

j. Councillor Levy questioned what action would be taken by the Club in the event of such an incident happening in the future. He was reassured that the police would be called and a breach of the licensing hours would not occur.

k. The legal representative of the Police questioned the statement by the Club that only 6-8 customers had been present when the police had been called. This did not agree with the statements of the police and the telephone call which had been made by a customer, the written documentation was referred to. In addition, he reiterated that the required CCTV footage had not been provided and had not been fully working; a breach of the licence condition.

l. In response to concerns raised Mr Islamoglu stated that he would not be involved in the management of the premises in the future. He confirmed that the noise levels at the Club were regularly monitored and that £60k had been invested in sound proofing the premises.

m. The issues raised by Charlotte Palmer, Licensing Enforcement Officer, in supporting the use of a Club ID scan and the use of polycarbonate containers. She reiterated her concern that the Club had not called the police and had allowed the group to remain inside the premises 2 hours after closing time.

n. Mr Islamoglu stated that no alcohol had been sold after hours and the drinks observed by Police had not been alcoholic.

8. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. The transfer of the premises licence was subject to a 2 week consultation period with the Police.
 - b. The Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of licensing objectives.
9. The closing statement of Mr R. Clark legal representative on behalf of the Metropolitan Police Service, including the following points:

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a. The hearing had been asked to believe that no fight had occurred prior to the Police arriving and the number of customers involved was disputed. The management had not demonstrated their control of the customers and were not seen as fit to run the Club under the current conditions. There had been a failure to recognise the issues involved and a relaxed approach had been taken to the breach of licensing conditions. If CCTV footage was available then it should have been provided for the hearing today. The Police requested a restriction in hours to 23.00 hours, the additional conditions as previously provided and the removal of Mr Islamoglu as the Premises Licence holder and in the involvement of the future management of the Club.

10. The closing statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. Support was expressed for the issues raised by the Police and the request for modified hours and conditions. The previous licence transfer had only taken place 2 months previously.
11. The closing statement of the legal representative of Club 303, Mr D. Jenson, including the following points:
 - a. That this had been a single isolated incident and did not follow a pattern of behaviour at the premises. The suspension of the licence was causing financial hardship for the premises. There was no failure by Mr Islamoglu to recognise the issues raised. A reduction in hours to 23.00 hours would in effect be a revocation of the premises licence.

RESOLVED that

1. In accordance with the principles of Section 100(A) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Licensing Sub-Committee retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Licensing Sub-Committee RESOLVED that it considered the steps listed below to be appropriate for the promotion of the licensing objectives:
 - To modify the conditions of the licence
 - To remove the designated premises supervisor
3. The Chairman made the following statement:

“The Licensing Sub-Committee agreed to modify the conditions of the licence thus:

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Re-word condition 21 as follows:

All drinks shall be decanted into polycarbonate containers when sold or supplied with the exception of champagne which may be supplied in glass bottles, but only in the VIP area.

Amend condition 30 as follows:

A minimum of eight door supervisors shall be employed on the premises from the commencement of regulated entertainment until closing.

Insert Condition 47 as follows:

A Club ID Scan or suitable equivalent to be fitted and utilised as a condition of entry for all customers.

Insert Condition 48 as follows:

Patrons must provide photographic identification as a condition of entry, and the documentation to be scanned and held on the Club's system.

Insert Condition 49 as follows:

Mr Aydemir Islamoglu may not be involved in any way in the operation and/or management of the club premises currently called Club 303.

The actual full decision notice would be issued by the end of the week (Friday 21 February 2014). However, the Licensing Sub-Committee wishes to make it clear that it does not expect licensing enforcement to allow any period of grace for the premises to be open and not be fully compliant with all conditions of the licence, including the modifications imposed today."

The text of the full Chairman's statement is detailed below:

"In reviewing the licence of Club 303 and despite the absence of an application as such, the Licensing Sub-Committee fully acknowledged the seriousness and gravity of the incident which occurred in the premises early in the morning of 1 February 2014.

But given that the closure order made by the Metropolitan Police Service had been upheld by the Magistrates Court, with no stated constraints as to the extent of its order, the case was considered in the same manner as though a full review were being sought and for the Licensing Authority to determine.

Having established from the outset that the position of the Metropolitan Police Service was to seek reduced hours, modified conditions of the licence and removal of the designated premises supervisor, our deliberations concentrated on these points only, noting that it was not

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the intention to seek either revocation or a suspension of the licence beyond the time limit of the current closure order.

The Licensing Sub-Committee concluded that the Metropolitan Police Service made its case in respect of conditions and significant changes to the operational management of Club 303 and, that such steps were themselves appropriate for the promotion of the licensing objectives. However, it was not persuaded that reducing the terminal hours to 23.00 as proposed, or even reducing them by any extent, was appropriate.

Indeed, the Licensing Sub-Committee believed that reducing the hours as sought for a premises operating as a night club would be tantamount to revocation, an action even the Metropolitan Police Service was not seeking; and a point made by the representative for the Premises Licence Holder in his representation at the hearing.

The incident that led to the hearing today was undoubtedly of a serious and violent nature, and was occasioned by a significant amount of alcohol having been consumed in the premises in the hours leading up to the incident. But it was the firm view that the incident may not even have occurred if certain fundamental management practices for a business such as this had been in place, and had the premises licence holder and designated premises supervisor at the time of the incident taken different action on this day, and exerted better control of staff working at the premises, be they employees or contracted security staff.

We heard that Club 303 did not have a defined entry policy or membership system, and that the large group of males involved in the violence arrived in dribs and drabs early in the evening, such that door entry staff had no obvious reason to be concerned. Improving new conditions 47 and 48 with regard to an ID scan system and retaining membership records addresses this matter.

The Licensing Sub-Committee also heard evidence from the Metropolitan Police Service regarding both the limitation and effectiveness of the CCTV system, and that the licence holder, despite repeated requests since 1 February, was still not yet furnished with copies of the CCTV tapes or his account of events of that night/early morning such that the evidence could be refuted to any degree. These were taken to be breaches of existing conditions.

At the hearing, the licence holder told us that the tapes would be blank anyway because of a system failure, which itself was a matter of concern, and an admitted breach of the same series of conditions.

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But above all, the Licensing Sub-Committee was most concerned by the decision taken by the licence holder, repeated several times during the hearing, to unilaterally and blatantly flout the condition of terminal hours, by containing a large group of people inside the premises for a full two and a half hours after they were required to close, and before the specific incident took place. And at no time between 03:00 and the incident did the Premises Licence Holder or any staff member even think to call the police.

Evidence from the police that alcohol was seen to be supplied after 03:00 was not refuted to any level of satisfaction; and we were perturbed from the evidence of abuse to the police by one particular female staff member, which was similarly refuted dismissively and without any real concern, as if the behaviour of staff and the tolerance of excessive behaviour by patrons having been served drinks on these premises, were not his responsibility.

The Licensing Sub-Committee was strongly persuaded by the case made by the Metropolitan Police Service, and supported by Trading Standards, that Mr Aydogan Islamoglu should not be concerned or involved in the management and/or operation of the licence, or in the business in any way. It decided that beyond simple removal of Mr Islamoglu as the designated premises supervisor, it would be appropriate to reinforce this point by imposing a condition on the licence to the same effect – a condition that now needs to be adhered to by the deemed new premises licence holder and designated premises supervisor, Ms Vanessa Short, whose applications were received at 4.00pm on Tuesday 18 February 2014.

The Licensing Sub-Committee did consider the possibility of amending condition 46 in terms of bringing the last entry time back from 01:00, but having decided that it was not minded to amend the terminal hour to 23:00, that to adjust the last entry/re-entry time, would not be appropriate, in anticipation that a change of management will bring a change of attitude to better prevent recurrence of serious incidents.

Believing that increasing door supervisors from six to eight (modified condition 30) to be an unarguably fundamental change to enhance the prevention of crime and disorder, final deliberation was given to the proposal to amend condition 21 to embrace the fact that all drinks shall be decanted into polycarbonate containers when sold or supplied.

Whilst the panel noted the reasons for this request from the Metropolitan Police Service, we did also acknowledge the fact that Club 303 is a nightclub, and has a VIP area, in which the expectations of customers is of a higher level, and that champagne bottles that were not made of glass would be unacceptable. So in imposing the reworded

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condition 21 as sought, we also extended that condition to make an exception for the VIP area.

In conclusion, given the intention for Club 303 to seek a new Premises Licence Holder and Designated Premises Supervisor, also its stated intention to implement a Club Scan system, and to change its security provision, and given the verbal commitment by Mr Islamoglu to walk away unconditionally from Club 303, the Licensing Sub-Committee decided that to impose conditions to all these effects, as well as formally removing the current Designated Premises Supervisor from the licence, would be the appropriate actions to take for the promotion of licensing conditions.”

Councillor Cicek left the hearing at this point due to ill-health and was replaced by Councillor Constantinides for the following item on Maze Inn, 7 Chase Side, Southgate, N14.

776

MAZE INN, 7 CHASE SIDE, SOUTHGATE, N14

RECEIVED review of Premises Licence following closure order for the premises known as and situated at Maze Inn, 7 Chase Side, Southgate, N14.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. That the premises had been subject to a closure order issued by the Metropolitan Police Service and upheld by the Magistrates Court. The Licensing Sub-Committee now had to hold a hearing to consider the closure order, the court order and any relevant representations. Oral representations would be presented to the Sub-Committee.
 - b. Prior to this review hearing limited agreement had been reached between the Police and the premises as follows:
 - Agreement to a modified condition 18
 - Agreement to a modified condition 20
 - The Police had requested an amendment to condition 25 – not agreed
 - The Police had requested a new condition 31 – not agreed
 - c. The Licensing Sub-Committee was therefore asked to consider these outstanding issues.
 - d. In response to issues raised by a representative of the operator at the premises it was noted that a written representation had been received but that it could not be considered today. An oral representation could be heard today.
2. The opening statement of Mr R. Clark, legal representative on behalf of the Metropolitan Police Service, including the following points:

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a. Attention was drawn to page 225 of the documentation setting out the revised conditions sought by the Police:
Condition 18 revised with the word “immediately” inserted – this had been agreed.

Condition 20 revised to include days of regulated entertainment and to increase the number of door supervisors to 4 on these days after 22.30 hours – this had been agreed

Condition 25 – revised wording was being sought to change the no new entry time to after midnight on Friday and Saturday or any day when regulated entertainment takes place after 21.00 hours - not agreed.

An additional condition that all drinks shall be decanted into polycarbonate containers when sold or supplied – not agreed.

b. The reasons for the current closure were highlighted and attention drawn to the police documentation as previously circulated. The incident had given grounds for concern. It was recognised that the premises did not have a history of such incidents or bad management. The requested conditions were felt to be necessary for greater control and safety at the premises.

c. A doorman at the premises had witnessed that a glass had been used in the attack but this was disputed by the premises management.

3. Questions were invited in the light of the opening statements and the following points arose:
 - a. Councillors questioned how the use of polycarbonate containers would work in practice if implemented after a specified time. The public safety issues raised were acknowledged. It was noted that such a condition would require the premises to re-educate its customers.
4. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. The Licensing Authority supported the modified conditions sought by the Police. There would be greater control if the no new entry time was brought back to midnight; and, this had been a violent incident so the use of polycarbonate containers in the future was supported.
5. The opening statement of Mr P. Warne, legal representative on behalf of Punch Taverns, including the following points:
 - a. There should not be an assumption that such incidents would occur in the future. The doorman was the only person who had thought that a glass had been used in the incident. The other staff who had been interviewed and the victims themselves did not believe that they had been attacked with a glass. The witness statement should not be relied upon as fact. There was not a pattern or history of such incidents at the premises. It was felt that the remaining conditions re the last entry time and use of polycarbonate containers would be detrimental to the future commercial operation of the premises. It was a well-managed premises.
6. The following questions and comments arose:

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- a. Councillor Levy stated that the Licensing Sub-Committee had to review the licensing objectives including the prevention of crime and disorder and, public safety.
7. The representations of Mr Sutherland who was a representative of the operator of Maze Inn, the following points arose:
- a. The victims of the incident had since come to the premises and met with the Director to give statements on the incident. In summary they did not have any issues with Maze Inn and would continue to visit the premises.
 - b. The comments of the door supervisor were not supported.
 - c. The operation of the premises had been taken over by Mr Blackwood in approximately 2006. It was operated as a premium premises.
 - d. Concern was expressed at the requested condition of polycarbonate containers and the detrimental effect that this would have. For example, customers expected bottles of wine and champagne.
 - e. The request to have no new entry after midnight would also be detrimental. It was stated that approximately 100 – 150 new customers arrived between midnight and 1.00am.
 - f. He stated that the premises were considering upgrading its CCTV system and also looking at the potential use of a Club ID scan facility.
8. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
- a. Whilst there had been agreement between the 2 parties on conditions 18 and 20, the Licensing Sub-Committee would still need to agree the amended conditions to have effect.
9. The closing statement of Mr R. Clark, legal representative on behalf of the Metropolitan Police Service, including the following points:
- a. The Police were not looking to punish the premises but to seek appropriate conditions for public safety. A number of premises nationwide had changed to the use of polycarbonate containers.
 - b. The doorman's statement in dispute had not been retracted.
 - c. The requested last entry time would be good management practice and customers could be re-educated to the new times.
10. The closing statement of Mr P. Warne, legal representative on behalf of Punch Taverns, including the following points:
- a. The law did not demand the use of polycarbonate containers and the conditions should be proportionate. He referred to the relevant guidance paragraphs.
11. The closing statement of Mr Sutherland, representative of the operator of Maze Inn, the following points arose:
- a. The outstanding conditions were not proportionate to the isolated incident which had taken place. Improvements were proposed to the

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CCTV system and the use of a customer ID system. The modification to condition 25 and new condition 31 were not proportionate to the event.

RESOLVED that

1. In accordance with the principles of Section 100(A) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Licensing Sub-Committee retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Licensing Sub-Committee RESOLVED that it considered the steps listed below to be appropriate for the promotion of the licensing objectives:

- To modify the conditions of the licence, as set out below and in the minutes above:
- Condition 18 revised with the word “immediately” inserted:

All instances of crime and disorder shall be reported immediately to the police and be kept in an incident logbook.

- Condition 20 revised to include days of regulated entertainment and to increase the number of door supervisors to 4 on these days after 22.30 hours:

A minimum of three door supervisors shall be employed on the premises on Friday and Saturday from 21:00 hours until the premises is closed, and from 21.00 hours on any day when regulated entertainment takes place after 21.00 hours increasing to a minimum of 4 after 22.30 hours on those days.

3. The Chairman’s statement is set out below:

“In reviewing the licence of Maze Inn, we acknowledge the seriousness of the event which occurred at the premises in the early hours of 9 February 2014, leading to the closure order made by the Metropolitan Police Service and upheld by the Magistrates Court, pending compliance with conditions.

The Licensing Sub-Committee was pleased to learn from the outset of the hearing that agreement had been reached between all parties with regard to amending conditions 18 and 20, which enabled us to consider only two matters of contention.

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Having listened carefully to oral representations from the Metropolitan Police Service, the licence holder and the operator of the Maze Inn with regard proposals from the Metropolitan Police Service to change the last entry time from 01:00 to midnight (amending condition 25), and for a new condition requiring all drinks supplied to be decanted into polycarbonate containers, the Licensing Sub-Committee believed the arguments propounded from each party to be finely balanced.

Given that there was no suggestion of generic or systemic management failure at the premises, or a negative track record; and given that there was an agreement on strengthening two conditions – especially by inserting “immediately” into condition 18, being particularly reactive to the incident that led to this hearing – the view of the Licensing Sub-Committee was that modifying the licence through changing these two conditions (18 and 20) alone would be an appropriate response to the undeniably serious incident that provided grounds for concern regarding the licence.

Therefore, in determining the case, the Licensing Sub-Committee was satisfied that modifying the conditions of the Licence, limiting the changes to just the two conditions as agreed ahead of the hearing, was the appropriate step required for the effective promotion of the licensing objectives.”

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MINUTES OF PREVIOUS MEETINGS HELD ON 20 NOVEMBER 2013 AND 15 JANUARY 2014

RECEIVED the minutes of the meetings held on 20 November 2013 and 15 January 2014.

AGREED that the minutes of the meetings held on 20 November 2013 and 15 January 2014 be confirmed and signed as a correct record.