

The Lamb
52 Church Street, Edmonton, London, N9 9PA

New Premises Licence Application

Licensing Sub Committee Hearing: 10th May 2017

Evidence Bundle

Document	Pages
Stonegate Company Information Sheet	1-2
Amendments to Conditions	3-6
Stonegate Licensing Manual Index	7-11
Case Law; BrewDog & Sainsbury's Supermarket	12-14



The Company

Stonegate Pub Company is the largest privately held managed pub operator in the UK operating over 690 pubs across the UK. The business comprises 6 operating Divisions, consisting of branded and unbranded pubs and bars which include community and local pubs, catering for customers within the local neighbourhood; high street venues including the Slug & Lettuce, Yates's and Walkabout brands that attract businessmen and women, tourists, families, and students; our Venues Division of late night style bars and nightclubs.

Since the formation of the company in 2010 the company has made significant investment within the estate, both within the fabric of the buildings and the services offered. Its pubs and bars continue to benefit from a multi-million pound investment programme that continually strives to improve amenities and community facilities. Free Wi-Fi is now standard across the estate.

Stonegate's 'Bar to Boardroom' training ethos has resulted in the company being awarded the following;

- Best Managed Pub Company 2017 (Publican Awards)
- Best Late Night Operator 2017 (Publican Awards)
- Best Managed Company for Training (More than 30 outlets) BII National Industry Training Awards 2016
- Distinction in Innovation for digital and social media – HR distinction Awards 2016
- Distinction in People Development – HR Distinction Awards 2015
- Distinction in Innovative Use of Technology Award – HR Distinction Awards 2014
- Menu Masters Award for Best New Concept category for Missoula, Montana Bar & Grill at the Menu Innovation and Development Awards (MIDAS) 2014
- Best Pub Employer (51+ sites) – Publican Awards 2013
- Menu Masters Award for City and Bar Dining category for Slug and Lettuce at the Menu Innovation and Development Awards (MIDAS) 2013
- Winner of the Town and City category for Yates's in the Menu Innovation and Development Award (MIDAS) in 2012
- MA 250 Best Training Programme award in 2012 – Publican's Morning Advertiser

People

The company employs over 12,500 people and make significant investment in the training and development of their staff. A leading edge, award winning training programme ensures all front-line staff are equipped with the necessary skills to operate safely and legally within the business. Within the last 6 months alone, over 94,000 training modules have been undertaken by pub staff.

Community and Social Responsibility

All pub managers are encouraged to join their local Pubwatch, town centre management or business improvement forums, where they operate. Entry into Best Bar None programmes has resulted in many Stonegate pubs across the country being recognised for their contribution in helping create safer environments for staff and customers alike. This has resulted in a number of our pubs, bars and clubs winning local Best Bar None, Pubwatch and Community Safety awards.



Engagement with the local community takes place in many forms, from supporting community groups, providing facilities clubs, teams and local supplier. Many of these activities result in the raising of significant funds for local and national charities.

The Senior Management

Stonegate Pub Company is operated by a team of highly experienced directors that have a wealth of industry experience.

Ian Payne is Chairman of Stonegate Pub Company. Ian, an accomplished expert in the licensed leisure sector, has held Board positions with Bass Taverns, Stakis plc and Ladbroke gaming. He was CEO of the Laurel Pub Company from its inception in May 2001 through to December 2004 and later Chairman of the Bay Restaurant & Town and City Pub Groups prior to the formation of Stonegate in November 2010. Ian started his career in the trade behind the bar of a local pub more than 35 years ago.

Simon Longbottom serves the Chief Executive Officer of Stonegate Pub Company. Simon held the post of Managing director of Pub Partners at Greene King plc since 2010. Prior to that, he served as Managing Director of Gala Coral's gaming division. He has over 11 years' experience at a senior level in the sector having held prominent positions at Mill House Inns and Mitchells & Butlers.

Graham Jones is Director of Operations Support of Stonegate Pub Company, with direct and specific responsibility for licensing matters. A high performing and long standing professional, Graham has held senior operations positions in Whitbread PLC, Laurel Pub Company, Greene King, Barracuda Group and more recently Punch Taverns.

Suzanne Baker is the Commercial Director of Stonegate Pub Company, responsible for all commercial contracts including purchasing and property. Suzanne has spent her career within the licensed leisure sector having previously held Board positions in Bay Restaurant Group, Laurel Pub Company and JD Wetherspoon. She commenced her career joining Grandmet Retail in operations progressing within the marketing and purchasing roles across national brands, including Chef & Brewer.

Tim Painter is the HR Director of Stonegate Pub Company. Tim, who joined from Musgrave Retail Partners, has extensive experience in HR strategy, leadership and development, and change management across the retail sector.

Proposed Conditions

Conditions Proposed in Operating Schedule

1. A CCTV system shall be installed at the premises and maintained in good working order and used at all times when the premises are open for licensable activities. Any CCTV footage shall be held for at least 28 days and shall be made available to an officer of the Licensing Authority or Police on reasonable request.
2. An incident log book (which may be electronic) shall be kept on the premises and made available on request to an authorised officer of the Council or Police which will record the following:-
 - a) Any incidents of disorder
 - b) Any seizures of drugs or offensive weapons
 - c) Any ejections of patrons
 - d) Any complaints of noise nuisance from residents
3. The premises shall maintain a written dispersal policy, which shall be made available to the Police or an authorised officer of the Council upon request.
4. The premises shall maintain a written drugs policy, which shall be made available to the Police or an authorised officer of the Council upon request.
5. Save for on New Year's Eve, when the premises are open for the sale of alcohol beyond midnight, there shall be no new admission to the premises after midnight, save for customers who have temporarily left the premises e.g. to smoke.
6. The need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of any police advice.
7. Alcoholic drinks shall not be removed from the premises in open containers save for consumption in any external customer area.
8. Reasonable steps will be taken to recognise the rights of local residents and notices will be displayed at the premises exits requesting customers to leave quietly and reminding them that they are in a residential area.
9. When regulated entertainment in the form of live music or DJ led entertainment is taking place, staff will monitor noise both internally and externally.
10. When regulated entertainment in the form of live music or DJ led entertainment is taking place, doors and windows will be closed except for access or egress.
11. Customers will not be permitted to take their drinks into the front external customer area of the premises after 23:00 hours Mondays to Saturdays and after 22:30 hours on Sundays.
12. No waste or recyclable materials, including bottles, shall be moved or placed in the front external area between 11 pm and 7 am the following day.

13. A proof of age scheme such as Challenge 21 will be operated at the premises where the only acceptable forms of identification are photographic identification cards such as a driving licence or passport.
14. A log (which may be electronic) shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale. A copy of the log or electronic report shall be made available upon reasonable request.
15. All bar staff to receive appropriate training in relation to alcohol sales prior to commencing their duties. This will include the premise licence conditions, underage sales policy and other relevant licensing matters. Training documents (which may be in an electronic format) shall be made available to an authorised Police Officer or Council Officer upon request.

Additional Conditions Proposed from Licensing

1. All bar staff shall receive induction and refresher training (at least every three months) in relation to the sale of alcohol and the times and conditions of the premises licence. (to replace Condition 15 in 'Conditions Proposed from Operating Schedule')
2. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises (this may be in electronic format). These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year. (to replace Condition 15 in 'Conditions Proposed from Operating Schedule')
3. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises. (to replace Condition 13 in 'Conditions Proposed from Operating Schedule')
4. A log (which may be electronic) of refused sales shall be kept on the premises detailing all refused sales of alcohol. This log shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry. (to replace Condition 14 in 'Conditions Proposed from Operating Schedule')
5. The Designated Premises Supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff.
6. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
7. Children under the age of 18 shall only be permitted on the premises if accompanied by an adult and only until 23:00 hours.

Conditions Proposed by Police

A digital CCTV system must be installed in the premises complying with the following criteria:

1. Cameras must be sited to observe the entrance and exit doors and floor areas.
2. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
3. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
4. Provide a linked record of the date, time, and place of any image.
5. Provide good quality images.
6. Operate under existing light levels within and outside the premises.
7. Have the recording device located in a secure area or locked cabinet.
8. Have a monitor to review images and recorded picture quality.
9. Be regularly maintained to ensure continuous quality of image capture and retention.
10. Have signage displayed in the customer area to advise that CCTV is in operation.
11. Digital images must be kept for 28 days.
12. Police or authorised local authority employees will have access to images at any reasonable time.
13. The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.

(to replace Condition 1 in 'Conditions Proposed from Operating Schedule')

An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- a) all crimes reported to the venue
- b) all ejections of patrons
- c) any complaints received
- d) any incidents of disorder
- e) all seizures of drugs or offensive weapons
- f) any refusal of the sale of alcohol
- g) any visit by a relevant authority or emergency service.

(to replace Condition 2 in 'Conditions Proposed from Operating Schedule')

LICENSING MANUAL

England and Wales

Premises Name:

Address:

DPS Name:

Tel no:

Area Manager Name:

Tel no:

CONTENTS

1. Guidance on How to Use and Complete This Manual
2. Licensing Manual Training Sign Off Sheet for Management Team
3. Record of Licences Held
4. Complete List of Mandatory Conditions
5. Certified Copy Premises Licence and All Other Licences (Tables and Chairs, Gaming Permits)
6. Details of Temporary Event Notices at Premises for Current Calendar Year
7. Details of Personal Licence Holders at Premises
8. Bar Staff Authorisation/ DPS Authorisation Sign Off Sheets
9. Key Contact Details, i.e. Police, Council, Head Office, Solicitors
10. Company Licensing Policies
 - a. Social Responsibility Policy
 - b. Underage Sales and Age Verification Policy
 - c. Dispersal Policy
 - d. Outside Areas Policy
 - e. Search Policy
 - f. Drugs Policy
 - g. Lost Property Policy
 - h. Mobile Phone and Theft Policy
 - i. Door Staff Policy
 - j. Drink Spiking Policy
 - k. Children Policy
 - l. Entry Queues Policy
 - m. Floor Walkers' Policy
 - n. Intoxicated Customer Policy
 - o. Crime Reporting and Crime Scene Preservation Policy
 - p. Disorder Strategy Policy and Conflict Management
 - q. Noise Management Policy
 - r. Glassware and Glass Collection Policy
 - s. Vulnerability Awareness and Duty of Care Policy
 - t. Capacity Policy
11. Risk Assessments and Action Plans
 - a. High Profile Event Risk Assessment

b. Drug Awareness Action Plan

- 12. Minutes of Pubwatch Meetings**
- 13. Minutes of Residents' Meetings**
- 14. Minutes of Other Meetings**
- 15. Any Other Business**

GUIDANCE ON USING THIS MANUAL

Introduction

This licensing manual has been created so as to provide valuable information to each of our premises in relation to licensing and to provide the framework to the premises of how Stonegate Pub Company Limited promote the licensing objectives.

This manual contains valuable information and is also to be used as a reference point and training guide for the management team and other relevant staff.

How to use the Manual

With reference to the content sheet, the purpose of the manual is to hold a central record with copies of all licences held at the premises and also copies of the key company policies.

The licensing manual is intended to be an interactive living document which should be regularly reviewed and trained into relevant staff. The licensing manual training sheet should be completed and kept up to date.

As the company operates a variety of brands all with varying licensing issues, the company's policies are a starting point and should be adapted where necessary for your individual business. Please place any site specific modifications and / or policies in the appropriate section.

It is the responsibility of the General Manager to maintain the licensing manual and ensure all staff are trained in respect of the premises licence and all Stonegate policies.

The Licensing Objectives

The Licensing Act 2003 lists four licensing objectives which are the framework upon which the licensing regime in England and Wales is based. They are:-

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

Stonegate Pub Company Limited and its employees must do everything in their control to promote the licensing objectives at all times.

COMPANY POLICIES AND REFERENCE TO THE LICENSING OBJECTIVES

Under the Licensing Act 2003 the fundamental principles that underpin the licensing system are the licensing objectives. Not only the Licensing Authority but all organisations and persons involved in the licensing process must operate in a way which promotes these licensing objectives. The company has a number of policies that relate to the licensing objectives and you will see from below there is overlap.

Prevention of crime and disorder

- Underage Sales/ Challenge 21 Policy
- Dispersal Policy
- Search Policy
- Drugs Policy
- Drug Awareness Action Plan
- Mobile Phone and Theft Policy
- Door staff Policy
- Drinks spiking Policy
- Entry queues Policy
- Floorwalker Policy
- Intoxicated Customer Policy
- Crime Reporting and Crime Scene Preservation Policy
- High Profile Risk Event Assessment
- Conflict Management and Disorder Strategy Policy
- Glassware and Glass Collection Policy
- Vulnerable Persons and Duty of Care Policy

Protection of Children from Harm

- Policy on children
- Underage sales and refusals Policy
- Floorwalker Policy
- Intoxicated Customer Policy
- High Profile Risk Event Assessment
- Vulnerable Persons and Duty of Care Policy

Public Safety

- Policy on entry queues
- Door staff Policy
- Floorwalker Policy
- Intoxicated Customer Policy
- High Profile Risk Event Assessment
- Conflict Management and Disorder Strategy Policy
- Glassware and Glass Collection Policy
- Vulnerable Persons and Duty of Care Policy

Prevention of Public Nuisance

- Policy on entry queues
- Door staff Policy
- Outside areas Policy
- Social responsibility charter
- Dispersal Policy
- Floorwalker Policy
- Intoxicated Customer Policy
- High Profile Risk Event Assessment
- Conflict Management and Disorder Strategy Policy
- Noise Management Policy

IN THE LEEDS MAGISTRATES COURT

BETWEEN :-

BREWDOG BARS LIMITED

Appellant

- and -

LEEDS CITY COUNCIL

Respondent

NOTE OF DECISION OF
DISTRICT JUDGE ANDERSON
6th SEPTEMBER 2012

No doubt when the 2003 Licensing Act came into being, no-one foresaw the emergence of an operation such as Brewdog. They are a A Scottish company specialising in craft beers with a devoted clientele. They do not operate large public houses selling cheap lager or cheap food. They have outlets in other cities including in cumulative impact areas where they operate well and without police objection. Now they seek to come to Leeds.

The company takes a didactic approach, with books on brewing, and customers invited to watch instructional videos playing at their premises. Their customers could be described as "alcohol geeks." They are not run of the mill or everyone's cup of tea, but there is a demand for outlets selling a good quality of beer.

If they had identified a site outside the City's Cumulative Impact Policy area, there is absolutely no doubt that they would already have their licence. They are an intelligent, well-run company, and in a short space of time they have shown themselves to be an effective operator.

However, this site does fall foul of the Cumulative Impact Policy which was introduced with the best possible motives to control the grant of licences to new premises. There is a presumption within it that new applications shall not be granted, unless the applicant can discharge the reverse burden in establishing that they will not add to the cumulative impact, and that is the issue in this case.

I can deal with one conclusion briefly, the issue of noise and nuisance. The Court heard evidence from Miss Ludford that she had gone to the trouble of circulating a letter to all residents in the neighbouring block of flats but received no objections. Against that was the more general evidence of Mr Kenny, which showed noise complaints to the Council. But most of those complaints were amplified music and Brewdog does not seek to be able to provide amplified music and so there is no risk of noise from regulated entertainment emanating from the premises. The capacity is small and any noise generated as people leave the premises will be very marginal indeed. It seems to me that the premises of this public house would not be a significant impact on the Cumulative Impact area regarding public nuisance and so I do not intend to mention this further.

That leaves the more important objection of the Police and the potential impact of another premises on the levels of crime in the area. There are a number of clubs around the Corn Exchange and the late

hours they trade, the marketing operations and the type of customer they attract means that there is regular disorder and violence. they run with late hours, attracting a different sort of customer. Their presence causes violence. That is a sad fact of modern life. The situation cannot be assisted by the sort of promotion I saw advertised by Chilli White with cheap vodka and free vodka, but they have their licence.

It cannot be the policy of the Cumulative Impact Policy to bring the iron curtain clanging down to allow such clubs to continue to trade while shutting out Brewdog which attracts more discerning customers who do not engage in binge drinking, though I do accept the requirement of the Cumulative Impact Policy is to ascertain specifically whether there will be impact.

If I accept, as I do, that the enterprise sells expensive beers in expensive measures, then I think I can conclude that the people likely to be attracted are not "get it down your neck" drinkers but rather better heeled customers. The type of clientele a premises attracts has a material part to the play in the decision, because if I am not worried about their clientele and am impressed by the running of their bars elsewhere, it follows that it is unlikely that their clientele will have any adverse impact on the area here.

The Police argued that customers may accidentally cause impact. Their argument that customers could get caught up in a melee caused by others is not a valid one. A simple increase in footfall isn't a rational reason to refuse entry to Leeds by Brewdog.

I have listened carefully but have heard nothing which causes me to believe that the application should not be granted. I am satisfied that the appellants have discharged the burden of proof placed on them.

I accept that the Committee and the Police did their best but their application of the Policy was too rigid. They seemed to take the view that man was made for the Policy, when the Policy should be made for man.

The appeal is upheld, and the licence granted in the terms set out in the bundle served on the Court.

Our determination in the matter of an appeal against the decision of the Leicestershire licensing authority relating to a premises licence by Sainsburys Supermarkets Ltd.

1. As experienced licensing Magistrates we are aware that this hearing should be looked at as a new application.
2. The application is for premises within a Cumulative Impact Zone (CIZ), which in itself does not preclude an application, but we must assess the possible impact that the premises would have on the area.
3. Sainsburys are proposing that the premises at 146 London road, formerly the Varsity pub, are converted to a local supermarket with off license.
4. The issue is to determine the effect of this development on street drinking, which was the reason for the creation of the CIZ
5. We recognise the beneficial effect that the multi-agency approach taken has had on substantially reducing the problem of street drinking. In particular, the imposition of a limit on the strength of beers, lagers and ciders within the CIZ has undoubtedly been a major contributory factor.
6. We have heard considerable evidence, agreed by all parties, that Sainsburys is a reputable and responsible organisation who can provide effective training, systems and support to a high level in the pursuit of good practice.
7. Sainsburys have agreed to implement a long list of conditions, which were suggested and agreed by the interested parties, if a grant of the licence were to be made.
8. In addition to this list, Sainsbury's have agreed to move the starting hour for the sale of alcohol to 8am
9. We heard evidence of the problem of street drinking in the full length of London Road and that it is now under control to the extent that only three reportable issues occurred in the nine month period preceding this hearing.
10. We have also heard evidence that alcohol consumed by street drinkers, determined by higher strengths is currently purchased outside of the CIZ.
11. Whilst we fully understand and approve the implementation of the CZ, we are strongly persuaded that this application will have no adverse effect on the objectives of the CIZ, the licensing policy and the overall situation in the area.
12. We endorse the conditions that have been submitted, along with the starting hour of 8am. We consider that the condition relating to security staff should read 'The license holder shall employ security guards at the premises if, in consultation with the police, it considers it appropriate'
13. We have therefore decided to grant the appeal.