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14th September 2020

Re: Ruby's, Unit C7, Angel Road Works, Advent Way, LONDON, N18 3BH

Dear Sir / Madam,

We write further to our initial letter dated 27th August 2020 which comprised our formal objection to the application lodged by yourself on behalf of Ruby's TJJ Limited for a Premises Licence in respect of Unit C7, Angel Road Works, Advent Way, London, N18 3BH ("the Premises"). This letter should be considered as supplementary to our principal representation and it follows correspondence which have since been exchanged between yourself and both the Metropolitan Police Service Licensing Team and the Licensing Authority.

The structure of this letter is as follows:

1. We firstly set out the concerns which we have about the Premises in more detail;
2. Having set out our concerns we request further information about the precise nature of the proposed licensed premises which, at present, remains unclear; and
3. We proceed to set out – based on our current understanding of the proposed use to which the Premises will be put and subject to clarification from the applicant – a list of minimum conditions which we would expect the Premises Licence to contain for us to be satisfied that the licensing objectives are being upheld (see Appendix 1).

Our concerns

The way in which the application was initially applied for has given rise to a lack of confidence on the part of the MPS Licensing Team, acting as a responsible authority, that the prospective licensee is committed to furthering and upholding the licensing objectives.

The principal concerns are as follows:

1. There was no effort made by the proposed licensee to liaise with the police in order to discuss the application prior to it being lodged despite:

- a. The fact that the Premises will be open until the early hours of the morning;
 - b. That the nature of the business, on the applicant's own case, is that it will be serving alcohol until almost the very end of its opening hours with all the attended risks associated with such activity;
 - c. That the area itself is not well-suited to such a club in view of the fact that it is an industrial estate with a large number of vehicles (including, for example, forklift trucks and heavy goods vehicles) present at all hours of the day.
2. It follows that the police were also not provided with copies of the operating schedule and / or any risk assessments conducted by the proposed licensee.
 3. We are particularly concerned that no attempt was made to liaise with the police in circumstances where in January 2020 the applicant's other premises in Luton had been reviewed and subject to more stringent conditions as a result, among other things, of: firstly, an incident of violence occurring near to the premises; secondly, failures to comply with licensing requirements such as the need to keep up-to-date incident logbooks; thirdly, a failure to immediately assist the police with straightforward enquiries regarding CCTV footage of the incident; and fourthly, an investigation by Trading Standards which revealed that the Premises had been engaged in unlawful sale of smuggled foreign vodka.¹
 4. During a visit to the Premises, on 18th August 2020, PC Fitzpatrick was informed by the applicant that it would in fact be operated as a nightclub despite the application being for a bar, restaurant and private hire venue. This was a concern shared by the Licensing Authority in its representation. The applicant appears to row back on this admission, in the comments made in red at pages 2 to 3 of the annotated version of that document, which read:

“The premises will operate as a late night bar / restaurant, and has the benefit of a function hall / room which can be used for private hire events. The premises licence holder will also be able to hold events as well – such as comedy nights / music events. These types of events will be under the direct control and management of the premises licence holder (in other words, no outside promoters will be permitted to use the premises for their own events).”

“The premises will operate as a late night bar / restaurant. Whilst late night bars have similar hours to those of a nightclub, I would point out that there is no allocated dance floor at these premises, no prescribed DJ booth or dance podiums – all the type of thing you would expect to see in a nightclub.”

We remain concerned based on the lack of clarity around the position and the comments made during PC Fitzpatrick's visit that the intention is for the venue to operate, effectively, as a nightclub (on which see below). In this connection, there is a stage within the Premises and what appears to be a large space in the 'event hall' on the plans with which we have been provided. These features are consistent with the Premises operating as a nightclub particularly in view of the agreement by the applicant that 'ticketed events' will be managed by the Premises and not by any external providers (in the same way that nightclubs frequently require tickets to be purchased for events occurring at their venues).

¹ See Decision of Luton Sub-Committee, 8 January 2020.

5. We note also in this regard that on Companies House entry for Ruby's TJJ Ltd the 'nature of business' is said to be limited to 'Public houses and bars'. This is distinct from the entry for 'Ruby's Cuisine UK Ltd' which managed the premises in Luton which states that the nature of that business was 'Public houses and bars' and 'Licensed restaurants'. In view of the fact that Ruby's Cuisine is frequently operating, in effect, as a nightclub masquerading as a bar / restaurant this discrepancy is revealing and renders the disparity between the explanations provided, firstly, by the applicant and his business partner to the police during their visit on 18th August 2020 and, secondly, the explanation provided to the Licensing Authority in writing in the annotations to its representation, particularly concerning.²
6. It is said in the applicant's response to the Licensing Authority's representations that the nearby businesses do not usually open their doors until 6am or 7am. However, even when closed, as is clear from the photographs now exhibited to PC Fitzpatrick's statement, there are still a large number of vehicles – including industrial vehicles – parked nearby. We understand that the maximum capacity suggested by the applicant is approximately 350 people. It is wholly unclear where those individuals would park and there is a very real risk in these circumstances that the additional vehicles used by those visiting the Premises, particularly as they are likely to wish to park as close as possible due to the location of the venue, could block up the narrow roads leading up to the venue. This would render it difficult for emergency services to gain access if an incident, akin to the one which occurred at Ruby's Cuisine in Luton, were to occur at the proposed premises.
7. There is also a very real concern that there will be an increase in public nuisance as a result of having a licensed premises open for such long hours and with such a large amount of potential attendees. It is unclear whether any risk assessments have been conducted (we certainly have not been provided with a copy). The nuisance would consist of both a substantial increase in noise along with a contribution to the already not-insubstantial amount of litter in the surrounding area.
8. Our concerns about a potential increase in crime generated by the consumption of alcohol on the premises until the early hours and the likely influx of a large number of cars are shared by the three local business owners / landlords who have submitted representations requesting that the application be refused.
9. We are also concerned about the late opening hours proposed. The principal issue is that it remains unclear why (in circumstances where it is suggested that the Premises will not operate as a nightclub) such late hours are required and, in particular, why it is necessary to open for so long 7 days a week. This is a concern shared by the Licensing Authority. The hours are the latest of any Premises in the immediate vicinity and this lack of other such venues in the area means that Ruby's is likely to attract those nearby who wish to consume alcohol until late into the evening. The current proposed closing times are also not long before, even on the applicant's own account, businesses in the area will start opening and those who live locally will start their day. We note that while the venue is within an industrial estate it is within approximately 500 meters of a large residential area (across the A406) which includes a primary school and a large number of residential properties.

A number of the issues identified above will additionally be dealt with as part of the planning application. We observe, in this regard, that the application for a Premises Licence was

² Ruby's TJJ Ltd: <https://beta.companieshouse.gov.uk/company/12681839>; and (2) Ruby's Cuisine UK Ltd: <https://beta.companieshouse.gov.uk/company/11163865>.

potentially premature as it is unclear without a planning application having been lodged and considered whether the venue itself is suitable to operate as the applicant intends.

This letter nevertheless relates solely to the application for a Premises Licence and the concerns outlined potentially engage the following licensing objectives (a) prevention of crime; (b) public safety; and (c) public nuisance.

Nature of Premises

For the reasons set out above we remain concerned about the lack of clarity around the use to which the premises will be put. It is not clear whether it will be operated as the equivalent of a nightclub or primarily as a restaurant with a function room.

We request that the applicant clarify this and, in particular, state emphatically:

- Whether it intends to operate as a nightclub – i.e., an entertainment venue with a space for customers to dance which will regularly be playing loud music (sometimes live) and serving alcohol (without the need for customers to purchase a substantial table meal) until the early hours of the morning;
- If the applicant states that the Premises will not be operating as a nightclub it should make clear the following:
 - What the primary function of the venue will be;
 - If it is to operate as a bar / restaurant serving table meals why there is a need for it to be open until 04:00am as opposed to 02:00am; and
 - Similarly, if it is to operate primarily as a function room for events such as ‘weddings’ and ‘christenings’ (examples provided to the police during their visit on 18th August 2020) why the Premises requires licensable hours / opening hours until as late as 04:00am.
- If the Premises will not be operating as a nightclub but will be hosting events akin to those which a nightclub would host (e.g., ‘ticketed’ events with music and alcohol consumption throughout the evening) it should make clear how frequently such events are likely to be held and on what days during the week.

It is not possible for the MPS to properly engage with the applicant without sufficient clarity as to how the Premises is going to operate. Likewise it will be difficult, in due course, for the Licensing Sub-Committee to properly assess how the licensing objectives are going to be upheld by the proposed licensee.

We invite the applicant to provide answers to the above questions (copying in the Licensing Authority) in writing in good time prior to the hearing on 23rd September 2020 to enable us to review our position accordingly and, if necessary, to get in touch with any follow-up questions.

Conclusion

There are still a number of concerns about the Premises (outlined above) which need to be addressed prior to the hearing.

We have noted the recent attempts to move away from the comments on 18th August that the Premises is intending to operate as a nightclub. If this is correct and the Premises will

not be operating as a nightclub we have produced a list of minimum conditions which we would expect to see agreed or imposed if the application is simply for a bar / restaurant with a function room primarily to be used for events such as 'weddings' or 'christenings'. The conditions at Appendix 1 include those which have already been proposed by the Licensing Authority and / or agreed by the applicant. The conditions highlighted in **red** have either been amended or are fresh conditions sought by the police.

If we are incorrect in making the above assumption and it is confirmed by or on behalf of the applicant that the Premises is going to, for all intents and purposes, operate as a nightclub (or in an equivalent way to a nightclub) we will review our position. Depending on the nature of the information provided by the applicant we may be in a position suggest that further conditions be adopted in due course but we cannot make that assessment until we understand the nature of the proposed premises more clearly.

If there remains a lack of clarity as to the proposed use of the Premises – and, in consequence, we are unable to ascertain how the licensing objectives will be upheld – we are likely to revert to our original position that the application ought to be rejected.

Yours sincerely,

Signed: Matt Fitzpatrick

Date: 14th September 2020

Police Licensing Officer Enfield and Haringey

cc Charlotte Palmer at Enfield Licensing Enforcement Team

APPENDIX 1
PROPOSED CONDITIONS

The following list of conditions incorporates those already proposed by the Licensing Authority and agreed, in whole or part, by the proposed licensee.

Operating hours

The MPS adopts the recommended operating hours proposed by the Licensing Authority:

Activity	Proposed Time	Recommended Times
Opening hours	10:00 – 05:00 Mon - Sun	10:00 – 02:00 Mon - Sun
Live Music Recorded Music Performance of Dance	10:00 – 04:30 Mon - Sun	10:00 – 02:00 Mon - Sun
Late Night Refreshment	23:00 – 04:30 Mon - Sun	23:00 – 02:00 Mon - Sun
Supply of alcohol (on)	10:00 – 04:30 Mon - Sun	10:00 – 01:30 Mon - Sun

General conditions

1. The Premises shall trade as a bar, restaurant and private hire function room with substantial table meals made available from 19:00 until the end of the licensed hours for provision of late night refreshment each day the Premises is open to the public.
2. **The Premises shall not be used for any ticketed events promoted by an external individual / business. The Licensee may hold a ticketed event which includes the provision of regulated entertainment provided that no external agents / individual / business are involved in the promotion of the event or the sale of tickets. These are activities which must be conducted by the Licensee.**
3. **The event hall at the Premises shall only be used for a ticketed event where it is promoted and managed by the Licensee, or, alternatively, with a customer who has booked the event hall pursuant to a private hire agreement and in accordance with terms and conditions agreed in advance between them and the Licensee for the purpose of such hire. The Licensee shall remain responsible for complying with the conditions of the licence at all times during the event.**
4. All staff involved in the sale of alcohol shall receive induction and refresher training (at least once every three months) relating to the sale of alcohol and conditions of the Premises Licence.
5. All training relating to the sale of alcohol and the conditions of the Premises Licence shall be documented and the records shall be kept at the Premises. These records shall be made available to a police officer and / or an authorised officer of the Licensing Authority upon request and must be kept for at least one year.
6. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed prominently within the Premises – including in a visible location:
 - a. **At the entrance to the Premises;**

- b. Behind the bar;
 - c. In any other area where alcohol can be purchased by a customer.
7. A written record of refused sales (i.e., a 'refusal book') shall be kept on the Premises and completed when necessary. This record shall be made available to a police officer and / or an authorised officer of the Licensing Authority upon request and shall be kept for a period of at least one year from the date of the last entry.
 8. Children under the age of 18 shall not be admitted to the Premises after 23:00 unless they are accompanied by an adult and are present for the purpose of attending a specific family function / celebration.
 9. There shall be a personal licence holder on duty at the Premises from 20:00 hours until the Premises closes to the public.
 10. Loudspeakers shall not be located in the entrance lobby or outside the Premises building.
 11. All windows and external doors shall be kept closed but not locked during regulated entertainment, except for the immediate access and egress of persons.
 12. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents/businesses. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to a police officer and / or an authorised officer of the Licensing Authority upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this.
 13. An external area at the front of the premises shall be designated for the use of smokers. There shall be no more than 10 persons using this designated area at any one time. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents/businesses and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area.
 14. The premises licence holder shall ensure that the area immediately outside the premises is kept clean and free from smoking related litter at all material times to the satisfaction of the Licensing Authority.
 15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 16. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
 17. Late night transport options shall be displayed at the premises including taxi contact numbers.
 18. No more than 200 people, including staff, shall be permitted in the event hall at any one time and no more than a total of 150 people including staff shall be permitted in

the restaurant and bar area. A suitable method for checking the number of persons e.g. clicker counter, shall be used to ensure the maximum number is not exceeded.

19. The tickets available for a ticketed event hosted by the Licensee shall not exceed 195 to ensure that no more than 200 people (including members of staff) are permitted in the event hall at any one time.
20. The Licensee and Designated Premises Supervisor shall ensure that alcohol is only purchased from an authorised wholesaler and shall produce receipts for the same upon request for inspection. (An authorised wholesaler means an established warehouse or trade outlet with a fixed address and not a van or street trader, even if they claim they are part of, or acting on behalf of, an authorised wholesaler who provides full itemised VAT receipts).
21. The Licensee and Designated Premises Supervisor shall ensure persons responsible for purchasing alcohol do not take part in any stock swaps or lend or borrow any alcohol goods from any other source unless the source is another venue owned and operated by the same company who also purchase their stock from an authorised wholesaler.
22. The Licensee shall ensure that all receipts relating to the wholesale purchase of alcoholic goods include the following details:
 - a. Seller's name and address;
 - b. Seller's company details, if applicable;
 - c. Seller's VAT details, if applicable; and
 - d. Seller's vehicle registration details, if applicable.
23. Legible copies of the documents referred to above shall be retained on the Premises and kept for a period of no less than 12 months. These documents or copies of them must be made available for inspection, on request, by a police officer of authorised officer of the Licensing Authority.
24. An ultra-violet light shall be purchased by the Licensee and used at the Premises to check the authenticity of all stock purchased which bears a UK Duty Paid stamp.
25. The Licensing Authority shall be informed immediately by the Licensee if they become aware that duty may not have been paid on any alcohol purchased.

CCTV

26. The Premises shall install and maintain a comprehensive CCTV system which shall comply with minimum requirements agreed between the Licensee and the Metropolitan Police Service Licensing Officer.
27. The CCTV shall cover all entry and exist points (including the 'smoking area') enabling identification of every person entering the Premises at any time of day and irrespective of lighting conditions. The positioning of the CCTV cameras shall be agreed between the Licensee and a Metropolitan Police Service Licensing Officer prior to the opening of the Premises.
28. The CCTV system shall continually record whilst the Premises are open for licensable activities and during all times when customers remain on the Premises. All

recordings shall be stored for a minimum of 31 days with date and time stamping on the footage.

29. A staff member trained in the use and operation of the CCTV system shall be on the Premises at all times while it is open to the public. This staff member must be able to immediately, or with minimal delay, provide a police officer or an authorised officer of the Licensing Authority on request with the CCTV footage.
30. Posters stating that CCTV is in use at the Premises shall be displayed at or near the entrance to the Premises and within the building itself.
31. If the CCTV becomes inoperative or is not working to the standard agreed with the police the Licensee shall notify a Metropolitan Police Service Licensing Officer within 48 hours and give an estimate of the repair timescale. The Licensee shall comply with all reasonable requests from the police in the interim period.

Security

32. The police must be called to all incidents of unlawful violence or disorder.
33. An incident logbook shall be kept at the Premises and made available on request to a police officer or authorised officer of the Licensing Authority. The logbook shall record the following:
 - a. All crimes reported to the venue;
 - b. All ejections of patrons;
 - c. Any complaints received;
 - d. Any incidents of disorder at or associated with the Premises;
 - e. All seizures of drugs and offensive weapons;
 - f. Any faults in the CCTV system or searching or scanning equipment;
 - g. CAD reference numbers for incidents reported to the police.
34. There shall be at least 2 SIA-trained door supervisors on duty at the front of the Premises and, in addition, at least 1 SIA-trained staff member (or contractor) inside the Premises when licensable activities are taking place from 22:00 until 30 minutes after the venue closes.
35. During an event where alcohol is being served and customers are admitted to the Premises by pre-paid ticket or by payment on the door there shall as a minimum be:
 - a. 2 SIA-trained door supervisors employed at the front entrance to the Premises to supervise and control patrons entering the Premises, and who will monitor the capacity of the smoking area, from the start of the event until 30 minutes after the event finishes;
 - b. 2 SIA-trained members of staff (or contractors) shall be employed inside the Premises from the start of the event until 30 minutes after the event finishes, to supervise customers and ensure fire exits are not blocked.

If the number of tickets sold for a ticketed event to be held in the 'event room' exceeds 50 tickets the Premises shall deploy at least one additional SIA-trained member of staff (or contractor) per additional 50 people in attendance at the event.

36. Door supervisors shall wear high visibility jackets or vests while working at entry / exit points and at the exterior of the building.

37. A register of SIA-trained door supervisors and members of staff / contractors shall be kept at the Premises and updated each time such persons are employed by the Licensee. The register shall be made available on request by a police officer or authorised officer of the Licensing Authority. The register is to contain the following in respect of each person employed:
 - a. Full name;
 - b. Date of birth;
 - c. SIA Registration Number;
 - d. Date and hours worked; and
 - e. Contact telephone number and email address.
38. Every customer entering the Premises for the first time or re-entering the Premises shall be subjected to a search, including of their person, bags and any other items carried on or by the customer. All searches are to be conducted by authorised and SIA-trained door supervisors and must be carried out within an area covered by the venue's CCTV system. Refusal to be searched will result in the customer being refused entry to the Premises.
39. The Premises shall install and operate an electronic 'scanning' identification system (such as 'Club Scan') in order that the identity of all persons entering the venue can be confirmed. This shall apply to all customers entering the Premises while the Premises is engaging in licensable activities after 22:00 each day.