MINUTES OF
LICENSING SUB-COMMITTEE

Monday, 16 November 2015
(5:00 - 7:35 pm)

Board Members Present: Cllr Josephine Channer (Chair), Cllr Kashif Haroon and Cllr Chris Hughes

23. Declaration of Members' Interests

There were no declarations of interest.

24. Application to Review the Premises Licence for The Thatched House, Ripple Road, Barking, IG11 9PG

The Principal Licensing Officer presented a report to the Sub-Committee concerning an application for a summary review of the premises licence for The Thatched House, Ripple Road, Barking, IG11 9PG.

The Sub Committee were advised that on 20 October 2015 an application for the Summary Review the Premises Licence was received from Corinne Holland PC119KG on behalf of the Chief Officer of Police for the Metropolitan Police Area, as the premises had been associated with serious crime and disorder.

The Licensing Authority on receipt of the application for Summary Review must, within 48 hours of the time of its receipt, consider whether it was necessary to take interim steps pending determination of the review of the premises licence and undertake a full review within 28 days after the day of receipt of the summary review application. The Sub Committee were aware that a meeting of the Sub-Committee had taken place on 22 October 2015 to consider interim steps.

The current Premises Licence was held by Paul Njoroge and the Designated Premises Supervisor (DPS) was Benson Nyaga, who held a Personal Licence issued by Slough Council.

The Chair invited the Police to present the application for review. The Police’s legal representative, Mr Rory Clark, was present and address the sub-committee on behalf of the Police.

The Sub Committee were advised that the concern of the Police was that there had been a number of incidents at this premises over the last year, and specifically over the last 3 months, and that these incidents were invariably occurring in the early hours of the morning, after 02:00 and that intoxication was a regular factor in these incidents. The Police’s representation was that in order to prevent crime and disorder and to protect the public from harm, the licensing hours should be reduced so that the premises was to close before the hours when these incidents tend to occur.

The Police requested that the licensing hours be amended to reflect a closing time
of 02:30 with all licensable activities to cease by 02:00. The Police confirmed that in the three and a half weeks since the licensing hours had been reduced, there had been no further reports of crime or disorder. Prior to this there had been on average 2 incidents in any one month period. The premises license holder accepted that following the reduction in licensing hours, there had been no further incidents.

The Chair invited the Designated Premises Supervisor (DPS), Mr Njorage, to address the Sub-Committee in response to representation made by the Police. The DPS was represented by Mr Alan Aylott who spoke on behalf of the DPS.

Mr Aylott had provided a ‘grid’ which was in essence a Scott schedule of the 27 incidents raised by the Police, setting out the premises license holder’s views of those particular incidents and what comments they had. The schedule broke down the incidents into hourly blocks and confirmed how many had been subjected to No Further Action (‘NFA’) by the Police and how many resulted in action and what that action was.

The submissions made by the premises license holder were that in the majority of these cases, no crime had been committed as no prosecution or caution had followed. Further, of those matters that did result in action, it was the case that the initial report had been exaggerated. Further, the position of the premises was that a number of these calls, specifically the anonymous calls, were made by disgruntled patrons who have been ejected from the premises. The premises license holder submitted that those patrons would know that such a call would result in a black mark against the venue and lead to a license review. Further, the premises license holder submitted that the premises was being punished for matters which were either not serious or for which had been dealt with appropriately, and that it was having a significant financial impact on a legitimate business.

The premises license holder also made a number of criticisms of the Police’s representations. It was said that the Police had made these representations against the premises on one hand, but on the other they had not deemed it serious enough to pursue these matters to prosecution, or to institute an action plan. The Police were also criticised for their ongoing investigation into the noxious substance incident, in which they stated it may be bleach or ammonia or acid, but were not able to evidence exactly what it was that was thrown. The Police’s response was that this was clearly a substance along those lines due to the obvious smell, and the effects that it was having on the victims face.

The premises license holder submitted that changes had now been made to the CCTV and the lighting systems, and that they had identified 7 underperforming members of the security team who should be replaced. The case was put that existing staff members should remain as they have local knowledge which was valuable in tackling crime and disorder. Submissions were also made that the security team have always dealt with crime and disorder appropriately when it had occurred by making calls to the police and assisting with their investigations. The Police stated that the premises had only called the Police when their own staff had been attacked.

Both parties were given the opportunity to ask clarifying questions of the other, and both parties were asked to provide closing statements. The Police confirmed they
were simply asking, at this stage, for a reduction in hours in respect of licensable activities, and that this was the real solution to the problems which had occurred. The applicant conceded that licensable activities could be reduced to 03:00 with the premises to close at 03:30. They had also offered for their staff to attend appropriate training, and to replace 7 members of the security staff. In respect of the interim steps, it was initially suggested these hours be changed to reflect what the Police were asking in respect of the final decision, however in closing the premises license holder requested that the interim steps simply be discharged

DECISION

The decision of the sub-committee was to:

1. Allow the current licensing and closing hours to operate as per the original license, between Monday and Wednesday

2. To alter the licensing and closing hours of the premises on Thursday through to Sunday as follows:
   a. Last entry to be 02:00
   b. All licensable activities to cease at 02:30
   c. Premise to close at 03:00

3. To incorporate the “proposed conditions” provided by the premises license holder except for proposed conditions:
   o  #5 (Hi-Vis closing to be worn by door staff whilst dispersing patrons – existing conditions provide for Hi-Vis to be worn at all times in any event)
   o  #9 (last admission time of 02:45, for reasons stated above)

4. To incorporate the steps already taken by the premises as continuing conditions. Therefore the conditions would be:

   a. CCTV
      i. To maintain a total of 32 cameras ensuring all corners and blind spots are covered
      ii. The camera above the search are to be maintained in a position to give a clear view against the reflective effect caused by the Hi Vis jackets
      iii. The premises license holder to maintain a maintenance contract with a CCTV company (currently ‘G Systems’, however any company providing similar services shall be compliance with the conditions)

   b. Lighting
      i. A spotlight to be maintained in the car park
      ii. Dance floor lighting to remain at an increased level to ensure customers are recognisable in the dark
      iii. Maintain co-operation with the Cab-Office

   c. Security
      i. Door supervisors program to extend to an extra door supervisor outside during Friday and Saturday nights, to include:
• 1 at Tesco (petrol station) car park
• 1 at the entrance gate facing the main car park
• 1 at the exit gate facing the cab office
• 4 to monitor and supervise the barriers at the search area
• Another 8 inside
• 2 in the family area
• 2 along the front aisle
• 4 in the dance floor areas

5. Premises license holder to replace those 7 staff who have been identified as underperforming, and provide the Council with details of this within 3 months of the date of this condition coming into effect. Those new guards to be fully brief on local known troublemakers, and other relevant matters.
   a. Ejected customers to be properly escorted away and barred
   b. Any person seeking to gain entry will be assessed to ascertain if they have been pre-loaded and, if so, refused entry
   c. All staff to co-operate fully with the Police

6. All bar staff are to undergo and successfully pass a Council approved training course, such courses to be completed within 3 months of the date of this condition coming into effect

Any party who was not satisfied with this decision was entitled to appeal to the Magistrates’ Court within 21 days.

**Interim Steps**

The sub-committee had additionally been invited to reconsider the terms of the interim steps. The following represents a separate and distinct decision made by the sub-committee.

In light of the above condition, the sub-committee agreed to amend the interim steps to reflect the licensing hours which have been imposed on the full review of the license. The sub-committee considered it inappropriate for the interim steps to remain as they were, on the basis that this would be more onerous than what has been considered appropriate for the final conditions.

The sub-committee would not be revoking the interim steps as request, as to do so would be inappropriate. It was clear to the sub-committee that on balance the steps are having a positive effect on the prevention of crime and disorder and to remove the steps at this stage, before the new conditions take effect, was likely to have a detrimental and unacceptable effect on crime and disorder in the intervening period.

The Decision is therefore:

1. Amend the interim steps so that licensing and closing hours are to operate as per the original license, between Monday and Wednesday

2. To alter the licensing and closing hours of the premises on Thursday through to Sunday as follows:
a. Last entry to be 02:00
b. All licensable activities to cease at 02:30
c. Premise to close at 03:00