

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 8 October 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

---

**PRESENT:** Councillor Hamvas (Chair)  
Councillor Eliza Mann  
Councillor Althea Smith

**OTHERS PRESENT:** Mathew Phipps, representative for Blue Eyed Maid  
Guy Ladenburg, representative for Blue Eyed Maid  
Kamal Hussain, representative from Blue Eyed Maid  
PC Keith Dempster, Metropolitan Police Service  
PC Ian Clements, Metropolitan Police Service  
PC Graham White, Metropolitan Police Service  
Councillor Tim McNally, ward councillor (observing)  
Michael Maunsell-Bower, local business owner  
Nick Rowland-Hill, representative for Punch Taverns  
James Hatts, SE1 News

**OFFICER SUPPORT:** Debra Allday, legal officer  
Krisite Ashenden, licensing officer  
Richard Kalu, licensing officer (observing)  
David Swaby, licensing officer representing the council as a responsible authority  
Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

#### **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

#### **5. LICENSING ACT 2003 - BLUE EYED MAID, 173 BOROUGH HIGH STREET, LONDON, SE1 1HR**

The licensing officer presented their report and late submissions from the police, the night time economy team and the Blue Eyed Maid were circulated.

The meeting adjourned from 10.25am to 10.40am to give all parties time to read the late submissions.

The sub-committee heard from the representative from the police. Members had questions for the police.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had no questions for the licensing officer.

The sub-committee heard from the other person in support of the review. Members had questions for the other person.

The sub-committee heard from the representatives of the Blue Eyed Maid. Members had questions for the representatives of the Blue Eyed Maid.

The sub-committee heard from the representative of Punch Taverns. Members had questions for the representative of Punch Taverns.

The sub-committee went into closed session at 12.20pm.

The sub-committee resumed at 2.20pm and the chair read out the decision of the sub-committee.

#### **RESOLVED**

The council's licensing sub-committee, having had regard to the application by the Metropolitan Police Service under Section 51 of the Licensing Act 2003 for a review of the premises granted under the Licensing Act 2003 to Punch Taverns PLC in respect of the premises known as Blue Eyed Maid, 173 Borough High Street, London SE1 1HR and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

1. Suspend the licence for a period of six weeks.
2. Remove the current designated premises supervisor (DPS).
3. Modify the conditions of the licence as follows:
  - i) That there be a change in the senior management team of the day to day

operation of the Blue Eyed Maid.

- ii) That the operating hours be reduced on Fridays and Saturdays to 11.00 to 02.30 and all licensable activities cease at 02.00.
- iii) That there be no entry or re-entry to the premises after 00.30 Monday to Sunday with the exception of smokers.
- iv) That an ID scan be installed and all staff be fully trained as to its operation.
- v) That all staff employed in the supply of intoxicating liquor complete a refresher training course on the relevant licensing legislation.
- vi) That an incident log shall be maintained and details of all refusals recorded. This book shall be reviewed monthly by the DPS and any actions taken shall be recorded in the book and be signed off by the DPS. This log shall be maintained on the premises and shall be made available for inspection by authorised officers.
- vii) That a dispersal policy be introduced to provide quick dispersal of customers from outside the premises after closing time.

## **Reasons**

This was a hearing of an application by the Metropolitan Police Service for a review of the premises known as Blue Eyed Maid, 173 Borough High Street, London, SE1 1HR.

This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee heard evidence from the Metropolitan Police Service, the applicant for the review, who submitted an application for the review of the premises licence on 7 August 2013. The grounds for the review related to the following licensing objectives: prevention of crime and disorder, public safety and prevention of public nuisance. The police were concerned with the increasing number of violent and disorderly incidents both inside and outside the premises, which predominantly occurred in the early hours of the morning. The level of intoxication of customers was a common exacerbating feature involved in these crimes.

The police highlighted a number of crime reports that had occurred over the previous 12-18 months and in particular, nine incidents of violent and serious crimes which had occurred over the past 12 months. The police stated that since the DPS had been in his current position there had been an 872% increase in the reported crime associated with the premises and an 829% increase in calls to the premises. Of the 63 offences, nine involved serious drink related violence and an allegation of sexual assault in the venue. Furthermore, the management of the premises had been associated with the commission of two incidents of crime relating to offences under the Immigration Act (on 8 December 2012 and 28 May 2013).

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who supported the review application on the same grounds as the police. Since 9 March 2011 (when the night time economy team came into being) and 17

August 2013 there had been 87 visits to the premises which showed the intensity of the police and council officers having to inspect the premises regularly, which was neither sustainable or realistic.

The licensing sub-committee heard from a local business man who had been disrupted regularly over the previous three years by abusive shouting from inebriated customers of the premises. In turn, the customers regularly caused damage to the business premises and littering in the vicinity.

The licensing sub-committee heard evidence from the representatives of the DPS and the lessee of the premises who informed the sub-committee that the DPS had previously been a restaurateur and recognised that the Blue Eyed Maid was a completely different type of operation. Discussions with the police that the DPS should be retrained were not acceptable to the police. The DPS accepted the difficulties and the incidents described by the police but also said that many of the incidents were low level crimes and that a number of the CAD reports were in fact linked to one another. The representative stated that the majority of the incidents were thefts, which was not unusual in licensed premises. The police concerns had broadly been met, a number of staff had been retrained, an improved CCTV system, as approved by the police, had been installed and a new security company had been put in place.

The licensing sub-committee heard evidence from the representative of the premises licence holder, Punch Taverns. He advised Punch Taverns operated a tenanted public house estate whereby their name was above the door but they were not involved in the day to day running of the premises. Therefore, they were not in a position to challenge the police evidence and whilst they had submitted a representation, they were not opposed to the review application. The police evidence was clear cut and Punch Taverns shared the concerns of the police. The representative stated that Punch Taverns was unhappy attending this review hearing and that it was a fork in the road for Punch Taverns and the management team of the Blue Eyed Maid.

The sub-committee found that there was overwhelming evidence to support the review application by the police and were particularly disturbed by the increasing number and severity of the incidents of violent and serious crimes. The sub-committee acknowledged the police and licensing authority's lack of confidence in the management team of the premises in particular. The sub-committee supported the police belief that the management of the premises has been associated with the commission of criminal offences under the Immigration Act (as referred to above). The sub-committee also noted incidents when alleged victims of crimes have been persuaded by the premises staff not to contact the police, patrons drinking to such a level of intoxication that that they were unable to assist the police in their investigations of crime, patrons taking part in irresponsible drinking ("...and they had been doing shots in the bar until (they) could no longer stand.") (page 52 of the agenda) and the assault on police on 29 June 2013.

The sub-committee acknowledges the role of the premises in the local community as set out in the two references in support of the premises from Russia House Associates Ltd and Kaplan Financial/Kaplan Holborn College. However, the complaints received by the police outweigh the community role as described by them. As such, this licensing sub-committee see no alternative but to suspend the premises licence, remove the DPS and modify the conditions as detailed above.

In reaching this decision the sub committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that its decision was appropriate and proportionate in order to address the licensing objectives.

### **Appeal rights**

This decision is open to appeal by:

- a) The applicant for the review
  - b) The premises licence holder
  - c) Any other person who made relevant representations in relation to the application
- Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 2.40pm.

**CHAIR:**

**DATED:**