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Merton Council

Licensing Sub-Committee

Membership

Councillors:

Nick Draper

Paul Kohler

David Simpson CBE

A meeting of the Licensing Sub-Committee will be held on:

Date: 11 April 2022

Time: 2.30 pm

Venue: This will be a virtual meeting and therefore not held in a physical location

Agenda for this meeting

- 1 Appointment of Chair
- 2 Apologies for Absence
- 3 Declarations of Pecuniary Interest
- 4 Exclusion of the Public
To RESOLVE that the public are excluded from the meeting during consideration of the following item on the grounds that it is exempt from disclosure for the reasons stated in the report.
- 5 Review - The Vale, The Vale at Streatham, 1A Lilian Road, Streatham, SW16 5HN 1 - 148

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. For further advice please speak with the Managing Director, South London Legal Partnership.

You can also access this agenda through the Modern.Gov App or by scanning this QR code with your smartphone



For more information about the agenda and the licensing decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3357.

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Procedure to be followed at Licensing Hearing

1. The Chair will welcome all parties and all present will be introduced/introduce themselves
2. The Chair will confirm the sub-committee hearing procedures, a copy of which was included in the notice and agenda packs sent to all parties.
3. The Chair will ask the Legal Adviser to inform those present that the sub-committee had a briefing prior to the hearing to confirm the procedure and for clarification on any aspect of the application.
4. The Chair will ask Legal Adviser to confirm the process for questioning and whether there had been any requests for adjournments.
5. The Chair will ask the Licensing Officer if there are any technical issues they feel should be brought to their attention i.e. withdrawal of objector/agreed conditions
(Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14.
If all conditions are agreed by all parties then the Sub-Committee may go straight to point 14)
6. The Applicant (Metropolitan Police) will present their case. Questions can then be asked of the Applicant by the Licensee, the interested parties and members of the Sub-Committee.
7. Presentation by any interested parties (in agenda order). Questions can then be asked of the interested parties by the Applicant, the Licensee and members of the Sub-Committee.
8. Presentation and response by the Licensee. Questions can then be asked of the Licensee by the Applicant (Police), the interested parties and members of the Sub-Committee
9. The Chair will ask the Licensing Officer for any comments/clarifications
10. The Chair will ask the Legal Adviser for any comments/clarifications
11. The Chair will invite closing statements by the interested parties
12. The Chair will invite closing statements by the Licensee
13. The Chair will invite closing statements by the Applicant - Police
14. The Chair will announce that the Sub-Committee are retiring for private session. The Legal Officer and Clerk will be invited to also retire.
15. The Chair will inform those present that all parties should receive a written copy of the decision notice within 5 working days, and then close the Hearing

Licensing Sub-Committee Report

Subject of hearing: **The Vale, The Vale at Streatham, 1A Lilian Road, Streatham, SW16 5HN – Review Hearing following imposition of Interim Steps**

Date: **11 April 2022**

Time: **2.30pm**

Venue: **Zoom**

- 1. Special Policy Area (premises licences and club certificates)**
 - 1.1 The premises are not in the special policy area.
- 2. Type of hearing and powers of the sub-committee**
 - 2.1 The sub-committee is required to:
 - a) Under Section 53C, determine the application by taking such of the steps set out below as it considers appropriate for the promotion of the licensing objectives.
 - b) Under Section 53D, consider any interim steps that have been taken, consider any relevant representations and whether the interim steps are appropriate for the promotion of the licensing objectives, and determine whether to withdraw or modify the interim steps
 - 2.2 In making their determination the sub-committee must have regard to the Licensing Act 2003, the licensing objectives, guidance issued by the Secretary of State and Merton's Licensing Policy.
 - 2.3 Review of premises licence: s53C
 - (i) To modify the conditions of the licence
 - (ii) To exclude a licensable activity from the scope of the licence
 - (iii) To remove the designated premises supervisor
 - (iv) To suspend the licence for a period not exceeding three months
 - (v) To revoke the licence.
 - 2.4 Interim Steps: s53D
 - (i) To modify the conditions of the licence
 - (ii) To exclude the sale of alcohol by retail from the scope of the licence
 - (iii) To remove the designated premises supervisor
 - (iv) To suspend the licence

3. Hearing papers

- 3.1 The applications, notices and representations for determination by the sub-committee are contained in the hearing bundle (attached) together with any relevant existing licence. This includes any documents which must be sent to any of the parties to the hearing under Regulation 7(2) and Schedule 3 of The Licensing Act 2003 (Hearings) Regulations 2005. This bundle has been issued to all parties to the hearing and forms part of this report.

4. Legal advice to the sub-committee

- 4.1 A legal officer appointed by the South London Legal Partnership will attend the hearing to advise the sub-committee on statutory provision and legal matters.

5. Licensing Officer comments

- 5.1 This matter arises from a summary review application made by the police on the grounds of serious crime or serious disorder, and received by the Licensing Authority on the 16th March 2022.
- 5.2 On the 17th March the Licensing Sub-Committee considered interim steps as required under Section 53B, and suspended the Premises Licence with immediate effect.
- 5.3 The application was consulted on as required under the Act, and the consultation period ended on 31st March 2022
- 5.4 During the consultation period 5 relevant representations were received by the Licensing Authority.
- 5.5 One of the representations is from the Licence Holder's landlord, and who state that they are in discussions with their tenant (the Licence Holder), and it is their intention to take back the premises.
- 5.6 Ten representations are from local residents who support the review application, and have made comments on other incidents at the premises.
- 5.7 The current Premises Licence showing the permitted licensable activities is attached with the papers before the Sub-Committee
- 5.8 The Premises Licence has been in force since November 2005, and was transferred to the current Licence Holder in April 2018.
- 5.9 The most recent Variation Application was determined by the Sub-Committee in August 2018, where a variation to modify the times and conditions on the licence was granted in part
- 5.10 Two previous review applications have been received by the Licensing Authority in relation to the Premises Licence, in 2006 and 2007. The Licence has been transferred 3 times since the last review, (inclusive of the transfer to the current Licence Holder)
- 5.11 Any determination the Sub-Committee makes under Section 53C of the Act will not have effect until after the end of the appeal period, or if an appeal is made, until that appeal is disposed of.

5.12 Under Section 53D of the Act, the Sub-Committee is required to consider the interim steps previously taken. If the Sub-Committee determine that Interim Steps should continue to apply, those interim steps shall have effect until the decision made under Section 53C comes into force.

For enquiries about this hearing please contact

Democratic Services
Civic Centre
London Road
Morden
SM4 5DX

Telephone: 020 8545 3357

Email: democratic.services@merton.gov.uk

Parties to the hearing

This document forms part of the notice of hearing.

The following are parties to the hearing having submitted relevant applications, notices or representations under the statutory provisions indicated:

Review Applicant
Metropolitan Police
Licence Holder
Richard Grady, North and South Leisure Ltd
Statutory Authorities
None
Interested Parties
Landlord/Freeholder - Star Pubs and Bars
10x Local Residents – Details Exempt

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LICENSING ACT 2003

Part A Premises licence

Premises licence number

LN/000000821

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**The Vale
The Vale At Streatham
1A Lilian Road
Streatham
London
SW16 5HN**

Where the licence is time limited, the dates

Not applicable



The opening hours of the premises

Monday	07:00	-	23:30
Tuesday	07:00	-	23:30
Wednesday	07:00	-	23:30
Thursday	07:00	-	23:30
Friday	07:00	-	00:30
Saturday	07:00	-	00:30
Sunday	07:00	-	23:00

Until 00:30 on a Sunday preceding a statutory bank holiday, Christmas Eve and Boxing Day.

New Year's Eve (when Monday - Saturday) 10:00 on New Year's Eve until 23:00 hours on New Year's Day, except when New Year's Day is on a Sunday, then the sale of alcohol shall cease at 22:30.

New Year's Eve (when a Sunday) 12:00 on New Year's Eve until 23:00 on New Year's Day.

Sale & supplies of alcohol, whether these are on and/or off supplies

On and Off the premises



Licensable activities and permitted times authorised by the licence

Alcohol Sales

On and Off the premises

Monday	10:00	-	23:00
Tuesday	10:00	-	23:00
Wednesday	10:00	-	23:00
Thursday	10:00	-	23:00
Friday	10:00	-	00:00
Saturday	10:00	-	00:00
Sunday	12:00	-	22:30

Until 00:00 on a Sunday preceding a statutory bank holiday, Christmas Eve and Boxing Day.

New Year's Eve (when Monday - Saturday) 10:00 on New Year's Eve until 23:00 hours on New Year's Day, except when New Year's Day is on a Sunday, then the sale of alcohol shall cease at 22:30.

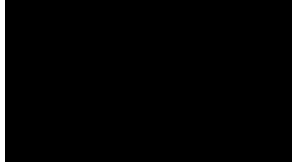
New Year's Eve (when a Sunday) 12:00 on New Year's Eve until 23:00 on New Year's Day.

The premises may also provide private entertainment for the purposes of gain at any time.

Part 2

Name, (registered) address, telephone number of holder(s) of premises licence

North & South Leisure Limited



Registered number of holder, ie company number, charity number etc.

10757392

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Richard Gradv



Issuing authority and licence number of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Mole Valley District Council 1011

ANNEX 1 TABLE OF MANDATORY CONDITIONS UNDER THE LICENSING ACT 2003

1. That no supply of alcohol may be made under the premises licence
(a) at a time when there is no designated premises supervisor in respect of the premises licence, or
(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. That every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority by a licence granted under the Private Security Industry Act 2001 or entitled to carry out that activity by virtue of section 4 of the Private Security Industry Act 2001.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - i. drink as much alcohol as possible (whether within a time limit or otherwise);
 - (a) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (b) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (c) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (d) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).



5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or



(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. The admission of children to the exhibition of any film is to be restricted in accordance with any recommendation made by the relevant film classification body or relevant licensing authority.

Annex 2 - Conditions consistent with the operating schedule

NONE FOR THE PURPOSES OF THIS CONVERSION UNDER THE TRANSITIONAL PROVISIONS OF THE LICENSING ACT 2003

Annex 3 - Conditions attached after a hearing by the licensing authority

Review Hearing

(1) Off Sales shall not be permitted.

(2) No use shall be made of any external area of the premises (being the front area or rear yard/side area) save for between 10:00 and 21:00 Sunday to Thursday and 10:00 and 22:00 Friday and Saturday for smoking and consumption of alcohol and/or food, subject to the use as follows:

Outside Front Area (as currently marked on Plan M2485/TIC/17):

Alcohol and/or food consumed outside the premises in this area shall only be consumed by patrons seated at tables.

Demarcation barriers shall be installed between the highway and the premises' land boundary.

Side Area (aka Rear yard):

The existing seating provision shall remain but customers are not required to be seated, though it is preferred; Alcohol and/or food may be consumed outside the premises in this area.

(3) No bottles or glasses shall be taken out of the internal area of the premises save for consumption in any external area provided.

(4) The premises shall install and maintain a good quality digital CCTV system. Coverage will extend to all external areas. The CCTV system shall continually record whilst the premises is open. All recordings shall be stored for a minimum of 28 days with time and date stamp. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. The staff member must be able to show the police and/or licensing officer recent footage with the absolute minimum of delay when requested.

(5) Designated Premises Supervisor shall check the immediate vicinity of the premises regularly and take appropriate action to prevent noise emanating from the premises.

(6) Designated Premises Supervisor shall check the immediate vicinity of the premises regularly and remove any pub-related mess.



(7) A notice (a minimum of A4 size) shall be placed immediately adjacent to the exits from the premises stating:- "This is a residential area, PLEASE LEAVE QUIETLY".

Conditions attached after a Licensing Hearing (08.08.07) granting a Variation to the Premises Licence conditions

(8) The Designated Premises Supervisor shall ensure that the patrols of the rear yard shall take place at regular intervals (frequency of patrols to be at least every 30 minutes) throughout licensing hours.

LICENSING HEARING ON 07/08/2017

9) The variation of this premises licence will have no effect until the premises licence holder has submitted satisfactory plans (including the full layout of the front area and the rear yard) at which time this condition shall be removed from this licence by the licensing authority. These plans must be submitted to the Licensing Authority within 14 days.

10) A direct telephone number for the manager at the premises shall be publicly available at all times in case of emergency or complaint. This telephone number is to be made available to residents and businesses in the vicinity by display in the window of the premises such that they can view it from outside the premises. The Premises Licence holder and manager at the premises shall hold regular meetings with local residents or businesses to discuss any issues and to address complaints or concerns.

Annex 4

Premises Plan: Drawing 'M2485/TIC/17' of 07/08/2017.

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**METROPOLITAN
POLICE**

TOTAL POLICING

Form for Applying for a Summary Licence Review

Application for the review of a premises licence under section 53A of the Licensing Act 2003

(premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:

Name: London Borough of Merton - Licensing Team

Address:

14th Floor, Merton Civic Centre, London Road

Post town: Morden

Post code: SM4 5DX

Ref. No.:

I **PC John McGann 4509SW**

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

The Vale, The Vale At Streatham, 1A Lilian Road, Streatham

Post town: London

Post code: SW16 5HN
(if known)

2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):

North & South Leisure Limited, 46 Forest Drive, Keston, Kent, BR2 6EF

Number of premises licence or club premises certificate (if known):

LN/000000821

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:



PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both

(Please read guidance note 2)

On Sunday 13/03/2022 at 00:40 hours police attended The Vale PH following reports of a large disturbance outside the pub which then continued down LILIAN ROAD, SW16.

When police arrived on scene there was clear signs that a disturbance had taken place with smashed glass on the pavement, blood on the ground and blood smeared on a window of the pub. Police were let into the pub by a very intoxicated female who stated she was looking after the pub. She was very uncooperative and could give no clear account of what had taken place. In fact, there is no record of any call to police being made from the pub.

Police found more evidence that there had also been a disturbance inside the pub with broken chairs and glass strewn about the floor of the pub and there was also blood droplets on the floor. Fragments of a pool cue were also found in the roadway nearby. Police were then approached by a male outside the pub who had returned to look for his phone. His face was covered in blood and had a large chunk of flesh hanging off the side of his left eyebrow the size of a 50p piece. He also had other lacerations to his face and a bloodied nose. The male stated that he had been assaulted inside the pub with glass receptacles and that the assault continued outside in the street. A neighbour had witnessed this same male discard a knife into a nearby garden which was located by police and the male was arrested for possession of an offensive weapon before being taken to hospital. The male has refused to cooperate with any police investigation as he feared this would caused reprisals as the suspects lived locally. This male had injuries consistent with GBH/Wounding contrary to Sec 18 of the Offences Against the Person Act 1861.

Police have been provided with videos from residents that showed the disorder continued down LILIAN ROAD, SW16 where two males can be clearly seen to have implements in their hands where one of the males attacks another striking him about the head and body. The implements are suspected to be linked to the pool cue fragments as described above.

This is the second serious assault at the pub since the easing of COVID restrictions in December 2021. On Friday 10/12/2021 at 21:30 hours police attended The Vale PH following reports of a fight. Officers were met by [REDACTED] who stated he had been assaulted. He had asked a group of males to stop arm wrestling but they ignored him. When he further requested them to stop one of the males punched him in the face causing him to fall with his face hitting the side of the bar. The caused significant swelling to his face, a black eye and a split lip. [REDACTED] was taken to hospital and received stitches to his lip. He did not support any police investigation for fear that the suspect may return to the pub and attack him.

Police have spoken with local residents and suspect that more incidents happen at this pub that goes unreported giving police the view that this premises is concerned with serious crime and disorder and that the premises licence should be suspended pending a fast track review.

Signature of applicant

Signature:	[REDACTED]	Date:	16/03/2022
Capacity:	Police Licensing Officer		

Contact details for matters concerning this application

Surname:	McGann	First Names:	John
Address:	Twickenham Police Station, 41 London Road		
Post town:	Twickenham	Post code:	TW1 3SY
Tel. No.:	[REDACTED]	Email:	[REDACTED]

Notes for guidance

PROTECTIVE MARKING

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years
MP 146/12



**METROPOLITAN
POLICE**

TOTAL POLICING

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with:
both serious crime and serious disorder

Premises (Include business name and address and any other relevant identifying details):

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

The Vale, The Vale At Streatham, 1A Lilian Road, Streatham

Post town:

London

Post code:
(if known)

SW16 5HN

Premises licence number (if known):

LN/000000821

Name of premises supervisor (if known):

Mr. Richard Grady

I am a Superintendent * in the Metropolitan Police Service.

*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

PROTECTIVE MARKING

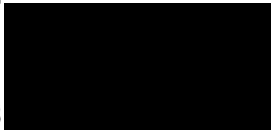
I certify that the premises known as THE Vale, The Vale at Streatham, 1A Lilian Road, Streatham, LONDON, SW16 5HN is associated with serious crime and disorder. The evidence in this matter has been provided by PC John McGann of the South West BCU Police Licensing Team, the full details of which are contained in the attached application for a summary review.

The most recent crime has resulted in the victim suffering a significant head injury following an assault both inside and outside the premises. The suspects for this offence had all left the premises prior to police arrival and have not been identified. A knife was also located which is suspected to have been in possession of one of the males involved. There is also video evidence with males attacking each other in the street near the pub with pool cues. I believe that if the premises were to continue to operate the risk of further crime and disorder is significantly heightened and I don't believe that the premises under its current management is in a position to prevent this risk.

I have considered the use of the standard review procedure under the Licensing Act 2003 but feel that this is inappropriate due to the seriousness of the most recent offence and management demonstrating that they are unable to prevent these incidents from happening and also refusing to assist police when they attended. As such, the Metropolitan Police has been left with no other option than to seek a summary review with interim steps of immediate suspension of the premises licence.

Signature

Signature:



Date:

16.03.22

Retention Period: 7 years
MP 147/12

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By virtue of paragraph(s) 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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From: North South <
Sent: 17 March 2022 11:38
To: Anthony Hawkes <Anthony.Hawkes@merton.gov.uk>
Subject: Vale at Streatham Action Plan by the existing operators

Dear Anthony,

As discussed with my phone call to you this morning please pass this email to the Licensing hearing members today as well as my previous and extensive email.

I'll be mindful not to put too much content in this email as my previous notes are extensive and I appreciate you, your teams and the Council members are busy people. I bullet the points I wish for the hearing to view here:

- **Today's call:** please can the panel be made aware of my call to you this morning to offer anymore support and offer to do anything further to avoid immediate suspension of the licence
- **Barred;** I don't see it captured in the Police report that we have barred the culprits/ instigators of the violence for life (2 persons namely [REDACTED] we do not know their surnames but we do know what they look like), they will not be setting foot on the premises again for as long as we remain the operators. We are entirely confident to do this without reprisals
- **Early Closure:** We will voluntarily close early on Friday and Saturday nights until the full licensing hearing, we suggest 9.30 last orders and 10.30 closure but we will close earlier if the panel request it
- **Residents Association** We have already offered to meet with the Residents Association for a coffee meeting early next week to discuss their concerns and anything else they feel that we can do to support a safer pub and a safer local area in general
- **Chairman of the Safer Neighbourhoods Panel:** I have this morning spoken with [REDACTED] , a resident of Lilian Road for 45 years and the [REDACTED] of the Local Safer Neighbourhoods panel. [REDACTED] is happy to quote that, despite the recent incidents, that he has never known the pub to be kept so clean and so well run during our tenure in all his years living locally and frequenting the pub. [REDACTED] intends to email independently and as a member of the Residents Association he is helping us to organise next weeks meeting
- **Police visit:** may I politely request that if we are permitted to continue trading then we receive a pro-active Police visit whilst open and trading so that the general public are reassured and we deter any further issues together
- **An immediate meeting?** I am happy to attend any meeting with the Police, Licensing and/ or council members to discuss an action plan
- **Anything else?** we will gladly take on board any other directions from the panel to satisfy and assist them, the Police, our staff and the wider general public so that we can keep trading our business in the safest way possible. It is in our interest to run a safe venue, we will work with all parties to ensure this happens from now.

Many thanks again for your time.

Best Regards,

Richard

North & South Leisure Ltd

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Licensing Act 2003 Notice of Interim Steps following a Summary Review

Date of issue of this notice: 18 March 2022

Subject: The Vale, The Vale at Streatham, 1A Lilian Road, Streatham, London, SW16 5HN

Having considered relevant applications and representations together with any other relevant information submitted on this matter the Licensing Authority has made the determination set out in Annex A. Reasons for the determination are also set out in Annex A.

The Premises Licence Holder has a right to submit representations against interim steps if imposed which would in turn trigger a further meeting of the Licensing Sub-Committee to consider such representations. These rights are set out in Schedule 53A of the Licensing Act 2003

For enquiries about this matter please contact

Democratic Services
Civic Centre
London Road
Morden
Surrey
SM4 5DX

Telephone: 020 8545 3357

Email: democratic.services@merton.gov.uk

Useful documents:

Licensing Act 2003

<http://www.hmso.gov.uk/acts/acts2003/20030017.htm>

Guidance issued by the Home Secretary

<http://www.homeoffice.gov.uk/>

Regulations issued by the Secretary of State for Culture, Media and Sport

http://www.culture.gov.uk/alcohol_and_entertainment/lic_act_reg.htm

Merton's Statement of Licensing policy

<http://www.merton.gov.uk/licensing/>

Annex A

Determination

The Licensing Sub-Committee met on 17 March 2022 following receipt of an application made by the Police Superintendent of the Metropolitan Police for a Summary Review of the Premises Licence for the premises "The Vale" at 1A Lillian Road, Streatham, London, SW16 5HN held by North & South Leisure Ltd.

A Summary Review allows the Metropolitan Police to ask the Licensing Sub-Committee in a Review of a Premises Licence, to consider, where such premises are associated with serious crime or serious disorder (or both), which requires the Licensing Authority to respond within 48 hours of receipt of a Summary Review Application and consider under section 53B of the Licensing Act 2003 whether it was appropriate to take Interim Steps quickly pending the determination of the subsequent Review of the Premises Licence. The interim steps that the Licensing Authority can consider taking are:

- modification of the current conditions of the Premise Licence;
- exclusion of the sale of alcohol from the current permissions of the Premise Licence;
- removal of the Designated Premises Supervisor (DPS) from the Licence; or
- suspension of the Licence.

The Metropolitan Police applied for a Summary Review pursuant to section 53A of the Licensing Act 2003 following an incident at the premises on 13 March 2022 during which a victim had sustained a serious head injury following an assault inside the premises, with the affray also extending to the outside of the premises and down Lillian Road involving the use of billiard cues and which had led to Police recovering a discarded knife in the vicinity of the premises. A previous assault had occurred on 10 December 2021 during which [REDACTED] had been assaulted. The victims of both incidents had not been willing to further pursue the investigations with Police due to fear of reprisals.

When attending the premises to review the CCTV of the incident at the premises on 13 March 2022, Police had seized a knuckle duster which they were advised had been kept by a previous member of staff for personal protection.

The Metropolitan Police advised that there was no Designated Premises Supervisor on site at the time of the incident and the single member of staff managing the premises at the time did not possess a personal licence. Whilst the Licensing Sub-Committee recognised that this is not a legal requirement it remained a concern.

The Metropolitan Police considered that the standard review process would not be suitable following this incident due to the seriousness of the 13 March 2022 offences and the previous incident.

The Premises Licence Holder had responded with representations which included an offer of early closure of the premises (22.30 with the sale of alcohol ceasing at 21.30) on Friday and Saturday evenings, until the Licensing Sub-Committee meets to formally Review the Premises Licence. The Premises Licence Holder advised that the individuals involved in the most recent incident had been permanently

barred from entering the premises and that the Premises Licence Holder had undertaken to meet with local residents to discuss their concerns.

Decision

In discharging its functions in respect of this Summary Review, the Licensing Sub-Committee had to consider whether it is necessary to take Interim Steps pending the determination of the Review pursuant to section 53B of the Licensing Act 2003. The Licensing Sub-Committee had regard to the Licensing Act 2003 (and especially the promotion of the licensing objectives), its Regulations, the Home Office Guidance and the Section 53B Guidance, the Council's Statement of Licensing Policy, and parameters provided by relevant case law (especially the case of *Daniel Thwaites Plc v Wirral Borough Magistrates' Court 2008*). The Licensing Sub-Committee felt that there was sufficient "real evidence" presented by the Police, and within the Summary Review Application and witness statement evidence presented to the Licensing Sub-Committee.

The Licensing Sub-Committee considered evidence from the Police and representations from the Premises Licence Holder. The Licensing Sub-Committee accepted that the premises had recently been associated with serious crime and disorder. The Licensing Sub-Committee were concerned that the potential for further incidents and injuries to the public were possible.

The Licensing Sub-Committee decided to impose Interim Steps as follows:

- suspension of the Premises Licence until the Review determination.

The suspension of the Premises Licence will take place with immediate effect.

The Metropolitan Police and the Premises Licence Holder (Richard Grady of North & South Leisure Ltd as Director of the Premises Licence holder and Designated Premises Supervisor) were verbally informed of the decision on 17 March 2022.

Reasons

The Licensing Sub-Committee decided to impose the Interim Steps suspending the Premises Licence for the following reasons:

- a) The Licensing Sub-Committee had considered the detailed evidence provided by the Metropolitan Police which evidenced that two incidents involving serious violence and injuries that had occurred at and outside the premises.
- b) The Licensing Sub-Committee was of the view that more than one incident had occurred at the premises and were concerned that the premises were not being managed in a way which would prevent further incidents occurring at the premises, because the Premises Licence holder's use of a single staff member to manage the premises, the absence of any security staff at the premises or other measures to address suitable management of the premises.
- c) The proposal of the Premises Licence holder to reduce hours on Friday and Saturday nights did not, in the Licensing Sub-Committee's view, address the concerns raised by the Metropolitan Police and the Licensing Sub-Committee's concern that further incidents would occur at the premises, with the risks to the public that it would result in crime and disorder.

The Licensing Sub-Committee therefore decided that suspension of the Premises Licence was the only appropriate and proportionate step to take to prevent further crime and disorder occurring at this premises. In making the decision, the Licensing Sub-Committee considered the option of removing the DPS, but considered that the DPS was required to urgently address the concerns of the Licensing Sub-Committee and the Metropolitan Police

Representations of Premises Licence holder

If the holder of the Premises Licence makes, and does not withdraw, representations against any interim steps taken by the Licensing Sub-Committee, the Licensing Authority must, within 48 hours of receipt of the representations, hold a hearing to consider those representations, with notice to be provided to the Police, so they can also attend before the Licensing Sub-Committee to make representations. Such a hearing must consider whether the interim steps are appropriate for the promotion of the licensing objectives and determine whether to withdraw or modify the interim steps taken.

Appeals

There is no provision in section 181 or 8A of Schedule 5 of the Licensing Act 2003 for the Interim Steps decision to be appealed to the Magistrates or for any other remedy.

From: George Domleo <
Sent: 31 March 2022 09:34
To: Anthony Hawkes <
Cc: John McGann; Licensing <Licensing@merton.gov.uk>
Subject: RE: The Vale at Streatham

Hi Tony

Please find attached our representation on behalf of our client Star Pubs & Bars Limited.

John – FYI. I have been advised by our client that the latest situation is that they are in active discussions with the current premises licence holder and have a firm intent to take the pub back. I shall update you further if and once I know more. At this stage we are not proposing to apply for a shadow licence.

Regards

George

George Domleo
Senior Associate
Licensing

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London Road
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SM4 5DX

CONTACT
GEORGE DOMLEO

FAX NUMBER
01332 207601

DIRECT DIAL
01332 226192

31 March 2022

Dear Sirs

Representation, The Vale at Streatham

We act on behalf of Star Pubs & Bars Limited who are the leased and tenanted division of Heineken (UK) Limited. They are in effect “the brewery” behind The Vale which in turn is subject to an arms-length commercial lease to the current premises licence holder, North & South Leisure Limited.

According to our records, Star Pubs & Bars Limited were the premises licence holder from on or around April 2015 up until the premises licence was transferred to the current premises licence holder, North & South Leisure Limited, in April 2018. Our clients are unaware of any significant difficulties which have affected this property prior to the premises licence having been transferred to the current premises licence holder.

Our client has approximately 2500 licensed premises across England, Wales and Scotland in their estate. The vast majority of their premises are leased out to small businesses and entrepreneurs with a supply agreement. Our client’s ambition is to build Britain’s Best Pub Company – by attracting and retaining the best operators, investing to create great pubs at the heart of their communities and by providing licensees with market leading insight and support.

It would appear (we have held discussions with PC John McGann, who is copied into this representation) that issues have arisen at the premises since North & South Leisure Limited has been the premises licence holder, and also from a change in clientele.



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We thought it would be helpful to the Licensing Committee to know what actions Star Pubs & Bars Limited propose to take in respect of these premises.

Our client is in active discussions with the current tenant and premises licence holder for them to vacate the premises. Our client cannot condone the incidents that have taken place recently at the premises and which led to the review of the premises licence under section 53A of the Licensing Act 2003 being applied for.

It is the firm intention of Star Pubs & Bars Limited to take back the premises which would mean that North & South Leisure Limited would no longer be involved in the running of the premises and Mr Grady (current DPS) would also leave the premises. Our client would then start the process of recruiting a suitable new operator to take on the running of the premises and we would consult with the responsible authorities prior to this appointment.

We hope (but cannot guarantee) that by the time the hearing for the full review occurs we will be in a position to update the committee on the timescales for when the current tenant and premises licence holder will be vacating the premises.

We look forward to hearing from you with the date and time of the hearing.

Yours faithfully

A handwritten signature in black ink that reads "Flint Bishop". The signature is written in a cursive style with a horizontal line underneath the name.

Flint Bishop LLP

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of the Local Government Act 1972.

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