

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.30 P.M. ON FRIDAY, 6 OCTOBER 2017****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds
 Councillor Khaled Uddin Ahmed
 Councillor Shah Alam

Officers Present:

Victoria Fowler	–	(Legal Services)
Mohshin Ali	–	(Senior Licensing Officer)
Corinne Holland	–	(Licensing Officer)
Simmi Yesmin	–	(Senior Committee Officer, Democratic Services)

Representing applicants

Representing applicants	Item Number	Role
PC Mark Perry	3.1 & 3.2	Police
PC Thomas	3.1 & 3.2	Police

Representing objectors

Representing objectors	Item Number	Role
Paddy Walsh	3.1	Premise License Holder
Jaz Barca	3.1	Staff
Barry Williams	3.1	Security
Robert Sutherland	3.2	Licensing Representative
Ali Yaz	3.2	Premise License Holder
Kenan Demir	3.2	Licensing Representative

Apologies

None

4.1 Application for Review under Section 53 A of the Licensing Act 2003 for (Redon), Railway Arch, 289 Cambridge Heath Road, London E2 0EL

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a review under Section 53A of the Licensing Act 2003 for Redon, Railway Arch, 289 Cambridge Heath Road, London E2 0EL. It was noted that the review had been triggered by the Police due to a serious incident. Mr Ali stated that a corrected certificate had now been served to the Premises Licence Holder and the Licensing Authority.

With no further concerns Members continued to consider the application.

At the request of the Chair PC Mark Perry explained that the premise was a new live music and late night venue. He stated that the premises licence had conditions set out to prohibit underage entry and sale of alcohol.

PC Perry referred Members to page 23-24 of the agenda which detailed the serious crime that took place he briefly stated that a 17 year old had ended up in hospital after being seriously sexually assaulted and found naked on Bethnal Green Road. Prior to this the victim recalls being in the Redon Club for about 10 minutes, she cannot recall anything from the evening following this and the next thing she recalls is waking up in hospital.

PC Perry stated that not one but two, 17 year olds were allowed entry to the premises and possibly up to 30 more 17 year olds. It was explained that staff did not pay attention to those entering the club, not having adequate checks in place or checking to see if they were intoxicated. He stated that there was no faith or confidence in the Licensee to responsibly run the premises or promote the licensing objectives.

PC Perry urged Members to suspend the licence pending the full review as Police believe that there is a serious risk of serious crime and disorder associated to the premises occurring again if it is allowed to remain open.

Members then heard from Mr Paddy Walsh the Premise Licence Holder, who said he was horrified with what had happened and had full sympathy for the victim and would fully co-operate with the police.

He explained that their CCTV hard drive did not have enough data storage to record up to 31 days and therefore did not have the capacity to record on the day of the incident. Mr Walsh said that he had sent the hard drive to the company to try and recover footage and was confident that this could be done. It was noted that they had now invested in a bigger hard drive to record for up to 31 days. He also said that staff did ID customers in line with the challenge 25 policy and had refused 30 people entry and bar staff had also refused sale of alcohol to intoxicated persons.

He also said that they would be investing in ID scanners to avoid such situations from happening again and that there was a photographer on the night who had images that show staff ID customers in the background.

Mr Walsh accepted that staff needed greater awareness and training on ID checking and sale of alcohol. He said that he was willing to add further conditions and stay open till 12 midnight from next week until the full review hearing to address these concerns.

In response to questions it was noted that a number of customers had been refused entry on the night, that the CCTV system had not recorded correctly but had been working on the night. That there was no due diligence from management and no door checks appeared to have happened.

Mr Walsh stated that they had no identity of the victim but were aware that she had in fact had some form of ID (someone else or fake). He acknowledged that there were serious failings by door staff and believed that in future the introduction of ID scanners would prevent this from happening again.

PC Perry confirmed that the victim did not leave the premises naked.

In summing up PC Perry stated that he appreciates and welcomes Mr Walsh's willingness to work with the Police but due to the seriousness of the incident a suspension of the licence was necessary.

Mr Walsh admitted that there were catastrophic failings but had started to put measures in place to avoid situations like this happening again.

Members retired at 3.10pm to consider their decision and reconvened at 3.30pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both interested parties with particular regard to the licensing objective of the prevention of crime and disorder and the protection of children from harm.

Members determined that the incident was of a serious concern. Members accepted that the representations made by the police were relevant to the licensing objectives and that the facts and evidence presented supported, on a balance of probabilities, the allegations made.

Members were very concerned that someone underage was able to gain entry to the premises especially as they had already consumed such a large amount of alcohol. Members were concerned with the adequacy of checks being made when patrons enter the club.

Members were disappointed to hear that the CCTV system which the Licence Holder had installed was not adequate to ensure that all required footage was recorded and could be held for a period of 31 days as per the licence conditions. Members have noted the Licence Holders attempts to recover the footage from the night in question however it was disappointing that the correct system was installed at the outset.

Whilst Members noted the Premises Licence Holder's efforts by proposing additional conditions, Members felt that on the balance of probabilities there was a serious risk of crime and disorder associated with the premises therefore due to the seriousness of the incident and lack of confidence in the management Members made a decision and the decision was unanimous, Members decided to grant the interim review by suspending the premises licence pending the full review hearing. Members consider this suspension a necessary and proportionate response to the very serious incident which occurred as it will allow the Licence Holder to do all that is necessary to address the issues which have come to light.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the review application under section 53A of the Licensing Act 2003 for Redon, Railway Arch, 289 Cambridge Heath Road, London E2 0EL be **GRANTED with the suspension of the premise licence** with immediate effect to remain in place until the full review has been heard

Interim decision subject to full review hearing.

4.2 Application for Review under Section 53 A of the Licensing Act 2003 for (Ali's Food and Wine), 497 - 499 Cambridge Heath Road, London E2 9BU

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a review under Section 53A of the Licensing Act 2003 for Ali's Food and Wine, 497-499 Cambridge Heath Road, London E2 9BU. It was noted that the review had been triggered by the Police due to a serious incident.

Members then heard from PC Mark Perry, Metropolitan Police who explained that the Section 53a had been triggered as a result of a serious incident held on 3rd October 2017 where a member of the public was attacked by a member of staff from the premises with a knife. It was noted that the suspect Mr

Huseyin Yaz was arrested by the Police and a knife was seized. PC Perry stated that they had concerns that there would be a repetition of this kind of behaviour if Mr H Yaz remained at the premises.

PC Perry welcomed the efficient and prompt response taken by the Premises Licence Holder, Mr Ali Yaz who had dismissed the suspect and had removed him from the post of Company Secretary from Companies House (additional documents from HMRC and Companies House produced to confirm this, was satisfactory to the Police).

PC Perry stated that agreement had been reached with Mr Ali Yaz that he would agree to a condition not to allow Mr H. Yaz to take up any duties at the premises that is public facing.

At the request of the Chair, Mr Robert Sutherland, Licensing Representative for Mr A. Yaz stated that there was nothing further to add and that Mr A. Yaz was happy to add the condition suggested by the Police.

In response to questions Mr Sutherland confirmed that Mr A. Yaz would be happy to add a more robust condition to state that Mr Huseyin Yaz should not be employed at or allowed to enter the premises. PC Perry was satisfied that Mr Yaz was cooperating with the Police and satisfied with the condition.

It was also noted that the knife which was kept under the counter to cut fruit for customers had now been removed and taken into the back office and if anything needed to be cut staff would take this to the back and have it cut.

PC Perry stated that subject to Mr A. Yaz adding a minor variation to the licence to add the condition to restrict Mr H. Yaz from the premises, the Police would withdraw their review application. Mr Sutherland agreed to this and it was confirmed that this would need to be in effect by 13 October 2017.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both interested parties with particular regard to the licensing objective of the prevention of crime and disorder.

Members heard from the police officer with regard to the events which took place which triggered the review.

Members heard from the Licence Holder who confirmed that he would be willing to assist the police with their investigation and that there was likely to have been a misunderstanding at the time which lead him not giving a full statement at the time.

Members heard from the Licence Holder's representative that the licence holder was willing to add a condition to the licence which would prevent Mr Huseyin Yaz from entering the premises.

Member noted that the Police had come to an agreement with the Premises Licence Holder that the Police would withdraw their review application on the undertaking that the Applicant would put in a minor variation to add the following condition;

"Mr Huseyin Yaz should not be employed at the premises or be allowed to enter the premises."

Members were satisfied that Mr Huseyin Yaz would not be permitted onto the premises and were prepared to accept the proposed agreement.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee **agreed** to extend the decision deadline to the hearings dates set for the following applications;

Premises	Decision by	Hearing Date
Unit 1 Lanark Square, London E14 9RE	09/10	18/10
Unit 2 Lanark Square, London E14 9RE	09/10	18/10
Unit 3 Lanark Square, London E14 9RE	09/10	18/10
Twisted LDN, 12 Batty Street, London E1 1RH	13/10	24/10
Agah, 43 Commercial Street, London E1 6BD	02/10	24/10
Tops Pizza, 3 West India Dock Road, E14 8EZ	27/09	24/10
Redon, Railway Arches, 239 Cambridge Heath Road, London E1	01/11	01/11
Victoria Park Market, Night Walk, Aprach Road/Gore Road London E3	03/11	01/11

Premises	Decision by	Hearing Date
The Ship, 290 Westferry Road, London E14 3AG	26/10	15/11
Mangal, 514 Commercial Road, London E1 0HY	06/11	15/11
Angel and Crown, 170 Roman Road, London E62 0RY	20/11	29/11

The meeting ended at 3.50 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee