

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 7.05 P.M. ON WEDNESDAY, 1 NOVEMBER 2017

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

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Members Present:

Councillor Peter Golds (Chair)
Councillor Khaled Uddin Ahmed
Councillor Shah Alam

Other Councillors Present:

Apologies

Officers Present:

Agnes Adrien	– (Team Leader, Enforcement & Litigation, Legal Services)
Kathy Driver	– (Principal Licensing Officer)
Farhana Zia	– Committee Services Officer

5. EXCLUSION OF THE PRESS AND PUBLIC

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

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 and in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representations from the applicant and objectors with particular regard to the licensing objectives of prevention of public nuisance, the prevention of crime and disorder, and public safety.

Kathy Driver, Licensing Officer introduced the report and stated a Section 53a certificate had been issued against the licenced premises on the 4th October 2017 and an interim hearing took place on the 6th October 2017, whereby the premise licence was suspended with immediate effect to remain in place until the full review hearing. The objectors – Redon appealed the interim decision on the 24th October and a further hearing took place on the 26th October 2017. Members of the Panel, after hearing all the evidence decided to continue with the suspension until the full hearing, which is today 1st November 2017.

Members heard from PC Mark Perry, the applicant in this instance who stated that the club had operated for a short period of time and it was clear they did not have the experience to open the club until the early hours of the morning. He said the responsible authorities had outlined their concerns when the objector had initially applied for a licence and had worked with them to resolve issues especially in relation to the operation of the CCTV cameras and ensuring that someone was available to operate the camera.

PC Perry stated the CCTV should have been in working order on the night of the incident and at all other times, and vital footage had been lost because of this error. He said the management of Redon were unaware of the 696 risk assessment procedure form and that the club made a catastrophic error in failing in their duty of care to the vulnerable young person, who was sexually assaulted.

PC Perry said the checks and balances which should have been in place, for example checking of ID, not serving alcohol to someone who is already drunk and not assisting the young person when they are leaving the venue are catastrophic failures and therefore cannot be ignored.

PC Perry said the management team failed to carry out research in relation to the promoters and did not undertake proper checks of ID. Two 17 year old girls, who had drunk a litre of vodka between them, gained entry to the club. As such, in reference to page 28 of the first bundle the club owners had failed to comply with their own operating schedule – condition 13 that “A challenge 25 proof of age scheme shall be operated...” PC Perry continued that he would expect security staff to have spotted underage people, who had drunk half a litre of vodka, trying to gain entry to the club and again referred Members to condition 14 that “The licensee shall ensure staff are trained about age restricted products...”

Furthermore he referred Members to condition 18 which states “The DPS should regularly monitor staff to check how they are dealing with young people who ask for alcohol and other age restricted products.” Again this was

not enforced. PC Perry stated that up to 30 young people were able to gain access to the club and on a balance of probability were also served with alcohol. A refusal book which logs the reasons for refusing a person a drink had not been kept and therefore the Police do not know if the victim and her peers were refused alcohol.

PC Perry said the Police know the young girl left the club between 11:30 p.m. to 12:00 midnight but the club did not take proper action, it was expected to take. He referred Members to Page 11 for the supplemental agenda pack 3, and his concerns outlined therein about the checking of fake IDs and the requirement of having an ID scanner. PC Perry said the young girl would have been unsteady on her feet and footage from CCTV from outside the premises shows this to be the case. The fact that the CCTV within the club was not working properly because it was on the wrong setting is sheer incompetence.

PC Perry said he understood this would be a difficult decision for the Members of the Sub-Committee to make but the police were seeking the revocation of the licence. If the sub-committee were minded to allow the licence holder to continue to operate then it is recommended their hours of operation are pared back to the legal framework hours. It is clear the management is inexperienced and need to prove they can uphold the licensing objectives.

Councillor Golds asked PC Perry to clarify if he was asking for the revocation of the licence or the legal framework hours.

PC Perry stated the Police was seeking the revocation of the licence.

Following this, the Objectors in this instance Redon had the opportunity to put forward their arguments. Mr Pete Conisbee addressed the Sub-Committee and referred to the evidence provided in the supplemental agenda pack 3. He said errors had been made on the night in question however the management of Redon had taken steps to ensure this cannot happen again.

Mr Conisbee stated he had been employed by Redon to tighten procedures and processes in place and referred Members to page 20 of the supplemental bundle 3 stating the situation with the CCTV had been resolved and that it can now record and retain footage up to 60 days. He also confirmed additional CCTV cameras had been installed at the venue. Mr Conisbee made reference to the photographic evidence at the back of the supplemental agenda and stated it was difficult to prove if the club attendees were 17-18 years of age or over 25, however it is accepted Challenge 25 applies to the club and steps had been taken to install a scanner to mitigate against fake ID.

Mr Conisbee referred members to pages 15 and 16 and the statements provided by Ms Veronique Cecchni and Mr Yili Musta. He also referred the Members to the personal statement of Mr Paddy Walsh, the club owner on pages 7-14 and his own CV page 17 of the agenda pack. Mr Conisbee said the security team had been sacked and a new security firm had been employed to undertake security checks at the club – named Blink Unique

Solutions Limited – page 75 onwards, who had a great deal of experience and would ensure all entrants would be vetted before gaining access to the club.

Mr Conisbee said Redon had met with the Police on the 23rd October 2017 and had agreed a process for checking fake ID – pages 50-53 and had taken steps to overhaul the Operating Schedule for the premises pages 24-30 in the first pack.

Mr Conisbee stated he would not be risking his professional reputation if he did not think the measures put in place for Redon were not going to be a success and asked Members to lift the suspension of the licence on the merits of the evidence before them.

Members of the Sub-Committee made the following comments and asked the questions in relation to the application:

- This is an appalling incident which took place and you had a duty of care to this young girl. We appreciate the assault did not take place at the premises but she got through the checks, after having consumed half a litre of Vodka. Surely staff at the venue should have spotted she was in a paralytic state.
Mr Conisbee replied that Redon had sacked the door team straight away and have undertaken training to ensure they are compliant with the operating schedule.
PC Perry countered stating the conditions of the licence had been breached and the licencing objectives were not upheld. Whilst the door staff were at fault, the bar staff and the management are also culpable. They had a duty of care to the young girl. Additionally, they allowed her to leave the premises when she was not in a fit state to do so. On all three occasions they failed to comply.
- You have said that if we were minded to grant the licence, you'd like conditions added. What conditions do you want added?
The Police are seeking the revocation of the licence in view of the seriousness of the incident. If however, you were minded to grant the licence then we recommend the legal framework hours.
Page 4 of the supplemental agenda 3, states the conditions sought. We have asked Redon to provide a monthly list of all the acts and performers by the 5th of every month however our primary request is that the licence be revoked.
- How can you assure us this will not happen again?
Mr Paddy Walsh responded stating he acknowledges the failings however a new DPS has been employed who has vast amounts of experience working for a similar size club as Redon.
- The evidence is damning. We are aware the girl was in a drunken state. How did no-one inside the club notice this?
Veronique Cecchni responded saying she had noticed a girl who had had too much to drink and she pulled her to one side and asked of her welfare before instructing the door staff to call for a taxi for her.
- So it would appear there was more than one girl who was drunk, because the victim left the premises alone and by foot.

PC Perry confirmed this was the case. She was in a terrible state and was sexually assaulted. Staff at the venue failed in their duty of care.

- Do you believe the licence holder is capable of running a licenced business?

PC Perry responded stating that in his view he did not think this to be the case. There was no track record for the premises to fall back on and they lacked experience. It is evident the security staff are to blame however the burden of responsibility also falls on the management and staff at Redon who failed to adhere to the licence conditions and licence objectives.

The Chair stated the sub-committee would look at all the admissible evidence and not hearsay before making their decision. They adjourned at 20:45 p.m. to consider the evidence and come to a decision.

Decision

Accordingly, the Sub-Committee unanimously

RESOLVED

That the premises licence for Redon, Railway Arch 289 Cambridge Heath Road, London E2 0EL be **REVOKED**.

The Sub-Committee gave the following reasons for the revocation.

“We have listened to the representations of both the Applicant (Metropolitan Police) and the Objector (Redon) and have noted what each party has said. However the seriousness of the incident on the 29th September 2017, whereby as many as 30 young people were allowed to enter the premises, two of whom are known to have been extremely intoxicated and one of whom suffered a severe sexual attack, cannot be ignored.

We, in the circumstances have no confidence in the management of Redon to be able to enforce the licensing objectives of crime and disorder and the protection of children and have come to the conclusion to revoke the licence.”

With regard to the interim steps, should an appeal be lodged within 21 days of this decision, the sub-committee have **AGREED** to the suspension of the licence.

Members of the Sub-Committee thanked the officers in attendance and said the evidence was difficult to read but the decision is as stated.

The meeting ended at 9.15 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee