

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 5.30 P.M. ON MONDAY, 24 AUGUST 2015**

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

**Members Present:**

Councillor Peter Golds (Chair)  
Councillor Shah Alam  
Councillor Candida Ronald

**Officers Present:**

Kathy Driver – (Principal Licensing Officer)  
Gurwinder Olive – (Senior Lawyer, Legal Services)  
Simmi Yesmin - (Senior Committee Officer,  
Democratic Services)

**Applicants In Attendance:**

PC Mark Perry - (Metropolitan Police)

**Objectors In Attendance:**

Julian Skeens - (Item 3.1)  
Luke Elford - (Item 3.1)  
Philip Kirton  
Lee Roy Logan  
Bishop Malcolm  
Richard Marshall-Duffield  
Angelique Ferra  
Junior Shabazz

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of disclosable pecuniary interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION**

### **3.1 Application for Review under Section 53 A of the Licensing Act 2003 (A Class Above Events & Hospitality Ltd), 33-35 Monier Road, London E3 2PR**

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a Section 53A Expedited Review for A Class Above Events & Hospitality Ltd, 33-35 Monier Road, London E3 2PR. It was noted that the expedited review had been triggered by the Metropolitan Police. It was also noted that a variation application for change of DPS with immediate effect was received on Friday 21 August 2015.

At the request of the Chair, PC Mark Perry, Metropolitan Police referred to his review application on page 27 of the agenda and explained that on the 8th / 9th August 2015 A Class Above Events and Hospitality (ICAN Studios) had held a late night club night at their venue. They did not call the Police during the event or report any incidents to them. On the 11th August 2015 Police received a report from a member of the public suggesting that there was an unreported incident on the 9th August 2015 at the A Class Above Events and Hospitality (ICAN Studios) whereby gun shots were fired.

The intelligence suggested that an unknown male slapped another male and moments later, the male who had been assaulted pulled out a gun and fired a bullet, fortunately not causing harm to any of the people present. The informant told Police that there would be another shooting at the venue on the weekend of the 15<sup>th</sup> August. This intelligence was then passed to Trident Gangs Command for them to develop. Their intelligence and research supported the information supplied by the member of the public that the shooting did happen, and that there was a risk of a further serious incident taking place.

PC Perry said that the Tower Hamlets Police contacted Mr Philip Kirton, Premises License Holder, and arranged to meet him on Thursday 13th August at the venue. At the meeting Mr Kirton was informed of the intelligence Police had received. It was noted that Members were shown CCTV footage from the venue for that particular night and that a detailed timeline of the events was listed within the review application.

After viewing the CCTV, and because of the information Police had regarding the threat of another shooting Police asked Mr Kirton to cancel the event scheduled for 15th August, Mr Kirton agreed to cancel the event. A meeting was arranged for Tuesday the 18th August to discuss the shooting, and how the Police and the management of the venue could work together to ensure future events were safe and well run.

The licensee was asked to provide security logs which he did (albeit later than agreed). The information supplied in the logs only added to the Police's concerns that the premises was not being effectively managed, and raised serious concerns about the management's ability to run late night "club" events safely. There was also an incident of a knife being seized at the premises the same night, and the person who had the knife was let in the

premises by permission of management after detention of the knife. Members were referred to the details of the full incident on pages 43-44 of the agenda.

PC Perry said he was shocked by the venues own management allowing entry which demonstrates the venues management complete lack of control. A male armed with a knife and being aggressive was found trying to enter the venue and instead of calling the Police, he was allowed into the venue with his friends. It was only on the insistence of security and their threat to "Pull security out of harms way" that the knife was given to them. Police do not know what has happened to the knife. Police do not know if this incident is linked to the discharge of a firearm at the venue, and was being investigated by Trident Gang Command.

The other concerns that the Police had were the lack of recordings in the incident/refusals books supplied by the venue's management. The drugs log from the venue shows that since the 3rd of May 2015 only 8 items of drugs have been found by staff at the venue. None since the 16th of May. This again raises concerns about the poor quality of searching at the venue. A copy of the log was supplied in the agenda pack.

It was noted that the Police recognise that the premises is also used as a church and is used by the community, and therefore did not wish to prevent the premises being used for these purposes. Therefore police did not believe it was necessary to revoke the license. However, they believe that the premises is unsuitable as a late night venue, and the management have sadly demonstrated their failure to run late night events safely and effectively.

It was noted that there were 400 people at the event but only 59 people's ID scans were recorded, PC Perry said that the ID Scan is seen as a deterrent but was not used correctly and therefore a massive risk for failing to use scanner.

He mentioned that this was similar to an incident which occurred in April where concerns were raised over the management of the business and when the ID scanner was not used effectively. There was a stabbing and a person run over. Again the police were not called at the incident. Many witnesses could not be traced because of the ID scanner not being used properly.

PC Perry concluded that there had been a failure to abide by conditions of the licence, failure to inform the police of a serious incident and failure to manage the premises properly. Therefore urged Members to reduce the premises hours to the Council's Framework Hours and asked for the removal of the 50 non-standard hours.

Members then heard from Mr Julian Skeens, Legal Representative on behalf of the Licensee. Mr Skeens began by saying that he was disturbed by the way PC Perry has made reference to the records of the ID scanner as they had been voluntarily provided by the Licensee. He said that all records were supplied to the Police out of openness and transparency however this was now being used against the premises.

There were allegations raised regarding PC Perry's alleged conduct towards the Licensee and issues raised regarding the series of events during April. In particular Mr Skeens referred to a Court hearing at Thames Magistrates' Court in respect of the April incident.

The Chair upon advice of the Legal Officer stated that Members found that the incident in April which was referred to by both parties had already been subject to a review and resolved therefore determined that it would not be considered by them in this review. They further determined that allegations against PC Perry were irrelevant and would not be heard as they were being independently investigated.

Mr Skeens explained that he had met with Superintendent Turner, and had agreed to work in partnership with the Licensee and had confirmed that Mr Logan would produce a report detailing the events during the time of the incident as Mr Logan was present when the bang was heard. It was noted that Mr Logan was previously appointed as a consultant and was now employed by the Company as the Director of Operations.

Mr Skeens stated that there was undoubtedly a bang, as seen from the CCTV as some people leave quickly and the suspect is seen running away. Mr Logan confirmed that there was a bang but that then he could smell the smell that is usually found after a firework is lit when he came down the stairs, it was thought that this was the cause of the bang as it was part of a birthday celebration. It was noted that no bullet hole or bullet was found by forensics.

Mr Skeens said that if the licence hours were to be reduced then the business would fail and all good deeds/community work that currently runs would stop. He explained that Bishop Malcolm holds a congregation every Sunday and has approximately 300 members.

It was noted that Superintendent Turner had attended the meeting with the licensee and had been very positive about working together, that he had been made aware that there was a problem with the ID scanner as the way the scanner was used records were overwritten instead of creating new records for scans, hence the low numbers. He stated that even if the records weren't recorded the safety measures on the system would have alerted security if there were any concerns about an individual as they were scanned. Mr Skeens emphasised the fact that all ID Scans taken before and after the event had been recorded properly.

Mr Skeens stated that management do not accept the version of the security report from DNA security regarding the knife incident and that as a result of this the Licensee was no longer using this company to provide security and had now appointed TSS Security who are well known in the Security trade and were also known to the Police.

Mr Skeens highlighted the following changes offered by the Licensee to address concerns and prevent any repeat actions:

- Mr Logan to be employed as a Director of Operations

- Licensee's brother Marlow and Kay (management at the event on 8<sup>th</sup> /9<sup>th</sup> August) be barred from the premises.
- The introduction of the New DPS, Richard Marshall-Duffield – (CV can be found in the supporting documents which details his skills, knowledge and experiences.
- Mr Philip Kirton to continue as the Premise Licence Holder as there were no concerns for Mr Kirton and the way he runs the premises.
- The Security Company has changed to TSS Security.
- That in any late night event for following people would stay till the end of the event;
  - o Angelique Ferra – Club Scan
  - o Lee Roy Logan – Director of Operations
  - o Richard Marshall-Duffield - DPS
- That body cameras would be used when security are conducting searches and that the DPS would be checking that these were being recorded.
- Install and use an arch metal detector.

Mr Skeens concluded that the licensee would continue to work with the police and has offered a number of measures to promote the licensing objectives. Mr Skeen suggested that the non-standard hours were subject to the Police and Environmental Health being able to veto and therefore this was already part of the conditions. He urged Members to let the premises carry on with the good work it does for the community.

In response to questions it was noted that the Church took over the derelict warehouse and started renovation work and then fell short of money and that the licensee had helped with the costs of renovation etc. Mr Philip Kirton, Premise Licence Holder stated that they only exist because of the Church.

It was noted that the variation to the licence in July was to add the pizzeria to the premises licence.

It was confirmed that the incident in question was not reported to the Police.

Members retired to consider their decision at 6.40pm and reconvened at 7.15pm.

### 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 anti-social behaviour.

Members considered detailed verbal evidence and CCTV footage supplied by the Police in relation to the incident on 8<sup>th</sup>/9<sup>th</sup> August 2015. Of particular note within the police representations was the details of a person carrying a knife and being obstructive to security being permitted entry in to the premises once the knife was removed, allegations of a gun being fired in the premises and CCTV footage showing crowds reacting to something and moving away as if to safety and a man exiting the premises and running away with what appears to be a possible firearm in his right hand.

Members considered the representations made on behalf of the Licensee, which included the admission of “a bang” being heard which “perturbed” some people, but that there was no evidence of a gun and the submission that nobody was injured. Members considered the detailed changes in personnel involved at the premises with security and management and the offering up of additional conditions to enhance security.

Members noted that both parties made reference to an incident in April 2015. Members found that the incident in April which was referred to had already been subject to a review and resolved therefore determined that it was irrelevant to this review.

Members determined that the incident in August 2015 was of 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 noted the summary report by DNA Security which detailed the finding of the double edged serrated knife and the ensuring interactions and events. It was noted that a qualified security personnel deemed the knife issue to be a “police issue” and therefore, coupled with the description of the knife, it was accepted that the knife was likely to have been an offensive weapon. It was noted that security advocated refusal of entry for the carrier of the knife and his companions and involvement of police but that this was overridden by management who allowed entry and also failed to contact police.

It was noted that the investigation was not yet concluded as more CCTV footage was to be submitted for the full hearing and information was still to be provided from Trident Gangs Command in respect of the firearm and intelligence known to them about a risk of a serious incident taking place.

It was further noted that there had been assumptions as to the views of Superintendent Turner put forward in that it was intimated he had met with the licensee and was happy to work with then and he did not object or veto a late night event since the incident and therefore had no concerns, however it was clear from the papers that a review had been triggered, he had supported the review and had signed the certificate under Section 53A of the Licensing Act 2003 to grant the interim police measures.

Whilst Members noted the Premises Licence Holder’s efforts by proposing additional conditions and a change of DPS, Members felt that on the balance

of probabilities there was a serious risk of crime and disorder and there was not sufficient opportunity to look in to the proposed DPS.

Therefore Members made a decision and the decision was unanimous, Members decided for the protection of the community to grant the interim review by reducing the current opening hours to framework hours and to remove the non-standard hours of operation pending the full review hearing when further information would be before Members.

The Chair also requested that Superintendent Turner attend the full review meeting.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the review application under section 53A of the Licensing Act 2003 for A Class Above Events & Hospitality Ltd, 33-35 Monier Road, London E3 2PR be **GRANTED**.

Interim decision subject to full review hearing.

#### The hours the premises are open to the public

Sunday from 06:00 hours to 22:30 hours

Monday to Thursday from 06:00 hours to 23:30 hours

Friday and Saturday from 06:00 hours to 00:00 hours (midnight)

All licensable activities to finish 30 minutes prior to the premises being closed to members of the public.

Removal of the fifty (50) non-standard hours of operation – from 10:00 hours to 06:00 hours.

The meeting ended at 7.20 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee