

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON THURSDAY, 8 SEPTEMBER 2022****COMMITTEE ROOM C1, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present in Person:**

Councillor Suluk Ahmed
Councillor Faroque Ahmed

Members In Attendance Virtually:

Councillor Kamrul Hussain

Apologies:

None

Officers Present in Person:

Kathy Driver	(Principal Licensing Officer)
Jonathan Melnick	(Principal Lawyer-Enforcement)
Simmi Yesmin	(Democratic Services Officer, Committees, Governance)

Representing applicants	Item Number	Role
PC Mark Perry	3.1	(Metropolitan Police) – Virtual
PC Michael Rice	3.1	(Metropolitan Police) – Virtual

Representing objectors	Item Number	Role
Christopher Rees-Gay	3.1	(Legal Representative) – Virtual
Dean James	3.1	(Director – Oval Space) – Virtual

1. DECLARATIONS OF INTEREST

There were no declarations of 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 for Oval Space, 29-32 The Oval, London E2 9DA

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a Section 53A expedited review hearing for Oval Space, 29-32 The Oval, London E2 9DA. It was noted that a review under Section 53A could only be triggered by a senior officer of the Metropolitan Police when there had been a serious incident of crime or disorder. Ms Driver explained that today's meeting would be to decide on an interim decision following a full review hearing within 28 days. It was noted that the consultation end date was the 21st September 2022 to receive any further representation in respect to the application.

At the request of the Chair, PC Mark Perry explained that the Police were of the view that the premises concerned was associated with serious crime and disorder. He briefly explained the incident which occurred on 30th August 2022 resulting in a male being reported shot, it was noted that the Trident Gangs Investigation Unit were investigating the incident and evidence of the incident had been captured on CCTV footage. It was noted that CCTV footage from the premises had been viewed and witnesses also found.

PC Perry stated that the timeline of events and CCTV evidence would be presented at the full review hearing.

PC Perry then briefly explained that at 4am on 30th August a white male wearing a white baseball hat entered the premises and bypassed the security gates without being searched. The male hugged and greeted the security staff; it appeared that he was known to security staff. The male is then seen to meet the suspects in the queue, who handed him a bag which he takes into the venue without being searched. The suspects are seen to be dressed in tracksuits and to enter the premises without being searched or their ID scanned. A condition on the licence prohibits entry to customers wearing baseball caps and tracksuits. However, they were allowed entry into the premises that night.

PC Perry explained that the suspects are then seen with the bag standing at the bar. They are then seen to take out the gun from the bag and walk on to the dance floor wearing masks. They walk over to the victim and shoot but miss. The suspect is then seen to put the gun back into the bag whilst the victim runs down the stairs and leaves the premises. The suspects pursue him down the street and shoot him in the leg.

Police drive by patrolling the area, and witnesses are seen running from the venue, saying there was a shooting. A witness who happened to be an ex-military officer states that the shot was a gun shot and clearly from a firearm.

When staff were questioned they claimed that there was a bang on the dance floor which resulted in the security turning the lights on and searching the upstairs dancefloor and those present. They believed that it was from the sound of a balloon bursting and stated that a large amount of people left the club.

PC Perry concluded that proper searching of customers was not conducted. IDs were not scanned, management had not reported the incident to the Police, nitrous oxide canisters were being used and users of these were being allowed entry into the premises. He said that there were serious concerns of breaches of security and of violence and a serious risk of public safety with links to gang violence. He therefore urged members of the Licensing Sub-Committee to suspend the premises licence pending the full summary review when revocation of the licence would be sought.

Members then heard from Christopher Rees-Gay, Legal Representative on behalf of the premises licence holder Mr Dean James. He explained that Mr James had 22 years of event management experience and had managed 55 premises, including live music events such as theLove Box and Glastonbury festivals, and had operated without any incident.

He explained that Mr James was only made aware of the alleged incident the previous day and would be investigating it. He had heard what the police had said and he agreed as an interim measure that whilst investigations were being conducted, late night events should be suspended. However, he suggested that the premises should be allowed to operate until midnight running corporate events only as these had not caused any problems, or issues in the past. A suspension of the licence would mean a great loss to the company and the premises would not be able to survive the current cost of living crisis or pay for overheads etc. Mr Rees-Gay referred Members of the Sub Committee to page 51 of the agenda 12.16 where it stated that 'very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps'.

Mr James briefly addressed the Sub- Committee and echoed the same as said by his legal representative. He explained that he was mortified to hear about the alleged incidents and needed time to investigate further and speak to staff as staff had not reported this issue to him prior to this hearing. No members of staff or customers had reported a firearm being set off at the venue.

In response to questions the following was noted;

- That the Trident Officer had reviewed the CCTV footage and confirmed that that the white male with a white baseball cap was not searched upon entry.
- That conditions 21 and 32 of the current licence had been breached as searches were not being conducted and ID scanners were not being used.

- That Mr James did not agree that the incident took place at the premises as the manager confirmed that they had been having speaker issues which could explain the noise that sounded like a gunshot. Also, the manager had said to him that there was no mass panic and no complaints from staff or customers were received.
- That the incident had occurred 10 days earlier and the Police had only asked to review the CCTV footage on Monday 5th September.
- That the feedback from staff and event managers was that the event was successful and no incidents had been reported.
- That Mr James believed that the sound at the premises had possibly been a malfunction of the speaker system.
- PC Perry claimed that when the gunshot took place, pandemonium was seen to take place with people trampling over each other to get out the premises and that should have been reported to management.
- That having reviewed the CCTV footage, numerous breaches had occurred, the incident was clearly linked to gun violence which gave the police serious concerns.

Concluding remarks were made by both parties.

Decision

The Committee has heard everything said by the Police and the License Holder, there is no question that this was a very serious incident and the Sub-Committee's overriding concern has to be the safety of the public.

The Sub-Committee accepts that the investigation is still at an early stage. The Sub-Committee also accepts that the police are sure that the firearm was discharged inside the premises. The evidence showed a number of breaches of conditions particularly in regards to searches. At best this demonstrates negligence on the part of the management and security and particularly given that the premises still appeared to be open beyond the 4am terminal hour.

The police report also indicates difficulty in contacting the management. The Sub-Committee accepts that Mr Dean James himself may have only become aware of the incident recently; again it begs the question why his own staff appeared not to have been keeping him apprised about such a serious incident.

The Sub-Committee heard what Mr James said about the financial impact. However, given the seriousness of the incident the Sub-Committee does not consider it appropriate to reduce the hours as suggested to restrict it only to corporate events. The potential risks could happen at any time and the Sub-Committee accept the risk, albeit unquantified, of reprisals or retaliations. The Sub-Committee's decision is therefore to suspend the licence with immediate effect.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a review under Section 53A of the Licensing Act 2003 for Oval Space, 29-32 The Oval, London E2 9DA be **GRANTED with the suspension of the licence with immediate effect.**

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, it was in the public interest to do so, and did not require representation from parties to the applications.

Premises	Extended to:
Vout-O-Reenees, Basement, 30 Prescott Street, London E1 8BB	31/12/2022
CW Wood Wharf D1-D2 GP Limited), Unit D1.1, 14 Water Street, Wood Wharf, London E14 5GX	31/12/2022
KFC, Unit 41 Cannon Workshops, 3 Cannon Drive, London, E14 4AS	31/12/2022
Wicked Fish Queens Yard Whitepost Lane	31/12/2022
Pizza Hut, 195-195a East India Dock Road, London, E14	31/12/2022
Taj Mahal Fried Chicken & Grill, 512 Commercial Road, London E1 0HY	31/12/2022
Arch 410, Haven Mews, St Pauls Way, London, E3 4AG	31/12/2022
Albert Public House, 74 St Stephens Road, London, E3 5JL	31/12/2022

The meeting ended at 3.20 p.m.

Chair, Councillor Suluk Ahmed
Licensing Sub Committee