LICENSING SUB-COMMITTEE

Friday 1 November 2019 at 2.00 pm

MINUTES

PRESENT: Councillor Fred Cowell, Councillor John Kazantzis and Councillor Irfan Mohammed

APOLOGIES:

ALSO PRESENT:

1 ELECTION OF CHAIR
   MOVED by Councillor Irfan Mohammed, SECONDED by Councillor John Kazantzis and
   RESOLVED: That Councillor Fred Cowell be elected Chair for the meeting.

2 DECLARATION OF PECUNIARY INTERESTS
   None were declared.

3 LICENSING APPLICATIONS FOR THE GRANT / REVIEW OF A PREMISES LICENCE

4 HURLINGHAM (PASSENGER VESSEL), LAMBETH PIER, ALBERT EMBANKMENT, LONDON, SE1 7SG (BISHOP’S)
   Presentation by the Licensing Officer

   The Sub-Committee was informed that this was an application for a summary review of a
   premises licence. The Sub-Committee’s attention was drawn to Chapters 2 and 12 of the
   Statutory Guidance, and to Sections 53A of the Licensing Act (2003) as particularly
   relevant to this application. The options available to the Sub-Committee were set out in
   paragraphs 6.2 of the report on pages 10 of the agenda papers.

   The Licensing Officer confirmed:

   - The application was submitted on 30 October 2019.
   - The application was a summary review for a premises (a floating vessel)
     situated at Lambeth Pier at the Albert Embankment following an incident that
     had occurred on 25 October 2019.
The incident had taken place on the premises / directly outside the premises as it loitered on the pier.

Police had CCTV footage of the incident.

**Presentation by the applicant**

Mr Michael Brett and PC Watson, representing the Police, informed the Sub-Committee that:

- The Police sought an immediate suspension of the licence on the grounds that the premises had been a ‘locus’ of serious disorder.
- There had been a large scale of violence on the pier at Tower Pier which spread onto the street on 25 October 2019.
- The incident that occurred needed to be considered against the background of problems on the premises caused by alcohol consumption and the premises licence holder’s failure to engage with the Police to address the issue.
- The premises licence holder was not present at this meeting.
- The premises was a ‘party boat’ and could be described as a ‘floating nightclub’.
- The premises had a licence for late night refreshment from 23:00 to 01:00 and could serve alcohol from 07:00 to 01:00.
- The application was also being made under Section 53A of the Licensing Act 2003.
- The Police proposed suspension of the licence as an interim step pending a full review hearing.
- The application needed to be made by the Chief of Police and be inclusive of the form and certificate. Both of these had been included and had been marked with the Metropolitan Police heading. The form was signed and dated 30 October 2019.
- CCTV evidence was available and would be shown to the Sub-Committee.

At this point in the proceedings, the Sub-Committee was shown the CCTV footage.

Mr Brett and PC Watson, informed the Sub-Committee that:

- There were 22 units present at the time of the incident on 25 October 2019, including firearms officers. Close to 100 officers were present at the time.
- Police were already at the pier conducting routine licensing checks. This happened after the vessel had docked on to the pier.
- The altercation had started after patrons had disembarked from the vessel.
- Officers were unable to restore order after the incident had begun despite several attempts and CS gas had to be used to incapacitate an individual. It was only at this point that patrons started to take commands from the Police.
- Officers had to take a defensive stand with their batons as patrons had not listened to any officer requests.
One individual could be seen holding a glass, this was a drink that had been taken from the premises onto the pier.

After order had been restored onto the pier, patrons moved into the street where the altercation continued. Batons were subsequently drawn and used by the Police.

The footage showed a Police Officer with a patron who was particularly difficult to deal with.

PC Emery informed the Sub-Committee that:

- He was an intelligence officer in the Marine Policing Unit. He had analysed many vessels as part of his job.
- On a Saturday night in March 2019, Police had attended the premises to tend to a fight that had started on-board. The premises was carrying 153 people including five crew members. The skipper on board the premises terminated the event early. No offence had been registered, but Police had found no door staff when they had arrived. Police were informed that there were two members of door staff but had left with those causing the disturbance.
- On 25 May 2019, Police were called as there had been a fight on the premises, whilst the premises was docking at the pier. The suspect ran away from the incident.
- On 20 July 2019, Police were called regarding behaviour exhibited by a ‘third-party’ individual. The DJ was inciting patrons to swear via the use of a loudspeaker.
- On 28 September 2019, on the day of a Charlton v Leeds football match, 150 Leeds supporters were on the premises drunk and behaving in an antisocial manner.
- On 19 October 2019, a disorderly passenger on board activated a fire extinguisher causing equipment to malfunction.

PC Watson informed the Sub-Committee that:

- Prior to the incident on 19 October 2019, a meeting was held on 16 October 2019 between premises staff and Police. The premises licence holder was informed that there had been a number of incidents caused by high intoxication and an arrest that had been made of a patron who had been found carrying a Class A drug. Suggestions were provided to the staff on how best to deal with such issues.
- Following the meeting, Police were informed that drunk individuals (or intoxication levels) would be monitored and that searches would be conducted to a high standard.
- Following the meeting, on 19 October 2019, an individual set off a fire extinguisher in the wheelhouse. This caused a risk to the skipper who was unavailable to navigate the premises properly as a result of the incident. When the individual was arrested, he was found to be carrying ketamine.
- Following the incident on 19 October 2019, he had requested for an incident log requesting an outline of the incident in addition to the precaution and measures
taken by premises staff but he never received a response.

- The premises licence holder was not able to uphold the licensing objectives and the level of disorder appeared to be increasing.

- For an event tomorrow, the premises was booked to transport Newcastle fans. The patrons would consume alcohol on the way to the premises and then later whilst they were on the premises.

In response to questions from Members, PC Watson informed the Sub-Committee that:

- No additional security measures would be made for tomorrow’s event. There would only be standard security.

In response to further questions from Members, Mr Brett and PC Watson informed the Sub-Committee that:

- Due to the severity and nature of the risks at the premises that was likely to occur over the coming days and weeks, the Police were seeking a suspension of the licence.

- There had been a clear incident of disorder on the pier and on Lower Thames Street.

- Batons and pepper sprays had to be used. Disorder from the premises often spread into the surrounding streets.

- The issues engaged key licensing objectives such as the prevention of crime and disorder and public safety.

- Lambeth had an issue with antisocial behaviour crime and disorder relating to alcohol.

- The legislation relating to interim measures had been designed to provide Police and Licensing authorities to be able to manage the night-time economy.

- A certificate had been submitted, history of the problems at the premises had been listed and patrons had been found at the premises to be highly intoxicated.

- Attempts had been made by the Police to engage with the owners of the premises and to mitigate risks through meeting with staff, but now two serious incidents had occurred in or near the premises since then.

- Within weeks of holding a meeting with the premises licence holder, a riot had occurred at the premises.

- Further bookings for transporting football fans with high alcohol intake had been booked. This was a serious risk to the licensing objectives.

- Other avenues to tackle the issues at the premises had not worked.

- An ordinary review application was not sufficient to address the seriousness of the incident that had occurred at the premises.

- The issues that had been observed at the premises often occurred due to the consumption of alcohol and lack of control from the premises staff. Modification of the conditions would not address either one of these issues, unless alcohol at the premises was not permitted to be served.

- Although a suspension of the premises licence may cause disruption to the
business, the licensing objectives were not being upheld.

- It was important that the licence be suspended immediately as there were events that were scheduled to occur at the premises tomorrow.
- The maximum capacity of the premises was 153 people including crew members.
- Although the bookings were not private parties, they were ‘party bookings’.
- Staff members often did not report incidents to the Police directly.

**Presentation by the premises licence holder**

Mr Simon Perhar, representing the premises licence holder, informed the Sub-Committee that:

- This was the first time the CCTV footage had been shown to the premises licence holder or his representatives.
- The premises held more than one hundred events over the course of a year.
- The premises licence holder took the running of the premises seriously.
- The Police were simply presenting the case and the premises in its worst possible light.
- The incidents that had occurred at the premises had been described by the applicant in more serious terms than what had actually occurred.
- The premises licence holder had suggested letting groups of people off the premises more slowly. The groups would consist of 10 patrons each. Announcements would be made on board and some individuals could be escorted off the premises by premises staff wearing body cameras.
- Notices would also be put up on the premises to illustrate to patrons how the dispersal process would work.
- In relation to intoxicated people at the premises, there were no more intoxicated people than any other licensed premises.
- The premises licence holder would implement measures to deal with those overly intoxicated.
- The individual who set off the fire extinguisher was simply a troublemaker in general and had 32 pending (or previous) convictions. He was laughing and was steady on his feet when he set off the fire extinguisher. The incident was not related to the individual being drunk.
- The livelihood of seven families were supported by the business and for the premises to suffer from a suspension would make the business no longer viable, particularly if the suspension occurred at the current time of the year.
- The premises had hosted patrons visiting a football match without any issues at all.

Mr Ben Wilson, Operational Manager and owner of the premises informed the Sub-Committee that:
He was a licensed waterman and had completed a six-year apprenticeship.

He was also previously a Royal Navy Pilot for the Navy.

He was the sixth generation of his family occupationally involved with the River Thames.

He enjoyed running the business and had been running it for five years. In general, the business had been very good at upholding the licensing objectives.

Staff working with the company were all locals.

Many people who worked at the premises were dependent on the success of the business.

In response to questions from Members, Mr Wilson informed the Sub-Committee that:

- Aside from the captain and mate, three members of security staff and three members of bar staff would be on duty at the event tomorrow.

- There was space for 147 patrons.

- As patrons would board the premises, they would be subject to a security check as they arrived down the walkway.

- Other ideas had been proposed such as informing patrons of the code of conduct so that they were aware of their responsibilities.

- The business owners had a background of working in pubs and clubs and had brought this atmosphere to the premises when they first started operating it. The business had recently changed in the past year, was looking to change direction and was holding events of a slightly different nature, such as a Robin Williams Christmas tribute or a Michael Buble singing show, although some party style events would still occur at the premises.

- Guest lists were used and promoters often had their own guest lists. The premises licence holder or the premises staff would not be aware of who the patrons would be in advance of any event. It was the promoter who would take the bookings and patrons will turn up on the night of the event.

- The business had considered installing security CCTV cameras and had been considering mobile ID scanners. The business had also considered using formal IDs such as driver’s licences and passports so those on board could be identified in the long term.

- Daytime events were held at the premises, including funerals. The business worked with local companies and never had any issues with patrons visiting to attend a football match.

- On 25 October 2019, a qualified and trusted captain was running the ship who had called him to tell him that the premises would dock early. Prior to this, there was a statement from the captain that there had been no problems on the premises. As the premises was docking, premises staff became aware that Police Officers were on shore waiting to perform a premises licence check. As patrons disembarked, two women started to argue prior to the altercation occurring. There had been no other problems during the night prior to the argument.

- During the disembarkation process, patrons were not usually rushed off the premises and were monitored. Security staff checked the pier to make sure
patrons were not loitering around. The incident that occurred on 25 October 2019 was an isolated incident. It was possible to suggest that there had been an argument which caused the incident to become a more serious incident which should not have occurred.

- For the event that was scheduled for tomorrow, he would be able to put more security staff on board and risk assessments would be performed of all the security staff. All staff would be called in early to a meeting and would be fully briefed. Maritime and Coastguard Agency drills would be performed and these included situations of drunkenness. This could be in implemented one or two hours before the event.

- The business would be willing to also take any advice into consideration that could be given to them to ensure that the situation did not occur again.

- The premises had hosted Fulham, Brentford and West Ham fans in the past.

- The premises had three members of security staff.

- Security staff managed as best as they could to ensure that drugs were not taken into the premises. There could be occasions when patrons managed to sneak drugs onto the premises.

- The Individual that had used the fire extinguisher would not have been able to operate the fire extinguisher if he had taken the ketamine that was found on him as this drug was a horse tranquilliser.

- The general protocol for the captain, if there was a cause for concern, was to call the River Police via Channel 14 (the navigational channel for London BTS).

- At the meeting on 16 October 2019, premises staff were informed not to call River Police but to call 999 in the event of an incident.

At this point in the proceedings, PC Watson stated that at the meeting on 16 October 2019, premises staff were informed that they had to take a ‘common sense approach’ either calling 999 for immediate assistance or to call the River Police. However, the Police expected to be contacted directly if there was a risk of public disorder.

In response to further questions from Members, Mr Wilson informed the Sub-Committee that:

- It was the captain’s decision to make the common sense judgement to call in an incident to the Police authorities. However, the Police were already on the pier and there was nothing of interest to the Police on the premises.

- The crew were slightly upset about how they were perceived because if they called in an incident or an issue then they would be seen as not responsible enough to mediate the situation, despite taking responsible action.

- A promoter’s party for ‘Inner-city Nights’ was booked on 25 October 2019. The event already been held earlier in the year and there had not been any trouble at the event.

- The business received a lot of enquiries and was looking to obtain another vessel. The business picked and chose which events it wished to host and required the use of its licensed hours.

- The premises had never come under review in five years of trading.

- He was upset about the situation and the business would improve and make
every effort to better itself.

- Measures that could be taken to prevent issues occurring again such as the incident on 25 October 2019 had already been discussed amongst staff members.
- At the time of the incident, the pier-man had telephoned him.
- Businesses and those associated occupationally with the River Thames were a community of people who had friendly relationships.
- On Halloween and New Year’s Eve last year, the business was using 5 boats and managed 1,200 patrons. There were between 5-7 staff members and there were no problems at either event.
- Making a decision to suspend the licence would be a disproportionate step to take under the circumstances.
- The premises licence holder would accept additional conditions imposed on the licence to reflect the added commitment to uphold licensing objectives.
- They would be willing to double the number of security staff carrying body cameras, implement an appropriate dispersal policy and have an adequate risk assessment process.

At this point in the proceedings, in response to a question from the Legal Officer, the applicant stated that the removal of licensable activity from the scope of the licence, in this case the removal of sale of alcohol would be something that they would agree to in addition to pre-existing conditions. However, the representatives of the premises licence holder stated that the difficulties in agreeing to such an arrangement would be obvious and that it would be a disproportionate step to take by the Sub-Committee as alcohol was part of the entertainment package that was offered at the premises. The effect on the business would also be disproportionate in nature.

Adjournment and Decision

At 3:19pm, the Sub-Committee withdrew from the meeting together with the Legal Advisor and Clerk to deliberate in private. The Sub-Committee had heard and considered representations all those who spoke. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the review application and impose additional conditions.

RESOLVED: To grant the review application and impose additional conditions.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the review application and impose additional conditions. The Sub-Committee considered the various pieces of evidence and submissions at the meeting. The Sub-Committee accepted that the incident on 25 October 2019 represented a serious incident of disorder and significant risk to public safety. The Sub-Committee noted the incident required significant police resources. The incident was a serious one. The Sub-Committee noted that the event occurred after embarkation. Other incidents relating to the vessel did not constitute anywhere near the same level of severity as the incident on 25 October 2019. The Sub-Committee needed to take appropriate and proportionate measures to the matter. It would be disproportionate to suspend the licence for 22 days preceding the full review hearing. Therefore, the Sub-Committee decided to grant the review application and impose the following conditions:
1. There shall be a minimum of four SIA security personnel on duty on the premises at all times that licensable activity is taking place. A total of six SIA security personnel shall be present at the point that passengers embark and disembark.

2. A personal licence holder shall be on duty at all times that licensable activity is taking place.

3. All SIA security personnel shall wear body-worn cameras and these are to be operational at all times that licensable activity is taking place and at the point that passengers embark and disembark. Footage shall be maintained for a minimum period of 31 days and provided to the police or the licensing authority upon request.

4. The premises shall implement and maintain a dispersal policy. This is to be provided to the police and the licensing authority within seven days.

The Sub-Committee felt that the conditions were appropriate and proportionate conditions to address the crime and disorder objectives relative to the Licensing Act (2003). Given that embarkation was a ‘pinch point’ at which the prevention of crime and disorder licensing objective was likely to be at risk, greater numbers of SIA staff were required at the premises in addition to when the premises embarked and disembarked to manage the embarkation and disembarkation process. A risk management process regarding how embarkation was to be conducted was also required to be put in place. The Sub-Committee also felt that the appropriate course of action to a serious incident when the premises was in the water was to terminate the voyage and disembark as soon as possible. The Sub-Committee wished to reiterate that the matter would go before a full review at a Licensing Sub-Committee on 22 November 2019 and the Sub-Committee would consider all the evidence submitted at that meeting and would make a decision at that meeting that was also appropriate and proportionate. The decision would be effective immediately.

The meeting ended at 3:46pm

CHAIR
LICENSING SUB-COMMITTEE

Date of Despatch: Monday 11 November 2019
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