



LICENSING SUB-COMMITTEE

Thursday 30 November 2017 at 7.00 pm

MINUTES

PRESENT: Councillor Michelle Agdomar, Councillor Linda Bray and Councillor Fred Cowell

APOLOGIES:

ALSO PRESENT:

1 ELECTION OF CHAIR

Moved by Councillor Linda Bray, Seconded by Councillor Fred Cowell

RESOLVED: That Councillor Michelle Agdomar be elected chair.

2 DECLARATION OF PECUNIARY INTERESTS

None were declared.

3 MINUTES

RESOLVED: That the minutes of the previous meetings held on 26 October 2017 and 9 November 2017 be approved and signed by the Chair as a correct record of the proceedings.

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

4a BRIXTON DOMINO COMMUNITY CENTRE, (CLUB 940), 279 - 299 COLDHARBOUR LANE, LONDON, SW9 8RP (COLDHARBOUR)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a review of a club premises certificate. The Sub-Committee's attention was drawn to Chapters 2, 3, 9, 10, and 11 of the Statutory Guidance, and to Sections 5, 6, 7 and 17 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6.1 of the report on page 31 of the agenda papers.

The Licensing Officer confirmed:

- This was an application by the Police for the review of the club's premises certificate.
- The premises was located in Coldharbour.
- The application considered the licensing objectives for the prevention of crime and disorder and public safety.
- The application could be found on pages 33-43 of the agenda papers.
- The review received three representations in support of the application. These were from the Licensing team, Public Health Trust and Community Safety.
- Copies of the representations could be found on page 51-75 of the agenda papers.
- The representations had been made available to the club premises certificate holders on 14 November 2017. Hard copies of these had been hand delivered to the premises certificate holder.

In response to questions from Members, the Licensing Officer informed the Sub-Committee that:

- The premises was located in a residential area. The Licensing Policy did not address clubs but she suggested that an analogy be drawn with off-licences. The terminal hour for licensable activity for such a premises located in such an area was 23:00.

Presentation by the applicant

The applicant, Sgt David Smith and his representative, Ms Sarah Le Fevre, informed the Sub-Committee that:

- All parties shared the view that the operation of this premises should promote public safety, the prevention of crime and disorder and the prevention of public nuisance. The Police were supportive of the continuing existence of the premises and did not want it closed down.
- The premises should operate safely and with adequate control, particularly for people attending the premises or living near it.
- A club premises certificate had some privileges over an ordinary premises licence such as lighter regulation and no requirement for a DPS. The premises' activities was primarily based on patron membership.
- A recent history of incidents with the premises was summarised in annex A'of the agenda papers. The nature and frequency of these events were such that the premises would have to be brought to the attention of the Licensing team.
- It was up to the Sub-Committee what controls needed to be put in place at the premises.
- There had been instances where premises staff had called Police to report weapons found inside the premises such as a knife and a replica firearm.
- There was no complaint about how the premises responded to these incidents as they had called the Police. However, it was not clear how the weapons got into the premises or how arrangements could be made to stop it from happening

again.

- There had also been incidents of threat of violence and use of violence inside or immediately outside the premises.
- On 29 July 2017 at 04:00, there had been an attempted robbery using a weapon.
- The premises had been observed to have been open beyond its permitted hours (on 29 July 2017).
- Annex J showed the premises operating at approximately 04:00 although the premises should be closed by 03:00.
- On 18 September 2017, a call was made to the police reporting nuisance and anti-social behaviour. The caller explained that it was something they experienced on a regular basis.
- There had been occasions, such as on 27 August 2016 and 29 July 2017, where it had been difficult for Police to investigate a stabbing and an attempted robbery. Part of the difficulties were due to a lack of CCTV provision or a lack of cooperation from premises staff.
- The Sub-Committee could consider altering the permitted hours for licensable activity or adjusting conditions, particularly ones which include the use of CCTV, limiting access to the premises for members of the public by employing SIA staff, the use of search wands and/or imposing a new policy to control dispersal.

In response to questions from Members, Ms Le Fevre and Sgt Smith informed the Sub-Committee that:

- The CCTV appeared to show the premises operating as a drinking establishment or nightclub.
- The moving footage showed lights flashing, people dancing and people playing dominos at tables. There was a steady flow of people to and from the bar buying drinks at 03:30.
- It was not clear to what extent there was a difference between a premises operating a nightclub or holding a party.
- Judging by the CCTV and personal accounts, people were able to go to the premises to buy drinks.
- There was no evidence that access to the premises was being managed.
- There appeared to be little commitment shown by premises staff for controlling measures at the premises despite having previously shown a willingness to communicate with responsible authorities.
- There was a willingness from premises staff to install a new CCTV system and implement scanning identification equipment but had not been able to do so due to financial restrictions.
- It was not clear what policies the premises applied regarding checking the membership of the guests or how checks were made.
- CCTV footage was only retained for six days by the premises before it was erased.

- There had been a number of occasions due to lack of availability of CCTV that an investigation could not be progressed.
- The CCTV arrangements were below par for what would be expected in the borough for a licensed premises.
- Police had met with the Board members for the premises on two occasions. Sgt Smith was present at the meeting on 26 May 2017 as were the all the Board members for the premises (Mr Hashi, Mr Smith, Mr Ellis and Ms Rainford-Butler).
- Suggestions on how the premises could be run alternatively had been made and the Board members for the premises were supposed to address the issues raised by the Police but they had not.
- 26 May 2017 was the last time Sgt Smith met with the premises staff.
- Suggested standard conditions usually found on a premises licence were sent to the premises staff for consideration. This was raised via an email sent on 6 September 2017.
- There was no evidence to suggest that the procedures mentioned on page 70 of the agenda papers were not being implemented. However, the use of CCTV and the use of scanning identification equipment needed to be addressed.
- The Police acknowledged that the premises staff was willing to work with them.
- The suggested option that the Board members of the premises apply for an ordinary premises licence was simply a suggestion put forward for consideration.
- If the club premises certificate was to be suspended then it was up to the Sub-Committee as to how long the suspension should be implemented.
- The option to apply for a premises licence had been discussed previously, although after 6 September 2017, Police thought that other proposals on how to run the premises would be submitted by the Board members of the premises.

At this point in the proceedings, at 7:56pm, the Sub-Committee adjourned for a short break and resumed at 8:12pm.

In response to questions from Members, Ms Le Fevre and Sgt Smith informed the Sub-Committee that:

- The Police had received a letter from Board members of the premises suggesting some proposed conditions. A meeting with the Board members was then requested by the Police but the request did not get a response.

Presentation by Interested Parties

Mr Jamie Akinola, Head of Community Safety, informed the Sub-Committee that:

- His comments would also address the representation made by the Licensing team found on page 72 of the agenda papers.
- The Council fully recognised both the historic importance of the premises and its commitment to community services such as the soup kitchen.
- He had been working extensively over the last year with Board members for the

premises.

- He respected the services provided by the premises for the local community.
- The Council did not want the licensable activities at the premises to cease.
- All of the engagement and activity with the premises showed that responsible authorities wanted to find some common ground to develop operating protocols for the premises that were adequate to all parties.
- It was not often the case that senior members of staff at the Council and a Superintendent with the Police directly dealt with such premises.
- There were 1,500 licensed premises across the borough and it was usually Police and Community Safety officers of a lower rank that dealt with these applications.
- There had been ongoing and sensitive engagement with the premises staff.
- Page 55 of the agenda papers outlined actions agreed at the meeting with Board members for the premises on 26 May 2017. He had chaired this meeting and Police were present at the meeting. All of the Board members for the premises attended the meeting.
- Operational actions such as creating a no entry policy for non-invitees at 00:00 was a key point of negotiation.
- He understood that on league game nights, those participating in the games may have guests arriving at 20:00 or 21:00.
- Host teams needed to host opposition members and their guests. This activity should be allowed to continue.
- It was reasonable to not allow general members of the public access to the premises from 00:00.
- It was also important that the premises had a clear process which differentiated between members of the public entering the premises and club members and their formal guests entering the premises.
- All parties were not able to agree to the procedures that would be implemented by the premises as some of the suggestions made by the Police, particularly regarding the terminal hour, would change the nature of activity at the premises. Although this would move the premises away from a nightclub style operation and reduce the risk of public safety.
- A further meeting was to be scheduled with premises staff but the meeting had not taken place.

Mr Ola Owojori, Licensing Manger, informed the Sub-Committee that:

- The representation from the Licensing team could be found on pages 51-52 of the agenda papers.
- The premises should be operated primarily for club members.
- Some suggestions that had been offered to premises staff on how to operate the premises had not been implemented.
- He wanted the premises to be engaged, compliant and operating in a safe

environment.

- He supported the application from the Police.

In response to questions from Members, Mr Akinola and Mr Owojori informed the Sub-Committee that:

- There had been considerable focus placed on scanning identification equipment and CCTV. However, the meetings held with the Board members of the premises also focused on policies that the premises could employ such as no entry for members of the public after a certain time.
- A considerable amount of correspondence had taken place from 2016 and issues needed to be addressed on how the premises was being operated. The Board members for the premises had been dealing with a number of issues at the premises that they wished to address and so a period of time had passed before discussions later restarted.
- If the Board members for the premises did not choose to obtain a regular premises licence, then alternative arrangements needed to be made so that the operating model was appropriate to whatever licence the premises held.
- In the meeting held on 26 May 2017, the Board members of the premises were asked to look at suggested conditions such as the ones listed on page 55 of the agenda papers.
- Discussions had also been held with some of the Board members individually and a policy for no entry into the premises after 00:00 for members of the public was established for a 2-3 week period but this policy had not been sustained for financial reasons.
- Mr Akinola was told that there was reliance on members of the public accessing the premises in order to buy alcohol from the bar and funds from sales such as these were used to support community services.
- All of the Board members were present at the 26 May 2017 meeting; Mr Hashi, Mr Ellis, Mr Smith and Ms Rainford-Butler.
- Fortnightly Licensing Task Team meetings took place on a regular basis. These involved Community Safety, Licensing and Police who worked together to find solutions for premises in need of assistance. Although management was trying to address the issues at the premises, the issues revolved around the nature of the business model. It was open late and general members of the public were being allowed to enter the premises. The business model therefore needed changing.

Presentation from the premises certificate holder

Dr Mo Hashi, Board member for the premises and elected Chair for the premises informed the Sub-Committee that:

- The names of the other Board members were Mr Smith, Mr Ellis and Ms Rainford-Butler.
- One of his main concerns was that the Sub-Committee had been misled regarding the incidents listed by the Police.
- Page 41 of the agenda papers showed a representation from the Police which

stated that “the premises appears to operate well as a dominoes-based social club during the day and early evening, but struggles later on in the day to prevent 'unsavoury' non-members attending the premises and, it would seem, exerting their stronghold over a weak management team”. However, on an email dated 1 June 2017, Sgt Smith wrote that he had had a “positive meeting where everyone was keen to move forward”, that the premises staff had “a willingness to deal with things firmly” and that “undesirables had been challenged”. This could be found on page 254 of the agenda papers.

- Premises staff had only met Sgt Smith on one occasion but had significant contact with the Police and the Council in the previous year.
- There appeared to be inconsistencies in the Police representation.
- The incident reported to have occurred on 30 July 2016 was one where a victim was understood to have been slapped and the reported incident had not been captured on CCTV. The same incident detailed from page 96 of the agenda papers stated that the victim thought it was “too busy” to “see anything”. The victim’s representation appeared to be vague for the remainder of the reported incident. He was unaware of the incident having occurred until the agenda papers were published.
- A second reported incident on 27 August 2016, Police were called to the premises regarding a stabbing but had reported that it was “not possible to ascertain where the stabbing had occurred”. If it was not possible to ascertain where the stabbing had occurred, then it was not logical to imply that the premises was involved. The same incident recorded on page 105 of the agenda papers appeared to state that the victim had run from the Barrington Road area into the Social Club.
- In relation to the knife that was found at the premises, the premises hosted a dance group, a youth club, a soup kitchen and did not operate a bar whilst other events such as these were in progress.
- Other accusations such as the premises possibly having connections with gangs were misleading. The premises worked with young people, not harbour people with gang affiliation. This reference could be found on page 38 of the agenda papers.
- The premises had a youth club and did not accept the suggestion that the activities at the premises influenced people to bring weapons to the premises.
- The Police representation detailed an incident on 9 December 2016 stated that a 42 year-old male was reported to have suffered a cut to the cheek resulting in 8 stiches and that no staff members had called the Police. However, in the supporting documents on page 124 of the agenda papers, the victim was understood to have drunk beer and brandy, had gone to the premises at an unknown time and could not remember much detail, therefore he disputed the occurrence of this incident.
- The primary investigation notes detailed on page 125 of the agenda papers stated that the victim had informed Police that they would have seen the offence and may even know the suspect but was later documented as saying that the “victim” was “unable to give a good description of the suspect”.
- The Police representation on page 39 of the agenda papers stated that on 24 June 2017, a male was assaulted outside the front door at 03:30. He contested this as the premises’ licensing activities stopped at 02:00. The report appeared to confuse the hours of licensable activity with the permitted closing time. CCTV

viewed by the Police officer as listed on page 174 of the agenda papers stated that there was “no indication of any form of fight or scuffle and no one is shown to walk away from the scene as you would expect from those injuries”. The report went on to say “footage shows security guards regularly by the front door and they aren’t seen rushing towards any incidents at the front of the building”. The incident reported did not happen and not enough evidence had been provided by the Police to justify that it did.

- Police reported that on Saturday 29 July 2017 an incident had occurred whereby a gold chain was ripped from an individual’s neck. The same individual had stated that a silver 9mm firearm was placed on his stomach. The officer investigating the matter described the witness account as being credible. However, it was not possible to tell how big the barrel of a firearm was unless it was properly measured. Page 180 of the agenda papers appeared to state that CCTV footage was not viewed by the Police and had not even entered the premises on the night of the incident.
- Police only entered the premises the following night in an attempt to meet an individual who was not present at the premises. On the Monday after the incident, the incident itself was reported on the news and that was when he first found out about it.
- Five members of security staff were present at the premises at the time of the reported incident and were not aware of the incident having occurred.
- Page 185 of the agenda papers also appeared to state that the individual remembered his chain falling to the ground but was unsure how it happened as he was focused on the perpetrator.
- On the following Monday (31 July 2017), premises staff had organised with the Police to see the CCTV and had an appointment with Mr Ellis. When the Police attended, they were told that Mr Ellis was running late. Police officers then refused to come into the building and did not speak to anyone or ask about others. Police then reported that they had experienced some resistance when investigating the matter and that there was shouting and other obstructive behaviour. Premises staff were upset because the Police refused to enter the premises and answer any questions.
- Police had reported that at the time of the incident that the premises had closed whilst they were speaking to the victim and so they had no access to the CCTV. However, Police had not made an effort to speak with premises staff.
- Sgt Smith met with the premises staff (alongside Councillor Seedat) once only and submitted a review application 22 days later and stated that only two meetings had been held between the premises staff and the Police. Premises staff had met six or seven times with the Police and had regular communication with them by email.
- The Police had been very good in their meetings with premises staff. However, Sgt Smith had not been. He had made pre-meditated assumptions about the premises and the evidence put forward by him had not been properly researched.
- The Police representation detailed an incident on 18 September 2017 whereby a local resident had complained about anti-social behaviour occurring at the premises. The person also reported that it happened 3-4 times a week. The reported incident appeared to be wilfully misleading and he questioned the validity of the incident having occurred.

- Items found at the premises such as the air gun and knife had been found as part of the standard checking procedures. Members of the public had access to certain areas of the premises when the premises was open for use.
- The premises did have a licence for music, drinking and dancing, so these activities taking place at the premises was to be expected.
- He disputed that that incidents reported to have occurred on 30 July 2016 and 27 August 2016.
- The incident reported to have occurred on 2 September 2017 should not be considered a responsibility for premises staff as premises staff were not liable for a patron putting cannabis in his underwear.
- On 9 December 2016, a member of staff had found a knife in the ladies toilets. This could have been left by anybody entering the premises to use the services it offered.
- Premises staff were not aware of the incident which was reported to have occurred on 8 January 2017 in which it was alleged that the victim required eight stiches and was bleeding heavily. Although Police had said that premises staff had not called the Police, the staff was not aware of the incident until after the agenda papers had been published.
- After the incident on 4 February 2017, the security company that the premises used was changed and increased to three members.
- The incident on 11 March 2017 was disputed to have occurred.
- Police had reported that on 28 April 2017 a 'handgun' weapon was found. However, the item uncovered was not illegal to own and the use of the phrase 'handgun' was misleading.
- The incident on 13 May 2017 was not disputed. However, the Police representation stated that a single shot was fired but the supporting documents (specifically, page 163 of the agenda papers) stated that three shots had been fired.
- He disputed the incident reported to have occurred on 24 June 2017.
- He disputed the incident reported to have occurred on the night of 29 July 2017. There was no evidence of the incident and no witnesses.
- He disputed the incident reported to have occurred on 18 September 2017.
- Premises staff were working well with Police and the Council and wanted to thank Mr Akinola for his efforts.
- Of the 20 conditions that had been suggested, the premises had met them all with the exception of five.
- Premises staff had met with the Police, the Council and Councillor Seedat on 4 September 2017. On 22 September 2017 he saw an email informing that another meeting would be arranged and on 24 September 2017, the review application was submitted.
- An attempt was made to limit access to the premises after midnight but this caused problems, particularly for visiting teams.
- Some of the suggested conditions could not be implemented at this time due to financial restrictions, particularly given the services the premises ran.

- The dominos team based at the premises recently won a league tournament, indicating that the premises did engage in the playing of dominos.
- Although there were 1,500 licensed premises in the area, the Dominos Club was only one of two holders of a club premises certificate.

In response to questions from Members, Board members for the premises Dr Hashi, Mr Smith, Mr Ellis and Ms Rainford-Butler informed the Sub-Committee that:

- The soup kitchen was located on the first floor.
- An effort was made on the ground floor to open the fire door and close another door so that an appropriate smoking area could be created.
- The dominoes team played nationally and as part of the rules of a home game, the home team had to host the away team.
- The newly implemented policy regarding entry/re-entry had been difficult to implement as visitors from the external teams had difficulty adjusting to it and this had an impact on the reputation of the team.
- It was previously hoped that a capital fund would help build new entrances at the premises and help further the licensing objectives.
- Security staff were employed at the premises and there was no direct entry into the soup kitchen.
- Guests would be registered via a signing-in book. Further development of the premises were to be put in place.
- The premises was not a nightclub and the Board for the premises wished to maintain the club premises certificate.
- The premises needed further development.
- Club members were allowed to bring two guests with them.
- Parties were no longer an occurrence at the premises.
- Page 241 of the agenda papers detailed a 'steady flow of customers between 03:00 and 03:35' but there was no music being played at that time and this was a period of time that patrons were leaving the premises. It was difficult to offer further information as premises staff had only recently become aware of much of the information in the agenda papers. Premises staff had examined CCTV evidence and there did not appear to be any sale of alcohol at the time.
- The management could agree to a condition whereby formal guests to the premises would be signed in by 00:00 and those who were not formal guests would not be allowed entry into the premises after 00:00.
- Page 227 of the agenda papers showed an email to Ms Rainford-Butler sent by Mr Akinola containing policies that the Board members of the premises needed to consider. This email was then followed by an email from the Principal Licensing Officer at the time, Mr Rob Gardner, on 31 August 2016 which could be found on page 230 of the agenda papers. Follow-up emails were later sent requesting further action. On 18 May 2017, nearly a year later, Detective Superintendent Oxley met with Mr Hashi. Some discussions were held regarding the processes and activities that occurred at the premises and options that could be considered by Board members for the premises.

- On 26 May 2017, a meeting was held with the Board members of the premises.
- Emails were also sent to premises staff on 18 July 2017 and 6 September 2017 and the latter email could be found on pages 63 and 64 of the agenda papers.
- Some proposed conditions could not be met (specifically the use of scanning identification equipment and an upgraded CCTV system) due to financial restrictions.
- Board members for the premises at the time were under the impression that a significant amount of money would be invested into the premises that would allow for a changed layout and address further the licensing objectives.
- The scanning identification equipment cost £3,500 and the premises was paying approximately £3,000 on electricity bills per year.
- The Board members of the premises were looking to introduce an electronic members' book and attempts would be made to raise funds. The app was in the process of being developed. An app cost £2,800 to develop and anytime funds were raised, it was often spent on electricity bills.
- Membership cards were also in the process of being developed and would be implemented in the next three weeks.

The applicant was recalled to address matters arising. In response to questions from Members, Ms Le Fevre and Sgt Smith informed the Sub-Committee that:

- The Police generally worked collaboratively.
- With regard to the incident on 29 July 2017, at the time of the incident, the premises was the only one in the area that was open to the public. The premises must be closed at 03:00 and must cease licensable activity at 02:00.
- The images found from page 208 of the agenda papers showed the excessive number of people leaving the premises after 03:00.
- There was also a report of an attempted robbery approximately two hours after premises should have been closed on the night of 29 July 2017.
- That the premises staff were willing to work with them was never in dispute but a willingness did not always lead to a resolution.
- The pictures found from 208 of the agenda papers showed the activities occurring at the premises from 03:00 to 03:43.

At this point in the proceedings, the Board members for the premises informed the Sub-Committee that on page 144 of the agenda papers, it stated that the CCTV cameras were approximately thirty five minutes fast. However the Sub-Committee also considered that on page 175 of the agenda papers, the CCTV was reported to be thirty minutes slow.

Adjournment and Decision

At 10.35pm, the Sub-Committee withdrew from the meeting together with the legal adviser and clerk to deliberate in private.

The Sub-Committee had heard and considered written and oral representations from the parties.

RESOLVED: To defer the decision.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to defer the decision of the hearing for the following reasons:

The Sub-Committee noted that there were only two premises in the borough that had a club premises certificate. There was a lot of important information that had been submitted to the Sub-Committee and the Sub-Committee understood how significant a contribution the premises made to the community via the services it provided. The Sub-Committee wanted to ensure that they arrived to the correct decision. The Sub-Committee wanted to take time to consider the information, reconsider the information provided in the agenda papers but would deliver a decision within five working days of this hearing. Once the decision was issued, any party wishing to appeal would have 21 days from the date of the decision to do so.

The meeting ended at 11:03pm

CHAIR
LICENSING SUB-COMMITTEE
Tuesday 12 December 2017

Date of Despatch: Friday 8 December 2017

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