

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 19 January 2024 at 10.00 am at Online/Virtual

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Barrie Hargrove
Councillor Charlie Smith

OTHER AUTHORITIES PRESENT: P.C. Ian Clements, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
Matt Tucker, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

The chair explained to the participants and observers how the meeting would run.

Everyone then introduced themselves.

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

The voting members were confirmed verbally, one at a time.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair accepted the following item as late and urgent:

- The summary review of the premises licence issued in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA

The licensing officer presented their report. Members had no questions for the licensing officer.

The Metropolitan Police Service officer, the applicant for the summary review, addressed the sub-committee. The police officer requested to give evidence to the members of the sub-committee in private.

The legal officer to the sub-committee advised that under Regulation 14(2) of The Licensing Act 2003 (Hearings) Regulations 2003, the members of the sub-committee could hear the police evidence in private.

The members, the legal officer, the clerk and the police officer left the main virtual meeting room at 10.20am and went to a separate virtual room to hear the police evidence. They returned to the main virtual meeting room at 10.54am.

The police officer briefly further addressed the meeting. Members had no questions for the police.

The licensee and the designated premises supervisor for the premises addressed the sub-committee. Members had questions for the licensee and the designated premises supervisor.

All parties were given up to five minutes for summing up.

The meeting adjourned at 11.26am for the sub-committee to consider

The meeting reconvened at 12.04pm and the chair advised everyone of the decision.

RESOLVED:

That as an interim step to promote the licensing objectives, pending the determination of the full review application in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA at the full hearing, to be held on 8 February 2024, the licence be suspended.

Reasons

This was an application made by the Metropolitan Police Service for a summary review under Section 53A Licensing Act 2003 in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Rd, London SE1 5BA and to decide, whether, it was appropriate to take interim steps pending the determination of the full application for review under Section 53C of the Licensing Act 2003.

The licensing sub-committee heard from the Metropolitan Police Service, who advised that a Superintendent certified, that in their opinion, the premises were associated with serious crime, serious disorder or both, on 17 January 2024. An application was therefore, submitted for a summary review of the premises licence issued in respect of Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA. The application concerned an allegation of a serious incident that took place between 02:15 hours and 02:45 hours on 2 January 2024, when the premises should have been closed, detailed in the crime report number 3001447/24.

Pursuant to regulation 14(2) of The Licensing Act 2003 (Hearings) Regulations 2003, the members of the sub-committee heard evidence from the police. This was done in the absence of all other members of the public, including representatives from the premises, as it was considered the public interest in doing so outweighed the public interest in that part of the hearing taking place in publicly. Further, as at the time of the sub-committee, no arrests had been made, and the premature disclosure of the details to the representatives for the premises, could jeopardise the on-going investigation. The police requested that, as an interim step, to suspend this premises licence pending the outcome of a full review on 8 February 2024.

The licensing sub-committee then heard from the designated premises supervisor (DPS) who confirmed that the premises was open to the public for ticketed event on 1 into 2 January 2024, and there was no temporary event notice for the event, which was on a Tuesday. However, the DPS was genuinely surprised that a serious crime had taken place, because he had been at the premises himself that night. He stated that it was not busy, with no more than 50 patrons in the premises. It was therefore decided to close at 02:30 hours, with all patrons out of the premises by 03:00 hours. The DPS was unable to comment any further than this, particularly how a potential future incident could be avoided, because the premises had not been made party as to what the allegation(s) was/were.

The DPS stated that he had inspected the CCTV footage from that night, but he had observed nothing untoward. Furthermore, no complaint had been made from any person concerning the events of that night and there was a loyal, long term, team of eight SIA officers and three stewards working that night, none of whom had observed anything that could resembling serious crime or serious disorder.

The DPS also accepted he was personally responsible that no TEN was in place for the event. He, however, stated that he did not know that the premises was not authorised to open, stating that he had never been inducted about it. He stated that, when required, TENs were ordinarily submitted and it was not worth the risk to operate without one. If there had been any doubt, staff would have approached him to ensure that the TEN was in place, but nobody ever informed him. He further added that the conditions of the licence were already complicated. Internationally, 1 January was considered a bank holiday and for that reason, the DPS thought that the premises was permitted to open.

It was explained to the DPS that, the premises licence permitted the premises to remain open longer on New Year's day morning, but there was nothing in the premises licence that permitted opening on 1 January 2024 after 05:00 hours and, therefore, should not have been opened that evening or on 2 January 2024. This was provided for in condition 396 on the premises licence.

It was also noted, by members, that the event had been advertised on the Internet in advance and was ticketed. The DPS accepted this, but stated that the event was a New Year's Day party, that was meant to run until 02:00-03:00 hours. The Chair of the sub-committee stated that this was at odds with the event being advertised as admission until 04:00 hours. The DPS attempted to explain that this was a '*promoter thing*', stating that he never planned to open that late because he knew people were tired and the promoter was aware of this.

The licensing sub-committee then heard from the owner of the premises, who since 2019, had a very restricted role in the premises following condition 840 being placed on the licence. The owner stated that he was out of the country on 1 and 2 January 2024. The concerns from the police, were only brought to his attention on 18 January.

Since that time, he had been told that there had been only 50 patrons at the premises, he had met with his staff, including the SIA door staff and no-one was aware of any incident that may have happened. He had also viewed the CCTV, but there was nothing to show of any serious crime as indicated on the police. It was unfair to close the premises, potentially for months, due to an alleged offence which would have a devastating impact on staff and the business.

The licensing sub-committee was satisfied because the premises was open when it was not permitted to be, serious crime and/or serious disorder had taken place. The premises has history of operating without the necessary permissions in place as detailed in the operating history set out in the agenda.

The premises was also subject to a summary review in 2019 following an incident when the premises was operating without the correct authorisation in place, whether by way of a premises licence or TEN.

The police also informed the sub-committee that on or around 3 January 2024 credible information had been received by the police that members of a gang would be attending the premises and committing serious violence, although, in respect of this, the premises did not open voluntarily.

Although the DPS stated that he was an experienced DPS and had held a personal licence since 2016, he contradicted himself in his verbal submission, his explanation for not submitting a TENS was poor and he had demonstrated that he did not have a full understanding with the terms of the premise licence.

The sub-committee concluded that the suspension was necessary and proportionate to promote the licensing objective of the prevention of crime and disorder and no other modifications to the premises licence would be appropriate at this time. This was due to the seriousness of the incident, the breaches of licence conditions on this occasion, and the previous operating history of the premises.

Appeal rights

There is no right of appeal to a Magistrates' Court against the licensing authority's decision at this stage.

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation. The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination.

Any representation should be in writing and cannot be received outside of normal office hours.

The meeting ended at 12.07pm.

CHAIR:

DATED: