



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 3 December 2014 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Lorraine Lauder MBE

OTHERS PRESENT: Donovan Haye, representative from Club Favour
Kamart Pennyfeather, witness for Club Favour
Emeka Osisiona, representative from Club Favour
Adrian Studd, licensing consultant
Philip Somaraks, legal representative
Ian Clements, Metropolitan Police Service
Graham White, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
Dorcas Mills, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

The chair advised that item 6 would be considered as a late and urgent item.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: CLUB FAVOUR, (GROUND FLOOR) 512 -516 OLD KENT ROAD, LONDON SE1 5BA

This was a reconvened meeting from 10 November 2015.

The sub-committee were advised that the premises had not brought CCTV footage as it had expired.

The Metropolitan Police Service representative, the applicant for the review addressed the sub-committee. Members had questions for the police representative.

The representatives from the premises, their legal representative and the alleged victim addressed the sub-committee. Members had questions.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.58am.

The meeting resumed at 12.46pm and the chair read out the decision of the sub-committee

RESOLVED:

The council's licensing sub-committee, having had regard to the application by the Metropolitan Police for a review of the premises granted under the Licensing Act 2003 to the premises known as Club Favour, 512-516 Old Kent Road, London SE1 5BA and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to impose the following conditions:

1. That CCTV shall be installed and used during the opening hours of the premises. It shall be capable of capturing the search procedure of all persons entering the premises. The camera should be capable of providing detailed coverage of each search that takes place prior to entry, and kept for 31 days.
2. That all incidents involving violence that result in an injury or accidents that result in an injury shall be reported as soon as practicable to the emergency services.
3. That there will be a minimum of eight SIA door supervisors on Friday and Saturday nights.
4. That an incident log will be kept and maintained at the premises. All incidents will be logged as soon as practicable. The log will be made available on request from the police or other authorised officers.
5. That condition 290 be amended to read "That SIA door supervisors, at least one of whom shall be a female, shall be employed at all times after 22.00 and the terminal hour that the premises are in use under this licence and provided with hand held metal detection units, and all persons entering are searched using the wands to include a full body scan, including footwear, in order to ensure that searches are carried out in respect of all the admissions to the premises, whether members of

the public or performers and their assistants and mechanical counting devices shall be used to ensure that the maximum accommodation of the premises is not exceeded.”#

6. That condition 308 be amended to read “That there shall be no new entry or re-entry to the premises after 02.00 on the days following Wednesday, Thursday, Friday, Saturday and Sunday. Other than those who leave the premises for the purposes of smoking a cigarette, those persons shall be subject to a further search on re-entry to the premises to include a wand full body scan.”

Reasons

This was a reconvened hearing from 10 November 2014.

The licensing sub-committee heard from the Metropolitan Police Service, the applicant for the review who stated that on 13 October 2014 at approximately 04.00 a member of the public was stabbed in the arm with a suspected ratchet knife, whilst on the dance-floor. No call was made to the emergency services and staff cleared the crime scene, potentially destroying vital evidence. The CCTV footage of the alleged incident was viewed by the sub-committee. It was noted that the victim required two stitches to the injury on his arm. The police advised that they had spoken to the victim who alleged that he had been called and threatened by the premises to retract his allegation.

The police officer advised that there had been a history of violence at the premises, on 31 December 2013 there was a fight within the premises that spilled out onto the streets and the victim sustained an injury consistent with grievous bodily harm. On 17 February 2014 a bottle was thrown during a domestic incident. There was a previous expedited review on 10 April 2014 that resulted in two conditions being attached to the licence (see page 77 of the agenda).

The licensing sub-committee heard from the representatives of Club Favour in addition to the victim from the incident on 13 October 2014. The alleged assault happened on the dance floor and the victim went to the ladies toilets where it was discovered that the victim was bleeding from his arm. On discovery of the assault the premises licence holders advised that the DJ was instructed to turn the music off. A female customer suggested that an ambulance be called but the victim said that he did not want one. The victim did not know how the cut was sustained. The wound was hardly bleeding and essentially there was no crime scene that could be cleaned. The wound was no more than a small puncture wound.

The sub-committee heard from the victim who stated that in fact he had not seen a knife on the premises and that he merely repeated what his friend had said. The victim stated that he had retracted his initial statement and that he had been very drunk at the time. The premises licence holder showed the sub-committee a series of text messages and played a recording of a telephone between himself and the victim in which the victim requested a substantial amount of money as compensation. The victim verified that he had sent these messages.

It is accepted by all parties that an assault took place at the premises on 13 October 2014 but the sub-committee do not find that the assault was so serious that it warranted a revocation of the premises licence. The CCTV submitted was inconclusive and no clean

up of the premises was witnessed and the victim was offered assistance by the premises. This was accepted by the police. The sub-committee are concerned with the allegations made by the police that the victim was being threatened by the premises. However, in view of the victim attempting to extort money from the premises licence holder, we find the victim's evidence not credible.

Given that this is the second review of the licence in less than 12-months, based on allegations of violence, the licensing sub-committee feel it necessary and proportionate to impose the conditions listed above.

Appeal rights

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application.

Such appeal must be commenced by notice of appeal given by the appellant to the justices clerk for the magistrates' court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

During this time, the interim steps imposed on 17 October 2014 remain in place.

6. LICENSING ACT 2003:CLUB FAVOUR (AKA MY TRIBE), GROUND FLOOR 512 -516 OLD KENT ROAD, LONDON SE1 5BA - REPRESENTATION AGAINST INTERIM STEPS

The licensing officer presented their report. Additional papers provided by the premises were circulated to all parties. Members had no questions for the licensing officer.

The representatives from the premises addressed the sub-committee. Members had questions for the representatives from the premises.

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police representative.

All parties were given five minutes for summing up.

The meeting went into closed session at 2.49pm.

The meeting resumed at 4.37pm and the chair read out the decision of the sub-committee

RESOLVED:

The council's licensing sub-committee, having had regard to the representations by the representatives of Club Favour (aka My Tribe), Ground Floor, 512-516 Old Kent Road, London SE1 5BA, against interim steps imposed at the expedited review on 28 November 2014 has agreed to vary the interim steps:

That the licence be modified with the following conditions:

1. That the opening hours of the premises be:
 - Monday and Tuesday 09.00 to 23.30
 - Wednesday to Sunday 09.00 to 03.00
2. That the licensable activities be:
 - Monday and Tuesday 09.00 to 23.00
 - Wednesday to Sunday 09.00 to 02.30
3. That on Fridays and Saturdays two of the SIA staff be employed in an undercover role.
4. That the recommendations made by the premises licence holder's independent licensing consultant, Mr Adrian Studd, be implemented. The recommendations implemented shall be reviewed and reported back on at the full review hearing on 19 December 2014.

Reasons

This was a hearing to consider representations from the representatives of Club Favour (aka My Tribe), Ground Floor 512-516 Old Kent Road, against the interim steps imposed at the expedited review on 28 November 2014.

The licensing sub-committee heard from the representatives of Club Favour who produced a bundle of letters in support of the premises and the report from the independent licensing consultant, Mr Adrian Studd, the contents of which was fully noted by the sub-committee.

Areas that Mr Studd identified being capable of improvement included: general searching procedures, better training of staff using search wands and the ID scanner, the introduction of an induction process for all new staff, the use of under-cover door staff inside the premises, better management of unacceptable items being brought into the premises.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who welcomed the employment of Mr Studd with the licence holders. However, the position of the police remained unchanged from the expedited review hearing on 28 November 2014. In particular, Mr Studd had identified a further incident from CCTV in that a female was found intoxicated on the floor of the toilets, having been involved in a fight with another female. Furthermore, the director of the club had "stomped" the male victim.

The licensing sub-committee was seriously concerned that a member of the public had been “stomped” by the director of the club. Furthermore, a further incident of potential violence and disorder had been identified from 23 November 2014. The licensing sub-committee are of the view that the incidents on 23 November were as a result of the intoxication of patrons and potential weaknesses in management and procedures and would suggest that all staff attend a responsible alcohol sales course. Until the final determination of this review, the licensing sub-committee are of the view that it would be appropriate and proportionate to attach the conditions listed above in order to promote the licensing objectives.

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.

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

The meeting ended at 3.20pm.

CHAIR:

DATED: