

Mexican Bar and Grill 190-192 Old Kent Road SE1 5TY.

Report by Mark Halton – MJH LICENSING CONSULTANTS

Independent Licensing Consultant

Introduction.

1. I have viewed CCTV footage and Incident log completed by security for the above premises and have been instructed to undertake an impartial review and investigation.

Personal summary – Mark Halton.

2. I have retired from the police service having completed 30 year's exemplary service with the Metropolitan Police in London. I served for 9 years within the Central Clubs & Vice Unit and dealt with street prostitution, brothels, massage parlors, illegal gaming/casino crime and both licensed and unlicensed venues for the sale of alcohol.
3. Serving as a field intelligence officer within CO14 Clubs & Vice I conducted covert policing and surveillance operations. I became a drugs test purchasing officer and financial investigator used primarily in the night club economy specializing in nightclubs and bars.
4. I then became employed as a police licensing officer within the Clubs & Vice Licensing Unit. Supervising and dealing with licensing prosecutions, administration and applications. After this I was selected as the Westminster Borough Licensing coordinator. Supervising all licensing teams within the Borough, modifying police process's particularly prosecutions. This directly led to my setting up of the Westminster police licensing unit in which I supervised, writing the crime reduction manual for licensed venues and assisting with the Westminster Statement of Licensing Policy.
5. I was then appointed the Police Licensing Advisor to the Home Office on secondment. Running and supervising the Home Office Intensive Support Visit program (ISV) supplying training on legislation, powers and practical implementation. Completed submissions on Prime Ministerial Questions (PMQs), advice to various ministers including the Home Secretary. I Wrote the Home Office guidance on expedited reviews and section 19 closure notices. Sat on the boards of Best Bar None, Pub Watch and Purple Flag. During this time, I assisted in the licensing of the Olympics 2012. In 2013 I returned to the Met. Police and supervised and organized the police licensing for the Rugby World Cup 2015.
6. A Home Office qualified Crime Reduction Officer, Crime Prevention Design Advisor, Architectural Liaison Officer and CCTV system approved officer. An expert in crime reduction measures, designing out crime and getting venues experiencing problems back on track.

CCTV.

7. I have viewed CCTV footage at the venue, taken from the premises own CCTV system. I understand that the police have launched the summary review on the basis that a Superintendent is of the belief that serious disorder has occurred. The Local Authority has imposed interim steps.

CCTV Venue.

For Info. The date stamp is correct. The time stamp is not correct. The time on the CCTV image shows 1 hour forward e.g. 0024 would in fact be 2324. The timings I show below are therefore the actual timings and not those shown on the CCTV system. Venue has been advised to update date and time stamp.

I have viewed four cameras showing the entrance to the venue, behind the bar, the main dance floor and the back door (fire exit).

I observed from 2320hrs on 22/02/20.

2324hrs Victim is seen entering venue with two other males. There are no signs of drunkenness. He is steady on his feet and appears to be communicating coherently with security.

2327hrs Victim seen paying entry money, again no sign of drunkenness.

0155hrs Victim escorted out of venue, no force used. Peaceful. Victim walks out unaided.

0158hrs Victim seen to hang around at front of venue speaking with security, he then walks out of camera view.

0232hrs Victim seen leaning against digital advertising hoarding at front of venue. Not visible to security due to queue of persons at front of venue awaiting entry or smoking within barriered area.

0323hrs Victim has argument with group of 3 males, one of which removes his jacket and shoves male with two hands. Victim falls backwards onto his back. The suspect then kicks the victim on the floor 3 times. The suspect is stopped by the males with him they walk away slowly. Within 4 seconds security are looking after the victim and calling LAS.

CCTV conclusion.

8. The victim is clearly seen entering the venue. There are no signs of drunkenness. He is steady on his feet at this point and appears to communicate well with security.

9. He is escorted out of the venue with no force used.

Incident log.

10. I have further viewed the security incident log supplied to myself by the venue's legal representative. I make the following observations.

The Incident log is filled out correctly with names and details of security. The content has been written clearly. It details that approx. 3.30am after the venue was closed, the male (victim) was refused entry due to them being closed and his drunken state. Security saw him talking to group of males outside. Security then witnessed the victim pushed to the floor by one of the males he was speaking to. The suspect also kicked the victim whilst the victim was on the floor. Security immediately went to victim and phoned for an ambulance straight away. An ambulance attended as did the police. Security relayed what had happened to police, assisting with vicinity search by entering patrol vehicle and assisting with ground search. This resulted in security identifying the suspect who was subsequently arrested. Security provided witness statements.

Conclusion.

11. I have viewed CCTV from the venue. I have viewed the security incident log.

I make the following comments after reviewing the above.

12. There are rope barriers outside the venue, creating a sterile area for the queue of persons entering and those smoking. Security need to be more visible. All security must be dressed appropriately and be wearing reflective jackets. They must be tasked in clearing persons away at the end of the night. This is done now but I have observed security not wearing reflective jackets and not being pro-active enough in moving persons on from the area.

13. Security have acted correctly, the male victim when entering shows no signs of drunkenness and there is no reason not to allow entry. Once the male becomes drunk within the venue, he is requested to leave and is escorted out peacefully, no force is used. There is that I can find no evidence of serious disorder within the venue. The victim attempted to regain entry to the venue but was refused as the venue was closed and he was now clearly drunk. The victim is assaulted outside the venue by males who were customers leaving. There is from what I have observed no real fault with security, the only aspect I can recommend improvement upon is that of visibility. I would recommend that there be 3 members of SIA registered security at the venue if it is open post 1am. 1 member of security to be permanently posted outside the main entrance until the last customer has left and the footway is clear. I believe that all incidents must be recorded within an incident log conditionally ensuring compliance.

14. I propose communication lines be opened between the police and the venue. If there is a pub watch or club watch in the area, this should be if already not, joined.

15. I am confident that the exit policy at the venue can be vastly improved upon. I believe that officers themselves believed that an incident of serious disorder may have occurred, and that quick action was needed. This action was taken and interim steps imposed. After being able to assess all the evidence I have been supplied, it is quite clear that there was a serious assault outside the venue. This can and will be addressed by the venue.

16. The venue needs extra presence on the street after closing, security need high visibility jackets, converse with customers leaving reminding them to do so quietly, keeping the footway clear. Visible signage needs to be placed at the exits reminding persons to leave quietly.

17. Glass and/or bottles must not be allowed to be taken outside the venue.

18. Staff need to be trained in stopping and recognising drunkenness; this need to be completed annually. This I feel has been the real issue here. They have not been adequately trained.

Management must take the blame. I welcome the change in the DPS and licence holder. I am not confident that those previously in such positions have been robust enough, I agree with the concerns of police and local authority officers. I do believe this must be balanced against the cultural and community benefits of this venue. Managers should be in possession of a personal licence to give them the knowledge in addressing the licensing objectives.

19. Free drinking water should be supplied at the tables and no glass must be taken outside the venue. Polycarbonate could be looked as an option.
20. If the exit measures above and my observations were conditions, I believe there would be no need for a last entry time at the venue, as the measures would greatly assist in reducing any problems related in adhering to the licensing objectives. This would further be improved upon by new well trained DPS and management.
21. I wish to mention that in my experience (having supervised 3,268 licensed premises in the West End and Westminster) offences of violence happen at licensed premises even the best managed ones. If a venue is open to the public, I'm afraid offences of a minor and sometimes major type will happen. Although as I have outlined above there are it appears issues, these issues can be addressed. This is a Latin American themed club premises post 11pm and therefore no problems could have been foreseen prior to what seems a normal event night seen in many venues up and down the country. If an official risk assessment had been done prior to this event and communicated to the statutory authorities (not that it would be needed unless conditional), no one would have in my opinion expressed any view or intention that this night should have been cancelled.
22. I understand that my duty is to the court and this report has been prepared in compliance with that duty. All matters and expert opinion relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional on the outcome of the case in any way whatsoever.

Dated 17 March 2020