

London Borough of Brent

**Decision of the Alcohol and Entertainment Licensing Sub-Committee following a hearing
on 1st February 2017 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ**

NOTICE OF DECISION

PREMISES

Crystal Sports Bar & Shisha Lounge (Mango)
1a Poppin Business Centre
South Way
Wembley
HA9 0HB

1. Members of the Sub-Committee

Councillors Harrison (Chair), Hylton and McLeish.

2. The Application

The application is for a summary review of the premises licence held by Mr Kuppusamy Kirupakaran under section 53A of the Licensing Act 2003.

The application was brought by PC Michael Sullivan on behalf of the chief officer of police for the Metropolitan Police.

3. Representation

The applicant was represented by PC Michael Sullivan and PC Paul Whitcombe.

The licence holder, Mr Kirupakaran, attended unrepresented.

Mr Tharshan Navaratnarasa also attended.

4. The Hearing

PC Sullivan set out the police representations. The premises is split into 5 different licences. The problems have been with the front part known as Mango. Mr Kirupakaran is the premises licence holder for all the licences in the unit.

There have been significant problems at the premises in recent months. It has been sub-let to a company who seem to attract a young Asian group. Mr Kirupakaran has not been involved in the day-to-day running which has led to the problems.

In the early hours of the 29th January Brent CCTV picked up a large disturbance at 2.40am.. When police arrived, it had calmed down a bit but three arrests were made. The CCTV of that first incident was played. PC Sullivan has requested the CCTV from inside the premises but it was not available today. It appears there had been a disturbance inside leading to door staff ejecting people. That then led to the disturbance outside shown on the CCTV.

The CCTV at 2.42 shows a male coming around the side of the building to the front. He picks up a barrier and is stopped by door staff. A brawl then starts at the front of the premises involving a large number of people. Barriers are used as weapons and are knocked over. People are also knocked over. The incident then spills out onto the street, preventing cars getting past. One of the door staff can be seen adopting a boxer-like stance towards a male. A number of males in the street can be seen holding belts and wrapping them around their hands. One of the door staff can be seen getting up from the floor. More incidents break out in the road until police arrive at 2.49. Three arrests were made.

Unfortunately, the premises were not closed after that. PC Sullivan asked the designated premises supervisor ('DPS') why that did not happen. He conceded that should have happened but it did not.

The CCTV at 4.46 a.m. shows limited door staff around which was unfortunate when it was nearly closing time. They have disappeared when the trouble starts. There are a lot of vehicles in the road and people start spilling out into the road and getting into vehicles. A group of males chase other males in a car. The car reversed back towards one of the chasing males and narrowly missed him. It was pure luck he was not injured.

The CCTV operator was communicating with the police but the police did not attend at that point because they did not have sufficient officers. A number of officers were still dealing with the earlier incident.

There was then a third incident at 5 a.m. at closing time. It looks as if the door supervisors have finished for the night. There is no sign of them. The group of males are therefore allowed to continue fighting in the road. One of them is the male who had almost been run over during the second incident. There are drunk people in the road preventing vehicles from getting past. That continues until 5.08 a.m.

That alone would be enough for a summary review but in addition the history has not been good. A review had already been put in prior to this incident.

On the 27th December 2016 there was disorder of a similar nature and a Closure Notice was obtained for the New Year's Eve weekend when a large function was due to take place.

In PC Sullivan's view, if this is allowed to continue there will be more serious offences committed. It was pure luck there were no injuries on the 29th January.

The club is only open on Friday, Saturday and Sunday nights. There were incidents of this nature, including a GBH, virtually every weekend from October to December 2016. This was the first weekend it had opened in the New Year and this is what has happened.

He added that other events such as weddings take place without incident in other parts of the building. It is the events that take place at the front using this particular group that cause the problems.

PC Sullivan therefore asked for a suspension of the premises licence.

Councillor McLeish asked about the licence holder's responsibilities in respect of door staff. The officers said that, whilst there are people there, there is a responsibility to ensure their safe departure. In fact they seem to clock off at 4.45. No one at the club called the police. The police only knew about it because the Council's CCTV operator brought it to their attention. Condition 2 of the licence requires the licence holder to employ door supervisors from 21.00 on any day they are open after midnight. There is no end time but common sense says they should be there until the last person has left.

PC Sullivan said there have been a lot of meetings between the police, the licence holder, DPS and the people running these events. The new DPS was already in place on the 29th January. He has been involved previously and knows about the set-up and the running of the place. He was spoken to on Monday morning to make enquiries about the CCTV. He did not have an answer to why it had not been closed after the first incident. He is an experienced DPS and should have closed it. It appears that he does not have the influence to close the club. The group running it seem to be forceful and intimidating. They are there to make money and do not appear to be concerned about how the club is being run.

The licence holder asked Mr Navaratnarasa to speak on his behalf as he deals with the day-to-day running. The sub-committee were happy to allow that.

Mr Navaratnarasa said he had spoken to Abdul Khan who runs the events at Mango. He had confirmed all the people involved in the incidents on the CCTV came from inside the club.

Mr Navaratnarasa became involved in October. He runs the banqueting in the lounges. He said the front site is a bit of a mess. It should have been stopped a long time ago. It doesn't give a proper picture of what they do. They run catering and banqueting events. He said that no rent has been paid for Mango for months. They owe £40,000 but have made money from the events there. There is no proper contract. He said he was not here to justify what had happened. They were happy to work with the police. If the police said that the best thing was to suspend the licence, they were happy to go along with that. They had already worked with the police e.g. by changing the security company, introducing body-scanners etc.

He said that Mr Khan had been involved with the dialogues with the police and had the action plan.

Mr Navaratnarasa did not know why no one called the police. He was not there and could not speak for those who did. He has asked them and they said they felt they were in control.

Mr Navaratnarasa confirmed that the other events at the premises had finished by 1a.m.

Mr Navaratnarasa said they have CCTV cameras at the front. They are trying to connect all the cameras so they can see them from one room.

The Mango people hired the security people who were there that night. He had told them they needed to use a company approved by police. They had been doing that for 2 weeks.

Mr Kirupakaran said he did not feel he could get rid of them. He has now told them to go although he has not yet changed the locks.

Mr Navaratnarasa said he was only asked for the internal CCTV yesterday. He had not obtained it himself as they are having to arrange weddings etc.

Mr Navaratnarasa said his Uncle was too nice. They did not want to surrender the licence because in the long-term they need to front part to use it as a waiting area for the banquets.

Neither Mr Navaratnarasa or Mr Kirupakaran could tell the sub-committee what the four licensing objectives were.

PC Sullivan summarised by saying the footage speaks for itself. It's lucky there were no serious offences committed. The licence-holder does not appear to have control of the premises. He therefore asked for a suspension.

Mr Navaratnarasa said that they were happy to work with the council and police. They acknowledged their mistakes. In the long-term they wanted to try to resolve it and to run a completely different type of business there.

5. Determination of the Application

Pursuant to sections 53A and 53B of the Licensing Act 2003, the sub-committee considered whether it was necessary to take interim steps pending the determination of a review of the premises licence. The sub-committee considered whether to modify the conditions of the premises licence, to exclude the sale of alcohol by retail from the scope of the licence, to remove the designated premises supervisor from the licence, or to suspend the licence.

Those matters were considered with a view to promoting the licensing objectives, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

In making its decision the sub-committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Brent's licensing policy. In addition, the sub-committee took account of its obligations under section 17 of the Crime and Disorder Act 1998.

The sub-committee were mindful of the need to reach a decision that was necessary, proportionate, and justified on the evidence before them.

6. Decision

The sub-committee has listened carefully to the submissions made by both parties.

They felt there was no option but to suspend the licence as an interim step pending a full review.

It was of particular concern that no one from the premises had called the police despite the fact that the DPS was on site.

This was not an isolated incident. There had been a history of serious incidents at the premises since October.

The sub-committee did not feel that the premises licence holder had any control over the premises.

The changes recently made such as the new DPS and the use of a different security company did not appear to have had any effect at all.

The sub-committee did not feel that modifying the conditions of the premises licence, excluding the sale of alcohol by retail from the scope of the licence, or removing the designated premises supervisor from the licence would address the concerns that had been raised. The only option was therefore to suspend the licence.

7. Review Hearing

A review of the premises licence will take place on a date to be notified.

8. Right of Appeal

The parties have a right of appeal to Brent Magistrates' court against this decision.

If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

Dated 1st February 2017