

London Borough of Brent

Decision of the Alcohol and Entertainment Licensing Sub-Committee following a hearing
on 11 April 2017 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ

NOTICE OF DECISION

PREMISES

Ruby Lounge
1 Poppin Commercial Centre
South Way
HA9 0HB

1. Members of the Sub-Committee

Councillors Long (Chair), McLeish, Harrison

2. The Application

The application is for an expedited review of the premises licence by the Metropolitan Police. The ground for the review is serious crime and disorder.

3. Representation

The Police were represented by PC McDonald with PC Whitcomb in attendance. The Licence Holder, Mr Kirupakaran was present represented by his Agent, Mr Graham Hopkins. The DPS Mr Sriharan was present as was the bar manager Mr Kelly.

4. The Hearing

The Police set out their evidence in support of the Review. It was explained that this was a late night venue which attracted mainly Asian males. The Premises licence holder leases the premises to a Mr Frank Chipan. It was the police view that the current DPS has little control over the premises.

On the 15 March 2017 PC McDonald had a meeting with Mr Chipan and Mr Graham Hopkins, the agent, and the venue manger. The reason for the meeting was to ascertain that the door supervisors were authorised with the SIA and were being employed correctly. It became apparent that the door supervisors were being employed in breach of SIA regulations. To date Police have made numerous requests for details of the security contract – to no avail.

A serious incident took place on the 02 April 2017 where police received 3 separate 999 calls. One caller in particular mentioned that his friend was being punched by door staff. Many of the patrons were highly intoxicated and taking statements from them was problematic. There were a number of injured males at the premises.

PC McDonald explained that two door supervisors were on duty at the venue and they do hold SIA badges. However it was clear that they overstepped the mark drastically. CCTV footage from the incident was played. It was noted that, on the police case, the venue has not called 999.

In addition to the current CCTV evidence a further incident had taken place at c04.50 where a customer had been assaulted by a door supervisor.

The Police sought a suspension of the premises licence until full review. They explained that they had no confidence in the premises licence holder or DPS. In order to protect the public and prevent crime and disorder an immediate suspension was required.

Under questioning PC McDonald confirmed that no weapons had been found on the 02 April 2017. Nor were any arrests made or searches carried out.

PC McDonald further confirmed that, as far as she was aware, there had been no reported incidents from this venue prior to the 2 April 2017.

Councillor Long asked about what, if any, effort was made to disperse the crowd. PC McDonald answered that little was done by the door supervisors.

The Premises licence holder set out his response via his agent. It was explained that the licence holder had been in post for 4 years. The general manager has been in place for 6 years.

The events of the 2 April were accepted but it was emphasised that this was the first reported incident from the venue. Event of 2 April was a first incident.

It was submitted that Mr Kelly was employed as bar manager and had no other role at the venue. On the night he had gone outside for a cigarette – but played no part in what happened on that evening. About 04:50 a call was made to the police by a member of the public on the request of Mr Kelly.

With respect to the SIA door supervisors Mr Madouri has confirmed that he has been providing door supervisors since 15 March 2017 – the company was “VIP Equaliser”.

Since the incident Mr Hopkins stated that he had advised his client not to use those door supervisors again

The Licence Holder suggested that, as opposed to suspension, a condition of 3 SIA door supervisors could be imposed. The sub-committee were asked to bear in mind proportionality when coming to their decision.

Mr Hopkins suggested that it was simply these particular patrons that had caused trouble –They had been asked to leave however when they got outside the staff were subjected to racial abuse for a prolonged period of time.

The Licence Holder accepted that the doormen had overreacted. They accepted that a kick took place. These two supervisors were not going to be used again. The customers in questions had also been barred.

Mr Hopkins urged that suspension would be excessive. More conditions were offered in order to satisfy the sub-committee concerns.

In answer to a question by the Police it was confirmed that the two door supervisors in questions have been removed, but no other steps had been taken by the premises licence holder.

The licence holder was unable to tell the sub-committee the names of the door supervisors who had worked at the weekend.

Councillor Harrison asked who had been inside supervising the bar whilst the incident was taking place. Mr Kelly answered that, in effect, no one was. He further gave his view on the incident. He confirmed the sub-committee that the group in question had been very aggressive. In his view the evening had not gotten out of control, it was merely the patrons behaving badly.

Under further questioning the licence holder confirmed that there was only one exit from the premises. In Mr Kelly's view was that the patrons outside had not been drunk. It normally took about 5-10 minutes for patrons to leave the premises. It was further explained that the DPS arrived at the venue just after the police had arrived

In summing up the police submitted that there were far too many inconsistencies in the running of the premises. It was suggested that a period of suspension was the only possible way forward in this matter.

Mr Hopkins stated that the licence holder had taken steps since the incidence. It boiled down to 4/5 people outside making a nuisance of themselves. No weapons were found. The sub-committee were asked not to suspend.

5. Determination of the Application

The sub-committee determined the application in accordance with the provisions of the Licensing Act 2003. Further the sub-committee considered the matter 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 appropriate, proportionate, and justified on the evidence before them.

6. Decision

The sub-committee have considered the police application for a review carefully and have taken into account the CCTV footage and the submissions made by all parties.

On the evidence before us today it is clear that an incident took place in the early hours of the 02 April 2017. At present, we are satisfied that this incident constitutes serious crime and disorder.

Of particular concern the sub-committee notes patrons were still inside the premises well past the 05:00 closing time. On the footage we have seen there appeared to be no urgency by the door supervisors in encouraging those people to leave.

In addition it is clear that the door supervisors were involved in a serious assault which included a kick to the head of a customer. It has been suggested by Mr Kelly that the situation was "not out of control" – however the sub-committee do not accept that.

In considering what is a necessary and proportionate interim step to take we are mindful that there is an on-going police investigation to this incident. Furthermore we also take into account that this is the first recorded incident at this premises.

However at present, we do not have confidence in the current management of the premises. As such we do not consider the imposition of further conditions will sufficiently address the problems at the premises.

The premises licence will therefore be suspended pending the full review. That review will take place within the next 28 days.

7. Right to Make Further Representations Against Interim Steps

Where there has been a material change in circumstances the Licence Holder may make representations to the Licencing Authority against the interim steps imposed. If such representations are made the Licencing Authority must hold a hearing within 48 hours of their receipt.

Dated 11 April 2017