

## Minutes

### LICENSING SUB-COMMITTEE

6 November 2015

Meeting held at Committee Room 5 - Civic Centre,  
High Street, Uxbridge UB8 1UW



HILLINGDON  
LONDON

	<p><b>Committee Members Present:</b> Councillors Dominic Gilham (Chairman) Jazz Dhillon Brian Stead</p> <p><b>Also Present:</b> Premises Licence Holder, Mr Darren Farrell. Mr Philip Somarakis of Gordon Dadds Solicitors represented the Premises Licence Holder. Mr Martin Fox of Frontline Protection.</p> <p><b>LBH Officers Present:</b> Beejal Soni, Legal Advisor, Stephanie Waterford, Licensing Officer, Claire Freeman, Regulatory Services Manager and Charles Francis, Democratic Services Officer.</p> <p><b>Also Present:</b> Emly Mitchell (PC) Ian Wares (A/PS).</p>	
5.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>None.</p>	
6.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>	
7.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE</b> (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items were Part I and would be heard in public.</p>	
8.	<p><b>REVIEW OF PREMISES LICENCE FOLLOWING A SUMMARY REVIEW</b> (<i>Agenda Item 5</i>)</p> <p><b>Introduction by Licensing Officer</b></p> <p>Stephanie Waterford, Licensing Officer, introduced the report to the Sub-Committee and explained the reason for the review followed an application by the Police dated 12 October 2015 for a summary review of the Premises Licence. Officers confirmed that on 13 October 2015, a</p>	

hearing imposed interim steps of adding six conditions to the premises licence as listed in the decision notice found at pages 41-46 of the Agenda ('the Interim Steps') under section 53B of the Act . Concluding her remarks, she set out the Officer recommendations as found at pages page 27 of the Agenda.

At this point the Chairman advised that as a preliminary issue, he invited comments on the imposition of the interim steps during the appeal period and pending the determination of any appeal that may be made. The Legal Advisor confirmed that if so determined, the interim steps could remain in force for the 21 day appeal period and pending the determination of any appeal. She further advised that any decision reached on this preliminary issue would be notified when the Sub-Committee announced its decision.

Mr Somarakis was then invited to address the Sub-Committee on this preliminary issue. Mr Somarakis advised that he was concerned that the content of his submissions on the preliminary issue would be repeated during his submissions on the main review application. He therefore suggested that he address the interim steps during the body of his main submissions rather than as a preliminary issue. This was agreed by all parties

### **Representation made by the Applicant**

Emly Mitchell addressed the Sub-Committee on behalf of the Metropolitan Police. She advised that there had been significant discussions with the Premises Licence Holder and his representative, which had resulted in both parties agreeing a range of conditions. She advised that following further discussions which also involved the security provider for the Premises, the conditions suggested by the Metropolitan Police Services as outlined on pages 53 and 54 of the Agenda had been further amended. These could be summarised as follows:

1. Condition 2 should be amended so that it would read "At least two door supervisors shall be on duty..."
2. The requirement for "pat down searches" in condition 2 should be deleted. Instead, the use of search wands is to be made a condition of entry and/or re-entry.

Mr Somarakis repeated his client's regret over the loss of life. He proposed to focus on conditions that would ensure that such an incident could not repeat itself on the premises.

In explaining these two amendments to agreed conditions, Mr Somarakis advised that there was a shortage of female staff which made compliance with the proposed condition a practical difficulty. This

was confirmed by Mr Fox who advised that out of four hundred SIA approved security staff, only 10 of his employees were female. However, the Premises Licence Holder recognised the need for females to be searched prior to entering the premises. Therefore if the Sub-Committee was minded not to amend the condition, it would be possible for female bar staff in exceptional circumstances to search females seeking entry. In response to questions from the Sub-Committee, it was confirmed that such a search would be a once off and could be recorded in the incident book.

However, the Sub-Committee noted that the preferred approach was for search wands to be used to ensure that both male and female patrons were searched prior to entry. In response to queries from the Sub-Committee, he advised that it would be difficult for male security guards to carry out a physical search on females on account of the physical contact such a search would involve. The search wands would ensure that those males and females were searched prior to entering.

He also advised that the proposed re-entry to the premises could operate by means of a hand stamp. In response to further queries from the subcommittee, he confirmed that any incidents where re-entry was refused could be recorded in the incident book.

### **Representations made by Responsible Authorities**

The Licensing Authority, represented by Ms Freeman, confirmed the concerns about the seriousness of the incident which took place. Ms Freeman advised that the Premises had no previous history of violence. Ms Freeman noted that discussions had taken place between the Premises Licence Holder and Metropolitan Police Services. Ms Freeman confirmed that the Licensing Authority supported the imposition of conditions, as amended at the hearing.

### **Discussion**

The general discussion considered the specific wording of conditions proposed by the Premises Licence Holder and Metropolitan Police Services. In particular it was noted that the clause relating to "known troublemakers" being allowed on premises is to be removed. In response to queries from the Legal Adviser, the Metropolitan Police Services confirmed that a search and admissions policy would be agreed the Premises Licence Holder which would ensure that persons who should not be on the premises would not be permitted entry.

Condition 5 as suggested by the parties was considered. In response to queries from the Sub-Committee, it was confirmed that the condition was intended to mirror interim step 3 that was imposed on 13 October 2015.

## **CLOSING**

Claire Freeman from the Licensing Authority chose to make no closing remarks.

In making closing arguments, Mr Somarakis suggested that interim steps be removed. In the event that the Sub-Committee opted to retain interim steps, then the wording should be amended to reflect the agreement discussed at the hearing today.

The Metropolitan Police chose to make no closing remarks.

All parties were asked to leave the room while the Sub-Committee considered its decision.

## **THE DECISION**

**Resolved: That:**

**The Sub-Committee has considered all the relevant representations made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act, the Council's Statement of Licensing Policy, the Licensing objectives and the Public Sector Equality Duty. The Licensing Sub-Committee has come to the following decision:**

**The Sub-Committee has decided on a balance of probabilities that it is proportionate to modify the conditions on the Premises Licence for the premises known as RE Bar:**

- 1. The following conditions are removed from Annex 2 of the Premises Licence:**
  - a. Two Door Supervisors shall be employed at the premises on Fridays and Saturdays from 20.00 hours until close of the premises.**
  - b. The public shall not be allowed to enter the premises during the last hour before the end of the licensable activities.**
  - c. Known troublemakers shall not be allowed into the premises**
  
- 2. The following conditions are added to Annex 3 of the Premises Licence:**
  - a. At least two door supervisors shall be on duty at the premises from 20.00 hours until the close of premises on Fridays, Saturdays and 'Special Event' nights as listed on Page 2 of the Premises Licence.**
  - b. The Premises Licence Holder shall develop and**

implement a full search policy. Staff and door supervisors shall receive regular training regarding this policy. All persons entering or re-entering the premises shall be searched by door supervisors, to include full bag searches and "wand" searches, to prevent weapons, drugs or other prohibited items from being brought onto the premises.

- c. There shall be a procedure agreed with the Metropolitan Police Service Licensing Officer relating to the storage and/or disposal of illegal drugs, weapons and other prohibited items found on the premises or found on persons attempting to enter the premises.
- d. During opening hours, the CCTV system shall record activity at the entrance of the premises.
- e. A visual display monitor shall be installed at the entrance to the premises showing CCTV footage of facial images of any person as they enter the premises via the main entrance/exit lobby. The screen shall be so positioned as to render it evident to customers entering the premises that their image is being captured on CCTV. Persons wearing hoods, hats or any other item which obscures the face, shall be instructed to remove the item prior to entering the premises.
- f. No entry, except for re-entry, to the premises shall be permitted after 00.00 hours (midnight) on Fridays, Saturdays and 'Special Event' nights as listed on Page 2 of the Premises Licence. There shall be a policy agreed with the Metropolitan Police Services relating to a re-entry procedure.

## **REASONS**

The Sub-Committee felt that the imposition of these conditions would act as a deterrent to any incidents of crime and disorder which may occur at the premises. It was noted that the search requirements at entry were key to ensuring the premises functioned in a manner intended to uphold the Licensing Objectives.

## **Interim Steps**

The Sub-Committee reviewed the issue of interim steps imposed on 13 October 2015 and felt that they are reasonable, proportionate and appropriate.

The interim steps to continue in force pending the determination of any appeal in the Magistrates' Court or alternatively the expiry of the appeal period.

	The meeting, which commenced at 2.00 pm, closed at 4.40 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Charles Francis on 01895 556454. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.