

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 16 SEPTEMBER 2015**

COUNCILLORS

PRESENT (Chair) Derek Levy and Glynis Vince

ABSENT Chris Bond

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Licensing Enforcement Officer), PC Gary Marsh (Metropolitan Police Licensing Officer), Dina Boodhun (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Ms Ailsa Williamson and PC Martyn Fisher (on behalf of Metropolitan Police Service)
3 x LBE officers observing
Mr Argon Xhauri (purchaser of business, 1 Jute Lane) (part of meeting)

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WELCOME AND APOLOGIES FOR ABSENCE

NOTED

1. Apologies for absence were received from Councillor Bond, who was unwell and unable to attend the meeting.
2. In the absence of Councillor Bond, the Vice Chair Councillor Levy chaired the meeting.
3. The Chair welcomed all those present and explained the order of the meeting.

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DECLARATION OF INTERESTS

NOTED that there were no declarations of interest in respect of items on the agenda.

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CLUB ZEROS, 1 JUTE LANE, ENFIELD, EN3 7PJ (REPORT NO. 71)

RECEIVED the application made by the Metropolitan Police Service for a summary review of the Premises Licence held by Ebony Ice Productions UK Ltd at the premises known as and situated at Club Zeros, 1 Jute Lane, Enfield, EN3 7PJ.

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NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. This application was for a Summary Review of the Premises Licence for Club Zeros made by the Metropolitan Police Service.
 - b. The application was made for revocation of the licence.
 - c. At a meeting on 26 August 2015 the Licensing Sub-Committee considered that it was not appropriate to take any interim steps.
 - d. The premises had a significant licensing history, as summarised in the agenda report.
 - e. The premises was currently known as Club Zeros. The licence holder was Mr Uchechukwu Obobi, Director of Ebony Ice Productions UK Ltd. The former designated premises supervisor (DPS) was Mr Ilker Ahmet. On 2 September 2015 Mr Ahmet surrendered his position as DPS at Club Zeros. No application to vary the DPS had been made since that date.
 - f. A check by officers this morning with Companies House showed that Ebony Ice Productions UK Ltd was still active. This was the company which the Licensing Authority had been dealing with in relation to this hearing.
 - g. To date, no transfer application had been made in respect of the premises licence, despite information provided by Mr Obobi in respect of the sale of the business.
 - h. Yesterday, an email had been received from Mr Obobi in Nigeria to confirm that neither he nor any representative from Ebony Ice Productions would be in attendance at this meeting.
 - i. A further email was received from Mr Obobi to confirm that he would like to be removed as premises licence holder with immediate effect. The Licensing Authority was not able to accept this as a surrender of the licence as it did not meet required criteria. Therefore the review application still stood.
 - j. The Metropolitan Police Service were present at this hearing, represented by Ms Ailsa Williamson.
 - k. The Licensing Authority was in support of the review application.
2. In response to the Chair's queries, it was confirmed that since 2 September the licence had been inoperable for the sale of alcohol, though licensable activities were still permitted, and it was confirmed that no new owner had been officially named as the licence holder.
3. The statement of Ms Ailsa Williamson on behalf of the Metropolitan Police Service, including the following points:
 - a. This was a premises where there had been a number of owners and DPSs, and a number of reviews following stabbings and shootings.
 - b. The current review had been triggered by an incident on 22 August 2015.
 - c. PC Gary Marsh made a statement and offered to show relevant CCTV footage for Members' information. He was now of the view that the account given to Police by Mr Obobi and staff of Club Zeros, that the victim had

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presented himself at the club, was not correct. From the CCTV footage it could be seen that the victim was inside the club, then in the smoking area which could only be accessed from within the club. When the victim came towards the camera it was clear that he had been stabbed. At that stage, the gate was opened so that he could come back inside via the club's main entrance. It was clear now that the victim had been in the club and that whoever stabbed him was also a patron in the club. Over the months there had been repeated breaches of licensing conditions. This sort of incident should have been avoided. It was due to poor management and breaches of conditions that this was allowed to happen. The premises management had not been very co-operative with Police, and attempts to hold open meetings had not been successful. There was now no DPS at the premises. Mr Obobi, Director of Ebony Ice Productions, had notified the Licensing Authority that he has moved permanently to Africa and now had no dealings with the club. There was no effective management of the premises. It was a scary prospect that the club could potentially open without a DPS, without effective management, and with no liaison with the authorities. Therefore, revocation of the licence was the only option for promotion of the licensing objectives. There were no further conditions which could be added to the licence to address concerns. A suspension of the licence for a temporary period would also not be appropriate in this case. There was a need for a fresh start: this could only come from a licence revocation.

d. In response to the Chair's queries, clarification was provided on procedures to apply for transfer of a licence and for a new licence, with confirmation that no such applications had been received.

e. In response to Councillor Vince's queries regarding use of Police powers, PC Marsh advised that on the night of 22 August, following deployment of 47 Police officers, essentially the premises was shut and the Police then removed themselves. The following night, paperwork was readied to close the premises, but the club was not opened. It was kept under monitor to ensure it did not re-open. Under the Criminal Justice and Police Act 2001, the Police also had different powers over a longer time period.

f. In response to the Chair's further queries, it was advised that further to a closure order earlier in the year, the Police, in a graduated approach to enforcement, had been working with Club Zeros, including meetings and visits. Particular emphasis had been placed on proper searching and door operations. There had been a period with no breaches of conditions and it was hoped that management of the business had been improved and that conditions would be complied with. A £10k surety had been deposited at court. Once the conditions were no longer in breach the Police had to lift the closure order. Unfortunately, there had then been further breaches. The incident of 22 August could be described as a final straw. Police had been trying to work with the licence holders, and nobody wished to see a business which was meeting a public demand to be closed, but the club had unfortunately slipped back into its old ways. The Police now

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considered that there was no alternative but to seek revocation of this licence.

4. The CCTV footage taken from the venue from 22 August 2015 was shown in support of the Police representation. PC Marsh provided commentary, highlighting the presence of the first stabbing victim inside the club, and also drawing attention to evidence of poor scanning and searching of patrons on entry and the considerable number of people in the outside smoking area.
5. Mr Xhauri and companion (new owner of the premises at 1 Jute Lane) arrived at the meeting at this point.
6. The statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. The Licensing Authority supported this review application seeking revocation of the premises licence.
 - b. DCMS guidance was highlighted which states that there are certain criminal activities that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. The list includes 'as the base for the organisation of criminal activity, particularly by gangs'. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.
 - c. Evidence suggested that this premises was attracting criminal gangs.
 - d. In March 2015, officers met with the premises licence holder and designated premises supervisor following many breaches of licence conditions. Advice was given, verbally and in writing. A graduated approach to enforcement was used to work with the business. A warning was given that further breaches could result in a review or prosecution.
 - e. It was clear from the premises' CCTV footage from 22 August 2015 that the first victim was stabbed inside the premises.
 - f. Proper searching should have prevented weapons being brought into the club.
 - g. Operation of the premises has had a negative impact on local residents and undermined the licensing objectives.
 - h. This premises had been a repeated source of serious crime and disorder no matter who the owners were. This was the third licence review.
 - i. The licence already had a large number of conditions attached for promotion of the licensing objectives.
 - j. CCTV footage showed that the business was very poorly managed.
 - k. At times neither the premises licence holder nor designated premises supervisor were on site.
 - l. Identification of club patrons was difficult. The club scan system was not being used correctly.

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- m. Poor management of the club had continued despite numerous interventions by the Police and the Licensing Authority.
 - n. The Licensing Authority fully supported this review brought by the Police.
7. Charlotte Palmer responded to Members' questions including the following:
- a. The Chair asked about the implications on the premises' new owners of any outcome of this hearing. It was confirmed that if this licence was revoked, a new owner would need to apply for a new licence. This may be a preferred way forward for a fresh start. The Licensing Authority had not yet spoken with the business purchaser, but had been led to understand that use as a banqueting suite was proposed. It should be noted that such a change of use would require planning permission, the application for which would also take time. It was confirmed that a new owner would not be able to appeal the decision made by the Licensing Sub-Committee today. In any case, the current premises licence would be unsuitable for a banqueting suite use. A variation would be needed in respect of the conditions and a new layout of the premises. The fee was the same to make an application to vary a licence as for an application for a new licence. It was recommended that the new owners should talk to the Licensing Authority to discuss an application submission and an appropriate way forward.
 - b. In response to the Chair's queries about the history of the premises and that a review had not been submitted earlier, it was advised that a lot of time and effort by the Licensing Authority and the Police had gone into working with the business towards making it run successfully. Appropriate conditions were in place. There had been compliance at some points. It should be noted that the club was not open every night and was sometimes closed for two or three weeks then open twice in one weekend, which may be another relevant factor.
 - c. Councillor Vince asked whether any comparison could be made with similar premises in terms of lack of co-operation with Licensing and Police input. PC Marsh advised that after such an intervention by officers, full compliance by a licensed premises would be the norm. Charlotte Palmer advised that in her view, this club had given up.
8. The closing statement of Ellie Green, Principal Licensing Officer:
- a. Having heard all of the representations, the sub-committee must take such steps as it considered appropriate for the promotion of the licensing objectives.
 - b. Members' attention was drawn to relevant law and guidance, with emphasis on Home Office guidance at sections 11.27 and 11.28.

RESOLVED that

- 1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely

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disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

“Having read, heard, and fully considered the written and oral submissions of all parties, the Licensing Sub-Committee has determined that revocation of the licence is appropriate - and necessary – for the effective promotion of the licensing objectives

It is the view of the sub-committee that the Metropolitan Police Service, in bringing this summary review, and the Licensing Authority in supporting it, have each made their respective cases in full. The Licensing Sub-Committee was fully persuaded by the arguments advanced and the evidence submitted to support the case for revocation.

At the hearing, we were told that that the extant Premises Licence Holder (Mr Uche Obobi, on behalf of Ebony Ice Productions) had little over 24 hours before the hearing clearly signalled his intention to surrender the licence. However, a combination of such late timing and the ineligible criteria and processing of the surrender rendered it impossible to achieve before today’s hearing took place. Therefore, as such, the case remained in contention and had to proceed.

Reinforcing the decision to revoke, the Licensing Sub-Committee applied strong weight to the statutory Home Office Guidance at sections 11.27 and 11.28 which states that revocation, even in the first instance, may be deemed appropriate in the event of serious criminality and actual crime and disorder taking place on licensed premises.

This was not the first time that these premises, in various guises, had been subject to review on account of serious criminal incidents occurring at the venue. We were further influenced by evidence of reported breaches of significant conditions, both over time as well as those evidenced on the night, particularly relating to controlling entry into the venue, that were said to have not been in compliance. If effectively managed, and indeed if the general management was properly exercised, the stabbing incidents which directly led to this review might have been prevented and the licensing objectives not so undermined

These management failures were deemed as major aggravating factors in persuading the sub-committee to arrive at its decision.”

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3. The Licensing Sub-Committee resolved to revoke the licence.

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MINUTES OF PREVIOUS MEETINGS

RECEIVED the minutes of the meetings held on 13 May and 27 May 2015.

AGREED that the minutes of the meetings held on 13 May and 27 May 2015 be confirmed and signed as a correct record.