

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 17 APRIL 2013**

COUNCILLORS

PRESENT (Chairman)Derek Levy (Chair), Andreas Constantinides and Anne-Marie Pearce

ABSENT

OFFICERS: Mark Galvayne (Principal Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: James Rankin, Barrister, James Beck, and PC Martyn Fisher on behalf of Metropolitan Police Service
Philip Walton and George Vassili, joint licence holders, and Ahmet Izzet, head of security, Rattlers Wine Bar

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WELCOME AND APOLOGIES

The Chairman welcomed all those present, introduced the Members, and explained the order of the meeting.

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DECLARATIONS OF INTEREST

NOTED that there were no declarations of interest.

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**RATTLERS WINE BAR, 36 LONDON ROAD, ENFIELD, EN2 6DB
(REPORT NO. 214)**

RECEIVED the report of the Principal Licensing Officer and additional representations dispatched further to the report.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. Agenda items were clarified with bundles of papers numbered for ease of reference during the meeting:
 - Agenda – Part 1 to be referred to as Bundle 1
 - Additional representations to be referred to as Bundle 2
 - Additional representations – 2nd dispatch to be referred to as Bundle 3
 - Additional representations – 3rd dispatch to be referred to as Bundle 4
 - Additional representations – 4th dispatch to be referred to as Bundle 5

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- b. This meeting was a full licence review.
 - c. The licence had been suspended since 22 March 2013.
 - d. It was for Licensing Sub Committee, having heard all representations, to take such steps it considers appropriate for the promotion of the licensing objectives.
2. The opening statement of James Rankin, Barrister for Metropolitan Police, including the following points:
- a. The application centred around the incident which took place on 16 March, when three people were stabbed, two in the abdomen and one in the lung. The police view was that this was a near miss and there could have been three murders that night.
 - b. PC Fisher had advised that in his years of policing experience, this had been the worst incident he had seen.
 - c. A dvd was shown twice, which contained CCTV footage from LBE cameras in London Road outside the venue at 01:57 to 02:02 on 16 March, with an opportunity given for all parties to pause and provide commentary and identify individuals as required.
 - d. It was accepted that there was a short time frame from developments being picked up by CCTV operators and the arrival of police, but there had been ample time for the licence holders to telephone the police. This was also not an isolated incident. PC Fisher had researched previous incidents at this premises between 18/2/12 and 9/2/13 and on each occasion the police had not been called.
 - e. This premises had developed a reputation for disorder. There had been a violent incident every month; involving a man retrieving a wheel brace from a car for example. People attracted to the premises were in the main male and resorted to the bar as it had a late licence for alcohol and a late closing time.
 - f. The speed at which this incident on 16 March escalated was not normal. It started with some pushing and shoving as the assailant dropped a cigarette.
 - g. 16 March was a busy night in the bar. There were also a large number of people who assembled outside, and there was mention of people being summoned by mobile phone / arriving in cars. The incident was unpleasant, took place very swiftly and the people attracted were men of violence, which is why it accelerated as it did.
 - h. On the CCTV coverage, Mr Walton appeared to have something in his hand which may or may not have been a mobile phone and hesitated before placing it back in his pocket.
 - h. Mr Walton made representations to some extent suggesting he was a victim and singled out for attention. The police maintained that this premises was being run badly and wished to see it closed.
 - i. On 28 March, police requested interim steps to be put in place 'while the dust settled'. No arrests had been made. A cursory search of the man with the bag would have revealed any knife.
 - j. Since the licence had been suspended, crime in the area had decreased markedly. Evidence of this was shown in Bundle 3, in PC Fisher's email

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detailing the three weeks up to 17 March when there were 15 crimes within a 100 metre radius, and the three weeks following closure when there was not a single crime recorded in the vicinity. Police considered this was not a coincidence.

k. PC Fisher responded to a number of questions from Mr Rankin, to confirm:

- The typical customers of this premises were young men.
- The incident occurred around 02:00.
- A weapon had been used.
- It was very much expected that police would be called first thing.
- The club had not phoned for the police during previous incidents: all had been picked up by LBE CCTV.
- An analyst had found there had not been any incident of crime in the vicinity since this premises had been closed.
- A man had been arrested for the stabbings, pending identification.
- Bar staff had been unwilling to attend an identity parade.

l. Police were seeking revocation of the licence of this premises which was a crime attractor and a drain on police and ambulance resources.

3. Police representatives responded to questions as follows:
- a. In response to Councillor Pearce's query, police were unable to confirm who of those involved in the fracas had been inside the bar, but from statements it was apparent the group of black males and females were inside and involved in bumping into someone when coming outside.
 - b. In response to Councillor Constantinides' query, it was confirmed that data was available only for the three week periods before and after suspension of the premises licence. Police confirmed there was a busy crime period in the lead up to 16 March and that it was no coincidence that in the suspension period there had been no crimes.
 - c. In response to Councillor Constantinides' query that it had been implied a weapon had been carried into the club, PC Fisher advised that the suspect came straight out of the club with no access to a car, was assaulted by people outside and used this weapon in the man bag to defend himself.
 - d. Councillor Levy raised that evidence had been provided, including over an extended period of time, suggesting symptomatic failure of management, but noting that many incidents took place outside the venue and querying the direct association with the club's management. PC Fisher advised that people were attracted to this premises and would walk some distance to it because it was a late venue.
 - e. In response to Councillor Levy's queries regarding likelihood of retribution while the key victims were hospitalized, it was advised that issues remained in respect of friends and relations. The club had not offered any steps to mitigate the possibilities and it could not be pre-supposed what actions would be taken by the licence holders.
 - f. Councillor Levy queried why police had not called a review earlier if they considered the premises were not being operated properly. PC Fisher confirmed there was a review hearing in 2007, and that this recent incident

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was so serious that it became obvious that action needed to be taken, and suspension was considered appropriate.

g. In response to Councillor Levy's remarks about the amount of activity being undertaken by club staff during the incident, including administration of first aid and separation of the parties, PC Fisher agreed there was some action, but he could not say whether it was correct or not. He would have expected door staff to note the people and cars arriving outside, gauge the mood outside and not let customers out in these circumstances.

h. PC Fisher confirmed that police had made no reference to conditions of the licence in their submission.

i. PC Fisher advised that every time an incident had taken place, he had phoned Mr Walton for a discussion. Up until 16/3/13 he had not felt it necessary to instigate a review process. Details of incidents in previous years had been submitted to this hearing to give a flavour of events at the venue.

j. In response to Councillor Pearce's query regarding victims not being prepared to give evidence, PC Fisher could not give reasons, but that they may wish to deal with things themselves rather than get police involved.

k. PC Fisher confirmed that a complaint against door staff included in Bundle 5 from July 2012 had not been substantiated.

l. In response to Councillor Levy's queries, police representatives clarified emergency call procedures and national policies.

m. In response to Councillor Constantinides' queries regarding business operators' protection of their reputation, police advised that it would be held in licence holders' favour if they had regular contact with the police and notified incidents. It was confirmed that Mr Walton attended regular Pub Watch meetings.

n. PC Fisher confirmed he was aware of incidents of a violent nature at the premises, and Mr Walton had given assurance they were being dealt with appropriately, but this incident was too extreme and it had been necessary and appropriate to take steps.

o. In response to Councillor Levy's queries whether tighter conditions had been informally suggested, PC Fisher advised that the licence conditions had seemed to be adequate up to this month. Historic incidents were listed to back up the assertion that Mr Walton was not proactive in calling the police.

p. In response to Councillor Levy's further queries, PC Fisher advised that as well as not calling the police, club staff had failed to search the customer entering with the man bag. There was a condition in relation to searches in the licence – Condition 33. It was acknowledged there could not be 100% certainty that the man bag contained a knife. Actions of the door staff were also questionable. They had seen some pushing and shoving and that people were gathering outside. The man in the process of being ejected was the chief suspect. Door staff could have done more on the night to prevent the incident happening by not letting the group out to a pack of people waiting outside.

q. Mark Galvayne drew attention to current conditions attached to the licence, and asked if police were alleging a breach of Condition 37. PC

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Fisher confirmed that though specific conditions were not quoted, this was obviously a condition that was breached on 16 March.

r. In respect of no reported crimes in the three weeks following 22 March, Mark Galvayne asked if the fact that Club Warehouse was also closed during that period would be expected to affect incidents in Enfield Town. PC Fisher advised that would not necessarily be so as Club Warehouse was quite far away and a different type of venue with later hours and a much larger catchment area.

4. The opening statement of Mr Philip Walton, licence holder, including:
 - a. He had checked with a senior London Ambulance Service officer in respect of emergency calls, who confirmed that Ambulance staff would contact police if they were called to a stabbing incident. Police, Fire and Ambulance were all on the same CAD. Door staff member David Chesterton had called the emergency number and asked for an ambulance and advised that someone had been stabbed. It was understood this would be relayed to the police. As far as he was concerned, the club had contacted the police on 16 March.
 - b. The club also had a radio to make direct contact with the CCTV operations centre, and were the only club in Enfield Town to have taken on a subscription to this service as they were advised it would be a good idea.
 - c. Bundle 4 contained information provided by Mr Agar in respect of the crime data. The 100m radius of Rattlers covered seven late night venues, the car park and station. Incidents overlapped, some were duplicates, and some were unattributable to any premises.
 - d. He was able to provide further details on the incident involving a wheel brace, which took place some distance along the road outside Enfield Tandoori restaurant, but his door staff assisted, and the man was known to them as even-tempered and without violent intent.
 - e. The three weeks following 22 March also included the Easter bank holiday weekend, when there would normally be expected to be increased police presence walking around Enfield Town and which would deter over-exuberance and casual criminality.
 - f. Condition 33 attached to the licence related to search policy. Anyone who looked like they would be problematic or may have drugs would not be let in. His 37 years' experience in the business was utilised to assess customers and manage entry. Everything was logged. Rattlers staff also gave assistance to neighbouring businesses. They were very proactive.
 - g. In the dvd coverage, they were the bar keys he was seen taking out of his hand and putting in his pocket. In the incident there had seemed to be two disparate groups. The male with the bag was off camera for some of the time. It was not possible to see a knife. Medical reports referred to "a knife or sharp instrument". He may have appeared inactive on the dvd, but was continually marshalling his staff, and putting into place protocols agreed with police in respect of separating factions and making use of the club's rear exit. Door staff were not aware that three people had been stabbed. The incident was very quick. First aid was given to the stab victim who came to the club entrance. It was not known where he came from, but

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a door supervisor could be seen dealing with the wound and dialling 999 on his mobile. It was also seen that police arrived very quickly, and before the ambulance.

h. He clarified that the man was not ejected. There had been no trouble inside the club. It was late and when the cigarette was dropped and behaviour was boisterous, he was taken aside to be spoken to.

i. Rattlers staff would not necessarily have noticed cars arriving outside as vehicles were frequently pulling up near the take-away restaurants and cash-point.

j. Many customers wore courier bags to carry their wallet, phone, etc. These would not raise suspicions. A backpack or holdall would always be searched. On 16 March this bag was not hidden.

k. The group including the man with the bag had been in the club all night and had been perfectly pleasant.

l. The club owners had always complied with their licence, adhered to all conditions and licensing objectives, and done everything asked of them by PC Fisher straight away. He also gave full co-operation to the police and Chief Superintendent Wilson after the incident. He was told that PC Fisher would also make contact, but that did not happen so he made a call to him on the Wednesday morning.

m. The club opened on the Thursday night without incident.

n. He did not consider that people involved in the incident would return to the area or the club.

5. Mr Walton responded to questions as follows:

a. In response to Councillor Levy's queries in relation to the club's historical relationship with the police, it was advised this had always been and remained very good, as it also was with Trading Standards.

Authorities had never requested additional conditions.

b. It was further advised that the licence holders attended every Pub Watch meeting since 2007, and informal discussions with police after these. They had acted on all advice, such as having the radio link.

c. Councillor Levy asked if management systems had broken down on 16 March. Mr Walton advised this was not the case. Rattlers staff had separated the factions and acted appropriately.

d. Mr Walton advised that the dialogue with the police after the incident was out of the ordinary as it was with CID. They had the best evidence which was the CCTV from the rear exit area.

e. He further advised that police had given no prior indication in respect of revoking the licence. The interim steps had been framed as a cooling off period in the interests of public disorder.

f. He confirmed that he considered the conditions appropriate for the club to be well run.

g. In response to Councillor Pearce's queries, Mr Walton confirmed that in his opinion all those involved in the incident had not been inside the club. There had been a maximum of around 120 customers that night, but many moved between venues, and by that time the premises were starting to empty and there were around 30 to 40 people inside. There were up to 35

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people outside the club. He knew all regular customers. The assailants were not known to him, but had given no concerns in the club.

h. In response to Councillor Pearce's further query regarding the cause of the fracas, Mr Walton clarified the alleged dropping of a cigarette in the queue to come outside to smoke and the scuffle and the man being taken aside and spoken to by the doorman. When the man had exited the club he had been punched.

i. In respect of Conditions 38 and 39, it was advised that they were not difficult to adhere to and they were experienced operators.

j. In response to Councillor Constantinides' queries, it was confirmed the radio link was used to advise the CCTV operations centre of when the club was opening and closing.

k. In response to Councillor Constantinides' queries in respect of actions on 16 March, it was confirmed that door staff formed a barrier across the door to prevent entry and to stop those inside coming out and adding to the confusion. There were six staff with SIA badges on duty and taking action that night. The incident had taken less than five minutes. There had been no indications there was going to be a problem. Procedures for escorting people through the back of the club had been agreed with the police. On such occasions where people were outnumbered and in fear for their safety they were generally happy with the arrangement. The club's CCTV cameras captured images by the rear exit.

l. In response to Mark Galvayne's query regarding Condition 33, it was confirmed the policy was to search and exclude those suspected of carrying illegal drugs or offensive weapons, and advised that on the Thursday following the incident all customers were searched.

m. In response to James Rankin's queries, it was confirmed that the venue was generally only busy after 23:00, but there were other late night establishments and clientele often frequented a number of bars and if Rattlers was not open they would go elsewhere.

n. It was denied that the incident took place in the bar: there had been a minor dispute inside. The people that were fought with were outside. The profile of people on the dvd was not the normal bar clientele.

o. It was not accepted that the premises was the catalyst for violence. The incident may have been equally likely to happen elsewhere.

p. Rather than suggesting the premises was singled out for unwarranted criticism, Mr Walton wished there to be parity in comparison with other venues.

q. It was confirmed that year on year, the number of incidents where police needed to be called had reduced. The premises was covered by CCTV, and had the radio link and cooperation with LBE CCTV.

r. It was advised that the radio had been returned in December as operators had stopped answering them and the operations manager had advised the radio link was set up rather for day time users and in relation to street robberies and shop-lifting.

s. In respect of queries regarding the bar keys, Mr Walton advised he and Mr Vassili always kept them on their person and gave them to staff as required to access the cellar or office, etc.

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6. The closing statement of Mark Galvayne, Principal Licensing Officer, confirming that it was for Licensing Sub Committee, having heard all representations, to take such steps it considered appropriate for the promotion of the licensing objectives.
7. The summary statement of James Rankin, Barrister for Metropolitan Police, including the following points:
 - a. Having noted the direction of travel of the meeting, he wished to introduce amended conditions / terminal hour to the licence which could improve the venue's operation. Copies were provided for distribution, and are appended to the minutes.
 - b. He confirmed, the police's primary position was application for revocation of the licence, but if the sub-committee were not minded to revoke the licence he asked for consideration of suggested conditions and hours listed.
 - c. The key point was a request for an earlier terminal hour of 01:00 for licensable activity given that all the issues occurred after 01:30.
 - d. It was also considered important there should be no entry / re-entry to the premises after 00:00.
8. The summary statement of Mr Philip Walton, licence holder, including:
 - a. He believed they ran a suitably managed premises and observed all conditions and licensing objectives.
 - b. On 16 March there was nothing more they could have done on the evening or at any time to prevent the incident.
9. The meeting was adjourned for a one hour lunch break and to provide an opportunity for the licence holders to read the conditions / terminal hours sought by police.
10. The statement of Mr Philip Walton, licence holder, advising he felt there should be another hearing for consideration of the proposals tabled by the police. The terminal hour proposed was unreasonable, and technically would equate to a licence revocation in its effect. The premises already met many of the suggested conditions, but he rejected all those which were not already encompassed.

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

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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:

“The Licensing Sub-Committee (LSC) has considered all the written and oral submissions to the full application review hearing brought upon Rattlers by the Metropolitan Police Service (MPS).

The LSC has determined that the MPS failed to make its case that the only appropriate step to promote the licensing objectives would be revocation of the licence.

In its submission, the MPS asserted that there had been a serious and total breakdown in management procedures on the night of 16th March 2013, but the sub-committee was not persuaded that the evidence presented supported this assertion.

It is accepted by both parties that the incident (which included a triple stabbing) and occurred outside the premises in London Road lasted only three minutes and the police were on scene within 2½ minutes.

However, the MPS criticised the Premises Licence Holder for not calling them within this very short timescale.

When asked what steps they thought the Premises Licence Holder could have taken to prevent this incident, the police failed to offer any adequate reply.

It is accepted by all parties that the premises staff rendered first aid and phoned for an ambulance for one of the victims, who was the only individual they were aware of at the time. They also separated the combatants by taking the party initially attacked through the bar, and out the back door. Other door supervisors attempted to control the crowd that had gathered outside and in the close vicinity of the front of the venue.

Since the incident, the premises staff have willingly co-operated with the police to support their investigations into this serious incident.

As part of the subsequent submissions, the MPS provided details of incidents which have occurred within 100 metres of the premises, none of which actually took place within Rattlers. The LSC took the view it would be unfair and inappropriate to close this one town centre venue, where there are other late night drinking establishments very close by. The MPS submission failed to demonstrate that such historic episodes of crime and disorder were either linked to the premises, or more importantly, due to failure of the Premises Licence Holder.

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The sub-committee noted, and it was confirmed by the MPS, that the police have had no grounds to allege any particular failures in the management of these premises since the May 2007 review until this one, albeit serious, incident in March.

Given the reasons stated above for refusing the application for full revocation of the licence, the LSC also concluded that no case either has been made to justify the amendment of terminal hours, or the modification of conditions on the licence.

This decision having been taken, the LSC decided it was therefore appropriate both to restore the licence without amendment, and to withdraw the interim steps with immediate effect.”

3. The Licensing Sub-Committee RESOLVED that it considers the step listed below to be appropriate for the promotion of the licensing objectives:
To restore the licence without amendment and to withdraw the interim steps with immediate effect.

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APPENDIX : CONDITIONS / TERMINAL HOURS SOUGHT BY POLICE

Police are seeking to amend the current operating hours of Rattlers as part of this review if revocation is not granted. It is apparent from both this incident and the other reports referred to in this application that all of the issues occur after 01:00.

With this in mind, Police request that all current licensable activity terminates at 01:00 hours and that all patrons be out of the premises at 01:30 hours.

Police are also seeking to strengthen the entry and search measures currently in place at the club as follows;

Current Condition 12: All door supervisors on duty must wear high visibility armbands at all times premises are open. *To now read:* All security staff will wear high visibility reflective jackets whilst on duty with SIA badge on display. This measure will ensure that security staff will offer visible presence and reassurance both inside and outside of the premises as well as show up clearly on CCTV.

Current Condition 16: There can be no entry or re-entry to the premises after 01:00 Monday to Sunday. *To now read:* There can be no entry or re-entry to the premises after 00:00 (Midnight) Monday to Sunday.

Current Condition 36: With effect from 31 January 2011, any door supervisors employed must be from an SIA approved contractor scheme. *To read:* All door supervisors employed must be from an SIA approved contractor.

Additional Conditions;

Upon entry to the premises every customer must be hand searched. These searches shall include the searching of the customers' person, wallets and purses, bags and any other items carried on or by the customer. To support this policy, hand held

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Metal detecting search wands shall be used. All searches are to be carried out by door staff and must be carried out within an area covered by the premises CCTV system.

Search procedures shall ensure that all reasonable steps are taken to avoid weapons and illegal drugs from entering the premises. Any customer who refuses to be searched must be refused entry. The premises are to permanently exclude any person found with a weapon or illegal drugs at the premises as well as customers known to have contributed to crime or serious disorder.

A drugs/weapons safe and log system shall be employed at the premises to account for the seizure of drugs from customers. The premises management will liaise with Police quarterly for the collection of the seized drugs and weapons.

A Club ID Scan or a suitable equivalent shall be fitted and utilised as a condition of entry for ALL customers. Patrons have to provide photographic identification as an entry condition; the documentation is then scanned and held on the clubs system. This will assist management in knowing exactly how many people are on site at any one time and has been proven to cut down incidents of crime & disorder as patrons know that the club has their personal details should anything untoward occur.

The Metropolitan Police risk assessment form 696 shall be completed and forwarded to the current email address on the form every January and July listing all resident DJs and at all times there is a change to the resident DJs, including when outside promoters are utilised. At least 10 working days notice must be given before any such changes take place.