

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE  
HELD ON WEDNESDAY, 6 AUGUST 2014**

**COUNCILLORS**

**PRESENT** Derek Levy, George Savva MBE and Dogan Delman

**OFFICERS:** Mark Galvayne (Principal Licensing Officer), Dina Boodun (Legal Services Representative), Charlotte Palmer (Trading Standards) Penelope Williams (Democratic Services)

**Also Attending:** James Rankin, Barrister, PC Martyn Fisher, Superintendent Robinson on behalf of the Metropolitan Police Service, Mr Roderick James, Barrister, Mr Ediz Hastunc (Premises Licence Holder) and one other representative.

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**WELCOME AND APOLOGIES FOR ABSENCE**

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

There were no apologies for absence.

**83**

**DECLARATIONS OF INTEREST**

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

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**GOLDEN PALACE, C38 - C42, HARBET ROAD, EDMONTON, LONDON, N18 3HR**

RECEIVED the report of the Principal Licensing Officer and the representations relating to the Metropolitan Police application for the summary review of the premises licence held by Mr Ediz Hastunc at the premises known as and situated at the Golden Palace C38-C42, 35 Harbet Road, Edmonton, London, N18 3HR.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
  - a. This was a summary review which had been bought forward by the Metropolitan Police, supported by the Licensing Authority.

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- b. It was for the Licensing Sub Committee, having heard all the representations to take such steps it considers appropriate for the promotion of the licensing objectives.
  - c. No conditions had been agreed or discussed with the license holder at this point.
2. The opening statement of James Rankin, barrister for the Metropolitan Police, including the following points:
- a. There had been real concerns about the operation of these premises, which have been closed since the incident of 12 July 2014.
  - b. At the Interim Steps Meeting (17 July 2014) it had been decided that the license should not be suspended at that stage, due to insufficient evidence, but that evidence would be explored in detail by the Licensing Sub Committee at a full expedited summary review. An expedited summary review was a process deemed appropriate because of the premises association with such a serious crime.
  - c. Responding to the questions raised in the Interim Steps Review Decision Notice, PC Martin Fisher had provided the following information.
    - A female called Lisa had hired out the venue on behalf of a friend, the event had been advertised by flyers and it was possible to gain admission on the door.
    - The person who drove the victim to hospital saw the argument, but provided no information on who was involved or why the incident took place.
    - There was no CCTV footage of the incident itself. The premises license holder, Mr Hastunc, had failed to comply with condition 5 of his licence that CCTV should be in operation. When they attended the incident, he had told the police that the CCTV was not working.
    - It is not known whether the incident took place inside or outside the premises. Two shell casings were found outside the building. The Police arrived at 6.20am, 50 minutes after the incident was alleged to have taken place and staff were bleaching and cleaning the floor. It is possible that the stabbing took place in the building.
  - d. The police had received intelligence that the premises were attracting a certain type of person, a gang style culture and men of violence. They had not acted on this intelligence, as they had no concrete evidence that this was so. On one occasion Mr Hastunc

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had been warned that trouble might be expected and cancelled the event.

- e. Because of police concerns a meeting had taken place between PC Fisher, Mr Hastunc and his business partner Mr Trevor Francis on 15 April 2014 and a number of matters were discussed and agreed for future action. A letter was sent on 22 April 2014 confirming what had been discussed and agreed. PC Fisher was under the impression that the matters agreed would be implemented, but had not followed them up.
- f. What happened on 12 July 2014 caused such concern that the police re-examined their position. It was felt that people would be attracted to these premises as moths to a flame, and that in order to get rid of the problem the premises should be closed down.
- g. The incident had given the police the opportunity to look at whether there had been other breaches of the licence. Information had been received from the head doorman, the victim and another employee. According to the victim he had been dancing at the venue when he heard a bang and ended up in hospital. It was estimated that the shooting happened at 5.30am. Dancing should have ended at 3am. When the police arrived there was a large crowd outside the venue and about 50 people inside. Bullet scraps had been found in an area to the rear of the building. Mr Wayne Henry, the doorman, was not, nor ever had been licensed. Mr Hastunc had taken a considerable time to provide details of the door staff on duty. He had now provided details of four staff: but only two of these were SIA registered. The lack of staff records about was a cause for concern.
- h. PC Fisher had sent a list of 10 questions to Mr Hastunc, via his legal advisor, many of which to date remain unanswered. He still had not received details of the booking, full staff training records, a list of all staff employed on the night, a full explanation as to why the premises were operating after 3am nor any details of the number of people attending the event.
- i. It had become apparent that the designated premises supervisor, Mr Huseyin Mustapha, had had nothing to do with the premises for some time and was living in Cyprus.
- j. The doorman, Mr Wayne Henry, had said that there were 270 people on his clicker that night and that at 3am he had let two door staff go as it was fairly quiet. He stated that alcohol was served until 3.15am, music continued until 3.45am and that hot food was sold until 4.00am. He had heard gunshots, had gone out on the fire escape, seen a small amount of blood on the floor and separated

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some groups of men. He only found out that people had been stabbed and shot when the police turned up.

k. Mr Hastunc claimed he was too ill to attend an inspection of the premises on 18 July had failed to attend a PACE interview set up on 30 July 2014.

l. In summary the Police reasons for revoking the licence were as follows:

- The stigma attached to the premises, which had achieved certain notoriety because of the activities taking place. The only way to remove this was to cease trading either permanently or temporarily.
- Mr Mustapha was no longer the Designated Premises Supervisor.
- Areas of concern included the poor management approach of Mr Hastunc and the breaches of the licence conditions, the most serious of which being the failure of the CCTV cameras (if the CCTV cameras had been working the police could have had a suspect), that the head doorman was not SIA registered, a criminal offence.
- The breach of the licensing hours, (alcohol served until at least 3.15am, music playing until 3.45am, hot food served until 4am) as well as the evidence of the victim that he was dancing when he was shot at 5.30am.
- That the incident had been reported by the hospital and not by Mr Hastunc who claimed he knew nothing about it until the police turned up.

m. The list of conditions which the police feel should be imposed if it is decided not to revoke the license.

3. Police representatives responded to questions as follows:

a. Councillor Levy asked about the impact of the intervention, when issues of concern had been raised at the meeting with Mr Hastunc and Mr Trevor Francis in April. The police at that time felt that they did not have enough direct evidence of gang involvement, but what happened on the night of the 12 July 2014 they felt provided the evidence that they needed for an expedited summary review.

b. In response to Councillor Delman's question, members were informed that the last full inspection was made by Trading Standards after the event on 12 July 2014. A full list of inspections was not immediately available.

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- c. In response to Councillor Savva's question, PC Beck had applied to the SIA for details on the doorman, and found that he had never been registered.
  - d. In response to the question as to why, if the intelligence evidence was so strong, no action was taken before the incident, the information that the police had met and made the premises licence holder aware of the intelligence and he had undertaken to carry out suggested future actions as set out in the letter of 22 April 2014.
  - e. The venue was not open every weekend, but on an ad hoc basis.
  - f. It was discovered that the CCTV was not working after the incident.
  - g. The police and licensing authority were not aware that there was no active Designated Premises Supervisor until after the incident on the 12 July 2014, because their dealings had been with Mr Hastunc, who had always represented the business.
  - h. The event advertised in the flyer attached to the report, which was to take place on 26 July 2014 did not take place. Mark Galvayne advised that the other event on the flyer, for 9 August 2014, could still go ahead as a Temporary Event Notice (TEN) was in place for between 3am and 6am on that night. TENs are independent of a premises licence. In any case even if the licence was revoked, this would not take effect for 21 days to allow for an appeal, which would enable the planned event to take place.
  - i. The issue of the designated premises supervisor had not come up before the 12 July 2014. It had been assumed in the letter of 22 April 2014 that Mr Hastunc was both the licence holder and the designated premises supervisor.
4. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, supporting the summary review.
- a. An attempted murder had been committed at a time when the premises should have been closed. There was no temporary event notice in place at the time.
  - b. At the full licence inspection it had been found that the licence had been breached. The address and the plan included with the licence were incorrect. An amended plan had been submitted but was still incorrect as shutters had not been included. The Designated Premises Supervisor had not worked at the premises for more than 2 years. The training records of only two staff had been provided. There were no training records for Esmond Blake, a member of staff who was known to have been on duty that night.

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The licence holder had been warned in April 2014 that a licence review could occur. Events were attracting gang activity. The premises were operating more like a night club than a banqueting hall. After such an incident, revenge attacks were likely.

- c. In summary she said that she had a lack of confidence in the ability of the license holder to run the premises in a way that would prevent crime and disorder and protect public safety.
5. Charlotte Palmer responded to questions as follows:
- a. The premises had been visited in February 2013 when the licence holder had failed to pay their annual fee. At that stage a full inspection was arranged. This took place in March 2013, but not all conditions could be assessed as no event was taking place and the Premises License Holder did not turn up. Another visit took place on 25 August 2013 to check outstanding conditions. A full inspection took place after the incident on 12 July 2014. At this time the premises licence holder could not demonstrate that the CCTV was working as he did not have the correct password. Training records were incomplete, the plan of the premises was inaccurate, address details and the name of the designated premises supervisor had not been changed. These were legal requirements.
  - b. Councillor Levy asked whether, if all the conditions had all been in place, this would have prevented the incident occurring on 12 July 2014 and how serious the breaches were. Mark Galvayne responded that all the breaches, however minor, were offences under the licensing act; that breaching any licensing conditions was a criminal offence: providing activities beyond the permitted hours was the same as not having a licence at all. The maximum penalty could be £20,000 fine and 6 months in prison.
  - c. Charlotte Palmer responded to Councillor Levy's question as to whether she had been involved in the meeting that took place with the police in April, with the answer that this would have been a police matter, an attempt to prevent future criminal incidents. It would have been assumed at this time that the licence holder would be acting in accordance with the conditions of the licence.

The meeting was adjourned for ten minutes to allow for a comfort break at this point.

6. The opening statement of barrister, Roderick James on behalf of the licence holder, including the following points:
- a. The evidence clearly shows that there have been minor licensing compliance issues, but in dealing with the overall

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licensing objectives there has been regular compliance and assistance given by those operating the licence. For this reason the application for revocation is disproportionate.

- b. A serious incident occurred outside the premises but there was no evidence that it had occurred inside. He felt that the incident should be considered separately from the licensing objectives.
- c. The license had been in place for many years and there had been no incidents of any significance before the incident on 12 July 2014. This incident was the first suggestion that the premises were being used as a base for gang activity. Members of gangs have been identified as attending the premises but there is no suggestion that this was a gang base.
- d. At the most recent inspection visit, before the incident when the police had attended, all door staff had had SIA numbers and no issues were identified.
- e. When intelligence of gang activity began to surface, and the licence holder was warned that there might be trouble, he cancelled the event. Following the meeting in April and the letter of 22 April, which he had never received, Mr Hastunc was happy to go along with all actions proposed.
- f. Mr Hastunc was at the time operating as the designated license supervisor and there was no concern raised about his suitability to hold this position. The name on the licence will be changed.
- g. The primary business of the premises was weddings and wakes. Other events were infrequent, the premises hired out to mainly private individuals, occasionally promoted.
- h. The events of 12 July 2014 were terrible and deeply unfortunate, but they clearly took place to the rear of the premises. There was no suggestion that the way in which the premises were run contributed to the incident. The premises had been operating for many years without incident.
- i. In relation to the reference to stigma in the application for revocation, one incident does not provide evidence of a habitual hang out or regular haunt for gang activity. Some people who were also involved in gangs may have attended or intended to attend the event but this could apply to many events.
- j. It would be more appropriate to consider imposing additional conditions to address potential problems.

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- k. A number of defects/breaches have been identified but none of them are sufficient in themselves to warrant revocation of the licence.
- l. Mr Hastunc is a personal licence holder and has operated as the the designated premises supervisor. An application will be made to vary this on the licence after the hearing. The addresses will also be changed and were only minor breaches.
- m. The CCTV had had a technical fault which had since been repaired. The password had been reset at this time which meant that the old password had not worked when the Licensing Officer visited. This has been rectified and the CCTV will in future be reviewed and maintained on a more regular basis. The failure was not deliberate.
- n. The evidence of alcohol training had been provided. Mr Hastunc apologised, he had misunderstood, and not realised that training records for all staff were needed.
- o. Mr Henry had been employed as head of the company who supplied door staff. It had been understood that all staff were registered with SIA and he had not known that Mr Henry was not.
- p. Mr Hastunc conceded that music did continue slightly beyond 3am. DJs often try to extend the time.
- q. Twenty five of the people on the premises, when the police arrived, were staff including doormen, kitchen staff and cleaners. Some of the people involved in the birthday party were also helping to clean up.
- r. Mr Hastunc had been unaware that shots had been fired and that people had been seriously injured.
- s. The suggestion of Mr Henry that alcohol was involved in the incident was not accepted by Mr Hastunc.
- t. CCTV outside the premises was not the responsibility of Mr Hastunc and CCTV had not been required to cover the fire escape. There was no evidence that the suspect had been inside the premises.
- u. Mr Hastunc has been bedridden since the incident, but has still provided a number of pieces of information requested and assisted the police where he could. He has closed the premises, including for the main business and cancelled an



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event planned for 26 July 2014. His actions show before and since that he takes licensing objectives seriously.

- v. The uses of the premises should be considered separately. There is no suggestion that the weddings side of the business has caused any problems and the promoted events occur infrequently, only a few times a month. There was no suggestion that the compliance with the licensing hours was a difficulty, except on this occasion. One breach is not sufficient reason for revoking the licence of a well operated business. Revoking the licence would be a disproportionate response. Additional conditions should suffice and if they were to be imposed, should only be applied to the promoted events not the main wedding business.
7. Questions answered by the Roderick James, barrister, the license holder's representative:
- a. In response to Councillor Delman's question the fire escape staircase led down to a communal area on another part of the estate, to another roadway, apart from the entrance to the venue. It was not possible to control all the area around the premises, the fire escape could be approached from behind from a separate road. There were no security staff placed in this area.
  - b. The door to the fire escape was not alarmed. There was usually a member of the security staff inside the premises stationed between the bar area and the fire escape.
  - c. The wedding side of the business used to make up 80% of the business but this year was now probably closer to 70-75%.
  - d. The breach of the opening hours and the lack of CCTV had significant ramifications, but this was a one off incident and there were no suggestions of a similar breach on any previous occasion.
  - e. Mr Hastunc agreed with the summary and had sought to act on and comply with previous suggestions from the Police and the Licensing Authority.
  - f. It was a temporary failing of the CCTV equipment which had not been working for a few weeks, but was now fully operational.
  - g. Although the plan of the premises had not included the bar area and the shutters, it was known that the bar and shutters were

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there. A revised plan would be submitted, once the outcome of the review was known.

- h. Councillor Savva's view that the DPS should have known the password for the CCTV and been aware of the shooting incident and of those that were hanging around the premises. Many other people had known what was happening. The CCTV at the front would monitor those arriving. The incident happened at the back of the building by the fire escape which was approached from a different area of the estate.
- i. In response to the question as to whether Mr Esmond Blake, a member of the kitchen staff who was said to have left as he was frightened had let Mr Hastunc know that he was leaving, the response was received that when the kitchen staff are finished they leave. Mr Hastunc knew nothing about the shooting incident.
- j. The question was asked as to why Mr Hastunc had not taken responsibility for several issues of concern including security, exceeding the permitted hours, door staff SIA registration? In response it was said that Mr Hastunc had taken responsibility and he had employed Mr Henry to take on responsibility for the door staff. The CCTV had been fixed. He had recently been ill, his father had recently died and he had not been working at full capacity.
- k. Regarding the question about the Police PACE interview, which would have given Mr Hastunc the opportunity to provide training and other records, the response was given that there had been a misunderstanding about which records were required and that Mr Hastunc had not been able to attend the interview as he was prevented from leaving the house due to illness. He understood the purpose and benefit of the interview but had been unable to attend on that day. He had been indisposed for 8 days.
- l. PC Fisher added that the licensee had rung on the evening, after the interview appointment, to apologise for not attending.
- m. Charlotte Palmer asked why Mr Hastunc had gone ahead with the event on 12 July 2014, if he had been aware that the CCTV was not working. In response the CCTV fault had predated the event and an engineer had been called to fix this. When the police asked him about the CCTV, he had said that it had not been working beforehand: he had thought that it had been repaired.

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- n. In response to the question as to people were allowed to leave from the fire escape and staff had not noticed, the answer that the event was over and the staff member who was designated to stop people using the fire escape was no longer on duty.
- o. The premises were primarily a banqueting, not a night, club.
- p. Superintendent Robinson pointed out this was not a single event. There were other club related incidents highlighted in the bundle of information with the agenda. In response the applicant's representative said that there had been no incidents since the 12 July 2014. At all events, including the promoted events, food was provided and tables and chairs set out.
- q. An amendment to existing condition 5 "If the CCTV system is not operating and recording, no licensable activity shall take place" was agreed.
- r. The new conditions put forward by the Police were agreed as follows:
  - With a caveat for conditions 1-3 and 5-14 of "At all events where entry is by prepaid ticket or payment on the door for the addition".
  - An amendment to condition 8 "except where re-entry is allowed"
  - Condition 15 was not agreed.
- s. The conditions 3 and 7 put forward by the Licensing Authority were agreed and condition 10 was not agreed. The other suggested conditions were superseded by the Police conditions.

The meeting adjourned for one hour for lunch at this point.

8. The summary statement of Mr James Rankin for the Metropolitan Police:
  - a. That the incident that occurred on 12 July 2014 was of such a serious nature that revocation of the licence was the only way to resolve the issues of concern. It was felt that the core business took up less than 75% of the business. This was backed up by reference to a flyer on page 221 of the report, including information on venues for hire "out of the limelight". The change in the type of events being held had given the Police cause for concern. When a stigma has been attached to a venue, a period of closure was necessary. The Premises Licence Holder should take responsibility for what happened on the 12 July 2014. There had been no co-operation with the police's

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reasonable requests for information and for attending the PACE meeting. A series of disingenuous excuses had been given. It was felt that the 50 people still known to have been in the venue when the police arrived at 6.20am could not have been just staff and party organisers. If the premises had not been open, then the event would not have occurred, whether it took place inside or outside the venue. The Premises License Holder has not complied with the existing conditions and he is still resisting the imposition of the club scan tool, which if it had been in place would have been able to provide a full list of all the people at the venue at the time of the incident. A reduction in hours would also be helpful.

9. The summary statement of Charlotte Palmer, Licensing Enforcement Officer, for the Licensing Authority:
  - a. She supported the application to revoke the license. If the conditions in relation to promoted events had been adhered to then the incident on 12 July 2014 might not have occurred.
  
10. The summary statement of Mr Roderick James, Barrister for the Licence Holder:
  - a. A proportional and proper response to the incident would be to impose the additional conditions specific to the additional promoted activities as set out above. There have been no concerns about the vast majority of the business: the weddings and other functions.
  
  - b. The Premises Licence Holder was happy to agree to most of the conditions put forward apart from the one referring to the ClubScan which although not inappropriate for the police to propose, was felt to be disproportionate as it would be expensive to install and would only be needed 2-3 times a month. He would also like a small change the final line of the Licensing Authority condition relating to the music to state that "The premises shall not be used for any promoted ticketed events where music is the principal activity.

### **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 the Schedule 12 A to the Act.

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The sub-committee panel retired with the legal representative and committee administrator to consider the application further and then the meeting reconvened in public.

The Licensing Sub-Committee **RESOLVED** that it considers the steps listed below to be appropriate for the promotion of the licensing objectives:

- (a) To modify the conditions of the licence.
- (b) To remove the designated premises supervisor.
- (c) To suspend the licence for a period not exceeding three months.

The modified conditions of the licence are as follows:

### Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under the premises licence: (a) At a time when there is no designated premises supervisor in respect of the premises licence; or (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where the licence includes a condition that individuals are required to carry out any security activity at specified times at the premises each individual must be licensed by the Security Industry Authority.

### Annex 2 - Conditions consistent with the Operating Schedule

4. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
5. There will be no 18th birthday parties/celebrations at the premises.
6. At least 4 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated.
7. The sale of alcohol shall only take place during pre-arranged events and shall be ancillary to the use of the premises for substantial buffet or sit down meals.

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8. When alcohol is not for sale the bar area and all alcohol shall be sectioned off by the use of a shutter.
9. Children under the age of 18 shall not be admitted to the premises unless they are accompanied by an adult.
10. No more than 480 people, including staff shall be on the premises at any one time.
11. At any event scheduled to continue after 00:00, with numbers attending expected to be under 240 including staff, two door supervisors shall be employed from 21:00 until 30 minutes after closing time. If numbers expected to attend exceed 240 people including staff, a minimum of four door supervisors shall be employed. This condition does not apply to 'no alcohol' events.
12. A monitored alarm system to EU 50131 must be installed at the premises.
13. A suitable method e.g. clicker counters, for determining the number of persons on the premises at any one time shall be employed to ensure that the maximum permitted number is not exceeded.
14. The premises shall operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.
15. When there are more than 240 people on the premises at least one of the shutters that divides the premises shall remain in the open position so that all emergency exits can be accessed.

#### Annex 3 - Conditions attached after a hearing by the Licensing Authority

16. A digital CCTV must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the bar, the stage and all the floor areas; (2) The cameras facing the entrance doors must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing bar areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Cameras facing the entrance door and cameras on gaming machines must capture a minimum of 16 frames per second; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have

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the recording device located in a secure area or locked cabinet; (11) Provide a monitor in full view of customers entering the premises. This monitor must display the images of said customers; (12) Have a separate monitor to review images and recorded picture quality; (13) Be regularly maintained to ensure continuous quality of image capture and retention; (14) Have signage displayed on the front entrance door and in the customer area to advise that recorded CCTV is in operation; (15) Digital images must be kept for 31 days; (16) Police will have access to images at any reasonable time; (17) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request; (18) If the CCTV system is not operating and recording, no licensable activity shall take place.

17. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, the minimum age of patrons entering the premises shall be not less than 21 years.
18. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, there must be a written search and refusal of entry policy, which must be agreed by Police. All door supervisors must be fully trained in the policy and sign a document to that end.
19. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, search wands or a search arch must be utilised to deter and detect weapons taken into the club.
20. At least one member of the staff located in the bar must hold a personal licence.
21. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, all door supervisors must be provided by a supplier listed on the SIA approved contractor list.
22. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, the designated premises supervisor or a member of the management shall monthly, check their door supervisor's registration on the Security Industry Authority (SIA) website to ensure their licences are current. Written records of these checks shall be maintained, signed and dated by the person completing the checks. The records shall be kept for 12 months and made available to Police or the local authority on request.

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23. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, the Metropolitan Police risk assessment form 696 shall be completed and forwarded to the current email address on the form for all promoted events.
24. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, there shall be no entry to the premises one hour before closing time, with the exception of the re-entry of customers who first entered the premises at least one hour before closing time.
25. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, a sign shall be displayed at the entrance to the premises informing customers of the closing time and last time of entry to the premises.
26. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, upon entry to the premises every customer must be hand searched. These searches shall include the searching of the customers' person, wallets, purses, bags and any other items carried on or by the customer. To support this policy, hand held 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.
27. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, the Designated Premises Supervisor or a member of the management shall personally monitor the actions and observations of the security staff at frequent intervals to ensure that searches are being properly carried out.
28. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, either: (1) toilet attendants are employed. They shall be given training in the recognition of drugs use and abuse and the reporting of such incidents to management. A written record shall be kept of this training, signed by those receiving it and shall be made available to Police or the local authority on request. The records shall be kept for 12 months; (2) toilets shall be visited an average of half hourly and at least every hour whilst the premises are open to ensure drugs use is deterred. Staff carrying out these visits shall be given training in the recognition of drugs use and abuse and the reporting of such incidents to management. A written record shall be kept of this training and signed by those receiving it. They shall be made available to Police or the local authority on request. The records shall be kept for 12 months.
29. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, there shall be a minimum number of door supervisors present in the following circumstances : (1) Two door



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supervisors will be employed at the front entrance to supervise and control patrons entering the premises from opening time until the premises close; (2) Four door supervisors shall be employed inside the premises from opening time until the premises close; to supervise customers and ensure the fire exits are not blocked; (3) Door supervisors shall wear yellow reflective jackets so they can be easily identified; (4) Written records of the date, times, name and badge number of all door supervisors at the premises shall be kept each day they are employed and records kept for 12 months. The manager and the individual door supervisors shall sign these records as correct on each occasion they are employed. These records shall be made available to Police or the Local Authority on request. The manager shall countersign these records nightly; (5) there shall be a minimum of 6 door supervisors present at all material times.

30. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, all security staff will wear high visibility yellow 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.
31. When customers are admitted to licensable activities by pre-paid ticket or by payment on the door, 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 club's system.
32. All staff at the premises engaged in the sale of alcohol shall receive induction and refresher training (at least every 3 months), relating to the sale of alcohol and the times and conditions of the premises licence.
33. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
34. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
35. All incidents of crime or disorder, including any occasion where door supervisors intervene in an incident, shall be recorded in an incident log, the format of which shall be agreed by Police and the local authority. The management shall countersign the log each night. The

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log must be kept for 12 months and made available to Police or the local authority on request.

36. The premises shall not be used for any promoted ticket event where music is the principal activity.
- (b) The Licensing Sub-Committee further resolved that Mr Ediz Hastunc himself is not an appropriate person to be designated as the premises supervisor on the licence.
- (c) The suspension may cease and the licence may be reinstated before the expiry of the three month period should the Licensing Authority be satisfied that the Premises Licence Holder is able to demonstrate that all the necessary requirements are adhered to for the effective promotion of the licensing objectives.

#### **Reasons:**

The Chairman made the following statement:

In its deliberations, the Licensing Sub-Committee (LSC) was extremely mindful of Section 11.28 of the Licensing Act Guidance, which states that where reviews arise and that it is asserted that the crime prevention objective was being undermined through premises being used to further crime, revocation should be considered, even in the first instance.

Additionally, given various events that followed elsewhere subsequent to the unarguably serious criminal actions that occurred in the vicinity of the Golden Palace Banqueting Suite on 12<sup>th</sup> July 2014, we recognised that promotion of the licensing objectives, especially pertaining to public safety as well as crime and disorder, need to take account of the interests of the wider community and not just the individual licence holder (Guidance s 11.26).

The specific crime on the date in question also falls into the category bounded by section 11.27 in that the sub-committee needed to treat it seriously if it believed it has arisen in direct connection with the licensed premises under review.

Taking all this into account, along with the evidence provided first at the Interim Steps Hearing (17<sup>th</sup> July), and then from all the written and oral submissions carefully considered during this full summary review, the Licensing Sub Committee was not sufficiently persuaded by the case made by the applicant that revocation was the appropriate step to be taken.

We were told that there was strong a body of criminal intelligence associating the premises with criminal activity and serious incidents of crime and disorder. And whilst it is clear that individual members of gangs may well have been present on the night in question, and are possibly attracted to the venue, the evidence presented did not suggest that the premises is habitual haunt for or

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the base for gang activity; nor that it is actively a base, or a hub, for organised gang activity was not made out to our full satisfaction.

Ongoing police investigations have yet to fully determine conclusively whether the incident that occurred in the vicinity of these premises are as a direct result of the actions by the licence holder. Evidence presented from one of the victims was vague, and there remains insufficient proof that firearms were or ever have been taken into the premises on this or any other occasion.

We heard no firm evidence from the applicant Metropolitan Police Service (MPS) that there was any prior intelligence to suggest that any gang related or any incident that led to the shooting and stabbing was likely to occur on the day in question.

Historic concerns from the MPS have not been sufficient, using criminal intelligence alone, to consider bringing a review of these premises prior to the events of 12<sup>th</sup> July, in spite of the issues it encountered during a visit to the premises on 15<sup>th</sup> April 2014, and confirmed by letter on 22<sup>nd</sup> April 2014. Nor had the police service objected to the catalogue of Temporary Event Notices(TEN) made by the premises for the kinds of events that we were told, by the licence holder, constitute an increasing yet still minor percentage of the business activity at the Banqueting Suite.

However, we duly noted that the event on 12<sup>th</sup> July was one not covered by any such TEN.

The evidence was such that in the period of time during which Mr Ediz Hastunc has been the premises licence holder, and despite the intelligence with which we were presented, there have been no specifically significant incidents of crime, and also a very limited history of licensing intervention either.

The applicant made the case that there are serious shortcomings in the way that the premises are managed, and our decision today reflects this. It is absolutely clear that licensable activities were taking place beyond the terminal hour on 12<sup>th</sup> July and that serious breaches of conditions of the licence, especially the fact that CCTV was not properly functioning or operated – which has clearly diminished the opportunity to provide a true picture of events leading up to the major incident in the early hours.

The crux of the MPS case relied on what it called the stigma of the premises, to the extent that the premises attracted a particular clientele. In rebuttal, the licence holder said that 80%, maybe now 70-75% of business relates to core functions such as weddings and wakes and that outside hirings are occasional rather than regular. Furthermore, the premises is not open every weekend. To this extent, the case from the applicant that the venue is trading more as a night club and less as a banqueting suite was not fully made out, nor sufficiently corroborated. The MPS itself confirmed that one such event for

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which it had intelligence led to the Licence Holder to cancel the planned event voluntarily.

It also placed much weight on the alleged notoriety of the venue, but the LSC was not sufficiently persuaded that the venue itself actively attracted certain patrons any more than other establishments close by, nor that the operations of Golden Palace was a specifically causal factor. No other serious incidents had occurred hitherto, and the MPS had still chosen in the intervening time not to call for a standard review, but also not to invoke other powers open to it, even admitting to the LSC that the level of criminal intelligence was not sufficiently robust for it to pursue any such approach. The LSC is still not certain as to why police powers under Sections 161-165 were not invoked in the aftermath of 12<sup>th</sup> July.

The arguments presented to us by both the MPS and the Licensing Authority in respect of breaches of conditions did carry weight such as to inform our decision. Breach of condition 5, in terms of failure of the CCTV system and the licence holder's seeming reticence to deal promptly with what he knew to be problems with it were a concern.

Whilst some of the other breaches presented, including the lack of display of appropriate papers and posters, inaccurate plans of the premises, failure to present , with any urgency (despite much previous advice and guidance) or know the whereabouts of training records, or ultimately what depth of training records of staff even needed to be supplied, name and address details, the LSC was not minded to believe that in aggregate these constitute sufficient concern to apply the ultimate sanction of revocation – serious though all the breaches are.

On the other hand, the Licensing Sub-Committee took the view that to such breaches as “minor”, and to refer to the absence of CCTV footage as “disappointing” was less than helpful to demonstrate effective promotion of the licensing objectives. The fact that some, but not all, of the information requested by the responsible authorities has been provided in very recent days, just prior to this hearing, does not diminish the concerns the applicant and the Licensing sub-committee had as to shortcomings in the management approach. The MPS case was that the shortcomings were systematic and symptomatic of a general inability operate the licence as already exists

In the view of the LSC, and as was pointed out during the hearing, any breach of any condition at any time, constitutes a criminal activity which bears consequences beyond the scope of a licensing sub- committee. Whilst listening attentively to the submission from the licence holder thorough his legal counsel, the panel had serious concerns about Mr Hastunc's ability and capacity as a licence holder.

It was acknowledged that the previous named designated premises supervisor (Mr Mustapha) had not been involved in the business for a long time, and was living in Cyprus for the past year. We were told that Mr Hastunc was himself acting de facto as the DPS, but this information had not been

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conveyed to the Licensing Authority, much as in the previous year, renewal of the licence fee had not be automatically forthcoming.

Whilst the legal counsel for the licence holder made a specific point that whilst alcohol may well have been sold beyond the permissible hour, there was no clear evidence offered to suggest it was directly causal to the crimes that took place on the 12<sup>th</sup> July, we were not minded to accept the wider argument that Mr Hastunc's actions demonstrate that he takes his responsibilities seriously, and that many of his actions, including the breaches identified prior to but especially at the full licence inspection on 24<sup>th</sup> July - not least that he had been the licence holder at these premises for close on five years.

He was present for the entirety of the pertinent hours in question over the night of 11<sup>th</sup> into 12<sup>th</sup> July. He claims to have been unaware of anything untoward occurring in the club, despite it being known that many people were making towards the exit well beyond what should have been terminal hours. He concedes and accepts that music was continuing "slightly" beyond 3pm, but that this was at the will of the DJ present and the desires of those who had hired the venue for the party. He seemed oblivious to the fact that one of his kitchen staff (Esmond Blake) left the venue early because he had genuine fears over the people who were arriving at the premises as late as 2.45am.

Evidence submitted and answers to the questions raised concerns as to his ability to manage the CCTV system to the level that would be expected of a licence holder and DPS. We were not content by the numbers of staff (25 we were told) alleged to have been on the premises during the evening, and what role they may or not be playing when licensable activities (music and dancing) were, ongoing, and significant numbers of people were both inside and outside the premises well beyond the terminal hours defined on the licence. The explanation of precisely how many were present, where, and when, and the roles being performed at crucial times were, to cite the words of counsel for the applicant, "disingenuous" at best.

And, by unawareness or otherwise, he did not intervene to stop such staff and /or guests clearing up the venue in the aftermath of the event and what is now known to be a crime scene. Nor did he, as the most responsible person present see fit himself or instruct others to call the police when others around him knew that some kind of incident had taken place associated to the venue. The LSC accepts as told, and we have some sympathy for the fact, that Mr Hastunc has experienced some health issues prior to and since 12<sup>th</sup> July, some of which rendered him indisposed. But this is not sufficient mitigation, in the view of the LSC, and given the seriousness of the incident, to explain away a consistent failure to attend meetings as requested, nor to provide some of the most basic and easily accessible information requested either to the MPS (back in April) or to the Licensing Authority since 24<sup>th</sup> July – though some, if not all, has subsequently been forthcoming. Yet given the seriousness of what occurred on 12<sup>th</sup> July, failure to attend the PACE

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interview scheduled for 30<sup>th</sup> July was deemed by the LSC to be both unhelpful and denoted a serious lack of judgement.

Most importantly, we were told that Mr Hastunc absolutely devolved all responsibility for security of the premises to a Mr Wayne Henry and his company, without undertaking the due diligence that would have revealed very simply that Mr Henry was not SIA registered, and that Mr Henry's provision of staff in the premises and in appropriate locations within the premises reflected a lack of qualifications – such as close to the unalarmed fire exit, through which overstaying patrons chose to use when news of an incident started to spread, and which is an essential locus for the ongoing police investigations.

As premises licence holder and as it would seem the unofficial DPS, it is absolutely Mr Hastunc's responsibility to be aware of and be available to front up on all aspects of the business when open during permitted – and this case beyond – permitted licensing hours.

Therefore, the LSC accepts the case in full made by the applicant and supporting bodies that they have no faith in Mr Hastunc to manage these premises in accordance to the terms of the licence, and as required by the Licensing Act; and further, given the health issues as presented, his physical capacity so to do in the future.

The LSC does consider that there are very serious failures in the premises management and the way the licence has been operated, and breached, but it finds there is still nothing to suggest that the incident that provoked this review took place directly as a specific failure in premises management, other than the circumstantial fact that it was open later than it should have been.

And, at this stage, it is similarly circumstantial as to whether victim or victims had been in the premises nor whether the licence holder was in any position to have prevented what actually ensued, even had it occurred within the permissible hours. And whilst hours on this night were unarguably being breached, the LSC was not a view that reducing the hours as such would be appropriate for the promotion of licensing objectives.

To conclude, the LSC is more than mindful, from the Licensing Act Guidance (11.28) that this single incident alone might be sufficient to consider revocation. However, the present levels of police investigations for wider purposes, the weight of evidence, and the scale of the breaches of conditions currently identified (and some now addressed), the panel felt the action not to be justified (the case not have been made in full), nor proportionate.

In order to support the effective promotion of licensing objectives, the Licensing Sub-Committee resolved and considered it appropriate to extend and modify the conditions of the licence: to make them more stringent, and to reflect (by agreement of all parties) that some of the additional conditions

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requested by the MPS and the licensing authority be adapted to distinguish between those activities defined by the licence holder as “core business”, and those others “ when customers are admitted to licensable activities by pre-paid ticket or by payment on the door” – more akin to what was portrayed as the night club element of this business.

As such, as by imposing the condition requiring a Club Scan or equivalent ID scan system, the LSC is specifically addressing the objective of preventing any potential crime and disorder of a kind such as took place on 12<sup>th</sup> July. And the LSC was absolute in imposing that if the CCTV system is not operating and recording, no licensable activity shall take place, as a sub-section of new condition 16.

It was the view of the LSC that imposing more robust conditions, allied to other parts of our decision, was an appropriate risk management measure, most of which, we were pleased to see, had been agreed between all parties. In addition, the Licensing Sub Committee resolved the formal removal of the designated premises supervisor (DPS) who had still been on the licence, making it clear that Mr Ediz Hastunc himself would not be acceptable as an alternative when resubmitting an application for there to be a new DPS at Golden Palace.

And finally, given the seriousness of the matter before it, the Licensing Sub-Committee deemed it appropriate to suspend the licence for a period not exceeding three months, in order to allow sufficient time for some of the remedial actions recently undertaken to be decided upon, and for the premises and the business to get its house fully in order so as to demonstrate it can promote the licensing objectives as expected by the possession of a premises licence.

If the licence holder is able to demonstrate, to the satisfaction to the licensing authority, that the outstanding issues of concern not yet resolved have finally been dealt with, and that all issues linked to the additional conditions have been met such that the licence holder is in a position to be fully compliant, then the licence may be reinstated within the maximum three months of this suspension.

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#### **MINUTES OF PREVIOUS MEETING HELD ON 9 JULY 2014**

RECEIVED the minutes of the meeting held on 9 July 2014.

**AGREED** that the minutes of the meeting held on 9 July 2014 be confirmed and signed as a correct record.