MINUTES OF
LICENSING SUB-COMMITTEE

Friday, 15 December 2017
(2:30 - 4:21 pm)

Present: Cllr Kashif Haroon (Chair), Cllr Hardial Singh Rai (Deputy Chair) and Cllr Syed Ahammad

45. Declaration of Members' Interests

There were no declarations of interest.

46. Licensing Act 2003 Summary Licence Review: Way 2 Save, 147 Ripple Road, Barking, Essex, IG11 7PW

The Senior Licensing Officer presented a report to the Sub-Committee for an application under Section 53A-C of the Licensing Act 2003 for a summary review of the premises licence issued by the Local Authority to Mr Murat Alma, in respect of the trading premises known as ‘Way 2 Save’ situated at 147 Ripple Road, Barking, Essex, IG11 7PW.

The Senior Licensing Officer advised that the licence, granted by the Licensing Sub Committee on 2 February 2017 (Min. 39 refers), enabled the supply of alcohol on Monday to Sunday 24 hours a day.

A copy of the application and the current premises licence were appended to the report.

The Chair then invited PC Oisin Daly to address the Sub-Committee.

PC Daly advised that on 26 November 2017 and 1 December 2017, two significant events had taken place at the premises. With permission of the Chair and the licence holder, PC Daly then showed CCTV of the incident on 26 November 2017.

It was seen that a small group of friends entered the premises and, within the space of a few seconds, had approached the counter and engaged with staff. For reasons unclear, the staff member hit out at one of the individuals and reached for a glass bottle to use as a weapon. Two of the friends acted as intermediaries. It was not clear what sparked the altercation, but the demeanour of the three friends did not indicate they were looking for trouble.

The incident briefly subsided, and they were seen from another angle to be talking with another staff member. Additional staff appeared quickly, and all armed with various weapons of different descriptions. The victims were clearly seen to be raising their hands to demonstrate they did not wish to fight, nonetheless, they were attacked, and one victim was dragged into a room and kept for a number of minutes. He later left the premise.

PC Daly advised that there was no footage available from the room as it appeared to have been deleted. This was being looked into by Police forensic teams.
No footage was available from 1 December for the Sub-Committee to review, however PC Daly advised that it was in the possession of the police and it again involved an altercation with customers who had purchased alcohol at the premises.

In response to questions, PC Daly advised that despite relevant conditions being placed on the licence, there were no SIA staff present during either incident.

PC Daly concluded by requesting that the Sub-Committee suspend the premises licence.

The Chair then invited Mr Hopkins, representative of Mr Alma (licence holder), to address the Sub Committee.

Mr Hopkins advised that Mr Alma acknowledged that the two incidents had taken place and was extremely concerned. All four members of staff involved in both incidents had since been dismissed.

Two door supervisors who were SIA registered were employed by the premises. One member of security was present on 26 November 2017, however was eating a meal when the incident first started. Mr Hopkins advised that the security member could be seen in the CCTV footage towards the end of the incident.

It had been noted by Mr Alma that both incidents had taken place after 2am and therefore Mr Hopkins suggested the following interim steps:

- Reduce the hours of supply of alcohol to 2am;
- Double the number of door staff to two and recruit from an external agency; and
- Ensure all staff attend a conflict management course.

In response to questions, Mr Hopkins advised that:

- Only two managers (including Mr Alma) had access to the CCTV records and the machine was password protected;
- The shop had since been searched for weapons by Mr Alma and none were found; and
- There were records of staff and SIA registered door staff (including sin in sheets) however Mr Alma had not brought these to the Sub-Committee.

The Chair then invited both parties to sum up before the Sub Committee retired to deliberate their decision.

DECISION

In reaching its decision, the Sub-Committee had taken into account the s182 guidance, all evidence provided in the agenda pack, and all representations made during the hearing.

The Sub-Committee wished it to be known that particular concern was caused by:
1) The apparent ease and readiness of staff members to escalate matters, and to obtain and use offensive weaponry. It was observed that the staff appeared very comfortable engaging in the actions that they did and knew where to go to obtain weaponry. The Sub Committee could not understand why the situation was allowed to arise in the first place, and demonstrated at the best very poor management, and at the worst explicit consent for the weapons to be available. It was however noted that this was the first time there was an incident at this premise.

2) The deletion of CCTV which could assist with the ongoing investigation of crime demonstrated complicity by management, the DPS confirming only he and his manager had access to the CCTV. Therefore, on balance of probabilities, only they could have deleted the footage. Whilst there was no requirement for there to be CCTV in the store room, there was a clear expectation that any CCTV that was operational was properly maintained. The willingness to delete evidence significantly undermined the protection of the public from harm and the prevention of crime and disorder.

3) No evidence was provided that SIA were signed in on that date. The Sub-Committee was told that one SIA registered individual was in the premises and signed in. A further member of SIA staff was not signed in or present. However, in any event, security were not on the door or performing their duties as would be expected. There was no direct evidence to support that the security was signed in, or “on the door” at any point during the night. It was concerning that the sign in book had not been produced. It was further confirmed by the police that no SIA staff were on the door on 1 December either.

4) Whilst hours could be reduced, the concern was that the approach to management still represented a risk to safety and to members of the public, and that they were undermining the licensing objectives. Conditions were imposed in February 2017 to safeguard the public, but these had either not been complied with, or undermined.

The decision of the Sub-Committee was to suspend the license effective immediately.

Customers and members of the public must be kept safe and protected, and the Sub-Committee had no confidence that this could be achieved with anything less than suspension.