

# **MINUTES OF LICENSING SUB-COMMITTEE**

Wednesday, 17 August 2022  
(7:30 - 10:34 pm)

**Present:** Cllr Adegboyega Oluwole (Chair), Cllr Victoria Hornby and Cllr Hardial Singh Rai

## **Apologies:**

### **1. Declaration of Members' Interests**

There were no declarations of interest.

### **2. Licensing Act 2003 - Full Review of Premises Licences for Kings Bull venue and external garden at 2 North Street, Barking, IG11 8ET**

This review followed interim measures imposed at a summary review by the Licensing Sub-Committee of the premises licences issued by the Authority to OG Real Dreams Ltd (“the respondent”) at a hearing on 22 July as a consequence of a request made by the Metropolitan Police (“the applicant”) under Section 53A of the Licensing Act 2003. This followed allegations of serious crime and disorder emanating from the premises known as the Kings Bull, 2 North Street, Barking, IG11 8ET and the Kings Bull external area at the same address.

The hearing commenced with a report from the Licencing Authority which outlined a summary of the applicant’s case for the review. This related to an incident that took place at the premises on 17 July 2022 at a ticketed and externally co-promoted event, that initially due to a dispute over money from ticket sales, led to several altercations and scuffles inside the premises involving groups of males associated with two promoters. The altercations continued outside the venue and resulted in a serious act of violence which left a victim with life changing injuries.

As a result of the Sub-Committee’s consideration of the matter at the summary review on 22 July 2022, and after hearing representations from all parties, it was agreed to suspend the premises licenses with immediate effect pending the full review.

The Licensing report included details of representations made in support of the review application under all four licensing objectives, namely the Prevention of Crime & Disorder, Protection of Children from Harm, Public Nuisance and Public Safety from the Council’s Licensing Authority Responsible Authority Officer (LRAO) and two residents, the latter of which included video evidence presented at the meeting to demonstrate the amount of traffic, general noise and disturbance, including drunk and disorderly behaviour generated by patrons of the venue. In addition, 26 representations of support of the premises were received made up to local business, residents and customers, the details of which were set out as an appendix to the report. Finally for the record the report also included details of the existing licenses and a copy of the decision notice from the hearing on 22 July 2022.

The Sub-Committee then heard from the applicant, being the Metropolitan Police Service, in their capacity as a Relevant Authority under the Licensing Act 2003. At the outset so as to set the context for their application a video was played. This showed an incident that occurred on 18 June at approximately 4am involving a vehicle travelling up and down Clockhouse Avenue, attempting to run over a group of people, that eventually resulted in a collision with a parked car in North Street, opposite the premise, followed by people from the premise chasing the driver, and a subsequent altercation ensuing.

Mr Michael Feeney, Barrister acting on behalf of the Metropolitan Police Service then presented their report. He explained that whilst the trigger for the summary review was the violent assault that took place on 17 July, the extreme serious nature of the number of incidents/crimes associated with the venue that had taken place over the past 15 months, the litany of which was detailed in the supplementary papers (no 1) presented at the hearing, had shown a total lack of judgment and a failing of management of the venue; and that despite regular interventions by the Police to work with them by introducing a number of additional conditions on the premise licences, the management have failed to implement them.

Examples of these failings included:

- A lack of required ID scanning of customers,
- Ineffective dispersal procedures by security, notwithstanding a review of these some six months previous, which on the night of the incident on 17 July showed that customers had been allowed to spill out onto the streets and continue the fighting that had started inside,
- Security was clearly not in control of the venue as confirmed by an independent crime and disorder review subsequently commissioned by the management, which had showed serious shortcomings,
- Evidence to suggest that in the light of the incident of 17 July a member of the security staff refused to give a witness statement because the whole incident allegedly stemmed from illegal activities from inside the club to which management were aware and actively involved, and that he had been threatened not to tell the Police.
- Problems with crime and disorder associated with externally promoted events including a series of violent assaults over the period May 2021 to July 2022, making the venue a magnet for crime and disorder, and which in addition to the incident that led to the summary review, also included an assault on 9 July by customers on a taxi driver which left the victim with a broken eye socket.
- Given that the prevention of public nuisance was one of the four licensing objectives, the evidence presented by residents regarding cars parked everywhere, music blaring and car horns bleeping, crowds of people lingering in the vicinity of the premises into the early hours etc demonstrated that the said objective was clearly not being met.

In the circumstances the Police had no confidence in the management to run the establishment in a manner that meets the four licensing objectives, and it was only now after the summary review that management had come forward with proposals to address these issues, none of which on the face of it would in the Police view uphold the objectives.

They closed their presentation by stating that there were other venues in the area that provided for the African community and those did not suffer the same serious crime and disorder that was associated with the Kings Bull venue.

The Sub-Committee then questioned the Police about their general presence in the area of the premises, and whether the venue's SIA licenced door supervisors had uniforms and name badges by which they could be identified?

The Sub-Committee then heard from Mr Josef Cannon, Barrister representing the respondent.

He submitted that whilst the venue in no way wished to minimise the events of 17 July, he made the Sub-Committee aware that the victim did not suffer life changing injuries as was claimed, and that he had now been released from hospital as confirmed in an email from one of the promoters as set out in supplementary papers (no.3) presented at the hearing.

He accepted that the venue had shortcomings and that the management could not continue in the same mode of operation. He submitted that change was the answer rather than closing an entire business, which given the owners commitment to the venture, was, he suggested a step to far in all the circumstances.

As to the Police and Licensing Authority assertion that failings in the management team were the primary cause, he stated that the same management team managed the Kings Lounge and that had no history of complaint.

He accepted that there had been serious disorder between two groups of external promoters on the night in question, however he submitted that was not directly the fault and failings of management. Security had sought to keep the two groups apart when it was realised there might be trouble and implemented a staggered leave and dispersal in line with the agreed policy. Unbeknown to the security, one of the promoters who had left earlier waited for the second group to exit. That said, given the serious nature of the violence that occurred a new SIA team had been employed to ensure that events and incidence of that nature did not occur again.

The Sub-Committee noted that management had volunteered to reduce the opening hours as part of a planned approach to change the client demographic who attended the venue, which also included dispensing immediately with externally promoted events and working to change the floor layout to accommodate primarily a restaurant style operation with a small lounge bar, akin to how the Kings Lounge operated.

Turning to ID scans, the individuals not scanned were promoters working for the venue and not customers. The licence conditions required customers to be scanned and therefore that condition had been met.

Addressing the incident of the car driving into crowds, the individual concerned had not been in the venue that night, having been refused entry at approximately 11pm. It was not until 4am that the incident occurred, and it was submitted that this should not therefore be attributable to a failing on the venue's part. In respect to the separate incident involving the taxi driver, the serious assault and subsequent injury was regrettable. However, although the assailants had been in the venue that evening and had been well behaved, it should be recognised that the assault took place away from the venue, for reasons unknown, and should therefore not be attributed as a failure of security/management.

The concerns expressed by neighbours about car parking and noise nuisance were noted by management. However, they did not have powers to control parking nor had there been any submissions/evidence presented by Environmental Health as to noise nuisance from the venue.

The Sub-Committee then heard from Mr Guy Fotsing, joint owner and business partner of the premises. He outlined a witness statement provided by Mr Okey Nwosu, joint owner and business partner, which formed part of the supplementary papers (no.3), in which he set out the history of the venue and how they had sought to grow the business with a significant investment. He reiterated that the aim was to move towards more of a dining facility and less of a night club, akin to the nearby Kings Lounge. He stated that the management had always sought to have a good relationship with the Licencing Authority. He confirmed that the management would no longer engage external promoters and that they were committed to working with the Police.

He challenged the assertion of the Police that a member of the security team had refused to give a witness statement due to the allegation of illegal activities in the venue and intimidation by management. He strongly denied this to the extent that he was more than happy for the Police to review the CCTV inside the venue. Furthermore, the member of the security in question had subsequently stated that the only reason he had not provided a statement to the Police was because he did not see the incident, which he had subsequently confirmed in writing (exhibit KB03).

Mr Richard Bunch of Complete Licensing then addressed the Sub-Committee. He had been instructed by the management to review the evidence that related to the summary review and the resulting suspension of the licenses, from which he too concluded there were clear shortcomings in the then security arrangements of the venue, for which he had proposed several changes and recommendations going forward, as set out in his Crime and Review report which formed part of supplementary papers (no3).

He then turned to the Police evidence relating to the incident on 17 July and several other incidents which were claimed to be directly linked to the venue. He focused his attention of his review about the popularity of the venue to attract a wider clientele associated with the use of external promoters of events. Dispensing with external promotions and changing the nature of the venue as the management had described would deter that element from coming to the venue. He was committed to continue working with venue to facilitate the proposed changes and was confident in the management structure going forward.

Finally, by way of context referencing statistics in the report, he made the point that of the 100,000 customers who had frequented the venue in the past 15 months, based on the number of reported crimes, it represented less than 0.0002% chance of being a victim of crime in the venue. Furthermore the 66 calls made against the venue when compared with the total footfall was in his professional opinion extremely small in volume.

A Senior Licensing Enforcement Officer, representing the Licensing Authority (a Responsible Authority under the Licensing Act 2003) then addressed the Sub-Committee, noting the number of restrictions and conditions already attached to the licences and supported the Police's position that the management structure was inadequate and that the licences should be revoked.

Finally, in relation to the written submissions of support, the Sub-Committee noted specific comments of customers of the venue, in citing its importance to the predominately local African community.

Each party was then given the opportunity to sum up their position. The Sub-Committee then retired to consider its decision in private at 22.10pm, reconvening the meeting at 22.30pm.

**Decision** (*conveyed in summary by the Legal Adviser on behalf of the Sub-Committee*)

The Sub-Committee considered the detail of the written submissions from the applicant, the LARAO and two residents, as well as the written submissions from the respondent including the 26 written representations of support for the premises received from local businesses, residents and customers. Having listened carefully to the oral submissions made by all parties the Sub-Committee expressed concern about the level of crime and disorder associated with the venue but equally recognised that at this was not always attributed to failings on management's part.

Having had regard to all relevant matters and taken all relevant information into account, and in noting the options open to the Members,

The Sub-Committee **RESOLVED** to lift the premises licences suspension with immediate effect subject to a number of changes to both licences to read as follows:

**Premises Licence one (Internal) (License no: 44670)**

The opening hours are as follows:

From 09.00 Monday to Sunday until 02.00am

The Licensing Activities are:

1. **Supply of alcohol**  
From 09.00 Monday to Sunday until 01.30am
2. **Provision of live music**  
From 09.00 Monday to Sunday until 01.30am
3. **Provision of recorded music**

- From 09.00 Monday to Sunday until 01.30am
4. **Provision of anything of a similar description to live music, recorded music or performance of dance**  
From 09.00 Monday to Sunday until 01.30am
  5. **Provision of late-night refreshment – indoors only**  
From 23.00 Monday to Sunday until 02.00am

*Additional conditions*

No external promoters or promotions shall be used for events within the licenced area

Only Approved Contactor Scheme (ACS) accredited SIA door staff shall be deployed at the premises. Records to be kept by the DPS and/or licences holder, with such records to contain the following details of any door-supervisor employed at the premises:

- Name and date of birth
- Full 16-digit SIA badge number
- Dates and times employed

These records shall be made available, in useable form, to the Metropolitan Police, LBB Council officers or authorised officers of the Security Industry Authority, upon request.

**Premises License two (external) (License no 58581)**

The opening hours are as follows:

Monday to Sunday 07:00hrs to Midnight

The Licensable activities are

1. **Supply of Alcohol**  
Monday to Sunday 09:00hrs to 23:00hrs
2. **Films**  
Monday to Sunday 09:00hrs to 22:00hrs
3. **Live Music**  
Monday to Sunday 09:00hrs to 22:00hrs
4. **Recorded Music**  
Monday to Sunday 09:00hrs to 22:00hrs
5. **Supply of Alcohol**  
Monday to Sunday 09:00hrs to 23:00hrs

*Additional conditions*

No external promoters or promotions shall be used for events within the licenced area.

Only Approved Contactor Scheme (ACS) accredited SIA door staff shall be deployed at the premises. Records to be kept by the DPS and/or licences holder, with such records to contain the following details of any door-supervisor employed at the premises:

- Name and date of birth
- Full 16-digit SIA badge number
- Dates and times employed

These records shall be made available, in useable form, to the Metropolitan Police, LBBD Council officers or authorised officers of the Security Industry Authority, upon request.

In reaching this decision the Sub-Committee remained very concerned about the level of serious crime and disorder associated with the venue. They were however satisfied that based on the proposed reduction in opening hours for the indoor license as well as the other changes in conditions on both licenses, it would enable the venue to promote the licensing aims, and as such it was disproportionate in all the circumstances to revoke the licences or continue with the suspensions.

In addition, it was noted and recognised by the Sub-Committee that the management had agreed to continue working with Complete Licencing (or another chosen licensing consultancy) to support them going forward to ensure that all licensing objectives were met. Furthermore, the Sub-Committee welcomed the statement of the owners that they were committed to change to more of a restaurant style operation at the Kings Bull venue by increasing the number of chairs and table covers, and in turn reduce the dance floor space.

The decision would be conveyed in writing with seven working days.

The Chair thanked all parties for their attendance and participation and closed the meeting at 22.36pm.