



LICENSING SUB COMMITTEE A

25 June 2014

SECOND DESPATCH

Please find enclosed the following items:

Item 7 XOXO, 74 Upper Street, N1 - Premises Licence Review

1 - 12

Enquiries to : Jackie Tunstall
Tel : 020 7527 3068
Email : democracy@islington.gov.uk



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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Due = 27/03

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Police - Responsible Authority

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description XOXO 74 UPPER STREET	
Post town LONDON	Post Code N1 0NY

Name of premises licence holder or club holding club premises certificate (if known) Rathiba Limited Flat 301 Pavillion Apartments 34 St Johns Wood Road London NW8 7HB
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Number of premises licence or club premises certificate (if known) LN/3715 - 051213
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Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)

- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Peter CONISBEE PC 575NI Police Licensing Officer Islington Council Public Protection Division 222 Upper Street London N1 1XR
Telephone number (if any) 0207 527 2323
E-mail address (optional) licensingpolice@islington.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

I am police Constable Peter CONISBEE 575NI a licensing officer acting on behalf of the Commissioner of the Metropolitan Police.

This review of XOXO is based on the grounds of Crime and Disorder, to prevent further crimes being committed at the venue and in turn to protect patrons and staff alike.

There have been a number of very serious incidents at the venue within the last twelve months which give rise to concerns over the licensees ability to operate a safe venue. The level of violent crime associated with this venue is wholly disproportionate to similar well managed venues in the area. Despite previous advice from police and council officers, the management have failed to improve the situation.

There have been a number of fights within the last year, in and outside the venue the majority of which occur after midnight. These incidents have generated numerous crime reports including two GBH's and five ABH's. The most serious affray taking place the morning of 9th March 2014, 15-20 people were involved in a fight inside the venue, which then spilled into the street.

The venue has a comprehensive licence permitting the exhibition of films, performance of live and playing of recorded music, making music, facilities for dancing, late night refreshment and the sale of alcohol. There is a long list of mandatory conditions and also conditions consistent with the operating schedule and a condition attached after a hearing by the licensing authority.

The police invite the sub-committee to remove the Designated Premises Supervisor, and to amend the hours of the venue to that which falls within the Islington Licensing Policy

Please provide as much information as possible to support the application (please read guidance note 2)

In the last twelve months, 22/04/13 to 22/04/14 there have been reported, associated with the venue, two GBH's , five ABH's, one Common Assault and one Assault of a Police Officer. There has also been one criminal damage to a vehicle.

These incidents are detailed in the following reports

Saturday 18th May 2013 @ 0155hours - Crime reference 2710931/13 - A fight started inside the premises, escalated and spilt outside to the rear. On arrival of police bottles were thrown necessitating the police to withdraw. Once the incident had calmed the venue was cleared by police.

Sunday 19th May 2013 @ 0110 hours - Crime reference 2710999/13 - 2711003/13 - 2711006/13 - An argument starts inside the venue between two parties, a male was punched to the head. The same incident spills onto the street whereby a female suffered injuries consistent with GBH. A male involved in the disturbances head butts another and is found in possession of a class A drug.

20th May 2013 – Detective Chief Inspector WALLACE and Licensing Officer PC425NI Steve HARRINGTON spoke to Mr KOHLI at the venue in relation to the cumulative impact area, and crimes over the previous six months. He was advised over staff training, and the Challenge 25 scheme.

Sunday 7th July 2013 @ 0205 hours - Crime reference 2714800/13 - After drinking in the venue, three people suffer injuries after being assaulted outside of the venue - injuries consistent with GBH. Victim state that due to their alcohol intake, they were in no fit state to defend themselves. One of the victims (who received a chipped tooth in the attack) did not wish to substantiate the allegation. Albeit this incident happened outside the venue, it is quite possible that had they not been able to drink so much they could have, a) defended themselves b) not been a target c) been able to stop the assailant.

Saturday 7th September 2013 @ 2350 hours - Crime reference 2719757/13 - Another fight in the venue, after which the main perpetrator is ejected, and in a fit of anger then damages property at the rear of the venue (car)

Saturday 12th October 2013 @ 0208 hours - Crime reference 2722565/13 - Two groups who have spent the evening inside the premises exit and a fight ensues directly outside the front of the venue - one of the victims suffers ABH injuries.

24th October 2013 – Invite to Rathiba Ltd to attend a licensing panel on the 6th of November 2013

Sunday 27th October 2013 @ 0030 hours - Crime reference 2723996/13 - A fight ensues in the smoking area, victim suffers injuries consistent with that of ABH.

Saturday 2nd November 2013 - CAD 337 - Staff have called police stating an ejected person has become aggressive. On arrival of police the suspect has calmed and walked away.

6th November 2013 – Mr KOHLI attends licensing panel with PC425NI HARRINGTON and council licensing officers. During which recent events are discussed and Mr KOHLI agrees to submit a minor variation to add conditions on his licence to specifically deal with the issues raised.

Saturday 9th November 2013 - Full police licensing visit conducted under Operation

Nightsafe.

Sunday 15th November 2013 - Full police licensing visit conducted under operation Nightsafe

Saturday 14th December 2013 @ 0200 hours - Crime reference 2727601/13 - Subject has spent the evening drinking in the venue, exits and is assaulted, receiving injuries consistent with that of ABH. The subject leaves the area, but is later found by a member of the public to have collapsed. The subject is too drunk to inform any next of kin.

Saturday 4th January 2014 @ 0118 hours. Staff from a nearby bar call stating large fight between males and females o/s XOXO, 10-15 people fighting. No trace on arrival of police, security spoken to and stated there were no issues, no offences alleged to police. Cad 495 and 504 refer.

Friday 21st February 2014 @ 2320 hours - Crime reference 2704433/14 - Victim notices her phone has been taken, sees it in a nearby group and calls the mobile number. It then lights up but the suspect states it's theirs. The police investigation centred around CCTV evidence, of which was limited as cameras were found to be not working. As a result of this poor CCTV suspects identified by the victim have to be released. We have received a statement from PC OBIJI in relation to this.

Sunday 2nd March 2014 @ 0215 hours - Crime reference 2704982/14 - Suspects leave XOXO, walk to another nearby venue, and due to their levels of excessive intoxication, they are refused entry. The suspects then proceed to assault door staff at the venue, before making off back to this venue, where they are joined by door staff from XOXO - a short conversation takes place before the suspects make good their escape. Seen on CCTV from venue.

Saturday 8th March 2014 - Police accompanied by licensing officers watch the dispersal of patrons from XOXO.

It was noted that there was a very young crowd, this seems a regular feature of the premises, and customers at their oldest seem to be in their very early twenties. The vast majority of people exiting the bar seemed to be very intoxicated, making a lot of noise and not dispersing, nor being dispersed. One female seen exiting the club runs straight off the pavement into passing traffic, thankfully a potentially fatal accident is avoided by the emergency braking of the motorist, the vehicle comes to a stop with the female resting her hands on the bonnet! The extreme intoxication of customers is evident as we move from viewing across the road, to speak to Mr KOHLI the Designated Premises Supervisor (DPS). The vast majority of people, who had exited the club and were still stood around, were extremely drunk. Council licensing officers advised Mr KOHLI with regard to his customer base, dispersal and door staff.

Sunday 9th March 2014 @ 0155 hours - Crime references 2706524/14 - 2705625/14 - Shortly before 2 a.m. a mass brawl erupts within the venue involving fifteen to twenty people. CCTV footage shows the large affray continuing for several minutes, during which door staff are totally ineffective. On arrival of police the incident spills onto the street, taking over the entirety of the huge pavement area outside the venue. Arrests are made for ABH, Affray and Assault on Police.

Sunday 9th March 2014 – PC208NI HOPPE (Licensing officer) sends Mr KOHLI a letter with requesting CCTV footage of the aforementioned incident. And also asks for his action plan as to how best to prevent this in the future. Four days later Mr KOHLI had not replied, PC HOPPE attended the venue to ask for CCTV in person. Mr KOHLI was not present, but did speak to PC HOPPE on the phone stating that he neither had the action plan ready, nor the CCTV. PC HOPPE reiterated the importance of his requests, Mr KOHLI stated that he was en route to do both immediately. On leaving the premises PC HOPPE spoke to the door supervisor who contradicted MR KOHLI by stating both had been done! PC HOPPE requested that both the action plan and the CCTV be sent to our offices by the weekend, (15/16 March). On Monday the 17th March 2014 Mr KOHLI finally supplied the CCTV to PC HOPPE at the council offices,

but no action plan. Mr KOHLI stated the action plan had been written but he didn't have it with him. PC HOPPE informed MR KOHLI that he had his telephone and email address and expected to have the plan later that afternoon. PC HOPPE did not receive the action plan, instead he received an email from Thomas and Thomas solicitors requesting a meeting.

Statement received from PC292NI CHADWICK in relation to incident on 9th March 2014. The statement was written after the officer had viewed the CCTV, and is a further statement to one already written in relation to the incident and arrests made. Briefly, the officer states that there were approximately 50 people on the paved area and in the road outside XOXO. Large portions of the crowd were arguing, a fight ensued and the officer put himself between the aggressors and the crowd trying to close in on the fight. During this incident the officer recalls pushing away someone. On viewing the CCTV he notes that it was one of the door staff who he states "took no active part in assisting police" and further states in relation to the staff from XOXO, "They took no active part in trying to quell the problems outside that had clearly come from their venue leaving the police to deal with it".

In relation to this event, a statement has also been received from PC149NI JONES.

Sunday 16th March 2014 @00:13 hours - Cad 118 refers – This relates to a police generated call. Police spoke to the manager of XOXO in relation to problems they are having with a group of youths outside. Police observed the group, who were not committing any offences. They noted that they were associating with people going to and from the venue. The group appeared to be underage and the police believed that may have added to the problem. Police requested door staff and manager check I.D. This appeared to cause the group to die down in numbers. Police monitored for over 15 minutes, they also noted a female arguing within the group but all appeared to be causing no issues to door staff. Two other Cad calls were logged by members of the public stating that there were fights at the location involving this same group. Cads 440 and 489 refer.

Sunday 13th April 2014 @ 01:30 hours – Cad 796 refers - A member of the public had called police to state a group of men and women were fighting outside the venue, one female was on the floor. Police arrived and were told by door staff that there were no injuries and no assaults, all persons involved had left the area. No offences alleged to police.

There have only been a handful of thefts reported at the venue during this twelve month period, all of which have been in 2014

It is noted that in October 2013 the DPS was changed to that of the present, Mr Santosh KOHLI.

In November 2013, due to a number of license related complaints Mr KOHLI was requested to attend a licensing panel held at the council offices in November 2013, in which police were present. Mr KOHLI agreed to vary the conditions on his licence to reflect some of the issues that had previously occurred. It has taken nearly five months for him to submit a variation based on these conditions that he agreed to. Whilst we are grateful for his submission, it is the opinion of the police that he has only recently submitted this as a result of the police and council interest around the large scale disorder of the 9th March 2014. It is also the opinion of the police that this disregard is neither professional or displaying adequate responsibility toward the licensing objectives.

Summary and Recommendations

XOXO seems to be a venue that attracts a very young customer base. A youthful, possibly immature base of customers, coupled with permitted excessive alcohol intake is highly probable to be the reason why there are so many violent crimes associated with the venue. The Police would expect that any DPS would recognise this and act upon it. Increase the age

of entry, stop patrons from drinking so much, and employ firmer controls at the door.

It is the opinion of the police that Mr KOHLI is neither running a safe nor professional venue. This is demonstrated by the large amount of violent crimes committed either in or outside the venue by his customers. The police cannot afford to permit a venue to operate which in its current state generates so much violent crime - much of which remains unsolved, due in part to the extreme level of intoxication of the victims.

Mr KHOLI has been spoken to and advised by police twice in 2013 and yet these incidents are still occurring.

The police seek the following:

1. Mr KOHLI is removed as the DPS.
2. Amend the permitted hours for all licensable activities to 10.00 to 00.00 Monday to Saturday and 12.00 to 22.30 on a Sunday
3. The door security team currently employed by the venue, to be no longer be engaged in providing door supervisor services to the premises situate at XOXO

Please tick ✓ yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

29th April 2014

Date

Capacity

Metropolitan Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (**please read guidance note 5**)

Islington Police Station
2 Tolpuddle Street

Post town

Islington

Post Code

N1 0YY

Telephone number (if any) 07799 133 204

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) licensingpolice@islington.gov.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

