

Licensing Sub Committee B - 3 January 2020

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 3, Town Hall, Upper Street, N1 2UD on 3 January 2020 at 3.00 pm.

Present: **Councillors:** Satnam Gill, Phil Graham and Marian Spall

Councillor Phil Graham in the Chair

- 78 **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Phil Graham welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 79 **APOLOGIES FOR ABSENCE (Item A2)**
Apologies for absence were received from Councillors Vivien Cutler and Matt Nathan.
- 80 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillor Satnam Gill substituted for Councillor Vivien Cutler and Councillor Marian Spall substituted for Councillor Matt Nathan.
- 81 **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 82 **CLUB AQUARIUM, 256-260 OLD STREET, EC1V 9DD - SUMMARY REVIEW OF LICENCE (Item B1)**
The licensing officer reported that a noise impact assessment had been circulated to the Sub-Committee.

The police stated that they had submitted a review of the premises on the 7 December 2019. However, there had been serious incidents following the submission of the review. These were as detailed in the papers and occurred on the 21 December, 27 December, 28 December and the most serious incident on New Year's Day. On this occasion, officers had attended the premises earlier in the day. There were large crowds inside pushing and blocking the entrance to the stairwell used for both entry and exit. Patrons had become quite hostile. The area needed to be cleared but it seemed that there was no control from security. Later, in the early hours of the morning, there were two groups fighting outside. One had a head injury and another was brandishing a belt and using it as a weapon. It appeared that one male had been hit with a bottle of champagne. There had also been a further incident reported at lunchtime of the day of this meeting (3 January 2020) where a female received two slash wounds from a group outside the venue. The police were concerned that the next incident would be fatal.

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The legal representative stated that the venue had operated for over 25 years and had a good licensing history. Steps had been taken in response to issues. They had ID scans and had removed the pool. They had CCTV and were employing health and safety experts to look at how things could be improved. An assessment had been undertaken and the conclusion had been reached that this was a well-run venue but steps could be taken to improve. There was a congestion issue which needed to be improved. Any congestion was cleared relatively quickly but this needed to be reviewed. The head door man had been struck by a customer and it was stated that sometimes, staff did have to put up with badly behaved customers. Investigations regarding other incidents were on-going and the premises would like to assist with this. They would want six weekly meetings with the police and were aware that they needed to regain the confidence of the authorities. They said that they could have a last entry time of 2.30 am or 3am at weekends and a closing time of 5am.

In response to questions it was noted that the designated premises supervisor (dps) was on duty on New Year's Eve. The legal representative stated that suspension of the licence was disproportionate but they were aware of the need to pause and reflect.

In response to a question about what actions the venue was taking to prevent these issues, the dps stated that they now had an early shutdown policy, there was more monitoring of customers, they encouraged customers not to disturb residents when leaving and staff watched outside for half an hour after customers left. It was noted that they had a capacity of 540 customers and had up to 18 door staff.

In summary, the police stated that they would recommend suspension pending a full review. They welcomed the changes the venue had made but were concerned that there were issues every night that the venue was open. There had even been an incident that very morning. The police had witnessed many failings by security and management and did not consider that there were enough measures in place. Nothing had taken place to change the demographic of customers and he considered that there would be more incidents if the venue remained open.

The licensee's representative stated that the venue could improve. There just needed to be a few tweaks and the venue would be in a different league. Some incidents were still being investigated and the police needed to be sure that there were genuine links to this venue as there were other venues nearby. They were now out of their busiest period and it was time to take stock. The music that was played in the venue needed to be considered. They were aware of the crowding issues and needed to regain the confidence of the authority.

RESOLVED

The Licensing Authority received an application for a summary review under Section 53A of the Licensing Act 2003 from the Metropolitan Police (MPS) on the 2 January 2020.

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The Licensing Sub-Committee considered whether it was necessary to take interim steps pending a full licence review. The Sub-Committee took into account the oral and written representations from the police.

The Sub-Committee decided to suspend the licence of Club Aquarium, 256 – 260 Old Street, EC1V 9DD with immediate effect, pending a full review hearing.

REASONS FOR DECISION

The Licensing Sub-Committee has made this decision for the following reasons:-

- There is serious crime and serious disorder associated with the premises, as set out in the review application form and supporting evidence submitted by the police, both in the papers and at the meeting regarding an incident in the early hours of 3 January 2020. The Sub-Committee noted that some matters were still subject to investigation but the evidence available highlights a link to the venue.
- The Sub-Committee noted that the police believe that immediate steps are necessary to protect the venue, staff, patrons and the general public from serious harm. The Sub-Committee noted the incidents of violence and serious congestion at the premises significantly restricted entrance and exit to the premises.
- In accordance with paragraph 9.12 of the Home Office guidance, the Licensing Sub-Committee accepted that the police should be the main source of advice on matters relating to the promotion of the crime and disorder licensing objective.
- The Sub-Committee noted that the premises are already subject to a standard review brought by the police which was due to be heard by the Licensing Sub-Committee on the 23 January 2020. However, instances of serious crime and serious disorder had taken place since that review was submitted. The Licensing Sub-Committee was concerned that not only had the premises failed to take steps to address previous concerns raised but more importantly more serious incidents, which had triggered the summary review, had taken place.
- The Sub-Committee noted the proposal by the licensee for a reduction in the hours of operation as a potential interim step. However, the Sub-Committee was not satisfied that this would address the serious issues at the venue highlighted by the police including the failures of management and security. The Sub-Committee also noted that there had been a recent change in DPS.
- The Sub-Committee considered the report prepared by Shield Associates but this did not address the issues raised by the police and in particular incidents from the 21 December 2019.
- The Sub-Committee was satisfied that the suspension of the licence would promote the licensing objective for the prevention of crime and disorder and was reasonable and proportionate in the circumstances.

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The meeting ended at 3.50 pm

CHAIR