

Club 791, 791 London Road, Croydon, CR7 6AW.

Report by Adrian Studd

Independent Licensing Consultant.

Introduction.

I have been instructed to consider the grounds for an expedited review at the above premises and to comment on the evidence that has been produced by police and the most appropriate course of action to ensure the premises promotes the licensing objectives.

Personal summary – Adrian Studd.

I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic park. In addition I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice in order to ensure the safe and effective delivery of the Olympic Games. In addition to leading my team I visited and worked with both the Olympic park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work.

Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and

Organised Crime Command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity, providing both overt and covert support for policing problem licensed premises across London. My team worked with premises when licensing issues were identified in order to address these problems through the use of action plans in order to raise their standards. Where this failed I would support the boroughs with evidence for use at review hearings if required.

I devised and implemented the MPS strategy 'Safe and Sound' which seeks to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process; together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.

From 2004 until 2008 my role included representing the MPS and ACPO licensing lead both in London and nationally. In this role I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on a number of Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities.

I have been involved with Best Bar None for a number of years and have successfully helped a number of boroughs implement the initiative. I am a trained Purple Flag and Best Bar None assessor and until my retirement sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years I have been in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe. During this time I have contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above I have attended a large number of internal MPS training and qualification courses, I am trained in conducting health and safety risk

assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping (BII).

Following my retirement I established 'Clubsafe Services Ltd' to provide independent compliance support and advice for premises requiring a local authority licence. Since then I have provided evidence gathering services, advice and support to a broad range of licensed premises on a variety of issues, including crime and disorder, street drinking, rough sleepers and age related product issues. This work has involved premises that benefit from a variety of local authority licences including alcohol on and off licences, betting premises licences and late night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings on a number of occasions.

Background

1. I have been provided with documentary evidence related to this matter which includes the Certificate under Section 53A of the Licensing Act 2003 dated 12/2/16, A statement from PC Darren Rhodes providing further representations from the Metropolitan Police and background information relating to a previous expedited review.
2. There are brief details of 15 incidents that are said to have taken place at the premises over a period of 4 years and 4 months, between 4/6/2011 and 10/10/2015. Following the last incident on 10/10/2015 the police initiated an expedited review which took place in October 2015.
3. At the expedited review a number of conditions were imposed, in consultation with police, to ensure that the operation of the premises and the promotion of the licensing objectives improved. This included appointing a new, SIA approved, contractor for security.
4. PC Rhodes acknowledges that the owner of the premises, Mr Kyeyune, has engaged with police and works closely with them. He is confident that this relationship will continue in the future.

5. On 24th January 2016 a number of males forced access to the premises; they remained inside for a few minutes then left, assaulting a door supervisor as they left. There is no reference to the nature of this assault, however it was reported to police and is under investigation.
6. Following this incident Mr. Kyeyune attended Croydon Police station with the CCTV which detailed the incident and identified the suspects to police in order to progress the investigation.
7. Police were of the view following this incident that the security, who were an SIA approved contractor, was not sufficiently robust to deal with some of the individuals who presented at the club entrance and who the police, and the club management, were keen to keep out of the premises.
8. It was recommended by police to Mr Kyeyune that the security team be changed and PC Rhodes suggested that he consider the same company that provided security to nearby premises such as 'Granary' as their security was effective. Mr Kyeyune is of the view that he was recommending that he use the same security company. Mr Kyeyune subsequently gave this company the contract to provide security at the premises.
9. It can be seen on the CCTV that on 6th February 2016 at 02.54 a group of males, led by the male who had been involved in the previous forced entry, again attempted to force their way in. They were told that if they waited outside Mr Kyeyune would come and speak to them. Mr Kyeyune immediately called police using the 999 system and informed the Town link radio at this time.
10. When Mr Kyeyune did not go outside the male and his group proceeded to push their way into the premises at 03.02. The door supervisors initially attempted to prevent this but, believing that police were on their way to assist them, sensibly avoided a potentially serious disturbance by backing off.

11. The leader of this group, a large powerfully built male, is known to the premises and to other clubs in the area for similar behaviour. He is also the suspect for the previous assault on the door supervisor at Club 791.
12. Again believing the police were on their way to assist, and potentially arrest the male, the management made the decision to allow the males to remain in the club pending police arrival. In order to make this as safe as they could they negotiated that the males re-enter passing through the search arch and that they removed their coats. This they did. This is referred to in PC Rhodes statement as a breach of the licence conditions.
13. At about 03.35 a single police vehicle arrived outside the premises. They were informed what had happened and stated they would wait for further units to arrive before taking action.
14. At about 03.50 further units arrive, making a total of 6 police officers at the scene. They can be seen speaking to Mr Kyeyune outside the premises. At 04.02 the main suspect and his group can be seen leaving the premises as it closes, he walks past the police and then stands next to Mr Kyeyune and speaks to him.
15. Mr Kyeyune identifies the male to police as the suspect for the previous assault and for forcing his way into the premises on 2 occasions. He speaks to the victim of the assault on the occasion of the first forced entry and confirms his details to police. However police take no action and let him walk off.
16. Police state that there were breaches of conditions evident from the CCTV footage and they refer to the males who had forced entry. The club acted under duress and I consider made a sensible decision expecting police to arrive at any moment. I do not consider this is a breach of the licence conditions.

Grounds for expedited review

17. Having carefully considered the background information provided there are two issues that cause me to question the decision to call for an expedited review.
18. It is clear that the incidents that are detailed as taking place prior to the previous expedited review in October 2015 amount to serious crime, serious disorder or both. However, these incidents were dealt with at that previous review and the Licensing Committee felt it appropriate to impose additional conditions and permit the premises to continue operating. These incidents should not be taken into account now.
19. Since that review there is no clear evidence produced of any incident that amounts to serious crime or serious disorder. On two occasions individuals have entered the premises after they have been refused entry; however there is only an allegation of a single offence taking place, the assault of a door supervisor.
20. This alleged assault is still under investigation, the nature and seriousness of the alleged assault are unclear. When the suspect was identified to police they did not arrest him or conduct any investigation or identity check. It is by no means conclusive that this amounts to serious crime or serious disorder.
21. There are a number of alleged breaches of licence conditions; some relate to the forced entry and do not, in my view, constitute breaches, in any case breach of licensing conditions does not amount to a serious crime or serious disorder that is required to justify an expedited review.

Conclusion

22. Taking all the circumstances into consideration it appears to me that calling for an expedited review at this stage is inappropriate for two reasons. Firstly, as detailed

above, there is insufficient evidence of serious crime or serious disorder to justify an expedited review.

23. Secondly, the previous review was a little over 4 months ago and a number of conditions were agreed with police. The management of the premises are fully committed to these conditions and work closely with police. These conditions have not yet been given sufficient time to bed in and bring long term results.
24. The premises management have demonstrated their willingness to work with police and minimised the risk of further incidents at the premises. To date the only incidents are the two occasions when individuals have forced entry to the premises. On both occasions the premises have acted correctly, reported the incidents to police and provided CCTV evidence.
25. On the second occasion police were called to the premises to assist, the suspect was at the premises but police did not investigate or arrest him, despite him being pointed out as a suspect for a previous assault. In my view the management have done all that they can to assist police and prevent further incidents at the club.
26. It is clear that these issues are beyond the responsibility or capability of the premises to resolve alone and police support is required. In my experience it is common for local criminals or gang members to seek to 'take over' a licensed premises in order for them to establish a 'base' where they feel untouchable and protected from police intervention.
27. Once a foothold is established they are able to plan, and often carry out, criminal offences such as drug dealing, handling stolen goods and simply discussing their criminal enterprises in an environment they control and feel safe. This will be reinforced with threats and violence to security, management and other customers who try to challenge them
28. The behaviour of the leader of this group is clearly aimed at establishing this foothold. He is known locally and has been to other licensed premises in the area

behaving in a similar, intimidatory manner. His behaviour towards the security and management is clearly intended to intimidate them. This is reinforced with violence if challenged.

29. To date the premises has acted responsibly and properly in not tolerating this behaviour, in calling police and reporting matters to them and in challenging the behaviour in a robust and sensible manner. However they have been let down by police who have responded slowly and failed to take appropriate action when they do arrive.

30. I consider it is completely inappropriate to review the premises licence under these circumstances; the premises has done everything that can be expected of it, they have not ignored the attempts to intimidate them as some premises would have, and they are entitled to rely on police support for such matters that go to the heart of establishing a safe night time economy in Croydon.

I understand that my duty is to the Sub-Committee and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the fact I state in this report to be honest and true and that the opinions I have expressed are correct to the best of my judgment. The fee for this report is not conditional on the outcome of the case in any way whatsoever.

Adrian Studd
Independent Licensing Consultant
8/3/16.