

The Dice Bar Evidence Bundle

London Borough of Croydon Licensing Committee Hearing 15th April 2016

Index

Statement of Roy Seda	Pages 1 – 44
Croydon Advertised excerpt	Pages 45 – 48
Historical Reports of G Cooper	Pages 49 – 85
Solicitors correspondence with PS Emery	Pages 86 – 96
Licensing Consultant Report – Trevor Lewis	Pages 97 – 103
Anti- Social Behaviour, Crime and Policing Act 2014	Pages 104 – 106
London Borough of Sutton - Wonderland Decision	Pages 107 – 119
Costs Decision MPS and London Borough of Sutton	Pages 120 - 133

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Statement of Roy Seda

The premises licence holder for Dice Bar is Twilight Lounge Bar Limited and I am the Designated Premises Supervisor. I have a bachelor's and master's degree in Law, I also passed my Bar exams at the Inns of Court School of Law, and served my community as a Special Constable for 7 years.

I am married to Farrah Seda, we met at University and have been together since 1995, and we both run Dice Bar, 36 High Street Croydon, together with my father Mr Madan Seda. We reside above the property with our child and are expecting another child in the next few months.

Our Assistant Manager is Mr Steven Baverstock, who was previously the manager of Reflex and Rehab in Croydon.

Dice Bar has participated twice in the Best Bar None Scheme, and twice we have been accredited. Last year the Best Bar None Scheme did not proceed due to issues with the Council and the Police, so we could not participate.

Dice Bar is a family run business; we invested over £500,000 into the premises. Beyond the financial investment, we truly have invested our blood, tears and sweat. Running the business has not been a job, it has proven to be a life style, which takes commitment 7 days a week working 15 hours or longer a day. We have become strangers to our friends and family, and we take little holidays, and when we do, the holidays are short to ensure that we return before Friday and Saturday nights, our busiest trading times. We consider this business to be our future, for ourselves and for our children, as such we make a real effort on a daily basis to run the business in accordance with our premises licence and in accordance with the licensing objectives.

The Croydon Police Licensing Team, represented by Sergeant Mick Emery have made an application for the review of the premises licence for Dice. There has been a history of dealings with the Police over the last year or so, and we do not accept the allegations that the Police are now making against Dice.

We used to have an excellent partnership approach with the previous police licensing team, but since Sgt Emery took over, this has declined. I do not believe that we are the only venue in Croydon to feel this way. Croydon used to have a busy night time economy, although I would accept that some elements of it were difficult to control and this could be seen at other premises. I believe that Dice has always been a well run venue, with a minimum of issues. Over the last couple of years, however, the footfall in Croydon centre has fallen from something like 30,000 to more like 2,000, and this is due, in no small part, to the actions of the Police. I can see that the Police consider that the night time economy, and the consumption of alcohol is a drain on their resources, but this is usually dealt with through partnership working. In Croydon, it has now got to the stage where it seems that the Police have decided to deal with it by closing Croydon down. The Police have closed several premises down in Croydon so far. Dice is the next on the list.

My first dealings with Sgt Mick Emery were in December 2014. I was made aware by a member of staff that there had been a disturbance at Yates in Croydon, and that, as a result of intervention by the Police, Yates would no longer be open on certain days during the busy festive period. I immediately contacted the Croydon Police Licensing Team, to ask them for further details regarding this, so that I could be prepare accordingly to promote the Licensing Objectives. I wanted to ensure, in particular, that I was prepared for the consequences of any "overspill" from the ex-Yates crowd into Dice. I did not regard Yates as a particularly well-run premises, and I was wary of some of their ex-clientele. I contacted the Licensing Team who refused to provide me with any information regarding what had happened or what was happening with Yates. I found this to be contrary to all the guidelines which state that a Partnership Approach should be used by the police and the licensed premises to promote the licensing objectives.

This was the first experience I had with the new licensing Sergeant, Mr Mick Emery.

I was left to fend for myself, and I drew up a plan to promote the licensing objectives, using an IIMARCH model. The IIMARCH model is the gold standard used by the Police, Home Office, and other government agencies for briefing and preparing for events. IIMARCH stands for:

I – Information

I – Intention

M – Method

A – Administration

R – Risks

C – Communication

H – Human rights.

In addition to the IIMARCH model, as the DPS I also use the SMART model, which stands for:

Specific – target a specific area for improvement.

Measurable – quantify or at least suggest an indicator of progress.

Attainable - agreed upon, attainable, achievable, acceptable, action-oriented.

Realistic – state what results can realistically be achieved, given available resources.

Time-related – specify when the result(s) can be achieved.

Furthermore I instructed the services of Mr Geoff Cooper, the former Licensing Sergeant who had retired and started practice as a Licensing Consultant. I instructed Geoff to visit my premises on a monthly basis, as I strive to run my establishment in the most professional manner possible, to be compliant with my premises licence conditions and the licensing objectives. Sgt Emery on the other hand, once said "How's Geoff, is he still fleecing your money?". I found his comments quite negative, as I work tirelessly to run a professional establishment and I am open to advice from professionals. Thanks to the work we have put in, we have been given an Outstanding by Central Licensing, who said that we were the "best run venue, and best Security" and we "set the bar in Croydon". Prior to Sgt Emery taking

office, the previous licensing team, in a partnership approached, encouraged and supported proper preparation by using the models mentioned above. Sgt Emery on the other hand called my preparations, using the IIMARCH model, for the Mayweather and Pacquiao boxing match "pants". The previous licensing team would offer support and advice in a partnership approach and created a sense of a shared common goal of supporting the licencing objectives, with comments such as: "We are here to help you, contact us at any time, we are working together in a partnership approach", whereas the current licensing team have no approach whatsoever. Therefore, there is no partnership and I feel that they are only interested in profiling venues, going out of their way to gather evidence and close venues down.

I have found Sgt Emery's behaviour and attitude towards us consistently humiliating, negative and demeaning. It is not helpful to a constructive working behaviour, and I am afraid that also goes for some of his senior colleagues.

In my IIMARCH plan which was sent to Sgt Emery, I requested a police presence to assist us, as it was obvious that the customers who frequented Yates would look for a new venue to go to, these were not my customers, and I did not want any trouble at my venue. However I did not receive any assistance from the police force despite my request for assistance.

Over the next few weeks, we rejected hundreds and hundreds of customers coming to our venue every weekend from Yates. There was immense pressure on our front door, but the Security team and I stood firm and did not allow entry. A lot of the trouble element that used to go to Yates appeared to give up, and no longer came to Croydon at all, and I believe that that was partly due to our commitment and persistence in refusing them, and this has previously been confirmed by Sgt Emery and other venues, as recorded in the Pubwatch meetings, for example.

On New Year's Eve 2014, the Central Licensing Team visited our premises with Inspector Roach. They said that Sgt Emery had sent them to carry out a spot check. It was one of the busiest nights of the year, and given everything that was happening I was somewhat surprised that they wanted to carry out a full licensing check on this day late at night, as we needed to be on point. The licensing check is a very lengthy procedure, especially since our premises licence has so many conditions attached to it, it would require that I remain with the Officers to produce all our paperwork, show that the CCTV is working and recording for 31 days, each member of the door team is pulled away from their posts, taken to the office where they

have to produce their SIA badge, a full inspection of all our signage in the building, and observing our entry procedures. We passed the inspection without any failures.

On New Year's Eve we rejected approximately 150 people from entering our venue in order to promote the licensing objectives. During this time PC Tony Rose of Croydon's Licensing Unit, was on duty and I frequently updated him throughout the night regarding who we rejected, who to keep an eye on, in short what was happening inside and outside our premises.

At 11:20pm Inspector McGarry informed us that there had been a disturbance at SLVR, and he instructed us to close the doors. He was visibly angry, pacing up and down, shouting at me. I honestly thought he felt like he wanted to hit me, and I did not know why as nothing had happened in my venue. He was being very hostile and PC Tony Rose was looking at me with sympathy. Inspector McGarry said that he had closed down Yates and he would do the same to me. He said: "Don't think you can take their clientele Roy, I bet you are rubbing your hands thinking you are going to make some money, aren't you? If you have one single incident I will shut you down, just like I did to Yates! ".

I said that it was New Year's Eve, there were still some ladies in the queue and it was coming up to midnight, and my venue was half full. We had already rejected over a 150 people from the front door. He said "Close the doors now!".

I immediately went over to Security and closed the doors. A few days later Sgt Emery and PC Darren Rhodes came to see me in my office and went through every second of the CCTV and saw that I did close the doors when the Inspector told me to do so. At a meeting on 22nd January 2015, the Inspector commented that I did not listen to him on that night, and I replied that I did, and that the Sgt Emery had checked the CCTV. I also note that in his statement of 1/7/2015, under the s. 9 declaration, Inspector McGarry has repeated that I let people into the premises "against police advice". I didn't do anything against Police advice – I did as I was told, as I always have with the Police.

Sgt Emery confirmed to Inspector McGarry that I did in fact close the doors, when told to do so.

The fact that we rejected so many customers, and closed the doors early, resulted in people outside our perimeter persisting in attempting to gain entry. They were extremely rude and aggressive towards myself and the door staff. On approximately 3 occasions I requested to

the police that they disperse the individuals from our front door as they were not taking "no" for an answer and were being verbally abusive.

A few of these individuals tried to jump over the barriers, however I had a doorman positioned inside the smoking area, who saw such individuals and immediately ejected them from the venue.

The closure of Yates resulted in a dispersal of their customers, which caused immense pressure on our venue, and I believe that we did everything possible to prevent crime and disorder by doing the only thing we could, which was rejecting customers from entering the venue: this was in accordance with the instructions given to us by the police. I note from the police's evidence reference to PC 410 email, which said that it looked chaotic outside on that night, it may have looked like this to him as there were hundreds of displaced customers trying to enter into our venue.

On the 2 January 2015, Sgt Emery and PC Rhodes came to check the CCTV of outdoor cameras, they carefully checked every second of the footage and saw that we were rejecting customers, searching customers, and scanning customers onto the ID Scanner. The ID Scanner is not a condition on our premises licence, we volunteered to purchase an ID Scanner which cost us over £9,000 in order to promote the licensing objectives and to assist the police with any investigations in a partnership approach. There was one small group, who I know very well, who re-entered without another scan, the smoking area was full at the time and they stood on the pavement for a smoke, I observed them throughout and therefore there was no reason to re-search them, I knew each person that entered by name, in fact one of which was a Crystal Palace football player, and we all knew who he was if his name was required at a later date.

After watching the CCTV, PC Rhodes sat down on my desk, and Sgt Emery sat on the other office desk. I remained seated next to the CCTV screens. They told me that I must not let in any Yates customers. As I had not worked at Yates, I had no specific idea who their customers were. It would be like asking a Tesco's manager not to let in customers that have been inside Sainsbury's: it would be an impossible task.

I explained that for the last few weeks we had been trying to spot ex-Yates' customers, to the best of our ability, and rejecting anyone that looked like trouble because I thought that is what they meant when they said don't let in Yates' customers. I said that I had obtained an

experienced doorman, Ray, recommended by the Security Company, who had worked the door at Yates and all over Croydon, who could tell me who the Yates customers were. Ray could provide me with the intelligence as to who had caused trouble at that venue, and who to look out for and I would not let them into the venue, as this is what we had been doing.

PC Rhodes could see the logic in this, but Sgt Emery did not want me to use a doorman who previously worked at Yates. I then asked could they give me a list of the Yates customers so I know who they are talking about, and they said "No". I asked for a list of known gang members, and again they said they would not give that to me. Without a list of customers, without a doorman that worked at Yates, or a list of any known gang members, I was at a loss as to how I was expected to know who the Yates customers were. After exhausting all questions, and going around in circles, the penny dropped. Yates had a majority of black customers. I asked the two Officers directly: "Are you saying that I shouldn't let black people into my venue?"

PC Rhodes was sitting at my desk, both his elbows were on the desk with his hands clasped together in front of his mouth. He said nothing and remained silent, and very still like a statue. I looked over to Sgt Emery, who raised his eyebrows and widened his eyes as he looked at me; he then nodded several times. Finally I understood what they meant by not letting in Yates customers. I was so struck by this, I didn't know what to say, and remained silent.

I remember that moment as if it happened an hour ago, the memory of it is etched in my mind forever. I've grappled with whether or not I should even mention this to the licensing committee, because I can see what impact this will have on the Croydon Police when this is publicised, but it is true, and it is what happened. The memory is a burden on me, and I find it difficult to talk about it because the racial connotations make me feel so awkward.

I believe that it is relevant to my case, as I believe, and other venues believe, that venues which have black clientele are treated differently by Police Licensing than those that have white clientele. For example, Tiger Tiger had a vast number of fights inside and outside their venue, Lloyds have incidents weekly, Luna/Reflex have had more serious assaults in their venue where people have had their teeth knocked out of their mouths. As one club owner told me: "if white boys have a punch up in a white club, no worries, if black boys have a punch up, Lord help you!".

A few days later I met with PC Rhodes at the police station and showed him a copy of our new flyer. I often show PC Rhodes a copy of our flyer or a promoter flyer to see if he was happy how the event was being promoted. PC Rhodes looked at the flyer which is for our Saturday night called "Selfie Saturday" and was happy with it, but he advised me to remove the word Bashment as he said it may attract the wrong crowd. I considered that he was trying to be helpful, and I followed his advice, although I didn't agree with it. Sgt Emery at a later date in June 2015, said that Bashment music was an "unacceptable form of music". A far more stringent measure on us, where we not allowed to play the music. It is clear for me to see, the licensing police do not want black people coming out to Croydon's night time economy as they have discouraged me from having black customers, and have been discouraging Jamaican music.

There is an uncomfortable but well publicised political issue about racist attitudes within the Metropolitan Police – perhaps wider. It is something that I do not feel qualified to comment on. I can only comment on my own personal experience, and things that are relevant to this licensing review. It is relevant to me and this review, because of the way that the Police have reacted to my premises, my customers and – notably, the music that we play, which is also a highly publicised issue. Sadly, that tends to confirm that there is a racist undertone to this Police process.

I notice that the Police in this review have not made any reference at all to the very well publicised interventions that they made at Dice in the early part of this year, concerning the music that we play. There are some oblique references to it in the papers, but I have included the local press reports about it, which involved comments from some of the Councillors, and also the Chief Executive of the Croydon Black and Ethnic Minority Forum. In short, the Police were saying that we could not play certain types of music at Dice, and when we got to the bottom of what kind of music the Police were trying to ban, and why, it transpired that it was music that appealed particularly to the black and ethnic minority communities, and the Police were deliberately trying to discourage them from attending our bar, and Croydon generally, for their night out. Initially, we couldn't work out why the Police had a problem with particular types of music - "bashment" music, for example. There is nothing particularly objectionable about bashment: it is quite an upbeat, jolly type of music; regularly heard on the radio, which is very popular. We don't play music that uses foul language or negative stereotyping anyway, but that is not restricted to one particular style of music – that can happen in any track, and we just don't play that. However, bashment as a style of music

is particularly appealing to the black community – it is “MOBO” music – “Music of Black Origin”.

The Police have now abandoned this approach, and there is no suggestion in any of their papers that the music we play is objectionable to them. However, they seem to have gone to the next level, and are now telling me in far more direct terms that they do not want me to admit people from particular racial backgrounds. I disapprove 100% of what the Police are saying and doing. A casual glance around Croydon venues reveals that negative incidents can occur anywhere, in any venue with any kind of music, and any kind of clientele. There is no one particular profile that qualifies. Croydon is an inclusive, diverse multi-cultural place, and so is Dice. We want to embrace that and ensure that everyone has a good night out without trouble. That is what we are focussed on.

Despite our anxiety about the matters recorded above, we have continually complied with what the Police have told us to do, and continually striven to make our operation the best that it can be. We even complied with their music demands, although we didn't agree with it, but we thought it more important to try and work with the Police. I will never deny that things can go wrong in licensed premises. It is inevitable that, on occasion, people behave badly, particularly when they have been drinking. There is no such thing as perfection in licensed premises, but that does not stop us trying. We are constantly trying to identify areas for improvement, and I believe that the many papers that the Police have produced in this case, including many emanating from Dice, show clearly that we comply with what the Police want us to do, even if we don't always agree with it, and we spend a lot of time money and resources on trying to eliminate trouble,

Secondly I believe it is relevant to this case as I note from the police papers that there are more incidents with the customers and the police, than there are with customers against customers, or customers against Security. A person can be ejected for the smallest of reasons: we operate a zero tolerance policy in our venue, probably the most strictest venue in Croydon. Once outside the male is surrounded by police officers that are lined up on the High Street, the male begins to react in a certain way towards the police, perhaps due to pre-conceived ideas and feelings inside his head about the police force. The officers may say “leave the town centre or we will give you a dispersal”, the male will say “it's a free country, you can't make me leave”, and before you know it, the male is given a dispersal, or worse, is arrested, and the male may struggle with the police because the person feels rightly, or

wrongly, that he is being discriminated against. As the DPS, the action that I must take is to make sure that people behave in my venue, and if they don't, they are ejected by Security. This I can prove time and time again. What I can't control is how the police and the customers interact between themselves thereafter - I can't do anything about it.

On 17 January 2015, we implemented another door policy, concerning dress code, which was no baseball caps, no hoods, no trainers.

On that night we also had a booking for a Tesco's Christmas staff party. As the DPS I carry out a risk assessment for anyone that wishes to have a party at our venue in order to promote the licensing objectives. Two ladies in their 50's came to make the booking, and they were pleasant and professional and I explained our door policy. I considered who would be coming to the staff party, a wide range of ethnic groups, and people of all ages as you would expect to see when at a Tesco's branch in Croydon. I carried out a risk assessment and considered that Tesco staff would not be a high risk, and they were well behaved.

I had briefed the Security to not allow people into our venue if they were wearing any hoods, and not to allow anyone inside the venue to wear hoods. Given the warnings from the police, we had to show the police that we would be strict. We rejected well over 100 people, and I took photographs of the doors being closed to prove that we were listening to the advice from the police not try not to let in Yates customers if we thought we could identify who they were. We were getting a great deal of abuse from people we rejected who were saying that we were being racist. There were a good number of people around our barrier perimeters lingering around. I explained to the officers on the road that we were being selective due to what happened at Yates, and they said they understood.

On 17/1/15, we closed the entry by 11pm, refused entry to potential customers, and I positioned Security inside and outside the barriers. We received no help from the police. I called our Security providers and asked for more door staff who promptly arrived. In total we had 10 door staff, and 3 Security managers. There were 268 customers inside the building, our capacity is 400.

One of the policies was to not allow people in with hoods and not to allow people to wear hoods inside the venue. At the end of the evening a young man from the Tesco's party collected his jacket from the cloakroom and put his hood on his head whilst he was waiting for his friends to collect their jackets too. Security approached the male and told him to

remove the hood from his head, at first he objected, said he was leaving and put his jacket's hood on because it was freezing outside, and then he did remove the hood from his head, but proceeded to be rude to the Security as he could not understand why we were being so strict. The extra doorman which we had called in, who had never worked at our venue before, was dealing with the situation. He began ejecting the male, the male pulled away from the doorman, and the doorman ejected the male in a forceful manner, I always instruct our door team to carry out a soft ejection, as a hard ejection can anger a person. Once outside the male began remonstrating, and was arrested in a very harsh manner by the police. He was taken down to the ground by several police officers and I remember hearing people outside say "Ooooooo". The male was handcuffed, the officers did not double cuff the male, his handcuffs were too tight, the officers then lifted him off his feet, I could see that he was in a great deal of pain and was struggling while they carried him across the road. His Tesco colleagues were shocked and disgusted, and began to cry out "Leave him alone, he hasn't done anything". The young man was dragged to the police van, and the people who we had not let in and who were lingering outside as well as the elderly ladies who had booked the party, began arguing with the police, saying that they were being rough and racist. I do not think the police were being racist, but it was a rough arrest on a male that was very small in front of a crowd of people who were saying that we were racist for not letting them in. Some of the people that we did not let into our venue who were arguing with the police regarding the arrest were also arrested.

Despite listening to the police, despite enforcing a strict policy, the incident still occurred. I do not know what else we could have done on an occasion like that.

After the incident, I reviewed the CCTV in close detail, following the person arrested from arrival to exit, to check how he was behaving inside the venue, how much alcohol was consumed, did the bar staff serve alcohol to the person when they shouldn't have, or for any other reason why this had happened. I carry out this check for every incident. On reviewing this CCTV, I noted that the male was well behaved throughout the night, he had consumed one glass of small wine, and 3 Bacardi's and Coke. He was steady on his feet, suggesting his balance and co-ordination was not impaired; he was alert, he collected his own jacket from the cloakroom, all of which suggested that he was not highly intoxicated. These are the sorts of signs that we have to work from. He certainly didn't do anything else, other than put his hood up, contrary to our policy, and then proceed to be rude to us after that. I note from the individual's comments to the police in the papers that he has "a problem with alcohol".

Since this staff party, we have had countless amounts of staff parties for a wide range of businesses all over Croydon, and there has never been any incidents.

I wrote to Sgt Emery on 20 January 2015, in which I said that the closure of Yates and dispersal of their customer base is causing us problems and how we were dealing with it. I mentioned that:

“We have adopted a zero tolerance policy inside the venue, whereby anyone not complying with the standards of behaviour expected is ejected from the venue. We have found that this policy is currently working as a double edged sword, in that the more people we eject from the venue, the greater are the chances of disorder on the street, as such individuals make a scene at the front door and police then become involved, however in the long term the message to customers and the wider public will be that they can't “mess around” in Dice and they need to behave and follow the house rules or they will be thrown out.”

Despite following the advice from the police, rejecting so many people from entering our venue, putting in place strict house rules, Sargent Emery told me to come in for a chat, which I did and I attended a meeting at Croydon Police Station. however when I arrived I immediately realised that it was more than just a chat, as I was confronted not only by Sgt Emery, but also Chief Inspector McGarry, and Inspector Roach. I felt utterly ambushed. If I had known this was going to be a formal meeting, I would have instructed a solicitor to attend with me. I was grilled and told to “make changes”. I explained what I had put into place, but they were saying that it was not enough, and wanted me to do even more. I explained that I would do anything to keep my licence. They did not care that I had rejected so many customers on the night of the Tesco's party, and they did not care that the arrests were for some people that were not my customers. As a result, I had to put in place policies that were illogical. For example, we rejected anyone from entering our venue wearing any hood, which meant that even ladies with a fur hood on their jackets were not allowed in, and customers rightly said it was ridiculous, it was January and it was freezing cold outside. The Police seemed more interested in looking at whether we would breach the strictness of the policies that they imposed, rather than trying to work with us in partnership, to tackle the genuine problems out there. We could have worked together - but the Police were adopting a “them and us” approach.

14th February 2015, at approximately 21:15h, a female and a male had come to our venue, we soon noticed that they were behaving erratically, and believed that they were under the influence of drugs as their jaws were moving from side to side, a sign that they may be under the influence of cocaine. They had consumed 2 alcoholic beverages each, but were dancing when the venue was practically empty. Bar staff and managers notice their behaviour and stopped service to them. The couple left the venue, we believe to take drugs in their car or around the corner, they soon returned, and we refused entry in order to prevent crime and disorder occurring inside our venue. The couple said that they wanted to come back inside to finish their drinks and were being very rude to Security, the female was pointing and poking the doorman. The lady said that her jacket was still inside, and I radioed for the jacket to be brought to the front door and it was returned to her. They still persisted on entering the venue. The head doorman stood firm and told them they could not come in and why. The male tried to push pass the doorman, and the female tried to lift the barrier to go around the doorman, however he did not let them pass. The male put his face in front of the doorman's face, and eventually pushed the doorman, after which he detained them until the police arrived and took over. It was clear to see from their behaviour that they were under the influence of more than just alcohol. The woman in particular seemed possessed.

Given the signs that they were under the influence of drugs, as the DPS I could not and did not let them into the venue. Dice Bar has a zero tolerance to illegal drugs, and signs are well placed throughout the venue. I believe that we followed the right course of action by spotting that they were under the influence of drugs in the first place; removing them from the premises; notifying the Police and then refusing re-entry. This is exactly what we are supposed to be doing.

A somewhat similar occurrence was on 22 February 2015, two friends began arguing with one another, the Security team asked them to leave which they did without causing any trouble whatsoever inside the venue. I note from the officers report that he considered the male to be under the influence of drugs.

At Dice Bar, we have the strictest door search in Croydon, which customers refer to as "Gatwick Airport". Customers are asked to empty out their pockets into a plastic tray, Security staff then use a metal wand detector, then pat down the individual, then search the contents of the trays thoroughly. As the DPS I have instructed a member of management to stand at the door, to oversee the searches to ensure that Security do not get lax in their

approach, and to see which member of Security is the best to carry out the search procedure. Despite our best efforts people who take illegal drugs can see that we are carrying out searches and go to extraordinary lengths to hide such substances, such as placing illegal drugs in their bras, in their underwear, in their socks, behind the cover of their mobile phone case, inside a tube of eye drops, or specially purchased products designed to conceal substances. We carry out thorough searches within the parameters of the law, and cannot start looking into customer's underwear. I note that even with the strictest of searches, drugs can still get into places such as prisons.

During the early part of the year, police began visiting our bar and every other bar in Croydon to carry out swab tests of the male and female toilets. On 13 March 2015 the swab detected what the officer described at the time as a small trace of drugs above the sinks. We were disappointed as we had been trying our best to stop illegal substance entering our venue. It is possible that a person could have taken drugs at an earlier point in the day, nonetheless we fired the male toilet attendant. In a partnership approach with the police we were finding illegal drugs at the entry search point, and handing over suspects, statements, and CCTV to the police. Swab tests carried out in other venues also provided positive hits. I recall in one my conversations with the police licensing, they did not consider our venue to be a problem drug venue, and we are not. Other swab test showed no positive hits. As the DPS I ensure all people entering our venue, including the toilet attendants, DJs, photographers, and staff are searched by Security. Furthermore we use our own swabs to carry out checks in staff rooms, and staff toilets, all of which have been negative.

The nature of our business is to serve alcohol, and we train the staff to do so responsibly. As the DPS, I have ensured that staff are given regular training on the responsible service of alcohol. Our premises licence states that staff must be given training every 6 months. At Dice Bar staff are given training nearly every month, and during the busy festive periods every week. Staff are reminded at the start of every shift not to serve intoxicated customers. As the DPS I stand at the bar to overlook the staff, inform them who not to serve, and I pass the information across to all the other bar staff so that the person is not served by any other staff member, and then I pass the information onto Security so that they too can observe the customer. The customer is informed in a polite manner that they have had enough to drink, and they are given a free bottle of water or soft drink.

At Dice Bar we have worked to create a team effort to collectively support the licensing objectives. We call this collective effort "Team Dice". We do not serve customers when they are drunk. If a customer becomes drunk we stop service. Security observe customers for signs of intoxication, and inform management and bar staff who not to serve. Security and managers follow trays of large orders, to see the condition of the customers consuming the drinks. Every 15 minutes a responsible member of Security, such as the head doorman or his number two, walks behind the bar, to observe the customers to check for signs of intoxication. Every 10 to 15 minutes or less, my manager and I walk along the back of the bar to do the same. Team leaders and Shift supervisors (personal licence holders) do the same, by dividing the bar into 3 sections, allocating a team leader or supervisor to each till, new staff members' are paired with experienced team leaders to train the new staff how to serve alcohol responsibly. Managers and Security *constantly* patrol the venue to check for any signs of intoxication. I walk around and around the venue all night looking at customers faces for signs of intoxication. Glass collectors and DJs have been trained on the licensing objectives, and also assist in the team effort in spotting signs of intoxication. Toilet attendants have two way radios and are instructed to inform us of any signs of intoxication.

In addition to the in-house training, we have paid (£2116.80) for and have 7 personal licence holders on site, and every other member of bar staff has attended and passed a BIIAB course in the Responsible Service of Alcohol. There is no other venue in Croydon that has given this level of training to their staff to promote the licensing objectives, and responsible service of alcohol, neither past nor present.

We train our staff on the signs of drunkenness using the BIIAB Course Material from the Personal Licence Course. Staff are instructed to stop serving *before* a person reaches stage 3, which is:

Speech slurred

Balance and coordination impaired

Reflexes slowed

Visual attention impaired

Unstable emotions

In a nightclub environment which has dimmed lights, loud music, flashing lights, the most tell-tale signs for bar tenders to spot are the effects of stage 3. At stage 2 a bar tender is likely thinking the individual is having a good time and is not heavily intoxicated. There is a raised risk which is to be monitored.

There is a profound and serious effort made by "Team Dice" to do our very best to serve alcohol responsibly, which is supported by our staff training records. I am proud of our conscientious staff that understand their roles and responsibilities and our commitment to the responsible service of alcohol.

A frequent comment I here from staff for example would be: "We went to the pub, and the staff there were serving customers that looked really young and didn't even ID them, and the customers looked smashed". I am pleased when I hear such comments as it shows to me that they are thinking of the responsible service of alcohol even when they are not at work.

Many customers entering Dice are first required to pass a breathalyser test to gain entry if there is cause to suspect that they have consumed alcohol. This task is carried out by the "picker", who is SIA trained member of security who is the first point of contact at the venue by the customers. Ernest is the doorman selected for this task, as he carries out this role robustly. I often see Ernest turn away numerous customers who had had a drink or two at the pubs before coming to our venue. When the customers walk away I see them easily gain entry into other venues. It is a weekly complaint from customers that we are too harsh, but we continue robustly in this policy. Culturally, it is now the "norm" for people to have a drink at the pubs before continuing their night at the nightclubs. Youngsters also commonly have a drink at home whilst getting ready for a night out, they appear sober when entering the venue, and after just one or two drinks it is sometime surprising to see that they have become intoxicated quickly. It is a typical problem that all nightclub managers have to deal with - people who have already consumed alcohol may be entering the nightclub before it has hit their system and before they are showing any readily identifiable signs. They might have just one more drink inside, and then the alcohol in their bloodstream starts to affect them. Any customers that show signs of intoxication are asked to leave the venue. Of course some customers understand our actions, but others may become upset as we have "ruined their night", "it's my birthday", and so on. Some customers may start remonstrating with security, and the police are quick to hand out a dispersal, and some are arrested for being

drunk and disorderly. The actions that we take are responsible and show our commitment to running the business professionally.

Throughout the evening, Team Dice are monitoring customers; it is impossible to hear what they are saying with the loud music, so we have to look at their body language. We look for facial expressions; loud speech or shouting; pointing or jabbing with the finger; swearing/verbal abuse; standing too close; aggressive posture; stamping feet; banging things; clenched teeth and jaws; muscle tension; staring eyes, - and these are just some of the examples of what we look for. In order to prevent crime and disorder, we eject customers who are displaying such body language. Some customers ejected from the premises walk away; some remonstrate with security. Police standing on our door step intervene and the individual is arrested or is given a dispersal notice. I cannot permit customers who are showing signs of aggression to remain in my premises as the chances of crime and disorder would increase. I believe that my actions are responsible, and the individual who continues to act aggressively outside of the venue is responsible for his or her actions.

At Dice we have a zero tolerance policy, which includes males being rude to females. For example, males pinching a girls bottom or holding a girls arm while trying to chat to the female, and the female is trying to walk away, is behaviour which falls short of the behaviour expected, and the males are asked to leave the venue. This can be seen in the dispersal of 3rd May 2015.

For over a year, the licensing police have instructed police officers to stand on our door step every Thursday, Friday, and Saturday, to gather evidence against us. No other business in Croydon faces such a draconian style of policing. Nonetheless we are one of the few venues that eject 100% of ejected customers from out of our front door only. Other venues such as Tiger Tiger, eject their customers from their rear fire exits so that the police do not see, and it is not subsequently counted against them. I understand that the licensing police have written to Luna asking them to stop this practice, however I see it over and over again.

Prior to the police standing on our door step, if a customer was ejected and argued about being ejected, the door team would handle the situation and the individual would eventually move along. With the police standing on our doorstep and interfering it often escalates the situation, as the person is being threatened with arrest when they haven't actually done anything wrong except voice their disapproval of being ejected. On many occasions, our door

security team have things under control, and the individual is not “kicking off”, but when the Police intervene, it actually gets worse.

Dice Bar is the only venue on the stretch of the central part of the High Street, which is surrounded by late night fast food outlets, including Subways, Rios, Bodrums to our left and right. At 3am when we are closing, customers from Luna, Tiger Tiger (at the time), SLVR, Bad Apple, Granaries, visit the late night takeaway establishments to purchase food. All the intoxicated customers from the various other venues congregate, which is like mixing oil and water. On occasion, it can become a flash point for incidents. We have absolutely no control over customers’ behaviour when they are far away from our venue. We try to ensure that there is no trouble at our venue, and we can control customers who have come from our venue and are dispersing outside. We are the only venue that consistently assists in dispersing our clientele, and, as the Police paperwork shows, we will also help the Police wherever we can, even if the situation and the people involved had nothing to do with Dice

When it comes to the end of the evening, I personally turn up the bar lights at 2:30am. There is a gradual increase in the lighting, and decrease in sound volume, so that customers do not all leave the venue at once, as this would make it difficult for the police to control large amounts of people exiting our venue and other venues at the same time. At 2:30am, the smoking area is closed, and the barriers are adjusted so that customers leaving our venue are filtered away and in the opposite direction to the other late night venues to prevent crime and disorder. The DJs’ play slow, calming music and love songs so that customers are nice and calm when exiting. During the exit phase the DJ’s play “Happy People” by R Kelly, and “One Love” by Bob Marley, which was named song of the millennium by the BBC, the lyrics promote love and unity. The music has a soothing effect, and we do this deliberately.

I position a member of the door team near the cloakroom area to prevent crime and disorder occurring as the customers are leaving the dance floor, a member of management remains inside the venue and observes and engages with customers, and I exit the venue with my Security team to engage with customers outside of the venue. I offer people free water, ask if they need a taxi home, and if there are any persons of concern I walk over to the police officers and say who to keep an eye on. If there is no one I am concerned about I tell them that as well. If customers seem to be disagreeing with one another, the Security team and I engage with them, and ask them to make their way home. We walk as far as we can and as far as necessary, and remain outside for as long as we can to make sure there is no crime and

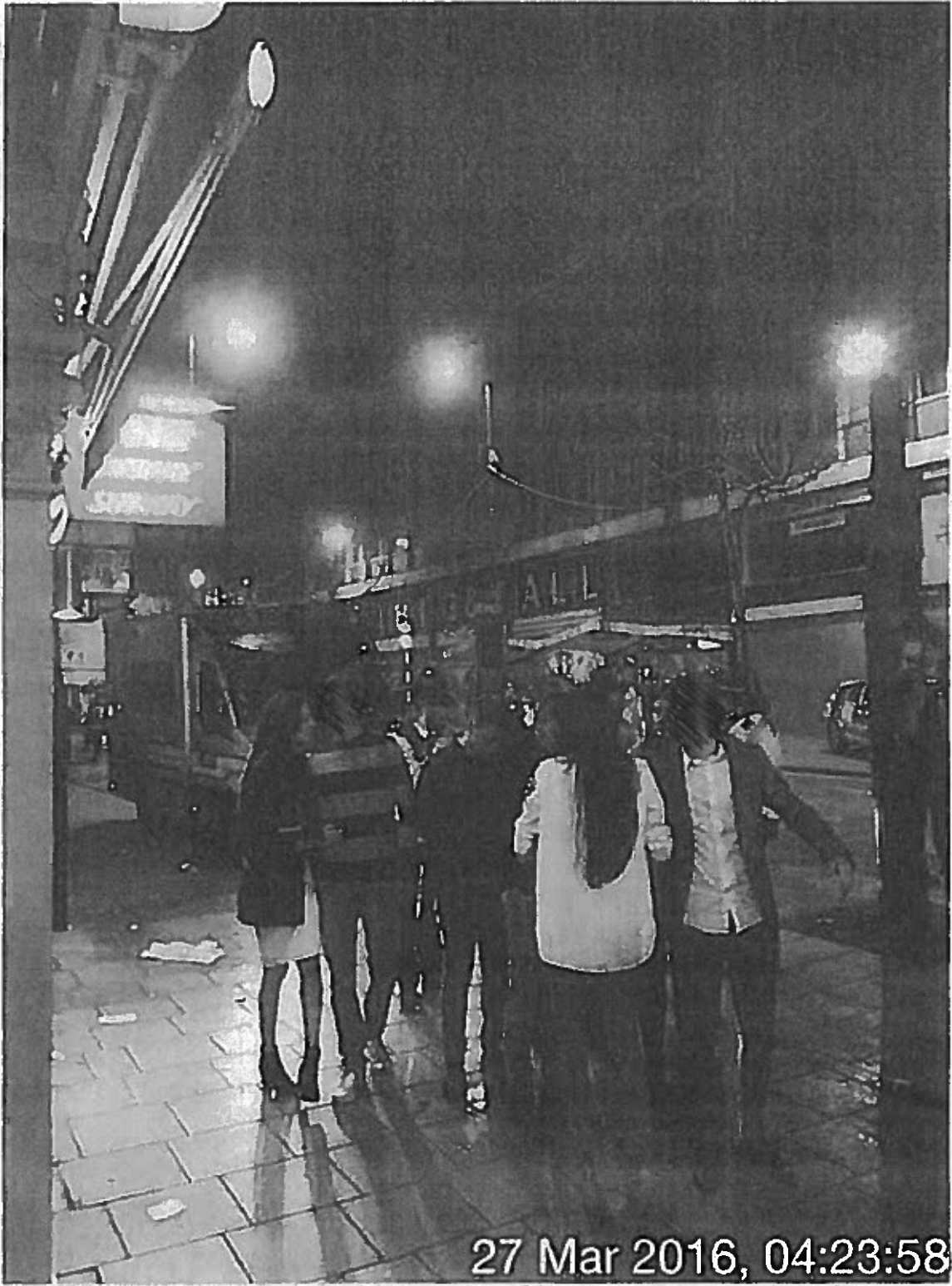
disorder. The Security team and I are not covered by insurance if anything should happen to us outside of the venue, but we do so anyway, rain or shine, to uphold the licensing objectives. We are the only venue in Croydon that goes to this extent, and I am the only DPS that personally does this.

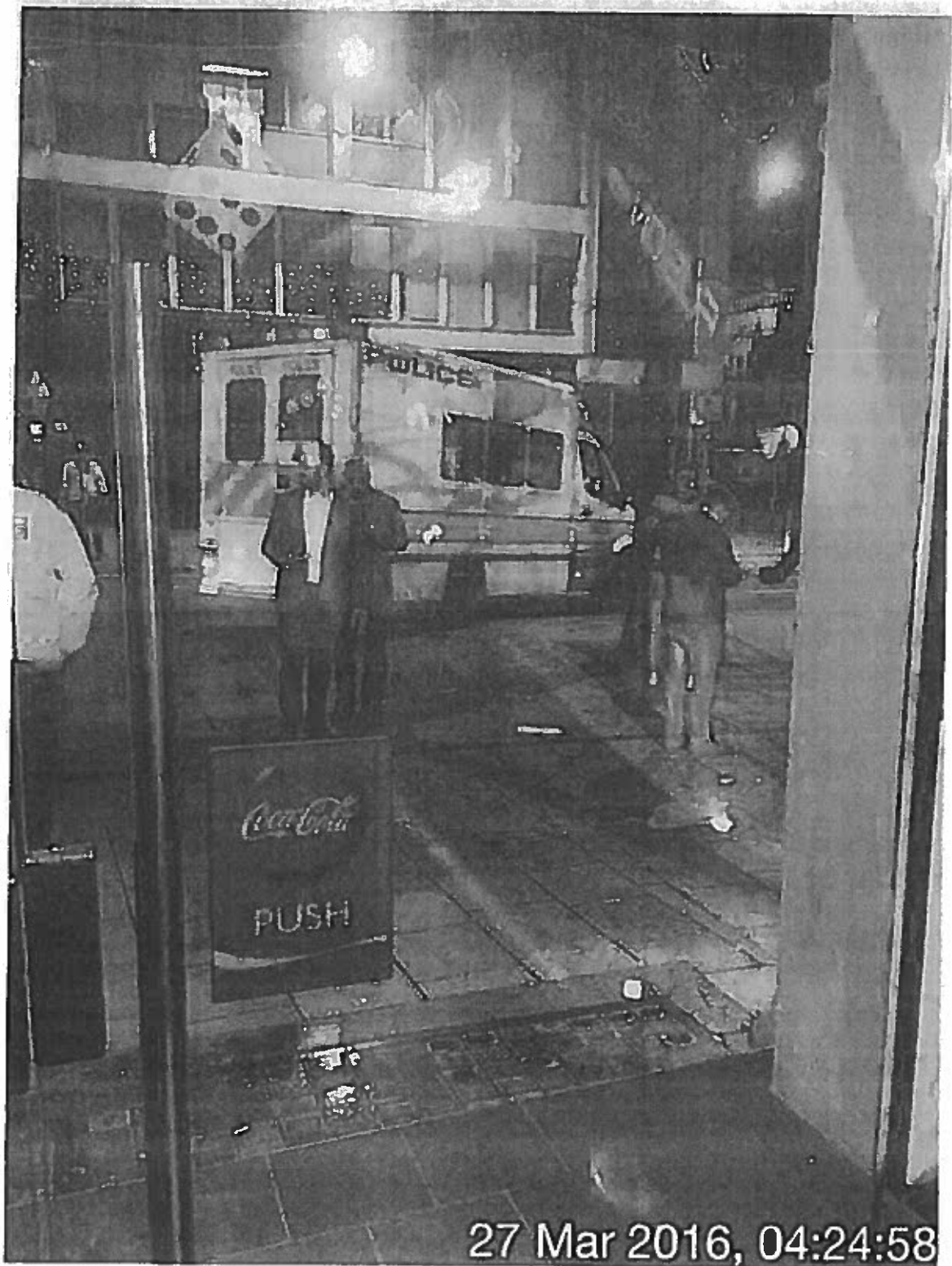
Once our customers have cleared the area, the Security return to our venue, I then find the Sgt or Inspector on duty and inform them that we have dispersed our clients and we are now returning inside of our venue. It costs me approximately £300 a week to pay the doormen for the extra time it takes to disperse the clientele, and we continue to do so week after week to support the licensing objectives. I don't have a problem with it, but it is very hard to now face the allegations that the Police are making, entirely unfairly.

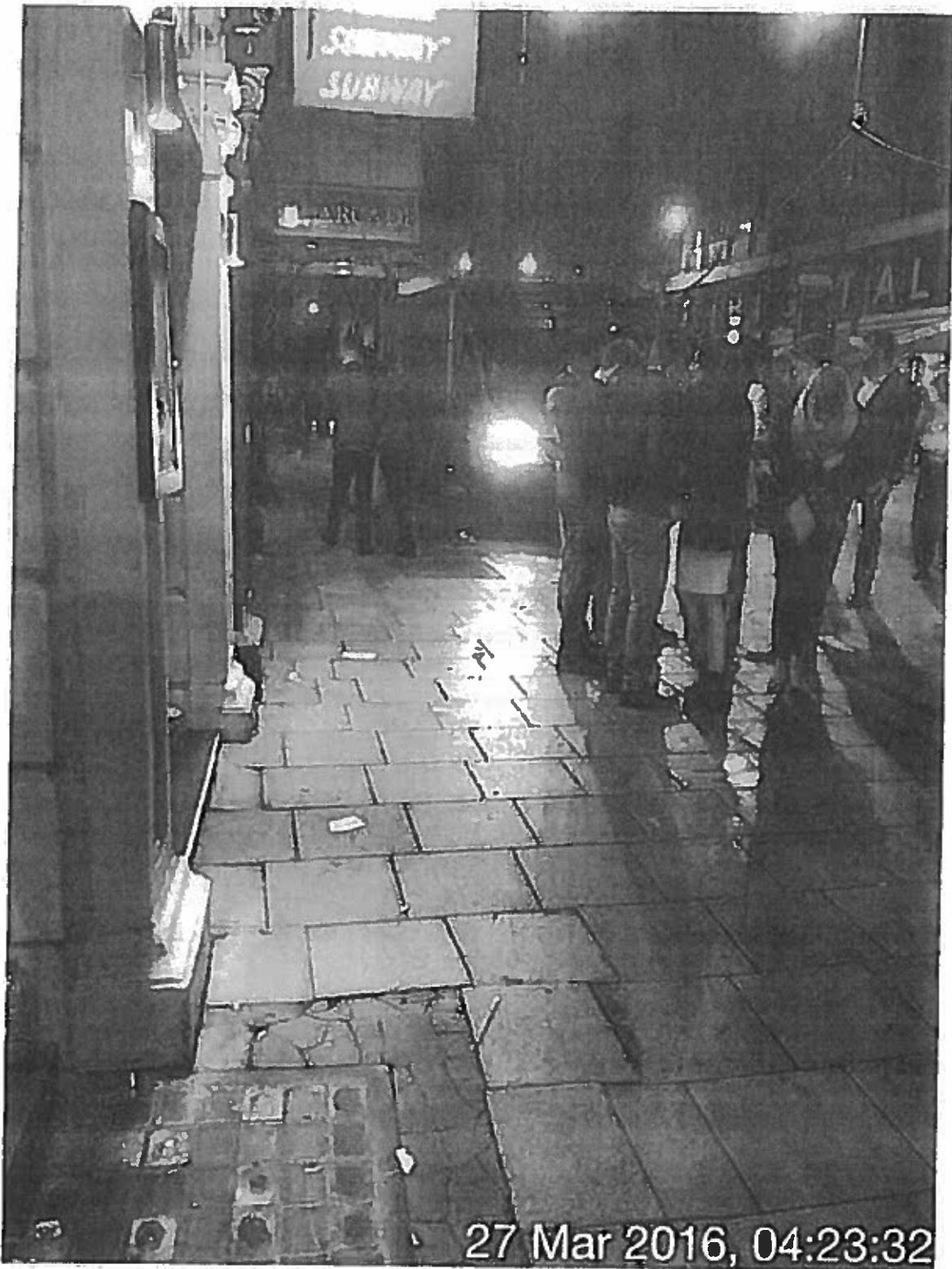
Our approach differs to that of the police force, who yell out "Clear the area!" "Move!" and similar things, quite aggressively. Some officers are better than others, and are more tactful. However a large police presence on the High Street, 20-30 police officers, can be intimidating to people. Customers like to talk to their friends when leaving the venue. I draw an analogy with visiting the cinema. You leave the cinema with your friends and you talk about the movie with your friends before you part company. It is much the same when leaving a nightclub, customers want to have a chat with one another, I hear comments like "the music was great, ha ha did you see how he was dancing", "how are you getting home, do you want a lift", "It was nice to meet you, can I get your number". Now imagine that you have left the cinema and are confronted by 20 police officers telling you to "Move!". Your mood might just change. It is disappointing for me, as so much effort goes into creating an environment for customers to leave in a calm and relaxed state of mind. This Police behaviour has become a bit of a "thing" in Croydon town centre, and I believe that this is partly responsible for such a drastic fall in footfall. People come from outside Croydon, including friends of people who live here, who just want a pleasant night out, and they are confronted by these ever-present banks of Police, and their immediate reaction is that something terrible must have happened, and they want to leave. It creates a terrible impression of Croydon, when really, it is not that bad.

A recent police tactic is to drive a police carrier van upon to the pavement, driving directly at customers leaving the nightclubs to make them move. This is terrible to watch, and makes people really mad. I don't think the Police should do it. This, in my opinion can be a catalyst

and can incite tensions. I have attached a couple of photographs of this in action to show what I mean.







As I hope I have explained, we go to great lengths to ensure that we have done everything that we can possibly do to ensure that our customers leave our venue in a good mood, that they are calm, and we engage with our customers on the street and politely ask them to make their way home. We do not simply throw the customers out onto the street, and close the doors as so many venues do.

On 15 March 2015, there were no incidents at all inside our venue. We carried out the dispersal in the usual way. We did not see any of our customers involved in any altercations further down the road. I notice from the police papers that a male was assaulted. I do not know if he was assaulted by one of our customers or one of the many customers from the other venues at the fast food outlets.

On 18 March 2015, I received a phone call from Detective Steve George of the Gangs Unit. He said that he wanted to visit to see if there were any gang members' coming to Dice by checking our ID Scanner, so we arranged a meeting for 19/3/15 at 1:15pm.

On 19 March 2015, the Detective visited our venue and I showed him all the customers on our ID Scanner for the weekend which had just passed.

I later emailed Croydon Police licensing with regarding this visit:

Subject: Gangs Unit Inspection at Dice Bar
From: roy@dicebar.co.uk
To: 'Darren.Rhodes@met.pnn.police.uk'; Mick.Emery@met.pnn.police.uk
Date Sent: 19/03/15 14:12:14

Dear Darren and Mick,

We had a visit today from Detective Steve George from the Gangs Unit.

Detective George thoroughly inspected every customer on our ID Scanner to see if there were any gang members visiting our venue.

I am pleased to report that zero individuals were identified as being a gang member or person of concern. Detective George commented that he was very happy to see zero individuals.

In order to further commit our support to the licensing objectives I shall be emailing Detective George a full list of customers from the ID Scanner every week for his consideration.

Yours sincerely

Roy Seda

As the DPS, in order to promote the licensing objectives, over the next few weeks and months I emailed across our entire customers' details from our scanner to the gangs unit, asking if there were any persons of concern, If so I would ban them on the scanner which would prevent them entering our venue.

Not a single person was identified as being a gang member!

As the DPS I was pleased that Dice Bar had played a major part in clearing up the gangs that used to come to Croydon Town Centre: a real win for supporting the licensing objectives. As a result of my actions other venues were asked to do the same. Not all the venues did. One day I even went over to SLVR and encouraged the manager and assisted him with downloading the details from their scanner to send to the Gangs Unit.

I care passionately about Croydon Town Centre. I have attended every single Pubwatch meeting, and I don't just go there and sit to just to show my face: I have been active, encouraging others to work together to support the licensing objectives, putting forward plans of action, suggesting ideas, building a partnership approach with all the venues to come together to support the goals and aims of the licensing objectives. Many of the ideas we jointly discussed at the Pubwatch meetings have been implemented, and many others are in the process of being implemented by Croydon BID.

This is in stark comparison to the Croydon Police Licensing Unit: not one Officer has showed up to a Pubwatch meeting in months. This again is very detrimental to partnership working.

So bad has been the partnership approach that a separate night time economy meeting was set up by Croydon BID, and this has still not helped the venues and the police meet eye to eye.

On 25th April 2015, Sgt Emery came outside of our premises, and he made some personal derogatory comments to me about my holiday, saying: "I bet you have been on a nice expensive holiday; I bet you stayed in a 5 star, luxury hotel, and spent lots of money." He was not being friendly. He then began to say that he had received my IIMARCH model which set out our plans for a major boxing match between Floyd Mayweather and Pacquiao. In front of my customers and Security he kept saying that my preparations were "pants". He repeated the word "pants" over and over again, and said: "You don't know what you are doing, get Serkan (Abal Security Manager) who knows what they are doing to write it for you". I said that I would have a meeting with the Security and ask them to write to him. I had a meeting with the Security manager, Serkan, who considered my preparations and said it was the best he had ever seen, and he could not add anything to it. Serkan never emailed Sgt Emery back; we had our normal club night followed by the late US boxing match, it was a house full, everything worked to plan without incident and we were open until 6am.

I note from the Police evidence "Op Govern Taking Return 28/3/15 Bronze: APS Brown 195ZD " states: "The door staff have been very good over the last few nights including tonight, providing police with witness statements on incidents unrelated to Dice.."

In fact many police officers have said that we were doing a great job, for example:

29 January 2015 : Zd23 visited and walked the venue and was happy on Thursday 29 Jan. He said that the music and clients were fine, and had no issues to complain about.

On or about 30 January 2015: Had a visit from PC Rhodes on Saturday night, he did not mention anything that he was not happy with and inspected the Security arrangements at the front door.

2 January 2015: Central Licensing Visit. Said that we passed every part of the 2 hour inspection, said "keep up the good work".

Thursday 5th February, Officers visited the premises and did a walk through and said that they were happy with everything.

7 February 2015 21:25 Zd 623 Walked the venue and were happy with everything, gave me the thumbs up

Later Town Centre Inspector Roache did another walk through, he commented at the end he was happy and I should keep up the good work.

20 February 2015 ZD25 walked the venue and said that he was happy with everything.

28 February 2015 Sgt Emery visited later and stood outside, he said that he was happy with everything.

6 March 2015: ZD 285 commented that he was happy that we took his advice a few weeks ago to remove the toilet lids. He looked at the crowd on both floors and was happy and did not make any negative comments.

7 March 2015: ZD 285 did not enter the venue, he was outside and I had a chat with him, he was happy with the work that we were doing and said that he has seen an improvement.

10 March 2015: My licensing consultant spoke to Sgt Emery, who informed him that he was content with the progress.

13 March 2015: ZD 623,229, 105 visited and did a walk through. No negative comments.

28 March 2015: ZD 45, walk through of the venue, said that he was happy with everything he saw.

27 May 2015: Walk through by PC ZD505. Happy with the crowd and inside the venue.

15 May 2015: PC Rhodes and Chief Inspector McGarry checked our smoking area, they said that they are very happy with the changes and progress that we have made over the past few months, the change to the smoking area was nothing to do with us, they had to make it one rule for all. They were happy with the smoking layout and did not ask for any changes to be made. They said again that they were happy with the way we have listened to their advice and wished that others would do the same. They told other venues to come and see how our smoking area looked so that they could copy it.

16 May 2015: ZD294 Walk Through. Made no negative comments.

23 May 2015: Good night, Chief Inspector on Duty, said that was happy with us.

une 205, ZD557,ZD179,ZD850, said that they were happy with us and our clients.

Various officers from CID and the Gangs Unit have commented that they have been in the town centre for years and have never had to attend to our venue.

I should also point out that the Police have put in only one of their formal Licensing Visit forms – Form 695. The one they have included is purportedly dated 30/2/15, so I don't know what that means, but the outcome of the visit was positive. More importantly, there have been several more formal Licensing Visits, like this, and more of Form 695, but when we asked the Police to disclose the rest of them to us, and to this Committee, they initially refused. Just today they have conceded that they will give them to us, and I will go through them at the Hearing, but I can already point out that they are all positive.

Alcohol affects people differently: as the DPS I ensure that we spot those individuals we react badly to alcohol and we eject them appropriately from the venue.

In any nightclub environment you sometimes do see friends, or spouses, or work colleagues get into arguments. We have no idea when the customers arrive if they have any prior disagreements with one another. If those disagreements continue inside our venue, we are quick to identify the arguments flaring up, and eject the people in a professional manner.

Another example is on 20 February 2016. A married couple, middle aged, well dressed, came to the bar, they were absolutely fine throughout the night, the wife was annoyed at her husband, it could have been because of any one of numerous problems that married couples face. She hit her husband in the nose: the assistant manager and Security were present, and ejected the couple. The head doorman shared the information with the police over the Safer Croydon Radio. Neither couple were highly intoxicated: in interview he said that he had 3 drinks and was not drunk. This is captured on the CCTV. Marital disputes can occur in any premises, shopping malls, restaurants, in a car, anywhere on the High Street, under the influence of alcohol, and also whilst not under the influence of alcohol. As the DPS, I ensure that we have more than sufficient number of Security, that the Security are alert and spot arguments, we carry out early interventions, we eject customers that are not behaving, and we share the information over the town radio. I cannot stop married couples arguing. I can only do my best to ensure measures are in place so that if a couple begin arguing, trained SIA staff are present to deal with the situation and take appropriate action. I am confident that we are achieving this, as best as anyone can. Neither couple wanted to press charges, the wife was not injured at all, the police arrested the male because he had a nose bleed.

When customers arrive, we have no idea what pre-existing underlying problems that individual is going through. They may have just come from a funeral, may have just lost their job, discovered that their partner is having an affair, going through a divorce, lost a child, a whole spectrum of social problems that people face within their life. Out of 400 hundred people in my venue, one or two people at least are likely to be going through a difficult time. Some customers are laughing and having a good time, sometime you see a group of girls consoling a friend that is crying, perhaps they took them for a night out to "cheer them up". When people consume alcohol they may be happy, however if they are having personal problems, their mind will start thinking of those problems, they may then become depressed and want to drown their sorrows, or they may become angry.

At Dice, I try to create an environment which encourages peacefulness and happiness, such as themed parties like Charlie and Chocolate Factory, Celebrity Look-a-likes, Cowboys and Indians, Masquerade Party, Made in Chelsea TV stars, and we do thing like giving customers free giveaways so that they can participate in the themed events. The idea is to create an environment which promotes happiness, as well as the Licensing Objectives. I tell the DJ to have a laugh and joke on the mic. I don't have aggressive acts or performers. I could book an urban DJ like Tim Westwood, or DJ Charlie Sloth, and I would be absolutely packed and I would make a ton of money, but I don't. Instead week after week we struggle to make ends meet in the declining Croydon night time economy, nonetheless we do not compromise on our entry policy, and we have no events that risk the licensing objectives. All the events that we have, have been graded as low risk by Central Licensing.

On 20th June 2015, one male was ejected for being tipsy. The rest of the evening went without any fights or incidents occurring in our premises. We assisted the police in dispersing the crowd at the end of the night and went as far as the Public House called "The Ship". Once the crowds had dispersed we returned to our venue.

On 22nd June 2015, I was called to the police station for a meeting. There are "minutes" of this meeting in the Police papers. I was informed by the Police that a male that had been inside our venue earlier had been found with a machete on Surrey Street after we closed and if it hadn't been for officers, a fight would have occurred and someone would have been seriously injured. I was absolutely shocked and horrified, and Inspector McGarry said that he could see that I was visibly upset on hearing this news. Sgt Emery and Inspector McGarry said that if the male had a knife on Surrey Street, that meant that he must have had it whilst in

our venue. Sgt Emery said that if the male had a knife that also meant that “therefore (he) likely had access to a firearm” (This is recorded in the Minutes, in the Police papers). As soon as I got back to Dice, I checked the CCTV to see what I could see about this, which showed that the male was searched prior to entry, and on the CCTV I could see that he was dancing and there were no signs that he had a machete or knife or anything else.

I was still very worried about this allegation, and on 28th June, I wrote to Sgt Emery, (this letter is also in the Police papers), in which I said:

“Could you please provide me with further details regarding the alleged incident on Surrey Street, including the time of the incident, names of people involved, and I would like to view the CCTV so that I can see which individuals caused the trouble. We have been served a closure notice largely based on what occurred on Surrey Street, which was after business hours and beyond our control, not only have we suffered a financial loss but so to have 20 staff members. It would appear that we have been punished more severely than those that actually caused a disturbance in the town centre, at a time and place when they were no longer our customers. I also note from our ID Scanner, that the male that was involved in the incident in Surrey Street, caused no trouble inside our venue, was not a regular at our venue, and was in fact the first time he had come into our venue. It has been alleged that the male entered our venue with a knife, an allegation that Abal and Dice refute as we have an experienced doorman carrying out thorough searches on entry. Have you been able to see on CCTV where else the male visited after he left our venue and before the incident took place?

Saturday 21 June was the first time in several months when a handful of customers were misbehaving after leaving our venue, and we have been served with a closure notice for anti-social behaviour. I note that in June there was a large brawl outside of Reflex where actual punches were thrown and people were injured, several police cars and vans attended to stop the disturbance, yet I have not seen a closure notice issued against them for incidents far worse than what occurred outside of our premises on 21 June 2015.

In relation to insufficient door staff, I informed the Sargent on duty on Thursday 18th June that Tiger Tiger were asking to have some of my door team because they had an insufficient number of Security on a night where they had a few thousand customers, they had only 14 doorman, most of which were outside of the premises maintaining the queue. Their smoking area on the night was also beyond their perimeter, and their customers also caused disorder on the streets after they left their venue. I note that no closure notice has been given to them.

I raise the issue of Reflex and Tiger as I feel that double standards are being applied against me”.

Sgt Emery did not provide me with the details I requested, he did not inform me what time the incident occurred, he did not provide me with the CCTV, and did not inform me where the male went after he left our venue.

The male in question came and left without making a squeak in our venue, and left at 2:00am. I do not know where he went after leaving our venue and what he was doing until the incident on Surrey Street.

I now note from the CRIS report ZD/3818123/15, PC Salmon states that the male was *walking away* from the crowd on Surrey Street. This is supported by the customer’s statement as he said in police interview that that “he wanted to move away”. He was walking away and far from the situation when an officer jumped out of the police vehicle and grabbed his hand “without any conversation”, so he snatched his hand back, he was then “jumped on” by loads of police officers and they put him in a headlock (which is contrary to police training). He stated in interview that the officers were lying.

PC Ali states that he viewed the CCTV, the customer was walking away from the group of people. The officer states that the CCTV shows he was fidgiting or possibly putting something up his sleeve. He was followed by PC Salmon, “ he didn’t have any knife on him at the time or at the time of the arrest”.

So, as a matter of fact, there was no knife.

I must mention the Closure of Dice in June 2015. I am very confused that, in all the papers that the Police have produced about Dice for this review, they haven’t produced the Closure Notice that they served on Dice as a result of the allegations that were made. I would have thought that the Police would have wanted to draw that to attention, if it was a legitimate action on their part. I have been advised that it was not.

Dice Bar was closed by the police for 48 hours, purporting to act under the Anti-Social Behaviour Order, Crime and Policing Act 2014, Part 4, Chapter 3.

Part 4, Chapter 3, states

A closure notice must—

(d)state that an application will be made under section 80 for a closure order;

(e)specify when and where the application will be heard;

As you can see from the Closure Notice attached, the closure notice did NOT “specify when and where the application will be heard”.

The Police did not issue a cancellation notice for the Closure Notice, in accordance with s. 78 of the Act, but neither did they apply to the Magistrates’ Court within 48 hours, in accordance with s.80 of the Act. In other words, they just closed me down, and that was the end of it. I have since been told that this was an unlawful action by the Police, and they had no power to do it.

I should also note in passing that the Police issued a Closure Notice under section 19 of the Criminal Justice and Police Act 2001, on 5th January 2015 (PC Rhodes), and I have been informed that this was unlawful too. This did not result in a cancellation notice or a hearing in the Magistrates’ Court either. It seems to me that the Police in Croydon believe that they can do whatever they like, and do not comply with the legislative requirements.

As such I felt that the closure of my premises, on both occasions, was an abuse of process, and an obvious breach of my Human Rights. It cost me many thousands of pounds, but the worst of it is, I don’t know when the Police feel like they might just do it again, if they want to. They don’t seem to respect the law.

Not only was the rule of law not followed, but also I was prevented from asking for compensation by the fact there was no hearing in the Magistrates or Crown Court.

The business was closed and our business reputation was damaged. Officers on the beat were telling customers and other club owners, that they had shut down Dice Bar for having a knife in the venue. It was an absolute lie being spread around town by the Metropolitan Police Service.

The Borough Commander Andy Tarrant released a statement to the Croydon Advertiser to say that he had closed Dice Bar for “licensing irregularities”. For weeks customers thought we had been closed down for good, so many customers never returned.

The business suffered a massive loss, financially we lost close to £50,000. We are not a large chain of nightclubs, Dice Bar is a family business, the money we had to use from our savings was for our children and our retirement.

On 3 July 2015, I bumped into Councillor Mark Watson. He mentioned that a high ranking police officer had informed him that the venue was closed because a person had a knife inside the venue, and furthermore, he had been told by that Officer that the police had to *enter* our venue to remove a person with a knife. I told him that was not true, and said that I would sit around a table with the person who made those comments so that he could consider the truth of the matter.

I was contacted by the Croydon Advertiser to make a statement in response to the Borough Commanders statement in the press. I could have made a statement about the legalities of the Closure Notice, the lies that were being spread around town, but I choose to make a positive statement for Croydon and to maintain a partnership approach with the licensing department. My comments to the press were:

"We're not the sort of venue that doesn't care about what goes on outside once we've closed our doors. I care about Croydon and the way it is perceived.

"I would ask all people coming to visit the late-night venues in Croydon to respect their town centre, to act in an orderly manner when leaving, and by doing so assist the venues and the police in making Croydon a better place for all."

<http://www.croydonadvertiser.co.uk/Croydon-s-Dice-Bar-temporarily-shut-amid-police/story-26826570-detail/story.html>

Of course it was a difficult pill to swallow as we cannot control what someone else was or wasn't doing hours after they left our venue. We can only run our venue to the best standard we can, and manage situations when they arise properly.

Many months then passed without any incidents.

On 11th October 2015, I was walking across the dance floor at the end of the night whilst turning on the lights, and a male stepped forward and shoulder barged me, he thought it was funny and sniggered to his friends. I asked Security to escort the male out of the venue, because I thought that if I permitted him to remain inside the venue he could have shoulder

barred someone else. The Security acted highly professionally and asked the male to leave the venue, giving him several minutes to leave by himself. The male started to walk out of the venue by himself and took his top off to show off his well-built body. He tripped over and fell next to the barrier, he had embarrassed himself, and on standing back to his feet, he threw the barrier which did not hit anyone. He was detained by Security and handed to the police.

A similar matter arose on 22 November 2015, when yet again luck did not favour me, and a large Polish man deliberately stepped forward and pushed me with his shoulder. I could not understand why, I had no contact with him, it was very early in the evening and he was not drunk. I could not comprehend his behaviour, and after a few minutes I asked Security to ask him to come outside so that I could ask him why, as, again, it is not a good idea to allow people with erratic behaviour to remain in the premises. As the male was walking out of the building he began struggling with Security, who then ejected him from the venue. Police attempted to arrest the male and he was struggling with them. A PC that was new to the force was dealing with it, and she put her leg near his mouth and the Security told her to move her leg for obvious reasons. The male bit the PC in her leg. Security assisted throughout.

On 17th October 2015, it was the first time in our history that a 17 year old managed to gain entry into our premises. A family of females and one male arrived at the door, it transpired they were the males mother and aunt. The male used his brother's identification to gain entry, a passport. The photograph in the passport and the male in question had similarities, most likely due to genetic similarities. Such were the similarities male had been able to gain entry into other venues on the High Street, and arrived at our venue at 01:09. I informed licensing that he had been to other venues prior to us, but as far as I am aware they never followed this up. His mother and aunt purchased the alcohol (proxy sale), and when he himself came to purchase alcohol he was refused service and was ejected and handed to the police. The police proceeded to arrest the male and the mother intervened. She was jumped on by several police officers and hit her head on the barriers, after which she did not stand back up on her feet and an ambulance was called. It was alleged that the mother was taken to the hospital because she was *highly* intoxicated. This is not true. CCTV shows her dancing fine and well, leave the venue walking in a straight line. I also note in the CRIS report ZDTK00038344, that when the female was taken to hospital she recovered consciousness, and hospital staff believed that she was "faking her intoxication", which would be in accordance with my observations and the CCTV evidence.

On 23rd January 2016, we asked a female to leave the venue, not because she was drunk (she hadn't been in our venue for a long time at all), but because of her attitude. She wanted cigarettes but we told her we didn't have any and she became irate and animated. We asked her to step outside and she sat down on a table behind the ID Scanner where the Security keep their paperwork. None of the Security touched her, or forced her to leave. We were very very patient and she remained seated for easily half an hour. Another door team would not have been patient, and would have forced her out of the barriers. Eventually she got the message that she was not going to be allowed back in and left. CCTV shows police officers standing and observing, and following the female to Subways next door. The female continued her bad attitude in Subways, however the Security there touched her, and she retaliated. This individual had a very poor attitude, we identified this early, and more than professionally managed the situation to prevent crime and disorder occurring inside our premises.

In every instance when a situation arises, Security have been present, and we have managed the situation professionally.

24 January 2016, group were banned on the ID scanner. Any customers seem misbehaving outside of the premises or with the police are banned on the ID scanner. We have worked closely with the officers and if they tell us someone has been rude to them, we immediately ban them from our venue, even if they have caused no trouble inside our venue. We have a tried our very best to work in partnership with the police.

On 29th January 2016 two females were found to be in a semi-conscious state in the female toilets. The two females were absolutely fine, until they both went to the toilet for 20-30 minutes, when they came out of the toilets they were intoxicated, drug use suspected as another female customer who was in the ladies toilet at the same time said that they were taking drugs in the toilets.

We kept the females inside the venue to provide care and attention. Steven (assistant manager), Reg (2nd head doorman) Marlene (female door staff), Jermaine (supervisor), Farrah (manger), Martin (head doorman), Nayan and Boomer (door staff), and I, were looking after them. We realized that they looked more worse than ware and suspected the it was more than alcohol. We provided water, but found that they were not getting better, our suspicions that

drug use was involved grew stronger. We quickly decided to take them outside to get some fresh air and to alert the police and ambulance service.

Once outside, Martin, Steven, Reg, Marlene and I stood next to them, a friend of the females that was with them, was on the phone trying to call a cab.

I saw Inspector Mockett walking along the road, and Martin and I called him over and said that we were concerned for the two females, and suspected that drugs may be involved. The female's friend called an ambulance, which promptly arrived. Security and managers stayed with the girls, water provided throughout, safe hand over to the police and ambulance service, who took over.

I then proceeded with my line of investigation, I spoke to the female toilet attendant, she said that both the girls went into the same female toilet cubicle together, after a few moments she knocked on the door, she could hear them talking, but they did not come out when asked to do so. After a few moments she tried again, and again, and then alerted Security. Security arrived and found them in a semi-conscious state.

I watched every second of the CCTV of the girls from when they entered to when they exited. I noticed that they seemed fine and well and were not intoxicated. They were in the venue and acting fine, they went into the smoking area for some time, talking to themselves and others, they did not leave any drinks outside of the smoking area, as they came back inside the venue, one of the females dropped her purse, she squatted down on her high heels without wobbling, they walked the length of the bar, and right to the back of the venue into the female toilets. I could not see any evidence that their drinks were spiked.

I found it odd that two of the girls were acting like this, especially at the same time. I suspected drug use was involved but cannot conclude from the CCTV if it was due to a spiked drink or self-intoxication.

CCTV was copied showing the females walking and talking fine until they went into the toilets.

I note from the police papers that the girls stated that they were drinking Vodka at home, and went to Clapham before coming to Dice, where they had two drinks. Doctors at Croydon University Hospital stated that one of the girls symptoms were that of alcohol, and could not explain the second girls symptoms, and took urine and blood samples and said that the results

would take *three days* to come back. For *17 Days*, the police kept contacting the girls who said that, no tests results have come back from the GP. The officer states that he will re-open the file if positive test results come back. The file was not re-opened. Perhaps the test results revealed that the drinks were not spiked, and it was in fact as the witness said, that the girls had been taking illegal drugs in the toilets, and that is the reason why the girl did not reveal the test results to the police officers.

We have a vulnerable victim's policy documentation at Dice to ensure that we provide care. Customers who we provide after care for thank us for looking after them.

On 31st January 2016, a customer who had visited our bar many times, came with his partner, he had always been an exemplary customer, Security described him as "good as gold". We had not seen the customer for some time, and on this night he returned. At 02:40 hours to my surprise I saw Security escorting him out of the venue, and customer walked out of the venue himself. Once outside I noticed that he was in an upset state of mind, and his partner was holding her mouth. He said that his friend had disrespected him, they had been horse playing and Security was present and told them to stop. It transpired that whilst he was opening the toilet lobby door which has a long vertical handle, he accidentally elbowed his partner in the mouth while she was standing behind him. I went outside the venue to speak to the customer to calm him down in order to prevent crime and disorder. I spent well over 10 minutes talking to him myself, and he eventually calmed down. His wife was inside collecting her jacket from the cloak room, and came outside. As they were about to walk away a PC came over and arrested the male. I was disappointed as I had just spent over 10 minutes calming him down and they were about to leave. The wife told the police to leave her husband alone and to let him go, as she moved towards the officers she was taken down by more police officers. She retaliated. The poor lady had just spent the last part of her night dealing with her husband who was acting out of character, had just been accidentally hit in her mouth, and now was pounced on by officers, she had reached the end of her tether. She was not drunk, the officer states that the lady was unsteady on her feet, this is not true, there is no way the officer could have made that observation as the female had taken two steps out of our venue. The male returned the next day and apologised for his actions, he said that he had been going through a very difficult time in his life.

On 2 March 2016 I received a blank email from Sgt Emery which attached the notice to review my licence. There was no conversation or meeting prior to this regarding the matters complained of.

As the DPS I have given consideration to academic research as to why people behave badly and what, if anything, I can do to prevent this in my venue.

Brookman and Maguire (2003) found that the layout of an establishment may be more important in controlling behaviour than overall size. It has been concluded that strategies for reducing violence in and around licensed premises should take note of the design of establishments and the spacing of furniture to reduce crowding whilst removing hidden areas to facilitate supervision.

I have ensured that all our seating is to the side to reduce crowding and corners of the venue are well lit.

Dark, crowded and noisy bars were found to increase the severity of aggression between patrons (Leonard, Collins and Quigley 2003) Greater intoxication was associated with increased seating capacity, rows of tables, no theme, low cleanliness and maintenance levels and shabby décor (Graham et al. 1980). Violence tends to occur in bars which are untidy and poorly kept (Pearson-Woodd 1998). Violence is expected more in bars which are untidy (Leather and Lawrence 1995).

Dice Bar does not have many seats or seating areas, we have a Dice theme in the venue, we maintain our venue weekly, and always ensure that it is clean and tidy. The décor is to a high standard, and customers often comment that we have one of the nicest venues in Croydon.

We have two glass collectors who collect empty glasses, clear up any spills on tables or floors, if someone drops a piece of paper on the floor we pick it up immediately, I ensure that our venue is not untidy.

Graham and Homel (1997) have suggested that attractive, well furnished bars provide a message that bad behaviour will not be tolerated. Graham, West and Wells (2000) found that permissive environments, where patrons believed they could act aggressively, were most relevant to drink related incidents. The attraction of specific types of patrons was shown by Leonard, Quigley and Collins (2003). They found that the atmosphere of the bar differentiated between patrons who had observed bar violence and those patrons who had

not. Graham et al. (1980) found that red décor in "Skid Row" bars was associated with decreased aggression.

Dice bar is not a permissive venue, we have a zero tolerance approach, which is well signposted.

Dice Bar is painted in a light colour in light of the study by Graham et al, and Geoff Cooper also advised us to go for a light colour.

Some factors within the bar environment can be considered as irritants which may influence the patrons' behaviours. Such irritants may be due to poor ventilation, with poor quality, smoky air (Homel and Clark 1994) and excessive noise levels which may hurt the ears. Excessive heat, noise and air pollution are related to aggression (Geen 1990, cited by Graham and Homel 1997).

I have ensured that the ventilation is excellent, customers do not sweat inside our venue, and the AC is always on at night time, and we also use industrial drum fans to assist with movement of air.

Lincoln and Homel (2001) found that major factors related to nightclub violence were drink promotions. These were used to encourage patrons to drink to excess in a short space of time and facilitated violence (Stockwell 1995). Premises offering discounted drinks tended to also permit crowding and intoxication (Stockwell, Lang and Rydon 1993).

We have no drink promotions on Friday and Saturday nights, compared with other venues that sell Double Vodka mixers for £2.50. Our drinks are priced at £4.20 for singles, £6.00 doubles, we are not a venue that sells alcohol cheaply on the weekends. We could reduce our prices to compete with the drink prices with or competitors, the numbers of patrons would certainly increase, however this would increase the amount of alcohol consumption and in my opinion would be contrary to the licensing objectives.

Drinks promotions have been found to encourage underage drinking and heavy drinking among young patrons, due to the fact that they have low incomes (U.S. Department of Transportation, National Highway Traffic Safety Administration, 2005). It is likely that underage drinkers, those wishing to drink to intoxication and those predisposed to problem behaviours will be attracted to those establishments which sell cheap drinks.

Richardson and Budd (2003) suggest that inadequate staffing may facilitate aggression, due to the time spent queuing for service leading to frustration and crowding. Drinking at work by bar staff was found to be the most influential factor associated with patrons' heavy drinking (Nusbaumer and Reiling 2002). The drinking behaviours of the bar staff and the landlord were also found to predict aggression (Marsh 1980, and Roberts 2003). Graham et al. (in press) suggest that patrons served to the highest levels of intoxication were less likely to be involved in severe aggression.

Dice Bar is well staffed, we are never "two deep" on the bar. Staff, and all managers including myself are not permitted to consume alcohol at work, which is documented in the staff handbook, drinking alcohol is considered gross misconduct.

All staff are fully trained in house, and externally, on responsible service of alcohol.

Staff are dressed in smart uniform, shirts and ties.

Homel and Clark (1994) found that intervention with intoxicated patrons including offering nonalcoholic alternatives and service refusals increased the chance of physical violence by a factor of 13.

One further problem with responsible service schemes in reducing alcohol-related problems is obviously only those who drink heavily in licensed premises will be effected (Caetano and Raspberry 2001).

Door Staff

(Leather and Lawrence, 1995), Homel and Clark (1994), Wells et al. (1998), found that the manner in which door staff deal with situations encourage or escalate aggression in other cases they manage to discourage and reduce aggression, indicating that some members of staff have either personality, characteristics or training to react to or anticipate incidents in a superior manner.

As the DPS I have ensured that the door staff do not encourage or escalate aggression, the door staff always take a soft approach, and act professionally, anything short of this and they can no longer work at Dice Bar. The door team will increase their level of response depending on the circumstance of the situation.

I have constant communication with the managers of Abal Security giving them feedback on their door staff on a weekly basis. If I am not happy with a member of Security, I instruct the Security company to remove the individual from our venue.

I work closely with our head doorman, and provide him with anything he requires. We have created a strong TEAM of doorman at Dice, to the point where all the doorman will evaluate a new member of door staff, and will not accept a weak member of the Door Team.

I note in the local press that there are often incidents in and around the town centre. Crystal Palace Stadium has problems with football hooligans who have been drinking alcohol, but the stadium is not closed down. The stadiums are a massive drain on police resources. The vast majority of people attending the stadium behave, and so do my customers.

We have had over 60,000 customers in our venue from January 2015 to date, out of which our scanner (9pm to 3am) shows 50,372 scans. The papers from the police show 27 arrests, which calculates to 0.045% of our customers that were arrested. Not one incident is of a very serious nature, the police case is of a number of small incidents, a systematic failure as they put it. While studying for my A Levels in Psychology and Sociology, we often had to carry out social science experiments. In order for a hypothesis to be proven true, social sciences conventionally use 5%. If less than 5%, the test suggests that the observed data is inconsistent with the hypothesis, in which case the hypothesis must be rejected as it is statistically insignificant. As such I reject Sgt Emery's claim that I have *systematically* failed to promote the licensing objectives. We have operated for weeks and months without incidents occurring, and no serious issues have occurred.

We have invested a huge amount of money into Dice, and a significant proportion of that goes purely on security and upholding the licensing objectives.

For example, the Police indicated that they did not think that our CCTV system was good enough. We already had an expensive system in, and the CCTV that we had had been checked several times by Licensing when we opened, and was approved as satisfactory. Furthermore, our ID Scanner has a High Definition camera fitted to it which takes pictures of the individual being scanned at the time. However, on 5th January 2015, PC Rhodes decided that it wasn't good enough anymore, and that was one of the reasons that he served the S19 Closure Notice. He said he wanted a more close up CCTV image of people entering. I asked PC Rhodes how close he wanted the image to be, as the installers of the CCTV system,

ADT, said that ours was the same as what they install in banks. PC Rhodes took out his mobile phone and said that if he took a picture of me on his phone, that's how close he wanted it. I said fair enough, as a result I purchased state of the art High Definition cameras for our venue, at an additional cost of £4,000.00. We now have 29 CCTV cameras inside our venue which are registered with the ICO, and we have CCTV coverage maps.

There was mention by PC Rhodes of a stuffed animal head. There was a ceramic animal horn decoration on the wall, which did not obstruct the CCTV camera but was in view of the camera. In any case, I have always bent over backwards to work in partnership with the licensing unit, and I just did as I was told.

I am absolutely devastated that the Police have treated us in this way. Even now, as I am trying to prepare my defence to this review, the Police are serving more and more papers, making it harder and harder. This review hearing alone will cost significant money, just because of all the paperwork that the Police have served, which is not properly or professionally presented, and takes a very long time to go through. That is why this statement is so long – just trying to deal with it all. I believe that the Police papers themselves actually show very clearly how hard we have tried to work with them, and how hard we have worked on our premises, and to promote Croydon generally. I do not accept the allegations. I can see that the Police are trying to take control of the Croydon Night Time economy, and they have their own views as to where the trouble is coming from and how it is being triggered. I note very clearly that the Police originally took the line with Dice that it was our music that was attracting a certain clientele, and so the Police wanted us to change our music, which we did. That drew very negative attention to the Police for the racial connotations, and so they have changed tack, and it is very noticeable to me that, for all the emphasis they previously placed on music, this is not mentioned once in the review application, but now Dice is apparently a problem for all sorts of other reasons.

The facts do not back up the allegations. The incident logs are relatively few and far between, and when read properly, and in context, they do not back up the Police allegations against Dice at all.

I really want to resist this behaviour by the Police, because I think it is not helpful to Croydon. I want to get our relationship back to where it used to be – on a positive professional footing, where we are all working together. I have always wanted to be part of

the solution, with my team here at Dice. We are a family here, literally, and, as far as staff are concerned, figuratively. We want to carry on running a business here, and contributing to our community. We believe that we do a good job; we believe that no other venue in Croydon is doing better, or investing more, or has more commitment than we do. We have invested something in the region of £500,000 into these premises in the space of time that we have been here. We spent £85,000 on security staffing alone in the last year, which was nearly double what we had spent in the year before. We have the tightest and best security in Croydon. Our Security paperwork shows that Seven Thousand Three Hundred and Three people have been refused entry into our venue from January 2015 to 1 April 2016. We have banned 179 people on the ID scanner.

Dice Bar is a truly communal venue; we have hosted parties for numerous companies, societies, churches, weddings, birthdays for all ages, wakes, charities, christenings, beauty pageants, singles nights, travel shows, hosted over 1520 sporting events, and held themed events that bring fun to Croydon's night time economy. Dice Bar is a multicultural venue, we have a mixture of all ethnicities, age groups, including customers with special needs and disabilities.

We know Croydon well; we know the clientele, good and bad. There are a lot of good people who are not doing anything wrong. The numbers of people that we have through the door in a month or a year vastly outstrips the numbers of people that the Police have highlighted as misbehaving. Croydon is not best served by kicking us out. And, I have to point out that, for a nightclub, curtailing the hours of trading amounts to the same thing as closing us down. We are, by definition, a late night venue. Our customers arrive at 11:30pm onwards, so closing at 12am would be tantamount to a closure. The customers have two and a half hours before the bar is closed, and at least 30 minutes is needed for a drinking up time and orderly dispersal from our venue. The only income that I can make is between 11:30pm onwards. Our premises licence is up to 5am, but we choose to close earlier. Making us close earlier still means that we will get no business, and will have to close down the business anyway. I am sure that the Police resources would be best served by there being no alcohol or licensed premises at all, but that is not a balanced and reasonable view. We all have to work together. We honestly believe that we are an asset to Croydon, and we very much regret that things have descended like this with the Police.

I very much hope that the Members will hear my side of the story.



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Page 7



Pervert caught by 'paedophile hunter' group

Page 8



Pub's rebrand as trendy bar divides punters

Page 10



Police: Jamaican music is 'unacceptable' in Croydon

Club owner claims he's been accused of racism as result of ban

Exclusive by Sarah Davies
A HIGH Street nightclub has been banned from playing a form of Jamaican music because police say it is

"unacceptable" in Croydon. Dice Bar owner Roy Sade claims the police have given such undercover officers false information to make sure DJs are not playing basement, as they claim it is linked to trouble in

the town centre. In an exclusive interview he told the Advertiser how the ban has led customers to accuse him of being racist. Nero DeWolfe, chief executive of Croydon Black and

Minority Ethnic Forum, said the policy was a form of racial profiling. "We do not accept that music from the black and Caribbean community is a cause of violence or disorder," he said.

Council leader Tony Newman said the ban was "totally concerning". He said: "We need a very clear explanation from the police at the highest level. These are very serious issues."

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Police ban on musical genre is branded as racial profiling

Community leader says ban raises questions

A LEADER of the black community in Croydon says the police ban on Jamaican music is a form of racial profiling.

Nero Ughwujabo, chief executive of Croydon Black and Ethnic Minority (BME) Forum, said he was "shocked" to learn what was happening at Dice Bar.

"We do not accept that music from the black Caribbean community is a cause of violence or disorder," he said.

"Blaming out bashment music for racial treatment is wrong. It will upset the community because they will see it as an issue of race."

"If the expectation is that bashment attracts certain types of people one would assume that is relating to a Caribbean, and specifically Jamaican, crowd."

"If you are saying there is violence and disorder associated with that community then that is profiling in a way that is unacceptable."

"We want the borough commander to explain what intelligence is underpinning these assumptions and why has it not been discussed openly."

According to the 2011 Census, black Caribbean is Croydon's second largest ethnic group, making up 8.6 per cent (52,231) of the borough's population. In addition, some of the biggest stars in British urban music, such as Kwest and Kenan and Stanyan, come from the town.

Last year council leader Tony Newman said "Discriminatory police tactics were giving the impression these musicians and their fans were not welcome in the town. Mr Ughwujabo agrees."

"We have been concerned for some time about the diversity of the nightlife offer in Croydon town centre and what we will be urging the council and other authorities to do is to work towards increasing the diversity of the offer as opposed to doing things that reduce the offer for people from BME communities," he said.

"The questions the ban raises are very significant. It seems the police are targeting certain groups of people."

Club owner warned about playing 'bashment' songs

Exclusive by Gareth Davies

THE police have been accused of racial profiling after a nightclub was banned from playing a form of Jamaican music because it is "unacceptable" in Croydon.

Dice Bar owner Roy Seda says police have gone to extraordinary lengths to enforce the ban on bashment - an alternative name for dancehall - including sending undercover officers into his club to listen to what DJs are playing.

Borough Commander Andy Tarrant has previously denied such a policy exists but, over the last year, police have repeatedly told Mr Seda his High Street venue must not play bashment, the Advertiser has learned.

Mr Seda says he was placed under so much pressure to comply with the ban he has made DJs sign contracts in which they promised not to play bashment, a genre of music police told him was linked to crime and disorder.

Shocked

Nero Ughwujabo, chief executive of Croydon Black and Ethnic Minority (BME) Forum, said he was "shocked".

"Blaming out Caribbean and specifically Jamaican music as being associated with crime and disorder is profiling - which is unacceptable," he said.

"The borough commander must explain what intelligence is underpinning these assumptions instead of giving the impression a sizeable proportion of the population are not welcome in the town centre."

In a letter from a police officer, seen by the Advertiser, Mr Seda was told his venue was playing "what this borough finds unacceptable forms of music".

Mr Seda, who had to sack a DJ for playing bashment music, has not been provided with a list of banned artists or songs, though he has stopped playing tracks by Sean Paul, the Jamaican dancehall and hip hop star.

He said the ban has led customers to accuse him of being racist.

"Every week customers come up to me and ask why we've stopped playing bashment

Rappers tell heights but 'unwelcome' in Croydon



CONCERN: The Advertiser's report into accusations that police were making the town's urban music stars "unwelcome"



REQUEST: Roy Seda says he removed the word bashment from this poster after advice from the police

'ABSOLUTELY SHOCKING'

COUNCIL leader Tony Newman has described Roy Seda's allegations as "truly concerning".

Mr Newman, who used to play in a band that once supported The Streets, said: "Speaking as both a politician and a musician, I find it absolutely shocking that there are somehow unacceptable forms of music in Croydon."

"I think we need a very clear explanation from the police at the highest levels. I think it's the sort of thing that if we saw in a country that didn't have a democracy we would rightly be outraged by."

The Woodside councillor, who has previously criticised the police's heavy-handed approach to licensing, said the council's scrutiny committee



BAN: Dice Bar owner Roy Seda has been told not to play bashment music

lose my licence. Someone has to stand up and say this isn't right. People deserve to know what's happening." Croydon Council, the licensing authority says it was unaware of the ban.

Mark Watson, cabinet member for safety and justice, said the policy should not have been established without the permission of the council's licensing committee and has written to Chief Superintendent

Tarrant for an explanation.

He said: "The police should not be saying that certain types of music are unacceptable in Croydon. We want to have an evening and nighttime economy where all communities are welcome."

Mr Seda claims concerns about bashment music were first raised with him during a meeting with PC Darren Rhodes, a



BAN: The warning notice in Dice Bar's D



WAITING: A police van parked outside Club Bar at 10pm last Friday

TARGETED

A SECOND club in Croydon town centre has also been told not to play basement music, the Advertiser understands. Club bar owner Roy Seck spoke to the licensee this week but could not persuade them to let him in going public.

"They're going through very much the same thing as us but, how I feel in the past, they need to be pushed to keep their heads under the blanket because if we stick them out they're going to be shot. I can understand that because I've been there myself," said Mr Seck.



SERIOUS: Mark Wilson, the cabinet member for safety and justice, has written to Borough Commander Andy Stewart for answers

wouldn't like. They laughed at me when I said we played Sean Paul. They didn't understand it."

Mr Seck states police told him his business would be closed if it continued to play basement music. He decided to break his silence when officers started taking the public there was no ban.

He said: "I started reading articles in the Advertiser with Andy Stewart saying there was no ban on certain types of music. 'I couldn't believe it. Of course there is. I have to deal with it every week. We've repeatedly told we could be closed down if we play basement music.'

Meeting

At a meeting of Croydon Pubwatch, the group that represents licensees, PC Rhodes stated publicly there was no ban, after an article in the Advertiser in which Sean Fitzmaurice, chairman of the scrutiny committee, said he had been told black nightclub owners were having a "tough time" getting permission from the police to set up events "that feature black music or appeal to a black audience".

Mr Seck said: "I stood up and said 'yes there is'. I said I had it in writing. His face dropped and he asked me to send it to him."

On February 12, the former solicitor sent PC Rhodes a list of all the occasions he had been told basement music had been banned from the Club Bar, adding that it was "deeply offensive to people who have delicate hearts". He has yet receive a response.

On March 3, the police applied to the council to review Club Bar's license, claiming it is "associated with persistent crime and disorder". The Advertiser asked Chief Superintendent Tarrant about the ban and Mr Seck's other

TOO URBAN TO PLAY TOWN

WASH appears from Stewart Health that there are several at last year's MUSICA an experimental promoter told the Advertiser he was unable to book them to play in their home town due to "musical" put in place by the police.

"Promoting certain music types - urban, hip hop, dance and house - in Croydon has been difficult," he said.

"What we try to do is anything deemed to be 'urban'

was done up against headline which makes it difficult to promote young talent.

"There's a real tension between what police think is appropriate for the town and what we think is appropriate for the town. That's what police in Croydon believe."

Council leader Tony Hayward claimed the Met had even tried to block the airport from holding music events in the town centre, adding: "We need the police to evidence the town Croydon."

allegations and he declined to comment due to the licensing review.

In November, responding to criticism from council leader Tony Hayward, who claimed "Disorderly" police tactics were giving urban music acts and fans "the impression they are not welcome" in Croydon, Chief Supt

Tarrant publicly denied adopting a blanket policy of discouraging certain types of music from the town centre venues. Mr Seck said he had previously been too scared of losing his licence to speak out but now wanted to "set the record straight" because the public had been "misled".

WHAT IS BASHMENT?

BASHMENT is used to refer to any kind of Jamaican music, including reggae and ragga, but is most often an alternative term for dancehall with being an adjective used to describe a particularly good dance or event.

Following Bobo Banton's controversial 1988 hit Boom Boom Boom, dancehall came to be criticised for being homophobic lyrics, with some acts

investigated for "making offensive remarks to homosexual people. The banishment gave a number of artists a boost back to the genre's cultural roots, while others found religion and turned the "corrosive reggae" scene.

In the early 2000s the genre suffered when commercial success began to wane such as Sean Paul and, later, Beenie Man.

QUESTIONABLE LYRICS

A PROMOTER present at a meeting between licensing officers and Club Bar owner Roy Seck says police said they did not want Croydon clubs playing any urban music.

Chris Leonard, who runs with you events based on house music, was introduced to Mr Seck by PC Rhodes. Leonard is a former DJ who was asked to remove the word 'basement' from a poster.

Mr Leonard told the Advertiser: "I don't remember the exact words PC Rhodes used but I do remember that, in light of a few incidents that had happened, they were

encouraging all of the clubs in Croydon not to play basement or hip hop. I think they were trying to say no urban music at all.

"The overall impression I got was the police would rather we did not play basement or hip hop because of the people it attracts."

Mr Leonard added: "I agree with the ban. Understanding the lyrics that go with basement music are very homophobic, racist and it's also quite violent. Urban music brings an urban crowd. But whether the police have the authority to ban it is another question."

"not to play bashment or John Paul (sic) bashment or Sean Paul" and how the Club Bar was "not adhering to the music policy".

Mr Seck claims the police told him they had sent undercover officers into his club to listen to what the DJs were playing. "They said we were breaking the rules because their

officers heard basement music," he said. His wife Patrick, who helps manage the venue, said: "What's wrong with bashment? Is this really about the music or is it about the people who listen to it? The impression we have been given is the police don't want some kind of people in the town centre."

Mr Seck said: "I had to sack one DJ who played basement music. I told him he had played something the police would class as 'uncopyrightable'. The problem is there are some songs, like Sean Paul, which are commercial but have elements of bashment. We were left to guess what the police

SPEAKING OUT Club Bar owner Roy Seck says the ban is "offensive"

official police policy in the months that followed and, at a meeting in May claims he was told to stop playing basement music entirely.

On June 23 he received an email from Sgt Michael Emery, another licensing officer, who said: "You have been given a substantial amount of support from your security provider and PO Rhodes has given you an endless amount of support and advice in relation to promotions, particularly what this borough finds unacceptable forms of music."

Complying

"My office has received information that you are not complying with acceptable forms of music."

Mr Seck said: "I didn't know what more I could do. We put up signs in the DJ booth saying basement was banned."

"We made them (DJs) sign contracts to say they can't play basement music, that they will not be paid and will be fired." The Advertiser has also been passed minutes, written by a police officer, of a meeting on June 23 between Mr Seck, Borough Chief officers and Chief Inspector Peter McHenry, which references an agreement



Mr Seck says the ban is "offensive"



PRESENCE: Police stationed outside Dice Bar last Friday



DISPROPORTIONATE: There were more officers than customers doing the "spot check" with a police dog on February 28

Police unfairly target Dice Bar says owner

Force applies to borough to review licence of club

Written by Gareth Davies

THE owner of a town centre nightclub claims the police have unfairly targeted his venue in order to close it down.

The Metropolitan Police has applied to Croydon Council to review Dice Bar's licence, claiming the club is "associated with persistent crime and disorder".

According to the application police have spent 18 months "dealing with this venue" during which "patrols and police officers have been put at risk of harm" and it has become "the main drain on police resources".

Owner Roy Bada, a former special constable of seven years, claims the reasons for targeting Dice Bar is costing the club so much money because it has poured a disproportionate amount of resources into building a case against it. He says every Friday and Saturday night at least one police van is parked outside the club while two or more officers are stationed directly outside the front door.

Chairs refused entry or ejected from the premises are approached by a police officer and questioned. It is not uncommon for customers removed for misbehaving or getting too drunk to be arrested by the officers stationed outside, said Mr Bada.



ATTENTION: Police say Dice Bar is the main drain on police resources. Here two vans are parked outside the club at 11pm on a Friday night



STRICT: Dice Bar's owner says he has done everything possible to keep police happy

He added: "Every time someone is turned away or ejected I receive an email from the police. Sometimes they want CCTV footage but surely it seems they just want to let me know it's been noted. I've even been asked why

our security guards had let someone in who was wearing trainers".

The Advertiser understands these types of incidents from the custody of the 30 or so police will use as evidence to support the application. A licence revocation hearing has yet to be scheduled.

Mr Bada, who strongly denies the police's allegations, said: "We run our business responsibly and have done everything that has been asked of us, and more, to make sure it is as safe as possible for our customers."

The Dice Bar, which has a capacity of 400, operates the strictest security set up in Croydon's nightlife scene. Potential customers are breathalysed, questioned by door staff, swept with a metal detector, frisked, asked to empty their pockets and also have their ID scanned. Mr Bada says his weekly security bill is about £1,000.

The venue operates a dress code, helps to shepherd customers away from the town centre after closing time and has shielded by the police's last on business model. Every month Mr Bada also pays for an external consultant to advise him on what more he could be doing to comply with the licensing objectives.

He claims police began to "target" the family-run business following the closure of Rebel's, a High Street bar that had serious problems with drugs and violence, in early 2014. Mr Bada said he was told he must not let in "fast" clientele. While officers would not be specific as to who these customers were, the consequences were made clear.

"Every time we spoke to the police we were told if there was one incident they would shut us down," said Mr Bada.

"It had a horrible effect on my wife and I. This isn't just our business, it's our home. If you run a nightclub anywhere in the world, let alone Croydon, you're going to have an incident sooner or later, no matter what you do."

Emergency

Last June the Met acted on the warnings, using emergency powers to close the venue for 24 hours. Mr Bada was told a customer, who had left Dice Bar several hours before the incident on June 11, had been involved in a disturbance in nearby Surrey Street and a knife had been recovered. He says police accused the club of failing to search him earlier in the evening.

Mr Bada said: "We did search him. We had CCTV showing him being searched. We had statements from the doorman. We had searches everyone that comes in. Our search policy is the strictest in Croydon. Police blamed me for what happened but I was in bed at the time. How can I control what someone chooses to do hours after the club has closed? They couldn't even say whether he or a friend had used the knife." Dice Bar had remained open for almost a week after the incident when police arrived with an emergency closure notice on June 17.

"They said they were shutting us down for 24 hours because

CONCEPT CHANGE AT NIGHT

FCY and Farnth Bada initially opened Dice Bar as a sports bar in 2012.

The couple were living in Ealing, west London, and working as collectors when they came up with the idea during a trip to the US.

Mr Bada, who worked as a voluntary police officer for seven years, wanted a venue on a high street and national venue premises in Croydon.

With the help of Roy's father, they moved into the building which was used by club 200, and spent about £200,000 transforming it into the sports bar featuring 150 bar stools and a 70 foot projection screen.

However, it became apparent the model was not working.

"I just took into a sports bar on a busy patch that you would think it's a great business because it's so busy but, when you run it yourself, you realise people barely drink or buy food when sport is on,"

financial disaster may come again in the town centre," said Mr Bada. "It was a difficult pill to swallow. We lost around £50,000, not including the damage to our reputation when the story appeared in the paper."

A week after the venue reopened Mark Watson, the council's cabinet member for safety and justice, told Mr Bada police had given the council a different version of what had happened.

Mr Bada said: "I explained what we had been told and his face dropped. He said that wasn't what the police had told the council. The information they were given was that police had to enter the venue to remove a man who had a machete. I couldn't understand it."

Mr Watson told the Advertiser this week: "I was originally told there was incident involving a knife in the Dice Bar I got that through [council] officers here who I believe had spoken to the police." Mr Bada claims an officer later told him the council was a "shut across the bow".

"I was them using their power to demonstrate they could close us down at any time," he said.

Police did not take any further action against Mr Bada or Dice Bar but he was made to draw up a new operating policy which included a commitment not to play basketball.

Mrs Bada said: "Every Friday and Saturday night, for the last year or so, police have stood

said Mr Bada.

"We had massive costs for staff, rates and rent. The council wasn't working. Personally we were sleepless at night. On Friday and Saturday nights we were used to go to Tiger Tiger of Bournemouth. I feel of understanding that."

Little more than a year after opening, Mr Bada and his wife, who live above their business, decided to change the concept, leaving the sports bar during the day but becoming a nightclub at the weekend.

Three after the change of direction, basketball music was not a specialty of its bracket and it never held events based solely on the game, said Mr Bada.

Mr Bada added: "I've played a mixture of music and that was just one type that this used to play. We didn't have any basketball events; we just tried to cater to all clientele who came into the venue."

directly outside our club and taken notes. It's intimidating and off-putting for customers."

On February 18, Mr Bada said a police licensing officer on a small briefing his concerns about the bar on basketball music. He has yet to receive a reply.

He has passed the Advertiser CCTV footage that shows nine police officers and a police dog searching Dice Bar at 10.30pm on February 18 - a Friday night - to do a spot check.

Mr Bada said: "There were more police officers than customers. They said it was just a random search, that they were going to do all the nightclubs, but they only did us."

"As a customer, what do you think when you see that? You think 'what the hell is going on in this nightclub?'"

A few days later Mr Bada received an email from the police. It had nothing in it other than an attachment, which was the application for a licence review.

Mr Bada said: "They say customers are leaving the bar drunk and there has been a high number of arrests. If someone is too drunk or intoxicated we're supposed to eject them. We're charged if we don't eject them if we don't."

The Advertiser approached the Metropolitan Police about Mr Bada's allegations. Borough Commander Andy Tarrant refused to comment due to the ongoing licensing hearing.

'CONTINUING HIGH LEVEL DRUNKENNESS'

POLICE sergeant Michael Emery says there has been a "continuing high level of drunkenness" at Dice Bar in the licence review application.

"Having reviewed the history of incidents related to this premises it is clear from the evidence that the premises licence holder and designated premises supervisor have systematically failed in their duty to promote the licensing objectives."

"The continuing occurrence of high level drunkenness at the premises, which is a theme throughout many of the incidents listed in the premises, along with the very serious

nature of the crime consistently occurring at the venue, has created an environment in which patrons are being regularly put at risk of harm, as well as officers who are posted to work within the town centre every weekend, which is unacceptable and has contributed to the venue being associated with persistent crime and disorder."

"Over the last 12 months we have taken a stepped approach in dealing with this venue and I have found that on these occasions, where we have engaged with staff at the premises, there has been a significant improvement in the

reduction of crime and disorder, however these measures have proven to be unsustainable on a permanent basis."

"Each weekend significant resources are deployed within the town centre in order to prevent crime and disorder and maintain the reduction in violent crime, which has been achieved over the last year."

"However, the main drain on police resources is the Dice Bar and having to deal with crime and disorder associated with the premises' operation during the evening and during their dispersal in the early hours of the morning."

ADVERTISER: Advertiser chief reporter Gareth Davies visits Dice Bar to experience the strictest security checks and how trying to comply with the licensing objectives is shaping the family-run business



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VAT Number 150 021575

Report

From: Geoffrey P. Cooper¹

Date: 30/11/2015

To: Roy Seda

Our Ref: C3C DICE (FCC NOV)

Re: DICE BAR and RESTAURANT - 36 HIGH STREET, CROYDON, CRO 1YB.

Commentary

Since the 23rd of January 2015 DICE BAR has changed its music, door entry policy and many other features of the operation. This followed advice from C3C in the light of comments made by the Metropolitan Police.

This has resulted in the operation being 'serious incident' free to date. The requirement in February 2015 was to consolidate improvements to management and security of the venue and to increase compliance with the Licensing Objectives and the Premises Licence conditions.

Solid progress was made in management and compliance of the venue, however the Metropolitan Police chose to issue a 24hr closure notice to DICE BAR in late June 2015.

Steve Burnett of Poppleston Allen became involved with DICE BAR and a replacement Operational Policy has now been agreed with DICE BAR and acknowledged by the police.

C3C will carry out a monthly visit to assess compliance with the new policy, the Premises Licence conditions and any further police advice.

Areas for improvement were identified in September 2015 and action has been taken to address the issues raised.

Further staff training (including the door-supervisors) in relation to the new Operational Policy was carried out on the 5th of October 2015 when all staff training was refreshed.

A professional standard 'body-cam' is still to be purchased for staff use.



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In early November 2015 a further letter was received from the Metropolitan Police outlining three incidents of concern. Mr Burnett was consulted and the DPS attended a meeting with the police. Further staff training was undertaken as a result, concentrating on drunkenness.

The security team was subject to a complaint from the DPS and the Abal Security Area Manager is now attending the site regularly to concentrate on entry control and searching.

This work is on-going and the venue management team refreshes the anti-drunkenness message to all staff on a regular basis.

The revised anti-drug policy had resulted in an increased number of arrests, however this has now tailed off. The DPS is still reviewing the drug related incidents.

The first floor area of the premises has now opened with an 80s and 90s theme, providing a choice of music for customers.

Compliance – 20/11/2015

I carried out a full compliance check using the PL conditions checklist (copy supplied).

The main points are:-

- Generally the relevant documents are being retained in paper form in the office. The filing system has been improved and the majority of the information required is easily accessible.
- CCTV cameras – the light pollution issues have been reduced and a maintenance visit is due shortly.
- The memory of left CCTV hard drive was only retaining 25 days images – breach of Premises Licence condition on CCTV.
- Security logs – the new form is being used – the summary is not always completed with details as per the headings on the form.
- A door-supervisor signing in sheet is now in use and the head door-supervisor is responsible for its completion.
- Door-supervisor briefing – recorded nightly for club operation.
- Compliance – records and organisation improving.



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In addition I have added comments to a copy of the Operational Policy (copy supplied).

The main points are:-

- Security training has increased in frequency and awareness of the Operational Policy has improved as a result.
- Supervision of the smoking area has improved with steadier numbers being maintained as a result.
- PA announcements by the DJ were poor and need to be agreed in advance with the DPS.
- Improved signage is required for the 'leave quietly' message and the Safer Travel at Night information should be more clearly displayed at the main doors during the exit and dispersal phase.

Conclusion

- DICE BAR has recovered from closure by the Metropolitan Police and a new Operational Policy has been introduced.
- Compliance with the Premises Licence conditions is improving and the management and staff have begun to implement the new Operational Policy.
- The first phase of training relating to the new policy has now been delivered and increased refresher training has been introduced for key messages.
- The CCTV operator's role and record keeping are on hold until a suitable individual can be identified who can deploy consistently at the site.
- Crime mapping has been improved but still needs regular, documented review, using a problem solving model.

Generally, a further, consistent effort is being made in all areas to achieve full compliance with the new policy.

The Premises Licence Holder must continue to ensure that all the elements discussed above are brought together – policy, training, security, dynamic use of CCTV and basic compliance to prevent crime and disorder occurring at and/or being associated with the premises.

First priority is being given to the new Operational Policy and to ensuring that police concerns expressed in October 2015 are being taken seriously.



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A full check of compliance with the Operational Policy and the Premises Licence conditions has now been carried out and two critical areas remain: -

Firstly – entry control and customer selection, particularly in respect of drunkenness – security team actions are critical in this area.

Secondly – the supply of alcohol – this requires additional supervision at the point of sale and regular patrols and ‘walk outs’ of persons from the venue *before they cause problems*.

It is encouraging to see improvements in the compliance and management aspects of the Premises.

Further ‘Whole Team’ effort is required to consolidate the gains and a regular CCTV operator is required to implement more efficient use of the CCTV system and security team.

G. P. Cooper

¹ *Geoff Cooper - experience, qualifications and professional practice.*

Geoff has completed a combination of 30 years police service with Sussex Police and latterly the MPS in November 2014.

He has a wide variety of experience including rural, suburban and city policing in uniform and investigative roles. He has held specialist roles in airport policing and riot control and has been a licensing officer since 1996.

He has managed small teams (up to 10 officers) since 2003, also having experience of managing 50 officers in whole Borough response policing for 18 months 2005-2006.

He is a qualified crime prevention officer, a member of the Institute of Leadership and Management, and an affiliate of the Chartered Institute of Legal Executives.

He has several licensing qualifications and recently gained a Licensing Practitioner's certificate with the Institute of Licensing. He is a long-term member of the Institute of Licensing and is currently the treasurer of the IOL London Region.

He has considerable experience of crime reduction and partnership initiatives across the licensed sector (Best Bar None and Pubwatch/Business Improvement Districts) as well as the stepped approach to enforcement/prosecution and all/ aspects of the Licensing Act 2003 process from application to Review. He has recently qualified as a trainer in the Lifelong Learning sector.



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Report

From: Geoffrey P. Cooper¹

Date: 30/08/2015

To: Roy Seda

Our Ref: C3C DICE (C1)

Re: DICE BAR and RESTAURANT - 36 HIGH STREET, CROYDON, CRO 1YB.

Initial Information

Since the 23rd of January 2015 DICE BAR has changed its music, door entry policy and many other features of the operation, following advice from C3C in the light of comments made by the Metropolitan Police.

This has resulted in the operation being 'serious incident' free to date. The requirement in February 2015 was to consolidate improvements to management and security of the venue and to increase compliance with the Licensing Objectives and the Premises Licence conditions.

Solid progress was made in management and compliance of the venue, however the Metropolitan Police chose to issue a 24hr closure notice to DICE BAR in late June 2015.

Steve Burnett of Poppleston Allen became involved with DICE BAR and a replacement Operational Policy has now been agreed with DICE BAR and acknowledged by the police.

C3C will carry out a monthly visit to assess compliance with the new policy, the Premises Licence conditions and any further police advice.

Consideration is currently being given further staff training (including the door-supervisors) in relation to the new Operational Policy.

53



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Observations and actions 28/08/2015

1. 2000hrs arrived in Croydon and noted that SOUTH END was busy.
2. The High Street was not busy and I noted the set-up of the smoking area and entrance for night-time operation at Dice Bar, as agreed with the Metropolitan Police
3. I met with Roy SEDA (RS), Mr SEDA senior and Martin BARRET (MB), the head door-supervisor.
4. A discussion followed with client about the conduct of the premises post closure in June 2015 and the new challenges that this has brought to the business. I was given a hard copy of the new Operational Policy.
5. I discussed the implementation of the remaining C3C recommendations from May 2015 and the deployment of the CCTV operator and the records created.
6. It was confirmed that C3C will visit the site monthly and complete a report commenting on compliance with the new Operational Policy and the Premises Licence conditions.
7. I discussed on-going training in three areas: management training session, door-supervisor session and staff training related to the Operational Policy.
8. I then went to the office with the DPS and discussed the new Operational Policy and its implementation at DICE BAR.
9. At 2200hrs I spoke to the head door-supervisor Martin Barrett about the new Operational Policy and his supervision of the site and the role of the CCTV operator.
10. I joined the CCTV operator in the main office and discussed the role, radio procedure and the record keeping requirements.
11. I observed the door team at the front of the site and also noted their deployments inside the club.
12. When I returned to the front of the venue I noted that a search table is now in use and customers are requested to empty their pockets and place all their property in a tray before being searched.
13. The smoking area was set up, as agreed with the police and full height fabric barriers were in place to supplement the half-height metal barriers.



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14. At 2304hrs I noted that a male customer was searched and found in possession of Cannabis. He was quickly handed over to nearby police officers and I noted that a record was made of this incident immediately by Martin Barrett.
15. At 2306hrs I noted two door-supervisors completing a 'walk-out of a white female in her thirties. She had appeared under the influence of alcohol and was joined by a white male in his thirties. The door-team dealt with this incident in a calm non-confrontational way and both persons left with no problems. I understand that information about this incident was recorded on the ID Scanner.
16. At 2309hrs I noted eighteen persons in the smoking area.
17. I saw that the ID scanner had a female member of staff deployed as an operator – freeing a door-supervisor to be deployed elsewhere.
18. I noted that a three stage entry deployment was in place. The Head door-supervisor was assessing the customers as they approached the barriers. ID was then checked by a second door-supervisor and scanned onto the ID scanner. A search was then carried out, with the customers details already recorded on the scanner.
19. I noted that there were a number of police officers deployed on foot in the area and I was able to speak to Chief Inspector McGarry.
20. I noted the following points in relation to the new Operational Policy
21. The entrance and smoking area was compliant with the new Operational Policy and I witnessed the Security Team refuse entrance to a male customer who was not in possession of Identification.
22. I noted that the customer search ratio was at least 1:5 and at some busy times every customer was searched.
23. No groups of males were being admitted and I noted that the door-supervisors were aware of the three types of ID that were acceptable to gain admission.
24. Searches were carried out in full view of waiting customers and this provided an obvious deterrent to entering the venue with unlawful items.
The CCTV operator was recording incidents, customer numbers on a record sheet and the use of the Dice bar radio enabled good communication between the staff and managers.
25. I returned to the main office and spoke to the CCTV operator. I discussed the use of a contemporaneous log sheet and radio procedure with him.



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26. At 0050hrs I noted another 'walk-out' of a male customer in his twenties. This incident was dealt with professionally by the security team.

General progress

A CCTV operator has deployed since the beginning of August and his role and training are being developed.

A finger-print scanner has been added to the ID scanner and a 'Platinum membership' scheme commenced. This gives benefits (Queue jump and discounts) to good customers and has the advantage of removing the necessity to scan ID documents on every visit. The scheme also gives an incentive for the members to behave properly.

Regular management reports have been improved with fuller summaries and better referencing to incident reports.

A compliance checklist has been designed by C3C and is in use. Copies are being retained on Evernote.

Martin Barrett continues to manage the Security Team and he is developing a good relationship with the local police.

Training

Training records were examined and the filing system has been improved.

It was noted that some staff training was last carried out in March 2015 and will shortly require updating for some individuals.

Compliance

I carried out a full compliance check using the PL conditions checklist (copy supplied).

I noted that the noise-related conditions have now been addressed and that the change-over to non-glass drinking vessels is now documented.



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The main points of concern are as follows:-

- Irresponsible promotions training/policy has been implemented, however the records were not to hand in the main office.
- The CCTV faults identified in May 2015 have been addressed, however there is still light pollution on the camera covering the pay point and some issues with lighting and view on the main outside cameras.
- Door records – dates of birth and photocopies of badges required and regular checks on SIA website not found readily to hand.
- Control of the smoking area – action is needed to maintain steady numbers and avoid crowding and periods of low numbers. Supervision of the entrance to the smoking area also requires improvement.
- Training for staff and security team relating to the new Operational Policy.
- Improvements to the crime/incident mapping system are required. Coloured stickers should be used to denote different incident types and records of action taken following management discussions should also be kept.
- The individual that has been employed to hand out flyers is now searched and scanned as he re-enters the site, however I believe his activities and manner do not give a good impression of Dice Bar.

In addition, the CCTV operator's role, training, methodology and record keeping require attention.

Operational Policy

A] The introduction of this fresh policy, as recommended by Steve Burnett (Popleston Allen), will require the provision of training to ensure that the Premises Licence Holder and the DPS are seen to be keeping to their commitment to introduce and comply with the new policy:-

- Management – I suggest a 2 hour session away from the venue.
- Security Team – I suggest a 1 hour session with the head door-supervisor at the start of a shift. A further hour with the whole team at the start of a subsequent shift can then be arranged.
- Staff – I suggest a 1 hour session at the next staff training day.



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B) I noted the following points of compliance with the policy

- Music policy – a DJ contract is in use and will be reviewed and amended to reflect the new policy.
- Entrance policy - the 'No effort – No entry' policy is being implemented by the security team and individuals with no ID are being refused entry. The CCTV operator is recording the 'last entry time' and the customer ratios are being checked using the ID scanner. Groups of males are not being admitted and the CCTV operator is checking regularly to ensure previously ejected persons are not re-admitted to the venue.
- Door-staff policy – the security team are aware of the three acceptable forms of ID and careful customer-assessment is taking place at the entrance to prevent drunkenness. I noted that records were being made of incidents and that the head door-supervisor is using the radio to manage the security team in compliance with the policy. Persons who are asked to leave are noted on the ID scanner and details entered on the relevant incident report.
- Security briefing - I did not witness the security briefing, however I have had sight of some of the records.
- Search policy – I have seen the search policy in action and noted that a person found in possession of Cannabis was handed over to patrolling officers.
- Dispersal policy – I have viewed the CCTV images provided by Dice Bar from 29/08/2015 (Cameras 1&2). There was good compliance with the policy in the following areas:-

A The security team are visible at the front of the venue with the DPS

B There is good engagement with customers and a friendly, non-confrontational manner is seen.

C There is no rush to leave and customers are leaving in a gradual, steady stream.

D No customers are seen in possession of bottles or glasses upon exit and there is liaison with police patrols.

E The barriers are re-arranged and the smoking area dismantled on time.



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Generally this is a good start, however the role of the CCTV operator, staff training and management improvements all require development to move towards full implementation of the policy.

Conclusion

- DICE BAR has recovered from closure by the Metropolitan Police and a new Operational Policy has been introduced.
- Compliance with the Premises Licence conditions is improving and the management and staff have begun to implement the new Operational Policy.
- Training relating to the new policy is required at all levels.
- The CCTV operator's role and record keeping require development.
- Crime mapping needs improvement.

Generally, a further, consistent effort is required in all areas to achieve full compliance with the new policy.

The Premises Licence Holder must ensure that all the elements discussed above are brought together – policy, training, security, dynamic use of CCTV and basic compliance to prevent crime and disorder occurring at and/or being associated with the premises.

In particular, the areas of concern noted above should be addressed urgently and first priority should be given to the new Operational Policy, as a senior, local police officer has indicated that he will monitor its implementation every Friday and Saturday night.

G. P. Cooper



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VAT Number 150 021575

Geoff Cooper - experience, qualifications and professional practice.

Geoff has completed a combination of 30 years police service with Sussex Police and latterly the MPS in November 2014.

He has a wide variety of experience including rural, suburban and city policing in uniform and investigative roles. He has held specialist roles in airport policing and riot control and has been a licensing officer since 1996.

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60



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VAT Number 150 021575

Interim Report

From: Geoffrey P. Cooper¹

Date: 30/08/2015

To: Roy Seda

Our Ref: C3C DICE (3)

Re: DICE BAR and RESTAURANT - 36 HIGH STREET, CROYDON, CRO 1YB.

I visited DICE BAR on the 29th of August 2015 and met with the management and head door-supervisor.

I carried out a compliance audit relating to the Premises Licence conditions and discussed the new Operational Policy with the DPS, Roy Seda.

A copy of the compliance report has been retained at the site. There is substantial compliance with the Premises Licence conditions

I spoke to Diane Leonard, the Promoter of the 'With You' event at Dice bar and observed the operation of the premises.

A full report will be submitted in due course, once I have been able to assess the CCTV images in relation to the system functions and the dispersal policy.

Interim Findings

A CCTV operator has been deployed since the beginning of August and his role and training are being developed.

Regular management reports have been improved with improved summaries and better referencing to incident reports.

A compliance checklist has been designed by C3C and is in use. Copies are being retained on Evernote and at the site.

MB continues to manage the Security Team and he is developing a good relationship with the local police.

The individual that has been employed to hand out flyers is now searched and scanned as he enters and re-enters the site. His activities should continue to be monitored closely.



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I noted that the noise-related conditions have now been addressed and that the change-over to non-glass drinking vessels is now documented.

The main points of concern are as follows:-

- Irresponsible promotions training/policy has been implemented, however the records were not to hand in the main office.
- The CCTV faults identified in May 2015 have been addressed, however there is still light pollution on the camera covering the pay point and some issues with lighting on the main outside cameras.
- Door records – dates of birth and photocopies of badges required and regular checks on SIA website not found readily to hand.
- Control of the smoking area – action is needed to maintain steady numbers and avoid crowding and periods of low numbers. Supervision of the entrance to the smoking area also requires improvement.

In addition, the CCTV operator's role, training, methodology and record keeping require attention.

Operational Policy

The introduction of this fresh policy, as recommended by Steve Burnett (Popleston Allen), will require the provision of training to ensure that the Premises Licence Holder and the DPS are seen to be keeping to their commitment to introduce and comply with the new policy:-

- Management – I suggest a 2 hour session away from the venue.
- Security Team – I suggest a 1 hour session with the head door-supervisor at the start of a shift. A further hour with the whole team at the start of a subsequent shift can then be arranged.
- Staff – I suggest a 1 hour session at the next staff training day.

G.P.Cooper

62



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VAT Number 150 021575

Report

From: Geoffrey P. Cooper¹

Date: 27/08/2015

To: Roy Seda

Our Ref: C3C DICE (C2)

Re: DICE BAR and RESTAURANT - 36 HIGH STREET, CROYDON, CRO 1YB.

Initial Information

Since the 23rd of January 2015 DICE BAR has changed its music, door entry policy and many other features of the operation, following advice from C3C in the light of comments made by the Metropolitan Police.

This has resulted in the operation being 'serious incident' free to date. The requirement in February 2015 was to consolidate improvements to management and security of the venue and to increase compliance with the Licensing Objectives and the Premises Licence conditions.

Solid progress was made in management and compliance of the venue, however the Metropolitan Police chose to issue a 24hr closure notice to DICE BAR in late June 2015.

Steve Burnett of Poppleston Allen became involved with DICE BAR and a replacement Operational Policy has now been agreed with DICE BAR and acknowledged by the police.

C3C will carry out a monthly visit to assess compliance with the new policy, the Premises Licence conditions and any further police advice.

Further staff training (including the door-supervisors) in relation to the new Operational Policy is now planned and the first session is booked for the 5th of October 2015 when all staff training will be refreshed.

A professional standard 'body-cam' will now be purchased.



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Compliance

I carried out a full compliance check using the PL conditions checklist (copy supplied).

The main points are:-

- Generally the documents are being retained in paper form in the office, however the filing system still needs improvements to labelling and order of files.
- CCTV cameras - Left CH2 – blurry image/Left CH3 – light pollution from chandelier/Centre CH4 – light pollution/Centre CH1 & CH2 definition.
- The memory of left CCTV hard drive was only retaining 27 days images – breach of Premises Licence condition on CCTV.
- Security logs – ensure that the new form is being used -summary box need to be completed with details as per the headings on the form.
- A door-supervisor signing in sheet is required and the head door-supervisor will be responsible for its completion.
- A system must be put into place, with documentation, to ensure that for promoted events no more than 10% of the total numbers in the venue are allowed in the smoking area.
- Compliance – *improving*.

Management Session

I discussed the management of the venue with the DPS, Farrah Seda and Steven Bavistock (SB) under the following headings:-

1. Roles and responsibilities.

Currently, these have been noted on a small whiteboard in the main office. It was agreed that the team will re-visit these and prepare a new document with revised roles and responsibilities along with a diagram showing lines of responsibility.



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2. Systems and processes. (Including policy implementation and Information flow).

Prioritisation of all tasks within the business and communication was the focus in this area. Tasks should be divided into 'must do now' 'must do later' and 'may do' categories.

3. Problem solving.

Simple problem-solving processes were discussed and implementation and monitoring were looked at in the context of the business. Crime mapping was used as an example, with all the four stages in the process discussed – 'identify problem' 'identify solution' 'implement solution' and 'monitor for feedback'. Timescales for this process were discussed.

A future session was planned – location away from the site, were all four members of the team will be present.

Operational Policy

In advance of the training session on the 5th of October, the DPS, SB and Martin (head door-supervisor) will create summaries of the important points from the Operational Policy that can be discussed with all staff. Three points to be identified under each policy heading.

Martin will attend the training session and also arrange for a session for 30 minutes with his team as soon as possible. This will be repeated monthly.

It was suggested that 'outputs' were considered, e.g.

Door team – 'do not admit any person who is drunk, under 18 years or in possession of prohibited articles'

Bar staff – 'make sure age checks are carried out – do not serve anyone who is under 18'

The DPS and head door-supervisor would also consider 'contingency training' using three scenarios:-

- Serious assault
- Medical emergency
- Evacuation

Dealing with drunkenness and vulnerable potential victims were also discussed.

67



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Conclusion

- DICE BAR has recovered from closure by the Metropolitan Police and a new Operational Policy has been introduced.
- Compliance with the Premises Licence conditions is improving and the management and staff have begun to implement the new Operational Policy.
- Training relating to the new policy is now planned and preparation underway
- The CCTV operator's role and record keeping are on hold until a suitable individual can be identified.
- Crime mapping has been improved but still needs regular, documented review, using a problem solving model.

Generally, a further, consistent effort is being made in all areas to achieve full compliance with the new policy.

The Premises Licence Holder must continue to ensure that all the elements discussed above are brought together – policy, training, security, dynamic use of CCTV and basic compliance to prevent crime and disorder occurring at and/or being associated with the premises.

First priority is being given to the new Operational Policy and police concerns are being taken seriously.

A full check of compliance with the Operational Policy will be carried out in November and this all-round effort should be maintained with consistency at all levels.

G. P. Cooper



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Report

From: Geoffrey P. Cooper¹

Date: 03/06/2015

To: Roy Seda

Our Ref: C3C DICE (3)

Re: DICE BAR and RESTAURANT - 36 HIGH STREET, CROYDON, CRO 1YB.

Initial Information

Since the 23rd of January 2015 DICE BAR has changed its music, door entry policy and many other features of the operation, following advice from C3C in the light of comments made by the Metropolitan Police.

This has resulted in the operation being 'serious incident' free to date. The requirement in February 2015 was to consolidate improvements to management and security of the venue and to increase compliance with the Licensing Objectives and the Premises Licence conditions.

A number of recommendations were made following the C3C visit on the 28th of February and purpose of this visit was threefold:-

1. To assess implementation of recommended steps in support of the Licensing Objectives in the Licensing Act 2003.
2. To check compliance with the Premises Licence conditions and the systems and processes supporting this compliance.
3. To assess the response of the management to the Police letter received on the 12th of May 2015 regarding the 'smoking area' and related issues.

70



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Actions 30/05/2015

- GC met with Roy SEDA (RS), Fara SEDA (FS), Mr SEDA senior and Martyn BARRET (MB), the head door-supervisor. Discussion with client about the conduct of the premises post 28th February 2015 and the challenges and successes encountered.
- Emphasis on compliance and related systems and processes.
- Implementation of recommendations from February
- Response to Police 'smoking' smoking letter and revised security deployments.

General

To date no CCTV operator has been identified to take up a regular deployment at the site. This is still an urgent priority. (Communication between the bar staff and the door-team was discussed and use of two radio channels combined with active CCTV control was suggested as the ideal operating method for evening entertainment events – this is still under consideration).

Regular management reports have been filed and stored on 'Evernote using the proforma provided by C3C. They provide a useful 'snapshot' of each weekend trading day and are now forming a useful library.

- A 100 to 150 word summary should be added to each report to give context and explain incidents (or lack of incidents!).
- Attention to detail should be improved to iron out inconsistencies
- Any door-supervisor report or incident/accident report should be referenced in the text on each night.

A compliance checklist has been designed by C3C and is in use. Copies should be kept on Evernote.

Steven Bavistock had struggled to step up to management level, however, as a valued member of the team he has continued to work hard. He has now become more efficient, smarter and more aware of his role and the wider management requirements of the premises. Generally staff were purposeful, polite and smartly



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dressed. The 'Team DICE' ethos is developing for all the staff and this has enhanced the feel of the site when combined with the recent decoration and lighting changes.

Promoted events are unusual now, however house DJ's are updated to the police and only 30+ year old birthday events are now taken as bookings.

The door log form has been revised and simplified. Referencing of incident reports on the door log was discussed with RS and MB. No photo-copies of SIA badges were noted.

MB is now firmly in control of the door-team who have a regular core. He is able to stand back and manage the team from the front of the premises and is developing flexibility and a 'can-do' attitude. His response to police requests for statements after arrests was discussed and it was agreed that police requests were an operational priority.

An individual has been employed to hand out flyers and he appears to have free access to all areas and is not subject to search or control when entering, inside or leaving the venue. He is on familiar terms with many of the staff and represents a risk to the Prevention of Crime and Disorder. It is suggested that he is entered on the ID scanner at the start of his shift and that he is kept out of management areas and has his access to the venue restricted and that he is carefully monitored.

The disabled toilet is now kept locked.

All stated that Croydon is very much '2 stage' at night now, with the early crows who are out before midnight being reasonable and the atmosphere changing at midnight when gang members and former customers of Yate's and Shooshh are seen trying to gain entry. This group have recently improved their clothing and greater vigilance is required, particularly when they present singly at the front door.

Security and entry control

GC noted that the new smoking area plan had been put into practice and that a small moated area adjacent to the left hand side entrance allowed access and egress. The capacity of the new smoking area, which included full height barriers and a 1 metre 'moat', was approximately 25 persons. See Annex 1

The door-briefing was not observed – the record was viewed.



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A 4 stage entry process was employed and this was a substantial improvement, having two ID checks, a search point and ID scanner point. Most customers were required to 'scan in'.

Payment was taken after 2300hrs and the till podium was now lit and readily visible from outside the main entrance doors.

The disabled ramp inside the front door was also now visible from outside.

More radio traffic was noted and the CCTV operator was a still notable absence.

The security team were alert and business-like, adapting their approach to differing individuals and being alert enough to respond to challenges as a unit.

Management

This is still a challenging area although the overall management of the venue is now broken down into its main functions on a whiteboard in the office. Mr Bavistock has improved sufficiently to be able to cope with routine tasks and to be able to make decisions without reference to the DPS. Management roles are less blurred and cash handling has improved. Mr Seda Senior has taken a more strategic role and most urgent and important matters are now dealt with by the DPS. For example, control of customer admission and supervision of incidents – an arrest for drugs was witnessed where the DPS maintained discreet control of the incident and summoning a police patrol.

Compliance

GC carried out a full compliance check using the PL conditions checklist (copy attached).

The main points of concern are as follows:-

- Statutory notices required
- Irresponsible promotions training/policy required.
- CCTV has Ch.16 pixellating and light pollution on CH 1 – main system. Centre mouse control poor. Still some crucial screens pixellating when expanded to full screen.
- Door records – dates of birth and photocopies of badges required.



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- Food is apparently not available as per Annex 10, condition 2
- Challenge 25 and conflict management records inconsistent and/or could not be located by SB.
- Records of compliance still need to be improved.

Comment

In the previous report (February 2015), the following points were made and I have used text colours to indicate progress:-

Black- complete – Blue – in progress – Red - urgent

Recommendations

- *Resolve CCTV functional, registration and policy issues.*
- *Identify CCTV operator (and a second back up person for leave etc.)*
- *Use and develop new format for management reports.*
- *Employ a Premises Licence conditions checklist.*
- *Re format the door- log form and remove SIA details.*
- *Identify clear management roles and functions.*
- *Consider employing or identifying a 'middle manager'.*
- *Consider policy and systems issues across the business.*
- *Re-consider use of Diane LEONARD as a promoter.*
- *Fit a simple lock to the disabled toilet*
- *Improve radio communication between departments – security to bar – supervisor every 15 mins.*
- *Consider membership scheme and fingerprint scanner.*
- *Send written notice to staff about the likelihood of searches whilst at work and require them to comply with a low 'cash at work' limit.*
- *Create office environment to support efficiency and facilitate an enhanced CCTV operator position.*
- *Provide lighting and security for the pay position by the main door after 2300hrs.*
- *Consider security of internal disabled ramp route to smoking area.*



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Training

Two staff members were spoken to and were well trained on challenge 25

Identified members of staff are now undertaking personal licence and conflict management training (level 2).

Actions since February 2015

- Compliance has now been re-visited and requires further improvement in detail and recording/training.
- The CCTV has been re-organised and improved, however some issues remain in key areas.
- The office environment has been transformed and the 'look and feel' of premises and staff is much improved. *This provides a much enhanced deterrent against Crime and disorder.*
- Management systems and processes require some basic attention and specific roles require further definition. *I suggest that the key managers meet together for as previously stated.*
- The improvement in staff attitude and commitment is impressive and the provision of a staff room is a really positive development. 'Team DICE' is developing along the right lines.

Conclusion

- DICE BAR has recovered from a position of imminent closure by the police to make some good initial progress towards long-term compliance and effective management.
- Sustained action is still required in key areas to prevent another serious problem arising and to move management to a dynamic level using dual radio channels and a CCTV operator.
- Particular attention is required to management, systems and processes and appropriate documentation and record keeping.



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- I recommend that 'reasonably foreseeable scenarios' should be considered relating to incidents/arrests/accidents. Plans should be developed in consultation with the security provider including some scenario training with key individuals.

Police feedback

This has been broadly positive and a rapid but sensible response to police advice on the 'smoking area' has been noted by PS Emery. I met with PS Emery on Thursday 4th of June 2015 and covered the whole situation at DICE Bar. He is happy with the improvements made so far and wishes to see good management and compliance continue. It appears that the 'smoking policy' has taken up a lot of his time in relation to other nearby premises.

76



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Annex 1 – smoking area

The new smoking area, as outlined in RS's response to the Police concerns, has been set up well and is operating quite smoothly. The moat and tall barriers are very effective. Here are the numbers and notes that I recorded on the 30th May 2015 (shift start).

Time	Numbers	Smoking Nos	Comments
2249hrs	122IN 18OUT		Toilet Attendant good – toilet clean and tidy Cloakroom good – attendant competent
2329hrs	220IN 30OUT		
2334hrs		23	
2342hrs		21	
2347hrs		18	
2350hrs		19	
2350hrs	274IN 44OUT		
2356hrs		26	
0017hrs		22	
0021hrs		29	Smoking area becoming crowded

Points to note

- More supervision of the numbers entering and leaving is required by security inside DICE.
- The door-supervisor at the gate adjacent to the smoking area need to intervene to prevent excluded persons talking and being too near customers in the smoking area.
- The above numbers indicate how the smoking numbers can fluctuate quite quickly and this requires attention to keep the number around 20 to maximum 25 at any one time.
- A smoking charge (50p to charity) could be employed using a wristband and changing colours frequently. A numbers log should be employed to collect the numbers for this weekend. Further study can then be made.



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C3C Licensing

Problem solving and compliance (2)

DICE BAR and RESTAURANT - 36 HIGH STREET, CROYDON, CRO 1YB.

Initial Information

Since the 23rd of January 2015 DICE BAR has changed its music, door entry policy and many other features of the operation, following advice from the Metropolitan Police. This has resulted in the operation being 'serious incident' free to date. The current requirement is to consolidate improvements to management and security of the venue as well as increasing compliance with the Licensing Objectives and the Premises Licence conditions.

Actions 28/02/2015

- GC met with Roy SEDA, Mr SEDA senior and Martyn BARRET the head door-supervisor. Discussion with client about the conduct of the premises post January 23rd 2015 and the challenges and successes encountered.
- Emphasis on functional security and management.
- Security and entry controls/management of the door etc.
- Completed Interim CCTV assessment.
- Met with PS Emery – MPS Licensing (05/03/2015).

General

Client reported that a regular CCTV operator was employed and this made a great difference to the management and control of the premises. Unfortunately, in recent weeks no operator has been available.

Regular management reports have been filed and use made of 'Evernote' internet cloud storage for important compliance documents. A format is required for this report.

A compliance checklist has not yet been put into use.

Steven Bavistock has proved incapable of stepping up to management level. However, he is a valued member of the team and works hard at various functional tasks, as required. An emphasis was placed on developing a 'Team DICE' ethos for all the staff.

Form 696 is in regular use for 'house DJs but only one promoted event has been hosted. This was a small DJ event, promoted by Diane LEONARD which did not

cause problems. Two persons were detained in possession of Cocaine, one of these was a DJ at the event.

The door log form was discussed in the context of the PL requirement for an incident log and adjustments were discussed, particularly regarding the lack of space for minor incidents and double recording of door-supervisor details. Taking photo-copies SIA badges was discussed. Martyn BARRET was a recent appointment, following some issues with the previous door-team and ABAL Security had responded with an enhanced team.

Problems with the use of the disabled toilet were raised. Communication between the bar staff and the door-team was discussed and use of two radio channels combined with active CCTV control was suggested as the ideal operating method for evening entertainment events.

The possible creation of a membership scheme using a fingerprint addition to the ID scanner was considered and problems with staff related theft was discussed.

Security and entry control

GC noted that from the front of the premises two full height fence barriers had been put into place adjacent to the disabled ramp entrance to allow the smoking area to be better protected and also create a 'moat' inside a smaller smoking area. RS said that this was to stop persons jumping over the barrier and also to prevent items being passed over the barrier.

The door-briefing was observed to be functional and to the point.

Four door-supervisors were deployed at the front of the site – 1 picker at the gate, 1 searcher, 1 ID checker and 1 moat/exit supervisor. 2 deployed inside leaving the head door-supervisor and one other to respond to incidents.

The entry process was observed and noted to be efficient in filtering customers regarding dress code and intoxication. Searches were carried out overtly to provide a deterrent. A female door-supervisor was not provided until 2300hrs.

Payment was taken after 2300hrs and the till podium was unlit and not readily visible from outside the main entrance doors.

The disabled ramp inside the front door was also not visible despite being the main access to the smoking area which was in constant use.

The head door-supervisor had good control of the team and had three strong individuals for the crucial roles at the entrance.

A lack of radio traffic was noted and the CCTV operator was a notable absence which created extra tasks for the door-team.

The Security team appear efficient and motivated -this is an improvement with the potential to make a difference to the customer reception experience and the general safety of the venue if it can be maintained every week.

Management

This is the most difficult area as it is still not clear how the overall management of the venue is broken down into its main functions. Owing to the lack of an assistant manager, the DPS was distracted from the management of the crucial entry phase of the evening by various tasks and questions raised by other staff. The payment position, set up just before 2300 hrs, was a focus for recently admitted customers and at times not directly in view by security. The impression created was one of blurred management roles and a missing tier of decision making between the DPS and other staff e.g. door-team and bar team. The manager's report is notable for a lack of comments in this area.

Comment

In the previous report (January 2015), the following points were made:-

Post Intervention

- Compliance must be re-visited.
- CCTV survey to be carried out, to check compliance with current Home Office guidance.
- Management environment, look and feel of premises, management systems and processes to be re-visited.
- Initiate and support compliance systems for the long term with diligent recording of staff and management actions to protect the Premises Licence.

The compliance issue was not directly addressed on this visit, however RS noted that a visit from MPS Central Licensing only raised one issue in this area

An Interim CCTV survey has been completed (and attached).

The third and fourth points are a cause for concern as there are three problems:-

1. A lack of clearly defined management roles.
2. A lack of active CCTV control to provide a basis for the dynamic management of the venue
3. A lack of ordered systems and processes to record (and retain in useable, accessible format) management actions and compliance with various legislative requirements (Steve Moore's diligent collection of evidence).

Recommendations

- Resolve CCTV functional, registration and policy issues.
- Identify CCTV operator (and a second back up person for leave etc.)
- Use and develop new format for management reports.
- Employ a Premises Licence conditions checklist.
- Re format the door- log form and remove SIA details.
- Identify clear management roles and functions.
- Consider employing or identifying a 'middle manager'.
- Consider policy and systems issues across the business.
- Re-consider use of Diane LEONARD as a promoter.
- Fit a simple lock to the disabled toilet
- Improve radio communication between departments – security to bar – supervisor every 15 mins.
- Consider membership scheme and fingerprint scanner.
- Send written notice to staff about the likelihood of searches whilst at work and require them to comply with a low 'cash at work' limit.
- Create office environment to support efficiency and facilitate an enhanced CCTV operator position.
- Provide lighting and security for the pay position by the main door after 2300hrs.
- Consider security of internal disabled ramp route to smoking area.

Training

I recommend that all key managers take (or re-take) the personal licence qualification as soon as possible. This will provide evidence of commitment to improve management and compliance.

Conclusion

- DICE BAR has recovered from a position of imminent closure by the police to make some good initial progress towards long-term compliance and effective management.
- Urgent action is required in key areas to prevent another serious problem arising.
- Particular attention is required to management, systems and processes and appropriate documentation and record keeping.

Meeting with Sergeant Emery

GC met with ME and had a discussion about DICE BAR. ME stated that he was pleased to see that progress had been made since January. No adverse comments had been made by visiting officers except that the arrest of a DJ on the premises for possession of drugs had again raised questions about management and security.

ME was now concerned about this promoter and police visits would continue to be made in the evenings. ME agreed to send a copy of the Premises Licence conditions in a word document to assist with the compliance checklist.

G.P.Cooper - Chapter Three Consulting Ltd. 05/03/2015

C3C Licensing – Problem solving and compliance

DICE BAR and RESTAURANT - 36 HIGH STREET, CROYDON, CRO 1YB.

Initial Information

Between Christmas and New Year 2014 there was a large disturbance outside Yates's Croydon which prompted Police to engage with the premises management. Changes to this business, which is nearby to DICE BAR, meant that many of the former Yates's customers changed venues to DICE BAR.

The MPS at Croydon had already spoken to the DPS at DICE BAR and officers had made it clear that the venue was under the spotlight, over the weekend of the 15th to the 17th of January 2015 a number of incidents occurred at DICE BAR and the DPS was called in for a meeting with PS Emery and C/Insp McGarry.

The situation was discussed, the DPS was told that this number of crimes was not acceptable and that the police would not hesitate to close the venue under the new ASB powers if there was a further incident at the premises.

GC spoke to PS Emery, who confirmed the seriousness of the situation

GC Made local enquiries, confirming that C I McGarry was putting pressure on a number of other venues in a similar manner.

Actions 23/01/2014 –

- Met with Roy SEDA, Fara SEDA and Steven BAVISTOCK (under-manager)
- Detailed history taken from clients at premises.
- Staff, 1 under manager

5 bar supervisors

6 other bar staff

The Pizza catering operation has moved elsewhere.

- Compliance with PL conditions is assessed at approximately 50% (brief check)
- Discussion with clients about the conduct of the premises over the coming weekend, urgent measures to avoid shut-down by the Police.
- Emphasis on short term measures to enable the business to continue from the 26th of January onwards, where some tough thinking and re modelling of the management and business will be required.

- RS, FS and SB agreed on the following measures to re-assure the police of their support for the Licensing Objectives over the weekend.
- This document was refined later in the day and sent to PS Emery in response to police concerns.
- Retraining of staff was made a priority before opening and the staff manuals were adjusted to improve the format.
- A draft management scheme was made for future use including the recommendation that a manager's report was completed at the end of the trading day to summarise all the other data available.
- A CCTV monitoring officer was deployed to move management onto a dynamic footing, fully using the CCTV system.

Post intervention

- Compliance must be re-visited
- CCTV survey to be carried out, to check compliance with HO guidance
- Management environment, look and feel of premises, management systems and processes to be re-visited.

Conclusion

- The client has given feedback that the premises was unusually quiet on Friday and Saturday nights having implemented the measures discussed.
- Local Police were satisfied with the improvement, which gives the venue a chance to consolidate good management practices and recording systems to protect the Premises Licence for the long term.

G.P.Cooper

Chapter Three Consulting Ltd.

25/01/2015

Steve Burnett

From: Steve Burnett
Sent: 28 August 2015 16:42
To: 'Mick.Emery@met.pnn.police.uk'
Cc: ~~Ken Wilton~~
Subject: RE: Dice Bar Operational Policy

DOCID: 2145168669
SENTON: 28/08/2015 16:41:20

Many thanks Mick.

Good to hear from you. Hopefully things will work and we can move forward. Any queries or concerns, please free to give me a bell so that we can resolve them sooner rather than later.

Have a great Bank Holiday.

Regards

Steve

From: Mick.Emery@met.pnn.police.uk [mailto:Mick.Emery@met.pnn.police.uk]
Sent: 28 August 2015 16:25
To: Steve Burnett
Subject: RE: Dice Bar Operational Policy

Steve,

apologies for the delay in replying but I have had to take some time off and catching up on my return has been very busy. I have read through the policy document for the Dice bar and I agree with your comments about the policy and hopefully we can now move forward without any further issues or concerns in relation to the Dice Bar.

Kind regards,

Mick Emery

Mick Emery | PS19ZD | Croydon Borough Licensing Team | Croydon BOCU |
Metropolitan Police Service
Telephone 0208 649 0167 Mobile 07747476130 E-mail michael.emery@met.police.uk
Address Croydon Police Station, 71 Park Lane, Croydon CR9 1BP

From: Steve Burnett [mailto:S.Burnett@popall.co.uk]
Sent: 22 July 2015 15:51
To: Emery Mick - ZD
Cc: 'roy.seda'; 'geoff.cooper@c3c.co.uk'
Subject: Dice Bar Operational Policy

Dear Mick,

I hope you are well.

You will obviously recall our discussions in relation to the above premises, and I am hopeful that we, together, can ensure that the Dice Bar trades without adversely affecting the licensing objectives.

I have reviewed all the previous policies given to you by way of various written documents, and I have critically assessed them.

Please note that all previous policies are now void and are not to be relied on. We are now working towards agreeing and complying with the attached document.

You will see that this is comprehensive, and addresses the main issues you had with the Dice Bar. Furthermore, the policy requirements are workable and, unlike previous documents, it does not put my client in a position where there would be continual breaches.

Obviously, once you and Inspector McGarry have had time to consider the contents, your comments would be appreciated.

Kind regards,

Steve Burnett

Steve Burnett | Solicitor

Poppleston Allen

E: S.Burnett@popall.co.uk | T: 0203 073 7458 | M: 07912 481 031 | W: www.popall.co.uk



**Nottingham Office : 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS
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87

Steve Burnett

From: Steve Burnett
Sent: 28 August 2015 16:42
To: ~~Steve Burnett~~
Subject: FW: Dice Bar Operational Policy

DOCID: 2145169074

For filing pls

From: Mick.Emery@met.pnn.police.uk [mailto:Mick.Emery@met.pnn.police.uk]
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Metropolitan Police Service
Telephone 0208 649 0167 Mobile 07747476130 E-mail michael.emery@met.police.uk
Address Croydon Police Station, 71 Park Lane, Croydon CR9 1BP

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Sent: 22 July 2015 15:51
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Steve Burnett

From: Steve Burnett
Sent: 17 August 2015 12:32
To: Mick.Emery@met.pnn.police.uk
Cc: roy@dicebar.co.uk
Subject: RE: Dice Bar Operational Policy

DOCID: 2145154957
SENTON: 17/08/2015 12:32:01

Good Afternoon Mick,

Further to my email below, I will wait for your comments/approval prior to fully implementing the contents.

Kind regards

Steve

From: Steve Burnett
Sent: 12 August 2015 06:21
To: Mick.Emery@met.pnn.police.uk
Subject: Re: Dice Bar Operational Policy

Sounds like good news. I presume you are happy for us to implement the contents?

Steve Burnett,
Solicitor, Poppleston Allen
Sent from my iPhone

On 11 Aug 2015, at 16:57, "Mick.Emery@met.pnn.police.uk" <Mick.Emery@met.pnn.police.uk> wrote:

Steve,

apologies but I have been on leave I can confirm we have received the policy and I am just going through the last 2 weeks of reports and emails but have not had any negative feedback as of yet.

Mick

Mick Emery | PS19ZD | Croydon Borough Licensing Team | Croydon BOCU | Metropolitan Police Service
טלפקס 0208 849 0167 Mobile 07747476130 E-mail michael.emery@met.police.uk Address Croydon
Police Station, 71 Park Lane, Croydon CR9 1BP

From: Steve Burnett [<mailto:S.Burnett@popall.co.uk>]
Sent: 11 August 2015 16:19
To: Emery Mick - ZD
Cc: 'roy.seda'; Steve Burnett
Subject: RE: Dice Bar Operational Policy

Hi Mick,

Please see my email below.

Can you confirm receipt of the proposed operational policy which was sent to you on 22nd July 2015.

Obviously should you wish to discuss this, then please contact me. In the meantime, I look forward to your comments.

Kind regards,

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Poppleston Allen

E: S.Burnett@popall.co.uk | T: 0203 078 7488 | M: 07619 731 861 | W: www.popall.co.uk



<image78c31.PNG><imageb740f7.PNG><image8b324b.PNG>

From: ~~Steve Burnett~~
Sent: 28 July 2015 15:00
To: 'Mick.Emery@met.pnn.police.uk'
Cc: 'roy.seda'
Subject: RE: Dice Bar Operational Policy

Hi Mick,

I refer you to my email below.

Please note that I will be on annual leave from the 3rd August to the 10th August.

Obviously, should you not speak to me before then, please contact me on the number below.

Kind regards.

Steve Burnett

From: Steve Burnett
Sent: 22 July 2015 15:51
To: 'Mick.Emery@met.pnn.police.uk'
Cc: 'roy.seda'; 'geoff.cooper@c3c.co.uk'
Subject: Dice Bar Operational Policy

Dear Mick,

I hope you are well.

Steve Burnett

From: Steve Burnett
Sent: 12 August 2015 08:21
To: Mick.Emery@met.pnn.police.uk
Subject: Re: Dice Bar Operational Policy
Attachments: image76d39c.PNG

DOCID: 2145151402

Sounds like good news. I presume you are happy for us to implement the contents?

Steve Burnett,
Solicitor, Poppleston Allen
Sent from my iPhone

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From: Steve Burnett
Sent: 11 August 2015 16:19
To: 'Mick.Emery@met.pnn.police.uk'
Cc: 'roy.seda'; Steve Burnett
Subject: RE: Dice Bar Operational Policy

DOCID: 2145148616
SENTON: 11/08/2015 16:18:42

Hi Mick,

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Can you confirm receipt of the proposed operational policy which was sent to you on 22nd July 2015.

Obviously should you wish to discuss this, then please contact me. In the meantime, I look forward to your comments.

Kind regards,

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From: ~~Mick Emery~~
Sent: 28 July 2015 15:00
To: 'Mick.Emery@met.pnn.police.uk'
Cc: 'roy.seda'
Subject: RE: Dice Bar Operational Policy

DOCID: 2145133861
SENTON: 28/07/2015 14:59:33

Hi Mick,

I refer you to my email below.

Please note that I will be on annual leave from the 3rd August to the 10th August.

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Kind regards,

Steve Burnett

Total Licensing Consultants Ltd.

Report

28th March 2016

1. Introduction

My name is Trevor Lewis, I retired from the Metropolitan Police in March 2013 after 35 years of service. During the last 15 of those years I was employed as the Licensing Sergeant for Kensington and Chelsea policing area.

- 1.1 Whilst in post I was the licensing lead for the Borough with a Police Constable assistant. I was responsible for preparing licensing policy for the Borough Commander and policing of Licensing Act 2003 and Gambling Act 2005 venues and operators. Dealing with all aspects of the relevant legislation I routinely dealt with new grants, variations of existing licences and review applications, along with any contentious Temporary Event Notices (TENs), personal licence or variation of DPS applications.
- 1.2 On identifying an application as potentially problematic and unlikely to support 1 or more of the 4 licensing objectives, I would in the first instance discuss with the applicant or their agent the issues and seek suitable modification of the application by them. If agreement could not be reached I would then collate all of the relevant evidence and submit formal representations on behalf of the police, supporting those representations with oral evidence and witnesses at committee hearing.
- 1.3 Regarding premises where offences or a failure to promote the licensing objectives, I would formulate and implement a relevant action plan. This might include site visits, meetings with the management of the premises, recommendations and a follow up improvement notice / warning letter details the actions required and the ramifications of

failure to do so. There were times that the nature of occurrences and overt failures by the venue, would necessitate immediate review proceedings being initiated.

- 1.4 Any intervention brought under the Licensing Act had to be first necessary and later downgraded to appropriate. All applications were dealt with on a case by case and premises by premises basis. I personally viewed situations where failure to promote the licensing objectives by deliberate or willful acts or through direct negligence of management of venues, as needing the most swift and robust intervention. This is clearly different from when the licensing objectives are compromised despite the best efforts of the venues management and operation, and in these cases the nature of the problem coupled with its frequency would be considered. When analyzing police call outs or numbers of crimes reported, other factors like location and customer numbers were also considered.
- 1.5 I hold the BIIAB level 2 National Certificates for Licensing Practitioners (Alcohol and Gambling); the BIIAB National Certificate and the CPL Level 3 National Diploma for Designated Premises Supervisors, and the BIIAB Level 2 Assessment of Licensed Premises (Social Responsibility). Whilst employed by the Metropolitan Police I was a Best Bar None assessor. I am a member of the BII and the Institute of Licensing (I of L).
- 1.6 I was a regular contributor to Licensing forums and was asked to present the police perspective on changes to the licensing Act at "The Westminster Briefing"
- 1.7 On my retirement I set up Total Licensing Consultants Ltd. to provide specialist services to the Licensing industry, these include covert and overt inspections of premises, written reports on my findings including any recommendations I have to improve compliance with relevant legislation and supporting those reports by oral evidence at hearings as required.

2. Consultancy remit

- 2.1 A licence review of Dice bar, 36 High Street, Croydon, CR0 1YB, has been called for by police under S51 Licensing Act 2003 citing concerns under the Crime and disorder objective, but without any supporting evidence included in the review application.
- 2.2 I have been instructed by Poppleton Allen solicitors to carry out an unannounced visit to the Dice Bar from 23:00hrs until all patrons have left the venue and its immediate surroundings, and to prepare a written independent assessment of my findings.
- 2.3 My fee for the inspection, this report and any attendance to give evidence in person is not conditional on the outcome of this case.

3. The Location

- 3.1 The Dice Bar, 36 High Street, Croydon, CR0 1YB, consists of a ground floor bar and a first floor function room and offices. The function room which may also be opened when the premises are particularly busy, was closed throughout the time of my visit. The premises are situated on the High street in a parade of shops, with shops opposite and office premises above on both sides of the road. There are other late night licensed premises nearby most notably Luna at 18 High Street.
- 3.2 Entrance and exit is made from the doors onto the High Street, there is an emergency exit situated at the rear of the premises for the sole purpose of aiding evacuation of the premises in an emergency. Outside is a wide paved area and two corrals are set up to control the entry process, and the smoking pen which is accessed solely through the left hand door as viewed from in front of the venue.

4. The observation log.

- 4.1 I attended the venue unannounced on Friday 25th March 2016, I chose this night (Good Friday) as part of the Easter Bank Holiday weekend, expecting it to be busy. It had been a particular warm and sunny spring day, and was a cool but clear evening.
- 4.2 I arrived at 22:45hrs. Looking inside through the doors, the premises looked very quiet, with no more than a dozen patrons visible. Outside were three badged SIA security staff, two male and one female, and a man I now know to be the owner Mr. Roy Seda. I introduced myself and was introduced to Mr. Seda who showed me around the premises.
- 4.3 The lighting in the venue is such that you can clearly see the clientele, the darkest area being by the booths by the dance floor at the rear of the premises. I checked the male toilets, a male and female attendant were on duty and standing in the corridor outside of the toilets which were unoccupied.
- 4.4 I asked Roy when the venue started filling up, and he said hopefully after about 11.30. As it was so quiet he asked if I wanted to see any reports or paperwork. I quickly examined his training logs and his incident reporting logs, which appeared full and well documented. The upstairs area was cordoned off and would not be opened unless it became very busy downstairs.
- 4.5 I returned downstairs where I saw the entry control systems in place at the venue. The head doorman had a breath testing kit and stood at the entrance of the corral, further inside was the I.D. scanner staffed by the female security supervisor. The third security man was standing by a table performing searches of customers. This involved them emptying their pockets into a tray on the table, a metal wand and physical pat down search. Entry was restricted to males aged 21 or over and females over 18. Roy's father oversaw the entry process and Roy's wife was on the till just inside the main doors. Admission was charged at £5 per head. Whilst outside a third security man joined the head doorman outside the entrance.
- 4.6 Returning inside, I noted at 23:30hrs. that there were now appropriately 50 patrons in the venue. There were eight members of the security team; the owner (Roy) and his manager

(Steve), Roy's wife and father; five members of bar staff; a cloakroom attendant; two toilet attendants and one or two busboys.

- 4.7 At 00:01hrs. I made a note of the diverse patronage, ranging from black and white males in their early 20s to women up to their late 40's. Despite the police concerns, it was a friendly atmosphere no obvious clichés or tensions, I was clearly the oldest person in the venue but was greeted in a friendly manner by a couple of different men.
- 4.8 At 00:30hrs. there are now 100 patrons present, this was confirmed by checking with Mrs. Seda on the desk. Included in the additional numbers are one young woman with a severe spinal condition in a motorized wheel chair, and a group of three Asian males.
- 4.9 The noticeable Police presence in the High Street on my arrival had now disappeared, two marked police carriers returning as it neared closing time for this and other venues in the area.
- 4.10 At 00:45hrs. I witnessed a female in her early 20s being asked to leave. She appeared steady on her feet and coherently responding to the questions and requests of the female security guard. After she had left the premises I asked why she had been ejected, apparently she had brought up a shot she had swallowed and whilst not drunk, such was the concern that she was asked to leave as a precautionary measure. Roy told me that all of the staff were constantly watching the patron's behaviour and were most aware that any level of drunkenness on the premises was unacceptable. At 01:00hrs I witnessed the close monitoring by staff of one man, whose behaviour had raised suspicion as to his sobriety, As a result, and again as a precaution, he and his friend were both refused service of alcohol. Throughout my visit there was no evidence of any drunkenness.
- 4.11 At 01:30hrs. the number of patrons start to reduce having peaked at 100 just after midnight. This is well below the 400 capacity for the venue and I enquired of Roy if this was normal. He said that the Town centre had become increasing quiet, but this was a slow night, notwithstanding this he wasn't prepared to lower his standards and admit customers who he considered had already had too much to drink, were inappropriately dressed, came in large groups or men who were arriving as singletons, those without appropriate I.D. and those he knew to be problematic from his knowledge and experience of Croydon.
- 4.12 Throughout the night, the music played was a combination of popular, commercial club tracks which even I knew, e.g. (House every weekend -- David Zowie, Hotline Bling (Call me on my cellphone) - Drake, Sorry- Justin Bieber, Work -- Rhianna & Drake) and some RnB tunes that I didn't know but which were well known by the majority of patrons who sang along. The dance floor was never busy with many of the patrons just sitting down listening and groups of women singing along to the music.

- 4.13 At 02:30hrs. there were now only 42 patrons left in the venue. Roy told me that although they do have a later licence they intended to close by 03:00hrs. This would include the house lights being turned up, last orders taken at 02:45hrs. at the bar and the D.J. playing slower, wind down music.
- 4.14 Shortly after 02:30hrs. I went outside, police were gathered outside Luna. One police carrier was parked up and unattended in Park Street, with another waiting in The High Street. The barriers outside the venue had been moved, removing the smoking pen and creating a funnel, away from Luna and towards the South on exit from the premises.
- 4.15 At 02:53hrs. an ambulance crew were dealing with a drunk outside Rio, approximately 5 doors further down the High Street. His friends got him to his feet and walked him up the road, where he was spoken to by police. Apparently he had been drinking with them before coming out. They had been to a venue called silver (SLVR).
- 4.16 By 03:00hrs. the dice bar was empty except for staff and all of the customers had left the immediate vicinity of the club, without incident. I then left the area.

5. Conclusion

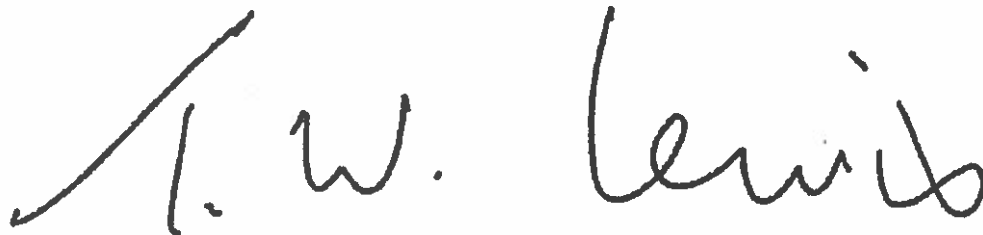
- 5.1 Having read the review document I was struck by its total lack of evidence. Not knowing the venue I was concerned by its suggestions however, and what I would find and how I would be received by the patrons, as a middle-aged white male, retired police officer. I was most pleasantly surprised by the diverse and welcoming atmosphere in the venue.
- 5.2 There was no hint of any trouble and two things stand out to this venues credit. Mr. Seda, his wife and his father, were all present and playing a part in this family run business, and this is the first night club I have visited where a severely disabled young woman in a motorized wheel chair was enjoying her night out. Both of these factors tend to suggest that this is not a venue where violence is expected or often occurs. It is unlikely that Mr. Seda would put either his family or vulnerable patrons at risk if it were.
- 5.3 There appears to have been no trigger incident(s) to have generated the premises licence review, and in some regard the absence of evidence has caused the operator to over-react in a pre-cautionary manner to any suggestion of drunkenness of his clientele.
- 5.4 Mr. Seda appears to be well organized and plays a most active role in the running and managing of his premises. All of the staff appear to work well as a team and have a united approach, whether in house staff or those supplied by the security contractor.
- 5.5 Whilst this report is based on a sole visit, and one instigated by a licensing review, it is my opinion that Mr. Seda is neither a weak owner/manager, nor disinterested in the

running of his venue. He maintains good and clear records of staff training and incidents at the venue and a number of other folders and computer files I had no time to fully inspect. I have seen none of the clear evidence alluded to, but as yet unproduced by police, to suggest he is failing to promote any of the licensing objectives.

- 5.6 It is perhaps a shame that details of “the serious nature of crime consistently occurring at the venue” referred to in the review document have not been produced for my analysis, likewise details of the persistent association of the venue with crime and disorder. All most serious issues, but without supporting evidence impossible to validate or work to eradicate.
- 5.7 Police were in evidence in force at different times during my visit to the premises, I witnessed the arrest of one man opposite the venue following a domestic argument with his female partner, which had no association with the venue. A group of six officers were stationed on foot outside the Luna bar as the venue prepared to close, no interactions or arrests observed, and two police officers spoke to but did not arrest the drunk who had been to Slvr.

This report is true to the best of my belief and knowledge.

Signed

A handwritten signature in black ink that reads "T. W. Lewis". The signature is written in a cursive style with a large, sweeping initial 'T'.

Trevor Lewis

Total Licensing Consultants Ltd.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for ensuring transparency and accountability in financial operations.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support informed decision-making.

3. The third part of the document focuses on the analysis and interpretation of the collected data. It discusses the various statistical and analytical tools used to identify trends, patterns, and anomalies in the data.

4. The fourth part of the document discusses the importance of communication and reporting in the context of data analysis. It emphasizes the need for clear and concise reports that effectively convey the findings and insights derived from the data.

5. The fifth part of the document discusses the challenges and limitations associated with data analysis. It highlights the need for careful consideration of the quality and reliability of the data, as well as the potential for bias and error in the analysis process.

6. The sixth part of the document discusses the future of data analysis and the role of emerging technologies. It highlights the potential of artificial intelligence, machine learning, and big data to revolutionize the way we collect, analyze, and interpret data.

7. The seventh part of the document discusses the ethical considerations surrounding data analysis. It emphasizes the need for transparency, accountability, and respect for individual privacy and data rights.

8. The eighth part of the document discusses the importance of data security and protection. It highlights the need for robust security measures to prevent unauthorized access, loss, or misuse of sensitive data.

9. The ninth part of the document discusses the role of data analysis in various industries and sectors. It highlights the wide range of applications, from healthcare and finance to marketing and social media.

10. The tenth part of the document discusses the importance of ongoing education and training in the field of data analysis. It emphasizes the need for professionals to stay up-to-date with the latest trends and technologies in the field.

Anti-social Behaviour, Crime and Policing Act 2014

76 Power to issue closure notices

(1) A police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds—

(a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or

(b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises,

and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

(2) A closure notice is a notice prohibiting access to the premises for a period specified in the notice.

For the maximum period, see section 77.

(5) A closure notice must—

(a) identify the premises;

(b) explain the effect of the notice;

(c) state that failure to comply with the notice is an offence;

(d) state that an application will be made under section 80 for a closure order;

(e) specify when and where the application will be heard;

(f) explain the effect of a closure order;

(g) give information about the names of, and means of contacting, persons and organisations in the area that provide advice about housing and legal matters.

77 Duration of closure notices

(1) The maximum period that may be specified in a closure notice is 24 hours unless subsection (2) applies.

(2) The maximum period is 48 hours—

(a) if, in the case of a notice issued by a police officer, the officer is of at least the rank of superintendent, or

(b) if, in the case of a notice issued by a local authority, the notice is signed by the chief executive officer of the authority or a person designated by him or her for the purposes of this subsection.

78 Cancellation or variation of closure notices

(1) This section applies where a closure notice is in force and the relevant officer or authority is no longer satisfied as mentioned in section 76(1), either—

(a) as regards the premises as a whole, or

(b) as regards a particular part of the premises.

(2) In a case within subsection (1)(a) the relevant officer or authority must issue a cancellation notice.

A cancellation notice is a notice cancelling the closure notice.

79 Service of notices

(1) A closure notice, an extension notice, a cancellation notice or a variation notice must be served by—

(a) a constable, in the case of a notice issued by a police officer;

(b) a representative of the authority that issued the notice, in the case of a notice issued by a local authority.

(2) The constable or local authority representative must if possible—

(a) fix a copy of the notice to at least one prominent place on the premises,

(b) fix a copy of the notice to each normal means of access to the premises,

(c) fix a copy of the notice to any outbuildings that appear to the constable or representative to be used with or as part of the premises,

(d) give a copy of the notice to at least one person who appears to the constable or representative to have control of or responsibility for the premises, and

(e) give a copy of the notice to the people who live on the premises and to any person who does not live there but was informed (under section 76(6)) that the notice was going to be issued.

80 Power of court to make closure orders

(1) Whenever a closure notice is issued an application must be made to a magistrates' court for a closure order (unless the notice has been cancelled under section 78).

(2) An application for a closure order must be made—

(a) by a constable, if the closure notice was issued by a police officer;

(b) by the authority that issued the closure notice, if the notice was issued by a local authority.

(3) The application must be heard by the magistrates' court not later than 48 hours after service of the closure notice.

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London Borough of Sutton
Resources Directorate
Executive Head of Legal and Democratic Services: Sanjay Prashar

Your Ref:

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Please ask for: Peter Snow

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Minicom (020) 8770 5178
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Dear Ms Sharkey

**LICENSING HEARING – WONDERLAND, 10-12 CHEAM ROAD,
SUTTON**

The decision of the Licensing Sub-Committee following the licensing hearing on 29 and 30 May and 4 June 2013 in respect of the above premises is set out overleaf.

You have a right of appeal against the decision of the Licensing Authority in accordance with the provisions of section 181 and Schedule 5 of the Licensing Act 2003. Notice of appeal must be made to the Chief Executive of the Magistrates' Court for the area in which the premises are situated within a period of 21 days of you being notified of the decision.

Yours sincerely

Peter Snow
Principal Committee Manager

Strategic Director
Resources
Gerald Almeroth

Chief Executive
Niall Bolger

REVIEW OF PREMISES LICENCE - WONDERLAND, 10-12 CHEAM ROAD, SUTTON

The Sub-Committee determined:

The application for review of the premises licence No.12/00766/LAPREM was heard by the Sub-Committee on 28 and 29 May and 4 June. The application for review had been brought by the Metropolitan Police by application dated 11 March 2013. The written evidence submitted by the Police ran to approximately 1800 pages. The Police also submitted edited extracts of CCTV footage. A further 500 pages approximately of written evidence was submitted by the premises licence holder. No other written representations were received.

In addition to numerous written statements contained as the supporting contemporaneous evidence to the allegations, there were four witnesses for the Police: Detective Chief Superintendent Guy Ferguson, Inspector Richard Hall, Sergeant John Withersby and, Constable Jason Hitchcock. For the premises licence holder there were eight witnesses and a number of additional written statements.

The hearing to consider the evidence and receive representations from counsel for both sides took place over approximately two and one half days. We were also conscious of the need to allow each side an equal and fair amount of time to present the evidence they wished us to consider. At the request of the premises licence holder we visited the premises with representatives of both sides.

We have been reminded that the Sub-Committee is to determine the review application on the evidence and that our primary function is to ensure that our decision is aimed at ensuring that the licensing objectives are being promoted.

We were reminded that the licensing objectives are set out in section 4 of the Licensing Act 2003 (the 2003 Act) which provides:

- (1) A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives.*
- (2) The licensing objectives are—*
 - (a) the prevention of crime and disorder;*
 - (b) public safety;*
 - (c) the prevention of public nuisance; and*
 - (d) the protection of children from harm.*
- (3) In carrying out its licensing functions, a licensing authority must also have regard to—*
 - (a) its licensing statement published under section 5, and*
 - (b) any guidance issued by the Secretary of State under section 182.*

As shown in sub-section 2, there are four stated objectives:

- (a) the prevention of crime and disorder;*
- (b) public safety;*
- (c) the prevention of public nuisance; and*

(d) the protection of children from harm.

We were reminded by our Legal Adviser that sub-section 3 of section 4 of the 2003 Act requires us to have regard to the guidance issued by the Secretary of State (current version 'Amended October 2012') (the guidance).

We would confirm that this is not a review application where we have considered departing from the Guidance in any way and we would stress again that we have borne the guidance fully in mind in reaching our decision on the review. We have taken particular note of the following paragraphs of the guidance:

1.4 Each [licensing] objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*
- Giving the Police and licensing authorities the powers they need to effectively manage and Police the night-time economy and take action against those premises that are causing problems;*
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;*

1.6 Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. This guidance comes into force as soon as it is laid. Where a licence application was made prior to the coming into force of the revised guidance, it should be processed in accordance with the guidance in force at the time at which the application was made; the revised guidance does not apply retrospectively. However, all applications received by the licensing authority on or after the date the revised guidance came into force should be processed in accordance with the revised guidance.

Crime and Disorder

2.1 Licensing authorities should look to the Police as the main source of advice on crime and disorder.

Public Safety

2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

Ensuring safe departure of those using the premises

2.11 Licence holders should make provision to ensure that premises users safely leave their premises.

Public Nuisance

2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance.

2.24 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right.

Protection Of Children From Harm

2.25 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

2.26 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or one of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

Representations From The Police

9.12 In their role as a responsible authority, the Police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The Police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area.⁴ The Police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective ...

The licensing authority should accept all reasonable and proportionate representations made by the Police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the Police to ensure that their

representations can withstand the scrutiny to which they would be subject at a hearing.

The Review Process

11.17 *The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives.*

11.26 *Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.*

11.27 *There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:*

- *for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;*
- *for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*

11.28 *It is envisaged that licensing authorities, the Police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.*

Although we have not set out each and every paragraph in sections 9 and 11 of the guidance we did have regard to each of the paragraphs set out by counsel for the Police.

We have been reminded by our Legal Adviser that a review hearing is neither court proceedings, nor a trial as such and, that under regulation 23 of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/4) the review is to be in the form of "a discussion". Regulation 23 provides that;

A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.

However, the nature of this particular review and, in particular, the way in which it was presented by the licensing officers for the Police, meant that a degree of detailed forensic examination of the evidence, sometimes bordering on cross-examination, was required and was an entirely appropriate way of proceeding. Indeed, we would comment that that was clearly the approach taken by the parties in the way they presented their respective cases and, if not expressly stated to be so then, at the very least by implication. We are also reminded that the fact that each and every issue raised in the voluminous paperwork was not questioned in detail does not mean that the evidence presented for one or other party was accepted without question.

As the guidance indicates (section 9.12) weight should be attached to the views of the Police on crime and disorder. However we should make clear at the outset that this is obviously subject to a reasonable caveat namely, where appropriate and where proper to do so. We do not regard this as requiring a sub-committee hearing a review simply to accept whatever is said by the Police without giving due consideration to the assertions made and examining whether those assertions stand up to scrutiny, that is made clear by the second limb of section 9.12.

- In approaching our decision we have had the case of *Matthew Taylor v Manchester City Council* [2012] EWHC 34767 (Admin) drawn to our attention and, in particular, paragraphs 75 and 78.

We have been reminded of our powers under section 52 of the 2003 Act.

The review application was brought by the Police because it was alleged that the premises licence holder had failed to promote the licensing objectives. In their application the Police alleged that failure to promote the licensing objectives had arisen for the following reasons:-

- Excessive intoxication of customers
- Irresponsible drinks promotions
- Illegal drugs
- Large scale disorder and violence in the vicinity of the premises
- Public nuisance caused by customers.

The Evidence

During the hearing we viewed the CCTV evidence, with a narrative provided by the complier of the footage, Constable Hitchcock. We had also viewed it prior to the hearing and we did so again during our deliberations after the hearing. The footage was produced as exhibits JDH/3; JDH/5; JDH11; JDH/13, SWM/1A/1B/1C; JDH/14 (Disks 1 and 2).

We kept in mind the Police narrative upon the footage and the challenges by counsel for Wonderland during the hearing. We were also careful to consider for ourselves what could be seen objectively, and also considered it against the background of the other witness and documentary evidence relevant to the incidents shown in the footage.

We also had regard to the opening and closing submissions from both counsel.

Exhibit JDH/3 showed a woman collapsed and prone, with breathing difficulties, on the pavement outside Wonderland, alleged by Constable Hitchcock to have been the result of excessive intoxication. A Police statement recorded that she had consumed six or seven alcoholic drinks in Wonderland but also that she had collapsed a few days previously and been taken to hospital. Other evidence indicated that the reason for her breathing difficulties and collapse was the combination of alcohol and medication.

Exhibit JDH/5 followed a group of four young men on different cameras from a bar and the dance floor inside Wonderland, as they left Wonderland and being involved in an altercation near the junction with High Street. Counsel for Wonderland had suggested that one of the young men had a tattoo on his neck that could not be seen later and so they were not the same group. We noted the tattoo on one young man inside Wonderland but could not conclusively say that a tattoo could or could not be seen on any of the young men later. Nevertheless, we did note that the four young men in Wonderland were drinking shots; that they appeared to be having a good time but did not appear to be excessively drunk; that Wonderland staff in high visibility jackets could be seen in the background patrolling the bar area and dance floor; and that one person in the bar area, unconnected with the group, was clearly drunk. We noted that outside the premises a large group of people from Wonderland had crossed Cheam Road but that the altercation and assault involved a very small number of people within the group and that door staff from Wonderland, then some distance away, were present and intervened almost immediately to disperse the group. We could not conclude that it amounted to 'large scale disorder' or that it was as a consequence of any action or inaction by staff in the licensed premises or a failure on the part of the premises licence holder to promote the licensing objectives.

Exhibit SWM/1A was a 'bodycam' recording of an arrest in High Street, Sutton of a 17 year old for affray. He said that he had been drinking in Wonderland but he was not arrested for being drunk and disorderly. The Police chose not to show the extended recording supplied before the hearing in which the 17 year old, then handcuffed, appeared to walk without difficulty to the Police station and, although angry, have a lucid conversation in the custody suite.

Exhibit JDH/11 showed the Area Manager of the door supervisor company at Wonderland leave the premises with a customer, talk to him in an apparent attempt to engage him in conversation and calm him down. This appeared to have been an effective approach as the issues appeared resolved, ending with a friendly hug between them. The Police had alleged that the failure of the door supervisor to wear a high visibility jacket or Security Industry Authority identification was a breach of the licence conditions. Counsel for Wonderland had explained that on that night the Area Manager had been at Wonderland in a private capacity and had taken a friend outside. We accepted that explanation and hence we do not believe that there had been any breach of the licence conditions on that occasion nor was it evidence to support any disregard of the conditions and licensing objectives.

We noted that the Borough Commander (Detective Chief Superintendent Ferguson) had referred to the need for Police officers to deal with alcohol related disorder in Sutton in the evening and early morning, which, because of shift patterns,

prevented them from dealing with other crime related incidents during the day. He stated that the level of drunkenness permitted in the premises and spilling out onto the street was a cause for concern, but neither he nor either of the officers responsible for submitting the review application had visited the inside of the premises during operating hours, nor, apart from exhibit JDH/5, did they submit any CCTV evidence from the inside of the premises. He emphasised that the concern was to prevent crime and disorder and part of that was a concern to prevent people becoming vulnerable to crime. He acknowledged that crime levels in Sutton were relatively low and stated that in Sutton a reduction in crime of 5% year on year was being achieved.

The Police Inspector responsible for Sutton town centre had given evidence that, because of Police shift patterns and the concentration of Police resources on Friday and Saturday evenings, only an emergency response was available on Monday evenings when Wonderland held student events. He had given evidence on the difficulty generally in policing Sutton town centre in the evenings. The Inspector was the only Police officer called at the hearing who had been inside the premises during operating hours, and that had been on a private occasion shortly after they had opened.

Sergeant Withersby also stated in evidence that there has been less crime and disorder since the review.

We were concerned that, despite the volume of written and CCTV evidence submitted, neither of the two Police licensing officers had ever visited the inside of the premises during operating hours. The representatives from the premises expressed disappointment at this. They had not, apart from exhibit JDH/5, asked to see CCTV recordings from inside the premises that would link with CCTV recordings outside the premises and support or not the concerns, beliefs, assertions and allegations in their evidence. In the schedule of incidents submitted and the Police commentary on the CCTV evidence the officers had used language that was excessively emotive and exaggerated and in evidence Constable Hitchcock had embellished the actual events that we could see, giving a distorted and exaggerated view. Another example of that came from Sergeant Withersby where (page 54A of the Third Dispatch of papers) he described images of drunk, vulnerable, predominantly female customers leaving Wonderland and going into the adjoining church area and undergrowth near the venue (page 54A of the Third Dispatch of papers). The CCTV did not, in fact, bear out that plurality assertion.

Constable Hitchcock also asserted repeatedly that the premises sold drinks at lower prices than elsewhere and served them quickly to encourage customers to drink more. It was also alleged that the staff continued to serve alcohol to persons who appeared to be drunk and then uncaringly ejected customers who were in a vulnerable state. No part of that assertion was substantiated either by way of CCTV or credible oral evidence. Constable Hitchcock also offered the example of pricing at premises that were not of a comparable type where the prices of drinks could not even be shown overall to be more expensive; and there was no evidence, either from personal experience or CCTV, that bar staff at Wonderland served customers particularly quickly or served persons who appeared to be drunk.

We believe that the CCTV evidence showed that door staff did show concern for

vulnerable customers outside the premises by keeping an eye on them, calming them down, offering them water, going to their assistance when necessary, taking the registration numbers of suspicious vehicles and, on one occasion, helping them to put on a coat. Under cross-examination and questioning Constable Hitchcock frequently failed to answer the questions put to him. On the whole we found him not to be a credible witness and we formed the view that he was content to assert his own perceptions as fact and rarely, if ever, be willing to contemplate an alternative perspective. We noted the "warning" in paragraph 54 of *R (on the application of Daniel Thwaites plc) v Wirral Borough Magistrates Court* [2008] EWHC 838 (Admin) to the effect that the subjective views of the Police officer should not be elevated into the status of evidence. We would comment particularly so when the views are not borne out by the evidence upon which those views are apparently based. We also noted paragraph 63 of that judgment where it was stated that "*Had [the Magistrates] had regard to the Act and the guidance, they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that it was required in the circumstances of the case*".

The staff witnesses for Wonderland were found to be enthusiastic, professional and passionate about their jobs and we regarded them as impressive and credible witnesses. The CCTV evidence showed the door staff to be vigilant, to deal with any trouble in a calm manner and to show concern for vulnerable customers, monitoring them outside the premises. It was clear from the evidence that the Head Doorman (Laurence Dickson) that he had contempt for the use of drugs and did not tolerate them. It was of note that he expressed sincere disappointment in the way in which drug cases were generally dealt with by the Police despite his standard approach of calling the Police when a drug search was positive. Constable Hitchcock commented that there had been a reduction in drug finds at the premises and it was suggested for the Police that the reduction in positive drug finds was by reason of increased sophistication of concealment by customers. It was noted by the Sub-Committee that Constable Hitchcock refused to countenance that this could have been because the security staff approach to drugs at the premises was acting as an effective deterrent. We preferred to accept that this was the more likely reason for lack of drugs at the licensed premises. Mr Dickson also explained confidently his understanding of the working of the ID Scan equipment, despite the lack of formal training, and the drugs searches that were carried out before customers were allowed in.

The Intox Marshall (Ms Kamila Mouloud) was equally confident in the training she had received and in her role and responsibilities. She explained how she cared for vulnerable customers in the staff room, offered them water and was clear that a customer who on one occasion had indicated a wish to leave could not be detained, regardless of their condition. She was emphatic in her refuting of the suggestion that the Club left vulnerable young women outside the premises.

We regarded both Mr Dickson and Ms Mouloud as very credible witnesses and we regarded their supervision of their responsibilities as competently and effectively carried out and more consistent with what was shown on the CCTV than the narrative and interpretation advanced by the licensing officers.

We noted that some customers of Wonderland had given evidence for the premises licence holder. Apart from a desire not to see a night time venue, where they said

they felt safe, closed, they had no personal interest in taking the time to attend the hearing.

So far as excessive intoxication was concerned, CCTV evidence showed a number of customers leaving Wonderland who were swaying or staggering from the premises. Some were seen to be unable to stand easily and on occasion people had fallen over and there was evidence of vomiting on one occasion. Considering Wonderland could have between 400 and 500 customers, the number of them leaving who might be regarded as drunk was extremely few and considered to be not unreasonable for the type of premises, and in our view certainly not indicative that the premises were not promoting the licensing objective to prevent crime and disorder. We noted that in excess of 80,000 customers had been to the premises since opening in late 2011. Some customers were involved in minor crime and disorder incidents away from the Wonderland premises. Whilst they had, or may have, been drinking previously in Wonderland their behaviour did not suggest excessive intoxication and their subsequent involvement in crime and disorder could not be attributed fairly or directly to any failure or inaction by Wonderland staff to promote the licensing objectives.

We noted the evidence of Mr Terence Davies, a retired Metropolitan Police Superintendent with 30 years' service, who had specific licensing experience. He had been engaged by the premises licence holder to conduct an investigation. Although it was put to him that licensing law had changed since his retirement, there was no reason to doubt his knowledge and experience as he indicated that he carried out licensing for well known operators in the field of licensed premises. Whilst he indicated that there was evidence of intoxication at the premises and some improvements could be made he suggested that the premises were by no means remarkable and that from his observations the incidents were low in number. We also considered the reports of covert visits to the premises, and again whilst there were some incidents of drunkenness the overall report of the premises was very favourable.

So far as vulnerable customers were concerned, the CCTV evidence and that given by the Head Doorman and the Intox Marshall demonstrated that staff took their responsibilities seriously, both inside and outside the premises. They were well aware of the vulnerability of customers ejected from the premises and took appropriate action. They had noted the risk of sexual predators outside the premises and had passed the registration number of one suspicious car to the Police. The Police were unable to say whether or not any action had been taken on the information. Despite the enquiries by premises staff and questions at the hearing the response from the Police licensing officers appeared to be that whilst they thought it relevant to licensing for the purposes of showing it to support the assertion of sexual predators for the review it was not a licensing matter thereafter. Thus the allegation was based entirely on supposition. We were advised that the evidential value of this to support the assertion that it was a sexual predator in action was nil by reason of the fact that there were other explanations for the presence and behaviour of the driver equally consistent with the interpretation favoured by the Police officer.

In addition, the CCTV footage showed that the door staff regularly patrolled the area from Wonderland as far as the junction with High Street and escorting customers

across High Street; door staff in high visibility jackets having been deployed specifically for that purpose.

We were therefore satisfied that the premises had not failed to meet the licensing objective to promote public safety.

Drinks promotions were not permitted by mandatory condition 4 in Annex 1 of the premises licence. Evidence was given that certain drinks had been discounted in line with the discounts offered by similar establishments in Sutton. That was not precluded by condition 4. Witnesses for the premises had confirmed that such discounts were no longer offered. The meaning of drinks promotions is set out in the guidance and we considered this. Nothing in the operation of the premises could be properly classified as falling within the meaning ascribed in the guidance.

The Police schedule of incidents at Wonderland included a number of references to occasions when a search of customers on entry to the premises had produced illegal drugs and on each occasion the premises door staff had called the Police, which was the correct procedure. Evidence was given of only one occasion when an illegal drug (ketamine) had been used inside the premises and on that occasion the customer had been escorted to the premises office and the Police called. We accepted that a reduction in the number of occasions when drugs were found was the result of those rigorous searches and not a lack of them as suggested by the Police.

The Police had made three allegations regarding large scale violence and disorder associated with Wonderland. On one occasion in 2012 the premises had closed early voluntarily, another related to the incident shown in exhibit JDH/5, referred to above, and there was no clear link between the third and Wonderland.

Evidence was not provided of any complaints by the public that the premises caused a nuisance. The only evidence provided was that car drivers were seen on CCTV to be forced to slow down and avoid groups of customers leaving Wonderland at closing time and crossing Cheam Road. The CCTV evidence also showed, and witnesses confirmed, that door staff from Wonderland in high visibility jackets regularly adopted the role of a crossing patrol in an effort to reduce the nuisance to car drivers and so far as possible to maintain public safety. That role had been encouraged by the Police. The only other example of public nuisance that was offered was litter outside the premises. The Sub-Committee therefore concluded that the premises licence holder had taken all reasonable precautions to promote the prevention of public nuisance.

There was evidence that on one occasion a 17 year old had been admitted to the premises after producing a false identity. Bearing in mind the number of customers at Wonderland since it opened and the evidence of the use of ID Scan, we concluded that the premises licence holder had not failed to meet the licensing objective to protect children from harm.

In response to the clarification sought at the previous adjourned meeting, counsel for the Police explained that the powers to seize suspected stolen or fake identity documents were not straightforward. If there was certainty that the document was a fake then it might be seized under common law, but if it was a genuine document

that was being misused there would be a legal difficulty in seizing it unless a Police officer was present. The Police advice was therefore that door staff should not confiscate stolen or fake identity documents. The Sutton branch of Pubwatch had given specific advice that a driving licence should not be confiscated. Counsel for Wonderland suggested that the relevant condition requiring the confiscation of documents should be amended to reflect the above advice.

So far as the banning of individuals from one or more premises was concerned, counsel for the Police submitted a copy of the advice and guidance issued by the Association of Chief Police Officers. Decisions to ban an individual were a private matter and the ID Scan equipment enabled such individuals to be identified and banning decisions to be enforced. Counsel for Wonderland pointed out that there was a facility for the Police to upload direct a 'watch list' to ID Scan but that the Police in Sutton had chosen not to do that. Counsel for the Police acknowledged that in Sutton such information was circulated at Pubwatch meetings.

We understood the wishes of the Police and the London Borough of Sutton to work in partnership, and that they both wished to work in partnership with licensed premises in the Borough. Such a partnership required all parties to be open and honest with each other and to respect each others' views, priorities and position. The decision of the Police on this occasion to pursue a review of the premises licence and then to seek evidence for such a review without the knowledge of the premises licence holder, rather than working with them, did not reflect, we believed, the partnership approach the three parties aspired to. It was also noted in the evidence that the Police licensing team took the view that the matter had become 'covert' once the decision to review had been taken and the operation had deteriorated into evidence gathering rather than discussion and engagement. Witnesses for the premises licence holder gave evidence that it had become virtually impossible to engage with the Police licensing team in recent months despite a wish to work with the Police to resolve any ongoing issues.

We would comment that the way in which the evidence was presented to the Sub-Committee by the Police was unsatisfactory. In addition to our view that a slanted view of the evidence was presented by reason of unsatisfactory editing of the CCTV, to give only a picture which appeared to support the application and omitting footage which showed a truer picture of incidents, the language in the statements and narrative was exaggerated and unnecessarily emotive. It is also worthy of comment (adversely), that we were presented with in excess of 1800 pages of documents by the Police. Substantial numbers of those pages contained no evidence whatsoever and thus, the Sub-Committee in preparation for the review hearing was burdened with an obligation to read volumes of unnecessary documentation. The schedule of incidents and many pages of call-out and crime reports and statements submitted by the Police had not been adequately cross-referenced. Many of the incidents, and a significant proportion of the papers, proved to be irrelevant to the review or their relevance was unclear. This unstructured, unfiltered approach to the presentation of a review case was extremely unhelpful and we would hope that lessons will be learnt by the Police in relation to any future review applications that are presented.

In addition, more than 400 pages of recent Police call-out and crime reports were received only the day before the hearing began. In our opinion, the Police

presentation of evidence did not reflect best practice and it did not assist consideration.

We would also comment that the Police evidence contained little or no recognition of actions taken by the premises licence holder in response to Police concerns, nor did it assist in understanding why the ongoing interaction was non-existent despite attempts from the premises licence holder to engage. In submission for the Police it was suggested that the licensing officers had sought to put a fair and balanced picture and had been "scrupulously fair" in the way that the schedule had been put forward. Unfortunately, we were not satisfied that that was so.

We were invited by counsel for the Police to consider the possibility of a suspension of the licence or a change of the Designated Premises Supervisor. We did not feel that either was appropriate on the facts of the review and in the light of our opinion on the evidence.

Resolved: (i) That the premises licence in respect of Wonderland, 10-12 Cheam Road, Sutton be not revoked.

(ii) That, in view of the advice given to the premises licence holder that the confiscation of false or fake identity documents may not be lawful, condition 11 in Annex 2 of the premises licence be deleted.

4. The application for costs for the abandoned appeal was heard on 19th May 2014 by way of written and oral submissions by the 2nd Respondent and the Appellant. The 1st respondent did not appear and is not a party to this application.
5. I have received and read an agreed bundle of documents (232 pages) and authorities all of which I have considered. The MPS also submitted a skeleton argument for the costs award hearing.
6. In addition and subsequent to the hearing of 19th May 2014, I was sent and have read further correspondence from the parties. I will refer to this material further in due course.

BACKGROUND AND CHRONOLOGY

7. By way of application notice dated 11th March 2013, MPS applied to the London Borough of Sutton Licensing Sub-Committee for a review and revocation of the premises licence in respect of Wonderland nightclub ("the Club"). The 2nd respondent as the premises licence holder resisted the review. The application was heard by the licensing sub-committee on 28th, 29th May and 4th June 2013. The decision of the committee (11th June 2013) records that the written evidence relied upon by the MPS ran to approximately 1800 pages; there were edited extracts of CCTV footage and a further 500 pages of written evidence submitted by the Club. In addition, the sub-committee heard oral evidence from four police witnesses, eight witnesses called by the Club, conducted a site visit and heard oral submissions from counsel for the parties.
8. Revocation of the premises licence was sought by the MPS on the basis that the statutory licensing objectives, namely crime, public order and protection of vulnerable persons were not being met. The following allegations were put forward in support of these assertions :
 - a. Excessive intoxication of customers
 - b. Irresponsible drinks promotions
 - c. Illegal drugs
 - d. Large scale disorder and violence in the vicinity of the premises
 - e. Public nuisance caused by customers
9. On 11th June 2013, the licensing sub-committee determined that the premises licence "be *not* revoked" (and also, removed a condition on the licence in respect of a requirement to confiscate fake identity cards, although nothing turns on this detail). I have read in full the detailed decision of the sub-committee (Appendix A of this judgment). In summary, the committee found no or no credible *evidence* to support the allegations advanced by the Police in statements, CCTV footage, commentary or evidence which they found

demonstrated, on an objective basis, that the licencing objectives were not being met by the Club.

10. In coming to their decision, the committee also made a number of observations about the conduct and credibility of the police and the preparation of the review proceedings. It is not necessary to set these out in full as they appear in the decision letter but it is submitted (and I accept) is relevant to the present application to note something of the tone and content; for example, (at page 11) describing the way in which evidence was presented by the MPD as *"unsatisfactory"*, the view given by the edited CCTV clips as *"slanted"*; the language in the statements and narratives as *"exaggerated and unnecessarily emotive"*; the reviewing officer, PC Hitchcock as being *"on the whole, not a credible witness"*; the *"burden"* imposed on the committee having to read *"volumes of unnecessary documentation"*; of the evidence itself – *"substantial numbers of the pages contained no evidence whatsoever"*; reports and schedules not being *"adequately cross-referenced"* or *"relevant"*; the service on the day before the hearing of an additional 400 pages of call-out and crime reports *"not best practice"*; and overall the *"unstructured, unfiltered approach to the presentation of the review case was extremely unhelpful"*. Significantly, for present purposes, in my view, the committee also added; *"we would hope that lessons will be learnt by the Police in relation to any future review applications that are presented"*.
11. The committee also noted that once they had decided to conduct a review, the MPS then began to gather evidence covertly and thereafter to cease to work in partnership with the local authority and the premises licence holders to resolve any issues. In short that the MPS had ceased to engage in constructive dialogue with the 2nd respondent. The committee also found that *"the police evidence contained little or no recognition of actions taken by the premises licence holders in response to Police concerns"*.
12. By contrast, the committee formed a wholly favourable view of the witnesses relied upon by the 2nd respondent commenting (at page 8) that the staff witnesses were found to be *"enthusiastic, professional and passionate about their jobs"*; the committee regarded them as *"impressive and credible witnesses"*; that the CCTV viewed objectively, showed them to be *"vigilant, to deal with any trouble in a calm manner and to show concern for vulnerable customers..."*. The committee was also impressed that a number of customers from the club also gave evidence in favour of the 2nd respondent; commenting that apart from supporting a club at which they felt safe, they had no obvious motive to give up their time to do so.
13. It has been necessary to set out the committee's findings in some detail as it forms the background against which the appeal was brought by the MPS. It is obvious but needs to be

stated that the 2nd respondents did not seek to disturb any aspect of the decision of the licencing sub-committee and did not seek any appeal.

14. The police on the other hand, wrote to the local authority.... By letter of 29.11.13, the leader of Sutton Council, Ruth Dombey wrote to the Borough Commander, apologising for the offence caused by the tone and overtly critical nature of the review which she described as "inappropriate". The letter asks the MPS to withdraw the appeal at the earliest opportunity seeking to avoid the "very significant public funding being consumed in pursuance of the appeal of the Licencing Sub-Committee's decision". Importantly, Cllr Dombey states "*we fully acknowledge that the police officers all acted in good faith*". The letter was copied to two councillors, one of whom was Cllr Mary Dombey (chair of the committee which made the decision complained about) .
15. The first case management hearing was listed at Camberwell Green Magistrates Court on 5th August 2013 (but adjourned for lack of court time). Thereafter, the hearing for direction was dealt with administratively on 22nd August 2013. The appeal was listed for five, near consecutive days beginning 12th February 2014.
16. As part of the directions hearing, the MPS as appellants were directed to serve their bundles no later than 10 weeks prior to the 12th February.
17. On 10th January 2014, 23 working days before the appeal hearing (and without having served any evidence), the MPS withdrew the appeal. As stated, the 2nd respondent now seeks the costs incurred in preparation for that abandoned appeal.

"THE S.181 LA 2003 ARGUMENT"

18. In this hearing, the MPS Appellants sought, in strenuous terms, and without notice to the 2nd respondents, an initial ruling from the court that there was no power for a Magistrates Court to hear a costs application in respect of a discontinued appeal. It was submitted that s.181 Licencing Act 2003 is concerned only with appeals and so did not apply in this situation; there being no appeal in existence to which a costs order could attach. Counsel for the 2nd respondents described herself as feeling "*ambushed*".
19. However, upon being pressed more than once by the court, counsel for the Appellant, Ms Le Fevre was forced to concede the court's own suggestion that the correct provision to deal with costs where a complaint is not proceeded with is, in law, that contained in s.52 Courts Act 1971 ("Where a complaint is made to a justice of the peace but the complaint is not proceeded with

a magistrates' court may make such order as to costs to be paid by the complainant to the defendant as it thinks just and reasonable"). In other words, the same test as would apply under s.181 LA 2003 following a completed appeal hearing; a position adopted thereafter by the 2nd respondent.

20. Accordingly, this costs application is now determined pursuant to the court's powers in s.52 Courts Act 1971 and on that and that basis alone.

21. Ms Clover for the 2nd respondent characterised this preliminary legal argument as "typical" of the manner in which the MPS has conducted this case from first to last; describing their dealings throughout as "confrontational, aggressive and non-conciliatory". (It is indeed one of the factors which she submits, has contributed towards a significant costs bill for which she now claims).

22. I myself found it surprising and less than helpful that counsel for the appellant, Ms Le Fevre sought a ruling from me on an argument (which I have called the "s.181 point") without notice to the 2nd respondents and which, in any event, she abandoned when the court challenged her with the correct statutory provision, namely s.52 (3) (b) Courts Act 1971. But for the court's own intervention therefore, much court time and resource would have been occupied with a possible adjournment (to enable the 2nd respondents to reply). Thereafter, specious preliminary argument with the possibility of future appeals and challenges to the ruling on a point which was never in play in the first place. It was most unsatisfactory and in my view is capable of supporting the 2nd respondent's analysis of the conduct of the appellants much of which concerns me in determining this costs application.

THE AUTHORITIES

23. I have had drawn to my attention and have considered the following authorities:

- a. City of Bradford Metropolitan District Council v Booth [2001] LLR 151
- b. Uttlesford DC v English Heritage [2007] EWHC 816 Admin
- c. R (Perinpanathan) v City of Westminster Magistrates Court [2010] EWCA Civ 40
- d. Almada v City of Westminster [2010] EWCA Civ 386
- e. Prasannan V Royal Borough of Kensington and Chelsea [2010] EWHC 319
- f. Sainsbury's Supermarket Ltd v Winemark the Wine Merchants Ltd [2012] NIQB 45
- g. R (Newham London Borough Council) v Stratford Magistrates Court [2012] EWHC 1700 Admin

24. I have also considered the following, additional cases:

- a. R v Totnes Licencing Justices, ex p Chief Constable of Devon and Cornwall 91990) 156 JP 587, DC
- b. Chief Constable of Derbyshire v Goodman & Newman (2001) LLR 127
- c. R v Merthyr Tydfil Crown Court, ex p Chief Constable of Dyfed Powys Police 92001) LLR 133
- d. Crawley Borough Council v Attenborough (2006) EWHC 1278 Admin
- e. Cambridge City Council v Alex Nesting Ltd (2006) EWHC 1374 Admin
- f. Baxendale-Walker v Law Society [2007] EWCA Civ 233
- g. Manchester City Council v Manchester Magistrates Court [2009] EWHC 1866 Admin
- h. Walker v Walker [2005] EWCA Civ 247

PRINCIPLES APPLIED

25. There is no material difference between a costs application under s.64 Magistrates Courts Act 1980 (civil costs in criminal proceedings) and s.181 Licencing Act 2003 (*Crawley BC ante*). By the same reasoning therefore, I find that s.52 (3) (b) Courts Act 1971 (“a magistrates court may make such order as to costs to be paid by the complainant to the defendant as it thinks just and reasonable”) confers the same discretion on the court, in the same terms as s.64. (Indeed, I am reinforced to some degree in my view by the terms of s.52 (5) which provides that any such order for costs is enforceable in the same way as an award under s.64).
26. By r.38.6 Civil Procedure Rules (73rd update, 5th June 2014), there is a presumption that the party who discontinues the proceedings will be liable to the other party in costs. The burden is on the party discontinuing to establish a valid reason for departing from the usual rule that a claimant who discontinues is liable for the costs incurred (*Walker, ante*) . I must however, read that presumption in the light of the authorities referred to above, namely that the presumption can be displaced in the court’s discretion where it is just and reasonable to do so. The burden rests with the discontinuing party to establish why costs against them would not be “just and reasonable” in all the circumstances of the present case.
27. Significantly though, there is however, no reported authority (or none which has been brought to my attention) which deals with the principles to apply in dealing with a costs application under s.52 when the complaint (which though later discontinued) was brought by a public authority said to be acting reasonably in discharge of its statutory functions. All the authorities are concerned with the position after an appeal has been dealt with. In the

absence of any specific authority on discontinued appeals therefore, I have dealt with this costs application by reference to the CPR part 38.6 as informed by the principles contained within the authorities cited above.

28. The general principle in civil proceedings is that costs follow the event. This principle must be read in the light of the authorities referred to above. Licencing cases do not exclusively involve private parties so that when seeking costs against a responsible authority discharging its statutory functions on justified grounds, a costs order should not be made unless there was some good reason for doing so. (*Chief Constable of Derbyshire, ante*).
29. The mere fact that a statutory body loses an appeal is not generally a "good reason" by and of itself as to hold otherwise would have the potential to discourage responsible bodies from pursuing their legitimate concerns in the public interest (*Booth, ante*).
30. However, where the appeal (or "objections") raised by the statutory body were "misconceived, without foundation, born of malice or some other proper motive", then it would be just and reasonable to award costs to the licensee (*Totnes, JJ ante*).
31. Although as a matter of strict law the power of the court in such circumstances to award costs is not confined to cases where the local authority acted unreasonably and in bad faith, the fact that the local authority has acted reasonably and in good faith in discharge of its public function is "plainly a most important factor". (*Alex Nesting, ante per Toulson J, para. 11*)
32. Where a complainant is successful before the Magistrates Court challenging an administrative decision made by a regulatory body acting honestly, reasonably, properly and on grounds that reasonably appeared to be sound, in the exercise of its public duty, the court should then go on to consider the financial prejudice to the particular claimant if an order for costs is not made in his favour (*Booth, ante*).
33. Magistrates should exercise particular care when considering whether the police have acted reasonably in a case where there is an application for costs against them.....but particularly given the resentment felt by a person in the position of a claimant if no order for costs is made, and the general standards of behaviour that can properly be expected from the police, it must be right to scrutinise their behaviour.... with some care when deciding whether they acted reasonably and properly (*per Lord Neuberger of Abbotsbury MR, Peripanathan at pg.1541D – E*)

THE SUBMISSIONS

34. Both parties made detailed and lengthy submissions in addition to the written material placed before me in the agreed bundle. I have considered them all carefully.

FOR THE SECOND RESPONDENT (Applicant in the costs matter)

35. Counsel for the 2nd respondent, Ms Clover seeks costs in full to cover the period from the date at which the appeal was lodged up to and to include this hearing namely the costs application. She has submitted a schedule of work carried out in preparation for the abandoned appeal.

36. In her submissions, she described the review hearing and subsequent appeal proceedings as *"hotly contested, bad-tempered and fractious"*. She characterised the original review allegations as *"wide-ranging and hard hitting"*. She points out that the review hearing was unusual in that the committee retained independent counsel to assist them and that, also contrary to usual practice, the committee permitted cross examination of witnesses at the review. At the conclusion of almost 3 days of hearing, the committee gave a *"lengthy and reasoned decision"* (to which I have already referred in paragraphs 7 – 10 above).

37. Ms Clover submits that the committee went to a high degree of trouble in preparing their decision and the length and content of the decision gives a clear indication of the seriousness of what the committee felt they were dealing with. She further submits that the detailed critique of the police evidence by the committee and the manner of its presentation is *"crucial"* to understanding this case and this application for the 2nd respondent's costs.

38. The appeal lodged by the MPS on 1st July 2013, she described as a *"declaration of war"*. The point she makes is that it was not a *"holding"* appeal to meet the 21 day time limit but a detailed challenge to the manner, tone, substance and content of the committee's decision. It is relevant therefore to this application because it could not be regarded and was not regarded by the 2nd respondent's as anything other than intended to be a fully contested re-run of the first review hearing for which full and proper preparation was required.

39. Further, the basis upon which the MPS resists the costs application is not accepted. It is the 2nd respondent's case that there has been *no material change* in the manner in which the Club was being run from the date of the finding of the committee to the date to the date upon which the appeal was withdrawn. The operation of the premises has not changed. The MPS has submitted no evidence (as opposed to making assertions) that it has. The suggestion that the appeal was withdrawn because of alleged *"dramatic improvements"* in

the way in which the club was run from Christmas 2013 are she says, "*fallacious*" and the "*shield behind which the MPS now hide*" in an attempt to persuade this court that the MPS had therefore no need to pursue the planned appeal and so, an award of costs against them in those circumstances would be unreasonable.

40. Ms Clover points to and relies upon the discussions after the review findings which were held by the MPS with the London Borough of Sutton at Chief Executive level; discussions to which the 2nd respondents (and she alleges, in the absence of any evidence provided, the licencing sub- committee) were not a party and which discussions were later described by the local authority's own solicitors as "*constitutionally irregular*" (email at page 122).
41. Further, the suggestion by the MPS that the licencing sub-committee were party to ongoing negotiations between the local authority and MPS is not borne out by the further correspondence referred to in paragraph 14 above.
42. The position of the 2nd respondents was and is that the MPS had no proper basis upon which to appeal the decision of the licencing committee and having withdrawn their appeal without any concession by the 2nd respondent, the MPS are thereafter liable for the substantial costs incurred in having to prepare this case as if for a fully contested appeal hearing.

FOR THE APPELLANT MPS (Respondents in this costs application)

43. The submissions are contained in paragraphs 12 – 21 of the skeleton argument (Appendix B).
44. In summary, the appellant contends that the appeal against the decision of the committee was justified on the grounds that the original decision was flawed and failed to address the concerns of the MPS relating to the statutory licencing objectives in respect of this club.
45. The Interim period between the appeal being lodged and the appeal being withdrawn was determinative for the resolution of the appeal in that the LB of Sutton and the Club had taken sufficient steps to satisfy the concerns of the MPS that the licencing objectives were now being met and that ultimately, no appeal was needed thereafter to achieve those objectives; that is to say, there had been real improvement in the management and operation of the Club such that the MPS no longer needed to pursue an appeal to achieve fulfilment of the licencing objectives.
46. The appellants unsurprisingly place great weight on the letter dated 29th November 2013 from the Leader of the Council (Cllr Dombey) for the purposes of the costs application in that the letter contains an assertion by Cllr Dombey that "*we fully acknowledge that the police officers all acted in good faith in this matter.....*"

47. Further, that the MPS were acting reasonably at all times in the conduct and preparation of the case for hearing withdrawing the appeal as soon as it became clear that the appeal was no longer necessary to uphold and enforce the statutory licencing objectives. The position as to the reasonableness of costs should be assessed as at the date the appeal was abandoned.
48. Accordingly, there is no reason to displace the "no order" presumption where, as here a public authority is acting solely in pursuit of its public policy objectives.

FINDINGS

49. The original decision of the committee still stands. It has not been challenged by the MPS by way of a rehearing on the merits on appeal nor have the appellants sought to challenge the decision (which they described in their submissions to me, as "truly appalling") as to its vires or Wednesbury unreasonableness i.e. to seek leave for a judicial review of the decision. In any event, it is not open to me now at a costs application to go behind those findings or the reasons which of course, includes the adverse comment on the police conduct and evidence.
50. I repeat and remind myself that the review *failed* and the committee declined to revoke the licence as sought by the police and that remains the position to this date. The 2nd respondents were entitled to have believed the operation of the licenced premises at Wonderland to have been vindicated by that decision of the Licencing Sub-Committee.
51. The conciliatory tone of the letter of Leader of the Council, Cllr. Dombey to the Borough Commander on 29th November 2013 may have been sufficient to sooth injured police feelings and to promote harmonious relations between the local police and the local authority. However, there is no evidence before me that this letter was written after any consultation with the members of the original licencing committee (as opposed to those members being copied in on a letter drafted and sent on behalf of the Leader of the Council). Closer inspection of the letter reveals merely that the chair of the licencing committee, Cllr Mary Burstow (and one other councillor) was copied in on Cllr Dombey's letter. There is nothing in that letter to show Cllr. Mary Burstow or any other of the original licencing sub-committee were consulted with, contributed towards, endorsed or agreed the contents or significantly, the conclusion that the police had indeed acted "in good faith in this matter".
52. Indeed, pertinently in my view, after this letter was sent, Cllr Burstow was present at a later meeting of the licencing sub-committee which voted to defend their decision against the MPS appeal (see council minutes of 20th January 2014, served by way of additional material, see paragraph 6 above). In other words, whatever conciliation was being undertaken at

executive level between the local authority and the Borough Commander for political or other motives, the licencing committee, by inference, continued to support the 2nd respondents position that the statutory licencing objectives were being met as they had already found, by proper management of the premises.

53. The letter of 29th November 2013 does not seem to me therefore to be able to support a finding that it was the view of the original licencing committee that their comments in the review notification were "inappropriate" or that the police had acted in "good faith". It is, of course, the licencing committee who have the statutory duty to make licencing decisions. With due respect to them, it is not the police and not the Leader of the Council. The decision by the licencing sub-committee to defend the appeal is a significant rebuttal of the proposition that the committee themselves accepted the view that the police had acted in good faith. In the light of their detailed findings and reasons for declining to revoke the premises licence, it is hard to see how they could.
54. In any event, such correspondence has no bearing in my view on the position as between the appellants and the 2nd respondents who were never a party to any such discussions and certainly no party to a finding that the police had acted "in good faith". The view of the 2nd respondents was and remained up until the day before the appeal was abandoned and to date, as expressed at meetings and in correspondence, that they did not feel able to trust the licencing Police officers.
55. I also find that at no point was there any compromise offered or adopted on the part of the 2nd respondents in any meeting in respect of the way in which the club was run or managed after the licencing review to the date upon which the appeal was discontinued. On the contrary, there is ample evidence in all the minutes and correspondence that the second respondents maintained throughout that the MPS should abandon their unmeritorious appeal and pay the costs to the 2nd Respondents in full.
56. Further, there is no evidence in all the material shown to me or from any one of the four officers at court providing instructions to the solicitor and counsel for the MPS which supports the assertion made in argument that the operation of this club was different in any material regard to how it had been from the time the appeal was lodged to the time the appeal was abandoned. When during submissions, I asked for a concrete example, I was provided with generalities ("the dispersal policy"). When I pressed for a specific factual example, I was offered a different generality ("the supply of drugs within the club"). This inability to provide evidence to support an assertion is entirely consistent with the view formed of the police approach to the review by the original licencing committee's findings

for example, at page 7 of the decision, (in respect of assertions that the club ejected drunken, vulnerable young people on to the streets): *"no part of that assertion was substantiated either by way of CCTV or credible oral evidence"*.

57. In the absence of any such evidence before me, any alleged improvements as the police sought to rely upon as evidence of a change in the management of the club since June 2013 are equally likely to be attributable to other, external factors which the parties agree existed (for example, that two other nightclubs in the area had closed during this period; also, there was a change in policing strategy in the area).
58. I therefore accept the submission of the 2nd respondents that the club was well-run at the time of the review (as the licencing committee found) and well-run in precisely the same manner still at the date at which the appeal was abandoned.
59. It follows from that that I reject the ostensible reason for the MPS not to proceed with the appeal (that public interest was protected by proper and effective change on the part of the club so that the appeal need not be pursued). As the 2nd respondent put it in argument, *"it is the shield behind which the MPS hide"*. I agree.
60. Accordingly, the appellants have not discharged the burden to satisfy me on the balance of probabilities that the reasons advanced, as between the MPS and the 2nd respondents to justify their decision to abandon the appeal are made out. As such I can properly describe those reasons as *"without foundation"*.
61. Further and in addition, having scrutinised carefully the behaviour of the police as described by the committee in the conduct of the investigation leading to the review, the quality of the evidence and presentation at the initial review, in their conduct between lodging and discontinuing the appeal and as witnessed by me during this costs application, I do not disagree with the 2nd respondent's description of proceedings throughout being *"hotly contested, bad tempered and fractious"*. In fact, if anything, I find grounds to support it. That analysis lends further weight to my decision that in the context of this costs application, the police have not satisfied me that they have acted reasonably and properly. It follows therefore; they have not satisfied me on the balance of probabilities to displace the costs presumption.
62. The 2nd Respondents do not rely upon financial hardship as a reason to justify an award (as per the third principle in *Booth, ante*). However, this is merely one of the factors to be taken into account (and then only after a finding on reasonableness of conduct). However and in any event, I find, on the present facts, that lack of financial hardship does not outweigh the other factors described to which I attach the greater weight for the reasons given.

DECISION ON COSTS

63. In those circumstances therefore, this is a case in which in my view, the presumption that he who abandons must pay should prevail. In the words of Chadwick L.J. in *Walker v Walker*, paragraph 42 ante, it is not just or fair on these facts that to allow the MPS to walk away from an action in which they had made allegations which had to be resisted and leave the 2nd respondents to pay their own costs when there had been no material change since the proceedings commenced. The party who discontinued the appeal namely the MPS should pay the costs of the 2nd respondent, the premises licence holders. For all the reasons set out above, in my view, it is neither unjust nor unreasonable to exercise my discretion to make such an award.

DECISION ON QUANTUM

64. By virtue of s. 53 (4) Courts Act 1971, the decision on quantum must be specified by the court. Further, the award on quantum must be for what is just and reasonable in all the circumstances. I am told, it was not challenged and I accept that the schedule of costs relates only to the work undertaken on behalf of the 2nd respondents from the date of the appeal to the date of the abandonment. There is an additional sum however, for the costs of preparing for this contested costs hearing. However, no submission is made to me to disallow costs on this discrete point and so I deal with the schedule of costs as drafted.
65. The preparation for the appeal was a substantial and complex hearing for the 2nd respondents to defend. I have seen a breakdown of the work by Poppleston Allen solicitors of Nottingham by task and by hourly rate. I have consulted the guide rates for summary assessment of costs in the White Book for solicitors based in the City of Nottingham (band 1).
66. The appellants assert before me that the 2nd respondent's figure on quantum is "utterly, utterly disproportionate". They did not however, seek to identify which work and or what fees claimed merited such description save to assert that the 2nd respondents did not have to produce witness statements or commission experts reports as they knew that consensual resolution of the matter was imminent.
67. The 2nd respondents repeat and rely on the protracted and lengthy course of these proceedings; that they had no option but to assume until the date of discontinuance that the appeal would be effective and prepare accordingly for what history had shown would be a

fully contested and difficult hearing; made yet more difficult by the failure of the appellants to comply with court directions to serve an appeal bundle no later than 10 weeks before the hearing. There had never been nor was there any prospect of a consensual resolution as far as the 2nd respondents were concerned. Their position from first to last was that the MPS should withdraw the appeal and pay costs to the licence holders. As Ms Clover for the 2nd respondent put it, succinctly but to my mind, somewhat wearily, "[the costs] *are what they are*".

68. Having considered the schedule in the absence of any specific critique to assist me, I cannot say in all the difficult circumstances of this difficult case, that the number of hours is unreasonable nor that the hourly rates themselves are unreasonable.

Karen Hammond

District Judge (Magistrates Court)

11th June 2014