



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** Committee held on **Friday 6th January, 2017**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Jean Paul Floru (Chairman), Nick Evans and Murad Gassanly

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 RAH RAH ROOMS, 215-217 PICCADILLY, W1

LICENSING SUB-COMMITTEE No. 4

Friday 6th January 2017

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Murad Gassanly

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Presenting Officer: Sumeet Anand-Patel

Applicant: Metropolitan Police.

Present: PC Adam Deweltz, PC Mike Day and PC Toby Janes (Metropolitan Police), Mr Andrew Woods (Solicitor, representing the Licensee), Mr Tony Flynn (Licensee and Designated Premises Supervisor), Mr Alan Dugard (Chairman of company which owns premises) and Mr Arron Curtis (Operations Director).

Initial consideration for any interim steps pending the full review of the premises licence for Rah Rah Rooms, 215-217 Piccadilly, W1 15/04320/LIREVX

The Sub-Committee heard from PC Deweltz. He stated that the application had been submitted by the Police on the grounds of the prevention of crime and disorder and public safety. On Sunday 1 January from 00:33 hours, serious crime and disorder had taken place. Three males, one of whom is a 17 year old juvenile, had received stab wounds at the venue which was operating as a nightclub. It was believed that the injuries were caused by a knife or a bladed article. The Police were currently investigating the matter and as yet no knife had been found. PC Deweltz advised those present that the injuries were consistent with that of a knife. No fragments of glass had been found in the room. The Police had requested medical reports from the Ambulance Service which would be received in due course. As yet no arrests had been made as part of the on-going investigations. Two of the victims had been identified as members of the Mozart Gang by the Westminster Gangs Unit. PC Deweltz added that the Police were requesting the suspension of the premises licence pending the full review hearing where they expected to request a revocation of the premises licence.

PC Deweltz explained that what had taken place on 1 January was the second example of a serious incident at the venue where a stabbing had occurred. On Saturday 3 September 2016, a male had received stab wounds to his right upper leg. The Police Licensing Team had spoken with representatives of the venue and had advocated a 'stepped approach' with recommended operational improvements and conditions in order to prevent further incidents, such as that on 3 September, taking place in the future. PC Deweltz informed those present that many failings had been found following the 3 September incident. These included that patrons had not been searched to the levels that would have been expected, the suspects carrying out the disorder had not been detained and the crime scene had not been preserved. He made the point that by staff mopping up the blood in the Club, they had removed the forensic evidence. He also stated that staff had told Police that the blood on the floor had been cranberry juice. The Police had subsequently been able to confirm it was blood.

PC Deweltz advised the Sub-Committee that there were conditions proposed by the Police following the 3 September incident that were not accepted by those responsible for the venue. These were an ID scan system, polycarbonate drinking vessels and search arches. He expressed the view that if the safety measures had been implemented, the incident on 1 January 2017 could have been prevented. This included that the 17 year old who had been stabbed would not have gained entry to the venue. PC Deweltz also believed that by not agreeing the conditions those responsible for the premises had not adequately considered the safety of their customers and staff members.

The Sub-Committee was then shown CCTV footage from a number of the venue's cameras of what had taken place on the morning of 1 January 2017. PC Day referred to disorder breaking out from 00:34 onwards when two males began to dance with a female on the dance floor. Another male, who was in a group with this female, punched one of the males. There was a man in a black suit who was a

member of the security/operations team in the venue and he was located near to the female's group in the seating area throughout the evening. It was the Police's perception, having viewed the footage, that the actions of the man in the black suit were not decisive enough in separating the groups or bringing other members of security to the scene of the altercation at any early stage. PC Day referred to one of the two men who had attempted to dance with the female (the colleague of the man who received the punch) being held in a headlock by another man and he believed this was in full view of a security guard. There was a second incident at 00:36.31 when another fight began between the two groups. PC Day stated that the Police were of the view that this could have been avoided if the security had been more proactive with the first incident and dispersed the individual who had thrown the punch. The groups are seen using bottles and other objects such as a champagne flute to assault each other. Security was seen to detain the group at the seating area and also members of the other group on the opposite side of the venue.

The Sub-Committee saw that following the second incident lighting was put on and the Operations Director, Mr Curtis had made an announcement to the patrons in the venue. The Police believed that he had advised them to stay calm and that the Police had been called. PC Day then showed footage from 00:43.53. He made the point that there were members of the seated group who were able to roam around the Club freely. He then moved the footage on to where the black male with dreadlocks who had thrown the original punch came into view. He had received two stab wounds which PC Day advised had resulted in life changing injuries. A wound to his back could be seen. There was also a wound to the front of his body. A female had taken off his shirt and blood was clearly visible on his clothing.

The Police had then showed footage from the same camera at 00:51:13 which PC Day stated displayed numerous failings in terms of preserving the crime scene where the man with dreadlocks had been stabbed. PC Day provided the information that staff had been given crime scene preservation training by an external company in the presence of PC Russell after the incident in September 2016. The inability to preserve the crime scene had been contrary to the training given. The security and management had gone elsewhere to deal with other issues in the Club and there were no security or management overseeing the crime scene. PC Day referred to members of the public still freely drinking within the venue then leaving through the crime scene.

Footage was shown from another camera which showed a ramp on the other side of the seating area. The man who received the punch was seen at 00:36.03 being led up the ramp by Mr Curtis and a member of security. PC Day referred to the aftermath being seen of the man's friend being in a headlock which involved members of the public moving away from the altercation in fear of their safety. Security had then started to detain the suspects. From 00:43.37 in the footage PC Day indicated a black male with a jacket with a fur collar and a colleague of his with dark sleeves who were upstairs during the course of the booking. The Police were trying to identify these men as part of their investigations. These two men had approached one of the groups, one of them had swung a bottle and another fight started. PC Day showed footage at 00:45.09 of the man who had held the man from the other group in the headlock still being armed with a bottle. He stated that at no stage during the footage is the bottle removed from his hand although he was identified and stopped by security officers. PC Day informed the Sub-Committee that

a man had been stabbed off camera in the abdomen and subsequently went upstairs in an attempt to gain revenge for the attack.

A further camera showed members of the public rushing to escape after the first incident. In respect of the second incident PC Day showed objects being picked up from the venue with the intent to arm. From 00:42.13, he referred to the group from the booking upstairs, including the male who was about to swing the bottle. The male can then be seen again following the incident with the bottle above his head in fear of the other group. PC Day also showed that staff had attempted to clean where the original incident had occurred. A mop and an industrial unit were subsequently used as weapons during the fighting. One of the men using these as weapons was allowed by a security guard to run past him and towards the foot of the stairs.

CCTV footage from the bottom of the stairs showed the second incident with the bottle. The second man from the upstairs group could be seen leaving with a bottle. There was a man with injuries in the stairs area who was a member of the public and not involved with any of the groups. He was hit in the face by a man armed with the mop. The mop is picked up by a member of the cleaning team which PC Day stated was contrary to the crime scene preservation training as it was a weapon used in an assault.

Finally the Sub-Committee was shown footage from cameras either side of the front door in Piccadilly. This included one of the stabbed men seeking reprisal at 00:45.16. PC Day advised Members that he had identified the male he believed was responsible for the stabbing and had attempted to punch him. He was restrained by staff, members of the public and his group. At 00:50, the member of the public hit in the face could be seen. PC Day stated that his friend was visibly unhappy with how the situation had been dealt with. He was aggressive in his manner for the next quarter of an hour, grabbing items such as the barrier. PC Day added that members of the public were injured in the process. He believed that the footage showed that the handling of the friend of the injured man had been badly managed.

The Sub-Committee asked the Police a number of questions. The Police were able to advise in response to the questions that the Premises had first made contact at 00:50 hours and the first Police had arrived at the premises at 01:11. Multiple units had attended the venue. The Police Licensing Team had arrived at 01:31, having been first informed of an incident involving a bottle at 00:56. They were then informed of a stabbing at 01:26. The Police Constables emphasised just how busy an evening New Year's Eve is for them and that they had been dealing with a previous matter. They were of the view that there had been a delay between the first incident at 00:34 and the Police being called. It was believed that an ambulance was called from the premises. The Police Constables were of the view that Mr Curtis' announcement a number of minutes prior to 00:50 when the lights had been turned on had suggested that the Police had already been called which had not been the case. They informed Members that they would have expected those who were responsible for the incidents of disorder to be detained or taken somewhere safe and not allowed out of the venue. Members were also advised that in the Police's opinion there was a lack of urgency on the part of some members of security to deal with issues as they arose and that events had been badly handled. In some cases, they had perceived from the CCTV footage that some members of security were avoiding confronting the perpetrators whilst the incidents were taking place which they

believed to be unacceptable.

The Sub-Committee heard from Mr Woods, representing the Licensee. He stated that the incidents were not what anyone wanted to see take place in Westminster. He was, however, seeking to persuade the Sub-Committee that a suspension of the premises licence pending the full review hearing was not necessary. He made the point that it was easy to view CCTV with hindsight. At the time though Mr Curtis and the security team had been required to respond to events as they arose. Those responsible for the premises had not been aware prior to the current hearing that there had been gang members involved in the incidents.

Mr Woods explained that Mr Curtis had been on duty on 1 January. Mr Flynn, the Licensee and DPS had not been present. Mr Woods emphasised the experience of the management who he stated had been involved with the operation at 1 Leicester Square over a 12 year period without any serious incidents taking place. They had commenced running the premises at 215-217 Piccadilly on 1 July 2015. Rah Rah Rooms is a cabaret venue which on certain nights operates as a nightclub. Mr Woods advised that there were a number of corporate bookings scheduled during January 2017. He expressed the view that the premises did not attract trouble on a regular basis. He sought to differentiate Rah Rah Rooms from other premises who were the subject of reviews and where there had been a number of escalating crimes. He emphasised that there had not been any incidents of note from 1 July 2015 to 3 September 2016.

Mr Woods addressed Members on matters from 3 September 2016 onwards. He commented that on 3 September the crime scene had not been preserved as an inexperienced member of the team had cleaned it up. Within a few days of the incident staff had been booked on a crime scene preservation training course. In respect of the Police's 'stepped approach' following the stabbing in September, Mr Dugard advised that there had been 13 conditions proposed by the Police and on behalf of the owners of the premises he had agreed 9 of them. He added that the conditions had been the subject of a minor variation application and there had been no objections to this. It was his view that search arches were not appropriate for a cabaret premises.

Mr Woods stated that in respect of New Year's Eve, there had been 12 SIA qualified door supervisors on duty at the premises. Additional TSS security staff were also employed and they had previously been employed when management had worked at 1 Leicester Square. Two members of the management team at Rah Rah Rooms were SIA qualified. There were five managers on duty. Mr Woods brought to Members' attention that there was a ratio of 1 door staff to 25 customers which was considerably more than would usually have been employed. Details of the booked tables and tickets were being handed over to the Police as had all the CCTV footage. There were no special promotions and some of the tables booked had been particularly expensive, including the group with the male who had thrown the initial punch. Mr Woods commented that PC Day and PC Deweltz had attended the premises at 22:25 on 31 December, a couple of hours before the incident and had seen the search wand in action.

Mr Woods explained the incidents of 1 January from his client's point of view. The seated group which included the woman dancing and the man who had thrown the

initial punch were a celebrity group. Following the punch being thrown, Mr Curtis had been called and was assessing the extent of the injuries to the man who had been the subject of it. At that stage he had not considered this to be a serious assault and so had not contacted the Police. From 00:36, it was clear that there were issues between the celebrity group and a second group. At that stage security had detained the celebrity group and the other group had been taken to the other side of the Club and were told to calm down. Mr Curtis took the decision to turn the lights on and turn off the music. Mr Curtis added that his announcement was to calm down and he had told those present at the venue that he would call the Police if there were further issues.

Mr Woods informed Members that it was his client's view that the problems were contained until 00:44 when the two men from the upstairs booking appeared and used bottles. They had not been detained as they had left the venue quickly before it was known who had caused this incident. It was not known yet whether they were connected to anyone involved with the incidents in the previous few minutes. Mr Curtis stated that after the use of bottles he had instructed a member of staff to call Police. It was his belief that the Police had actually been called at 00:46.10. The Ambulance Service had also been called. Mr Dugard stated that it was his understanding that the first two groups who had clashed initially were detained for 16 minutes and there was only so long that it was possible to detain ten to fifteen males.

Mr Woods stated that Mr Curtis had placed barriers around the crime scene. He accepted that 8 people should not have been allowed to walk through the crime scene and that a member of staff should have overseen the area.

The Sub-Committee asked those responsible for the premises a number of questions. Mr Curtis was asked whether the male who threw the initial punch had been detained. Mr Curtis replied that the man who had been struck by the punch had not known who had thrown it. It was Mr Curtis' priority to assess the injuries. He had brought a manager to the scene and then a further incident had taken place. Mr Dugard was asked why he had rejected the Police's conditions in respect of the ID scan system and search arches. Mr Dugard replied that Rah Rah Rooms is predominantly a cabaret and burlesque dance venue with corporate and private events. A safety wand was used because search arches would look out of place. He added that the search arches tended to go off when any females walked through whereas the safety wand was more specific. In respect of an ID scan system, Mr Dugard made the point that there had not previously been issues with gangs at the premises. He was not convinced that ID would have picked up the gang members or that they would have prevented the incidents on 1 January. He was however committed to installing the ID scan system now. Mr Curtis confirmed that the safety wand was used for everyone entering the premises. Mr Dugard volunteered the information that polycarbonate vessels were already used throughout the premises.

In response to further questions, those responsible for the premises clarified that there had been two inexperienced cleaners employed on 3 September 2016 who had cleaned the crime scene. The failure to preserve the crime scene on 1 January had been a momentary lapse. It was also clarified that Rah Rah Rooms is a cabaret venue until 23:00 or midnight. Other activities, including the premises becoming a bar, took place after that time.

Mr Woods was also asked whether consideration was given to eject everyone present after the coming together of the two groups at 00:36. Mr Curtis replied that it was seen at that time as a containment operation as there were no visible injuries. After the use of the bottles and staff being aware of injuries, everyone was told to leave the premises. Mr Dugard commented that when the two men came downstairs it was very difficult to find out who was who. He did not believe that any security had seen the bottle swung. The two men had disappeared through the fire escape before they could be detained. Those responsible for the premises were also asked whether those involved with the initial incidents should have been ejected. Mr Curtis replied that the two groups had been separated and requiring them to leave would have been a mistake. Mr Dugard added that there is only one entrance and a fire exit at the premises and all would have had to leave via the same stairs. It was also the position of those responsible for the premises that it was doubtful whether the security guard positioned by the celebrity group's table had seen the original punch being thrown

The Police were given the opportunity to respond to the comments of those responsible for the premises. PC Deweltz stated that there was extra security employed and additional conditions had been attached to the premises licence after 3 September 2016. However, despite this management had lost control on 1 January. Three people had been stabbed. People could have died. One of the injuries was very serious and was described as a life changing injury. The Police had no faith that management were able to keep members of the public or staff safe. Staff had not been sufficiently proactive, including hiding behind the bars. It was proportionate and necessary to suspend the premises licence.

Mr Woods summed up that on 363 days in the year the premises had been run exceptionally well. There had been two incidents. He disputed that there had been any delay in calling the Police. Staff had looked to calm down the two groups who had had the initial altercation. He made the point that if the two men from upstairs had not become involved that likely would have been the end of the incidents. Mr Woods expressed concerns that suspension of the premises licence could lead to the Club closing. The track record did not show that Rah Rah Rooms was a troublesome venue.

The Sub-Committee had carefully read the report and listened to the representations made at the hearing. Members took the view that the Police and those responsible for the premises had explained their positions well. They appreciated the Police's investigation was on-going. Based however on the information provided to the Sub-Committee at this stage, Members decided it was necessary to suspend the premises licence, pending the full review hearing. The Sub-Committee shared the view of the Police that they lacked confidence in the way that management had responded to the incidents of 3 September 2016 and 1 January 2017. Members considered that given the seriousness of the events of 3 September 2016, those responsible for the premises should have agreed to ID scan and search arches conditions. Management had not appeared to sufficiently learn the lessons from the incidents of September 2016 and apply them to the issues raised on 1 January.

The Sub-Committee agreed with the position of the Police that there was a lack of urgency on the part of some members of security to deal with issues as they arose and that some members of security were avoiding confronting the perpetrators whilst

the incidents were taking place. One such example was the footage that showed the man who had held the man from the other group in the headlock still being armed with a bottle. The footage showed him still holding the bottle as a potential weapon even though he had been confronted by security officers. The Sub-Committee had also seen the footage at the front of the premises of the friend of the member of the public who was hit by the mop where little was done to calm him down.

A further concern was that the crime scene and the mop which had been used as a weapon had not been guarded despite there being a large number of security staff employed on the night. Whilst the crime scene not being preserved could be viewed as a momentary lapse, it was an example of management not responding adequately to the incidents which arose on 1 January and not applying what should have been learnt from the stabbing incident on 3 September.