



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Friday 30th August, 2019**, Rooms 18.01 and 18.02, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Karen Scarborough (Chairman), Jim Glen and Rita Begum

#### 1 MEMBERSHIP

##### 1.1 THERE WERE NO CHANGES.

#### 2 DECLARATIONS OF INTEREST

##### 2.1 THERE WERE NO DECLARATIONS OF INTEREST

#### 1 OPIUM, 21 RUPERT STREET, LONDON, W1D 7PJ

### LICENSING SUB-COMMITTEE No. 4

*Friday 30 August 2019*

Membership: Councillor Karen Scarborough (Chairman), Councillor Jim Glen and Councillor Rita Begum

Legal Adviser: Barry Panto  
Committee Officer: Sarah Craddock

Relevant Representations: Metropolitan Police (Applicant).

Present: Mr James Rankin (Counsel, representing the Applicant), PC Reaz Guerra and PS Cherie Whiteley (Metropolitan Police), Mr Philip Kolvin QC (representing Opium, 9 Rupert Street), Mr Ramon Bordas Togores and Mr Ramon Bordas Estany (The Owners of Opium, 9 Rupert Street) and Ms Lana Tricker (Solicitor, on behalf of Opium, 9 Rupert Street).

**Initial consideration of the interim steps pending the full review of the premises licence pursuant to section 53B(3) of the Licensing Act 2003 – Opium, 9 Rupert Street, W1D 7PJ  
19/10730/LIREVX**

## **Summary of application**

An application had been made by the Metropolitan Police Service to review the premises licence for Opium, 9 Rupert Street, London W1D 7PJ under Section 53A(1)(b) of the Licensing Act 2003 (premises associated with serious crime or disorder or both). The application alleged that the licensed premises was associated with serious crime or serious disorder or both as a result of a large fight and large scale disorder with 15-30 people fighting at the location that took place on Sunday 25 August 2019. This large-scale disorder had led to one person receiving a stab wound to his abdomen within the premises and a second person receiving two gunshot wounds whilst outside the premises, one to his back piercing his liver and the other to his arm.

## **Decision**

Members initially heard from Mr Rankin, representing the Police. He advised that the Police's position was that they were seeking that the premise licence be suspended following the incident which had taken place on Sunday 25 August 2019. He further advised that it was his understanding that the licence holders, represented by Mr Kolvin, would not be objecting to the Police's request for the premises licence to be suspended pending the full hearing. Mr Rankin stated that Mr Kolvin had confirmed that his clients no longer wished to ask for a very limited dispensation to enable two charitable events to take place in September.

Mr Rankin provided to Members his client's account of what had taken place on Sunday 25 August at approximately 03.04 hours when the premises should not have been open as there was no DPS present at the premises. Mr Rankin advised that the incident had involved a fight within the premises, which had resulted in one male being stabbed severely in the abdomen and shortly afterwards another man, who had also been in the premises, being shot in the liver and arm outside of the premises. Mr Rankin advised that CCTV footage had been collected from the premises and the Sub-Committee confirmed that they wished to view the footage, which was approximately five minutes in length. The Licensing Sub-Committee hearing went into closed session for the showing of the CCTV footage.

The Sub-Committee heard from the Police and observed from the CCTV that there were several people holding bottles which was a breach of condition 11 on the premises licence and that there had been no security staff in the area when the fight broke out. The Sub-Committee observed how the fight had started, how bottles were used as weapons and that one security staff did eventually arrive and ask the DJ to stop the music but that one single security guard could do nothing to stop the fight. The Sub-Committee then viewed the male being stabbed inside the premises.

Mr Rankin informed Members that neither of the victims were co-operating with the Police and did not want to name their attackers or identify the circumstances of their attack, which had led the Police to believe that this was a gang related incident. Mr Rankin further advised that the gun used to shoot the male had been secreted in a car parked immediately outside of the premises and the second victim who had undoubtedly been inside the premises had been shot on leaving Opium.

Mr Rankin explained that his client was of the view that several conditions on the premises licence had been breached as a result of the incidents of 25 August 2019. These included 1 as there had been no designated premises supervisor present on the premises, 11 relating to drinking vessels, 19 requiring the premises to give Police 14 days advance notice of a pre-booked event, 50 requiring all patrons to be searched, 59 requiring no entry/re- entry to the premises after 2pm and 63 as there had been no attempt to preserve the crime scene.

Mr Rankin advised that in respect of conditions 24 and 25 the Police were able to view the CCTV footage at the premises on the Sunday, however, staff were unable to download the footage until Wednesday as the CCTV was controlled from Barcelona. Mr Rankin further advised that the following conditions: 47 and 48 regarding the number of security guards required at the premises, 55 regarding the requirement for a premises holder on the premises and 14b requiring the premises to have a written guest list could also have been breached due to the seriousness of the two incidents.

Mr Kolvin addressed the Sub-Committee, Mr Kolvin advised that his clients understood the seriousness of the allegations that had been made and did not object to the Police's suggestions that the licence be suspended pending the full review hearing. He advised the Sub-Committee that the owners of the premises had been operating for over 30 years and as well as having Opium in London had various sized venues in Spain, which all operated to a very high standard. Mr Kolvin explained that £6 million had been spent on renovating Opium to create a high-end half restaurant/half club premises, which had opened in December 2018. The premises had operated without problem during January to July when it closed so the owners could restructure and appoint a new DPS. Mr Kolvin advised that it had been his client's plan to re-open in September, however, a staff member had persuaded them to open for a private event. Mr Kolvin further advised that there had been three premises licence holders and eleven security staff on duty at the event but because of the number of people involved in the fight the staff were unable to get directly involved but had turned up the lights and turned the music off to encourage people to leave the premises.

Mr Kolvin stated that his clients were very sorry that this incident had happened at the venue and would take the time until the Full Review Hearing to reflect on what had occurred and seek advice from the Police to avoid a similar situation happening again in the future.

Having carefully listened to all the evidence presented, the decision of the Licensing Sub-Committee is that it was necessary to take interim steps pending the determination of the full review of the premises licence held by Opium London Ltd in respect of the premises known as Opium and situated at 9 Rupert Street.

The metropolitan police made the application for the summary review based on a serious incident that took place at the premises and in the immediate vicinity of the premises during the early hours on Sunday 25 August 2019. The Police have indicated that they want the licence to be suspended as an interim step and the licence holder does not contest that approach.

The decision of the Licensing Sub-Committee is that it was necessary to suspend the premises licence as an interim step and this decision would have immediate effect.

The Meeting ended at 11.15am.

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_