

Exhibit RGG/07

Letter from Lana Tricker (LT Law) to PS Whiteley Dated 07/09/19



18 Soho Square, London W1D 3QL

7 September 2019

Sgt Cherie Whiteley
The Police Licensing Team
Westminster City Council
64 Victoria Street
London SW1E 6QP

Dear Sgt Whiteley

RE: Opium Trocadero London, Coventry Street London W1D 7AB

Thank you very much indeed for agreeing to meet with us and our client on 10th September.

Conscious that time is short before the full hearing of this review, we thought it would be helpful if we facilitate your investigation and, ultimately, assist the Licensing Sub-Committee, by voluntarily setting out the respects in which our client accepts that there were breaches of the premises licence and/or failures to promote the licensing objectives. This will hopefully enable the Sub-Committee to focus on what steps are now appropriate to promote the licensing objectives, in the light of those admitted defaults.

Below, we set out certain suggestions, upon which we would greatly appreciate your guidance and views.

As we believe our Counsel made quite clear at the interim steps hearing last week, there were multiple failures which our client deeply regrets.

Rather than putting the Metropolitan Police to the trouble of having to investigate and uncover those failures, we are here setting them out unbidden. This is consistent with our client's previous voluntary action in:

- (a) withdrawing the temporary event notice for 25th August,
- (b) undertaking not to re-open the premises until PC Lewis was back from leave,
- (c) not opposing the Metropolitan Police application for interim steps.

The admissions which follow are on the express instruction of our client which is an experienced, responsible and respected operator.

Condition 1 of the licence prevents the supply of alcohol when there is no designated premises supervisor. This condition was breached. Eamonn Mulholland had left at that point. Our client was relying on Mr. Mulholland's written delegation to Jose

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Parra. However, we have advised our client that this was a legally incorrect interpretation of events. The delegation fell with Mr. Mulholland's departure.

It is fair to point out that on the night in question, there were three personal licensees on site (condition 58 requires just one) together with an experienced door company, VIP Equaliser. The personal licensees were Mr. Parra, Bemnet Selestian (who was a staff member at Opium at the time but has subsequently been dismissed) and Bereket Selestian. However, while our client had reposed trust in these three individuals and the door company, it accepts that its trust was misplaced, and that insufficient rigour was exercised as to the management team on the night. These personal licence holders will not be working at the venue again. The security team has also been dismissed and will not be working at Opium again.

It also accepts that its risk assessment of the promoted event was insufficient, that the clientele was not in keeping with the high standards of the club, and that no steps were taken to terminate the event when this became apparent.

So far as security controls are concerned, condition 14 of the licence required ID scan to be in use, which it was. Condition 10 required security staff to be licensed by the Security Industry Authority which they were. Condition 51 set a minimum number of security staff which was greatly exceeded, with 11 staff on duty at the material time. Condition 37 required the premises to participate in the Westminster Licensed Premises shared radio scheme, which it did. Condition 47 required the exterior security to wear hi vis jackets, which they were.

However, condition 50, the search condition, was breached. Most of those entering were searched, but haphazardly. Plainly, this is entirely unacceptable.

Condition 20 required there to be waitress service throughout the premises, which there was. Condition 11 required polycarbonate glasses to be used. It was permissible to have glass champagne and spirit bottles served to table. This was also complied with. However, customers were not permitted to remove bottles from the tables, which they did as the incident evolved, without adequate intervention by the security staff.

It is fair to say that, until the incident at just after 3 a.m., the evening had passed off without any significant disorder. For example, this is not a case of intoxication on the part of the customers, whether through alcohol or drugs. Although we understand that there may be an allegation that alcohol was sold after hours, though this is not borne out by the till rolls.

The fact that the event was passing off peaceably may have caught the management and security team off guard, for when an incident did commence, it developed into a violent incident quite rapidly and without adequate intervention. The premises had not previously suffered an incident of this nature, and it is right to say that the management and security team seemed at best unprepared for it, and at worst simply unwilling (whether through fear or some other reason) to intervene.

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However, in fairness, there was compliance with condition 63, which required the police to be called promptly. This was not, therefore, a case of concealment. Moreover, the premises were in compliance with condition 24, the CCTV condition. Moreover, full CCTV was both viewed by Police on the site on the morning of the incident and again the day following the incident and then supplied. It is right to say that there was some delay with supplying a copy of the CCTV. The investigating police were supplied with electronic footage on Sunday 25th and the licensing police the day following. A further copy on USB was offered to the Police on Tuesday 24th, but they were content for it to be delivered on the Wednesday. We understand that there may be an allegation of breach of condition 25, which deals with timing of supply of CCTV. For the record, we do not accept that there was a breach in this regard, but in reality the allegation is less important than some of the other admitted breaches.

On the other hand, despite all of the security being trained in first aid, and some staff, there was no independent medic on site, contrary to condition 62, and the crime scene was not properly preserved, contrary to condition 63. There is no excuse for either of these breaches.

Clearly, these premises, which had been run in an acceptable manner up until the time of their closure at the end of June, were run poorly on the night of 24th August. For that, our client apologises profusely and accepts full responsibility. As we identified at the last hearing, it was a one-off event, which went badly wrong.

We have given close consideration to the steps which we believe ought to be taken, should the Sub-Committee permit the premises to re-open.

First, our client needs a senior management team in which it can repose trust and which is not solely dependent on the presence of one person.

Our client has been in further discussions with Mr. Mulholland, who has agreed to return to the venue as DPS, working on a full time basis. We know that Mr. Mulholland is well-known to you.

Mr. Mulholland will have two assistant general managers. The first will be Marcello Toscano, a 43 year law graduate with long experience of the night time economy in Westminster, including the last 12 years acting as a consultant and then general manager at Club 49 in Soho. His CV is attached. The second remains to be appointed, but our client is clear that it must be somebody whom the Police can trust, and whom it could trust to manage the premises in the absence of Messrs. Mulholland and Toscano.

Second, while the premises had operated without trouble of this nature previously, it is notable that this was a promoted event. Our client understands the special difficulties which some promoted events can generate in Westminster. Accordingly, it will propose a condition that there should be no promoted events at all. This will enable it to maintain greater control of music styles, the way the premises are promoted to the public and the type and demographic of customers. In economic

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terms, it is a major concession, but it is the responsible thing to do in the circumstances of this case.

Third, while the current premises licence does not require a search arch, our client intends that there should be a search arch, and a 100% search condition. Our client has no desire whatsoever for a repeat of this incident, and hopes and trusts that such a policy will prevent blades being brought into the premises.

Fourth, there need to be adequate checks and balances in place to ensure that the licence is being complied with. A senior, competent management team is obviously key to this. In addition, Mr. Bordas Senior or Junior will continue to visit the premises at least once a week to check that the premises are being managed properly. They will also issue explicit instructions to their control room in Barcelona to check that there is compliance, in particular, with the entry and search conditions. Our client also wishes to appoint a further pair of eyes and ears, and so is in the process of engaging the independent licensing consultant Michael Watson, who will be well-known to you, to conduct monthly independent audits of the licence conditions on both an overt and covert basis. Finally, Mr. Bordas Junior has enrolled to take the personal licence course and will become a personal licensee in his own right.

We are aware that Police resources are very stretched, so have not specifically proposed a regimen of meetings. The responsibility, after all, for compliance is the licensee's. However, should you wish to establish a formal pattern of meetings, our client would be only too pleased to participate.

Fifth, and finally, should we be able to agree a set of conditions, or should the Sub-Committee decide to dispose of this case by measures short of revocation, there remains the question of the period for re-opening. Our client fully accepts that it will take some time to put in place all the requisite measures and staff training to enable it to re-open with confidence that there will be full compliance. Accordingly, we are instructed to indicate that we will not seek to vary the interim steps. The effect of that is that the premises would re-open 21 days following the hearing on 23rd September. We would be grateful for your views as to that period.

It only remains for us to repeat that our client, which is a responsible operator, fully accepts that it has fallen short of the high standards rightly required of licensees in Westminster, and is more than determined to rectify its defaults. It has, from the outset, demonstrated that its approach is responsible and proactive rather than reactive. It hopes that you agree that it should be given a second and final chance to run these premises in full compliance with the licence, subject to further protective conditions.

We look forward to a constructive conversation accordingly.

Yours sincerely

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