

LICENSING SUB COMMITTEE

3 DECEMBER 2015

Present: County Councillor Parry(Chairperson)
County Councillors Boyle and Hudson

29 : DECLARATIONS OF INTEREST

No declarations of interest were made in accordance with the Members Code of Conduct.

30 : SUMMARY REVIEW OF PREMISES LICENCE - 411, ST MARY STREET

CCP/01069 – 411 (FORMERLY AQUA BAR) - APPLICATION FOR PREMISES LICENCE – SUMMARY REVIEW – INTERIM STEPS HEARING

NAME OF PREMISES: 411 (formerly Aqua Bar)
WARD: Cathays

Applicants: Sgt Jason Hardwick – Licensing Officer – South Wales Police
John Crowther – Licensing Officer – South Wales Police

Other Persons: Mr Ormofan Gbinigie, Director 411 Entertainment Ltd and Designated Premises Supervisor
Mr T Agland, Solicitor, Huttons, representing Mr Gbinigie
Ms Gemma Roberts, Manager, Room 112

Application:

An application for Summary Review was received in respect of 411 (formerly Aqua Bar), 3-6 St Mary Street, Cardiff, which holds a Premises Licence permitting the sale of alcohol by retail. The application was made on behalf of the Chief Constable of South Wales Police and a Certificate was submitted signed by the Chief Superintendent.

The application was made following an incident of serious crime and disorder at the premises on 29th November 2015.

Applicant Representations:

The Committee were advised that as a result of an incident at Room 112 in the early hours of Sunday 29 November 2015 an application for summary review had been made and that, in the circumstances of this case, the application was for the Committee to suspend the Premises Licence.

During the course of the representations a number of photographs were provided to the Panel and were able to view CCTV footage from cameras in St Mary Street showing the scene of disorder outside of the premises. The Committee were advised that in total there was over 30 hours of video footage, and also information from the Accident & Emergency Unit showing that 5 persons attended with injuries who were from the Birmingham/West Bromwich area and one from Cardiff.

Members were advised that Bar 112 is situated at 3 – 6 St Mary Street, a basement club. The opening hours are 10.00 until 4.00 am however, on 28 November people were not allowed in until approximately 10.20 pm. The capacity is 220, it is not a large premises.

There was music at the club that night, it had been advertised nationally - R&B, Hip Hop and House. A fight broke out during the course of which a person was badly injured with glass, suffering wounds to the front and back of the head. Security staff were seen to exit the premises to remove the barriers outside. Members were advised that there was still a melee going on downstairs without any security staff being present.

A large number of people spilled out of the premises into St Mary Street, officers attended but were outnumbered. Calls were made for all available offers from all areas to attend, which included the Firearms Unit. Officers used the 'high carry' position with their asp's, tasers were deployed and officers formed a barrier across St Mary Street to move the crowd away from St Mary Street.

Members were advised that 5 arrests were made and charges included Violent Disorder, Possession of an Offensive Weapon, Criminal Damage, Assault Police and Section 4 Public Order Act offence. There were proceedings pending at the Crown Court on 23 December 2015. Of those 5 arrested 4 were from Cardiff and 1 from Birmingham. It is suspected that rival groups were involved and that if the premises were to remain open there would be reprisals and further incidents of violence.

Members were advised that enquiries are on-going and it is likely that further arrests will be made.

Members were told of two previous potential incidents of violence, one being cancelled after Police Officers became aware that a Rap Artiste due to be performing at the premises on 6 June 2015 was wanted for a stabbing in London. Officers advised that he had actually been the victim of a stabbing incident himself in September 2015.

The second incident took place on the 24 October when a DJ by the name of Tim Westwood was playing. He had been the victim of a drive-by shooting in 1999. Officers had received intelligence to say that someone at the event had a 'blade' and therefore the event was brought to a close early on the arrival of the police and the information being provided.

Officers summarised to Members the reasons it was felt necessary for the licence to be suspended and the reasons their concerns that there would be further incidents were valid; the premises will be open on 6 occasions between now and 23 December when it is anticipated the full hearing will take place with similar events planned; enquiries are ongoing and it is anticipated that further arrests will be made as a consequence it is felt that there will be further reprisals; and that it is not believed that imposing further conditions would be an option as there has been a breach of the licence conditions in any event because of the use of glass after 11.00pm.

As a result of a number of questions Members were advised:

- the premises were approximately 25 x 25 metres.
- the capacity at the premises is 220, however, there were approximately 170 – 180 at the premises that night. A clicker was used but the numbers were not recorded
- despite the information provided in the application the designated door premises supervisor was present that night (photograph provided) however, he did not make himself know to police officers.

As a result of questions from Mr Agland Sgt Hardwick confirmed that as enquiries were ongoing it was not possible to say whether the person injured was a member of a gang; whilst there is not currently any intelligence to say specifically that gang members are planning to return to the premises the investigation is still on going, tickets have been sold and entry can still be gained on the door; the events planned have the same type of music and will attract the same type of individual; and similar premises playing similar music have also ended up the subject of review hearings.

Other Party Representations

Mr Agland Solicitor advised Members that this matter is being taken very seriously and is of great concern to Mr Gbinigie. They have a good track record and this is a one off incident. They are co-operating with the Police in their ongoing investigation and did do at the time of the other incidents referred to.

Mr Agland submitted that he believed that suspension was excessive in the circumstances. Members were advised of the following in support of that contention:

- There has been no specific intelligence to say that there will be any reoccurrence or reprisals as a result of the incident.
- It is accepted that the premises will only be open on 6 occasions prior to the next hearing date, but that would mean a loss of between £40 - £45,000 and it may well be that as a consequence the premises would not open again.
- They have an excellent track record, this was a one off and those at the premises that night were not the regular clientele.
- Regular users of the premises include professional footballers and actors. There is a dress code and the entry fee is £10.00.
- Whilst it is accepted that trouble did erupt in the premises, all that can be done is to risk manage the situation to ensure that it does not happen again.

With reference to the alleged breach of the conditions the Committee were advised that the condition in relation to the use of glass/glasses was ambiguous – the supply of drinks from the premises after 23:00 shall not be in glass, the only exception will be that the use of glass will be allowed if persons are taking substantial table meals, drinking wine or champagne. Whilst there is a picture of glass in photographs the Committee were advised that there is no evidence to support the breach.

Members were advised that in relation to the other 6 events planned, they were in house events with local artistes/DJ's and therefore not advertised nationally as the event on 28 November had been.

Mr Gbinigie provided some background information on himself and in relation to the premises and the type of clientele it attracted, advising that there were members of Bristol football club present at the premises on the night in question. He provided the Committee with some pictures of the premises and the clientele. There is a strict door policy at the premises, they are not open during the course of the week, they do not provide 2 for 1 drinks, they do not have problems with under age drinking and have no history with the Police. The premises are at the quiet end of St Mary Street and the Committee were advised that it was felt that there were occasions when the Police did not make themselves present at that end of the street.

Mr Gbinigie advised that he had not consumed alcohol that night, the photograph shows him drinking from a plastic bottle.

Gemma Roberts advised that she is the manager of the premises and that she does has been working within the industry, primarily in Newport for the last 8 years. The staff were using clickers on the door that evening to count people present, she advised that the door was closed when 174 persons were present, although believes that there may well have been 180 present but no more.

The Committee were informed that there are camera's at the premises and that they attend the Licensing Forum.

Contained within the photographs are photographs of a number of bottles, they are different colours. The Committee were advised that they were able to sell bottles of wine and champagne and that there could be champagne in dark coloured bottles.

Sgt Hardwick summed up the position of South Wales Police and Mr Agland on behalf of Mr Gbinigie.

RESOLVED: That the Sub-Committee, having considered all the information in accordance with the application made pursuant to Section 53 Licensing Act 2003 resolved to suspend the Premises Licence pending the determination of the full application.

The meeting terminated at Time Not Specified