



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 6th June, 2024**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Angela Piddock (Chair), Iman Less and Caroline Sargent

#### 1. MEMBERSHIP

1.1 There were no changes to the membership.

#### 2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1. LOUCHE, 4 GREEK STREET, LONDON, W1D 4DB (FULL REVIEW OF PREMISES LICENCE)

### WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4 ("Committee")

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Thursday 6 June 2024

Membership: Councillor Angela Piddock (Chair) and Councillor Iman Less and Councillor Caroline Sargent

Officers present: Legal Advisor - Horatio Chance  
Presenting Officer - Kevin Jackaman  
Committee Officer - Jessica Barnett

#### Persons attending the hearing

**For the Police: Amani Solimani Counsel of Francis Taylor Buildings**  
PC Steve Muldoon PC Adam Deweltz.

**For the PLH (Main Licence): Gary Grant Counsel of Francis Taylor Buildings**

Instructing Solicitors, Thomas & Thomas: Thomas O'Maoileoin (Solicitor) Will Robinson (Solicitor) Mr Dennis Rogers, Elliott Rogers, Ruben Santos, Andy Bannon (Metroguard) Damon Sripha, Adrian Studd (Licensing Consultant).

**For the Licensing Authority:** Ms Jessica Donovan.

**For the Environmental Health Service:** Mr Maxwell Koduah.

**For the Interested Parties: Richard Brown of Westminster Licensing Project representing the Soho Society:** The Soho Ward Panel: Jane Doyle.

**For the PLH (Shadow Licence): Niall McCann (Solicitor) Keystone Law**  
Chaim Aziz (Managing Director).

**Full Review Hearing in respect of Premises Licence for Louche 4 Greek Street London W1D 4DB ("The Premises") 24/03041/LIREVX**

## **FULL REVIEW DECISION**

### **Case Summary**

The Metropolitan Police Service ("Police") submitted an application for a Summary Review of the above Premises pursuant to Section 53A of the Licensing Act 2003 ("The Act") on 15 May 2024 as the Police considered the Premises were associated with serious crime. The Premises Licence Holder ("PLH") for the Main Licence is Samocca Assets Limited (British Virgin Island Company) and the registered Designated Premises Supervisor is Mr Elliott Dennis Rogers. The PLH for the Shadow Licence is Samocca Assets Limited but with a UK company registered address.

A Licensing Sub-Committee was convened on the 17 May 2024 to consider whether it was necessary to take interim steps pending the determination of the Review applied for by the Police. At this hearing the Sub-Committee concluded that it was necessary and appropriate to take the following steps in respect of the main licence:

- ***To suspend the Main Licence with immediate effect.***
- ***To exclude the sale of alcohol from the scope of the licence;***
- ***To remove the Designated Premises Supervisor.***

In view of the seriousness of this case, it was necessary for this Interim Decision to take immediate effect.

A copy of the Interim Steps Decision can be found at **Appendix C** of the Agenda report.

Following the advertisement of the review application, two representations have been received from the Soho Society and one member of the public in support of the review. The Police produced further evidence by way of CCTV Footage which was seen by the Sub-Committee along with the CCTV footage produced by the PLH (Main Licence) in advance of today's hearing.

The PLH (Main Licence) has also produced a number of additional documents which can be found at pages 5-83 of the additional papers.

The PLH (Shadow Licence) has also produced a written submission and this was noted by the Sub-Committee.

A representation has also been received from the Environmental Health Service in support of the review.

The representations can be seen at **Appendix E** of the agenda report.

**Applicant**

The Metropolitan Police Service

**Premises Licence Holder (“Main Licence”)**

Samocca Assets Limited

**Designated Premises Supervisor (“DPS”)**

Elliott Dennis Rogers

**Activities and Hours**

The Premises operates as a Bar and Nightclub

**Performance of Dance**

Monday to Sunday: 09:00 to 02:00 (Ground & First Floors)

**Performance of Live Music**

Monday to Sunday: 09:00 to 02:00 (Ground & First Floors)

Playing of Recorded Music

Monday to Sunday: 00:00 to 00:00 (Ground & First Floors)

**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

Monday to Sunday: 09:00 to 02:00 (Ground & First Floors)

**Late Night Refreshment**

Monday to Saturday: 23:00 to 02:30 (Ground & First Floors)

Sunday: 23:00 to 02:00 (Ground & First Floors)

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit**

Monday to Sunday: 00:00 to 00:00 (Ground & First Floors)

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 02:00 (Ground & First Floors)

Sunday: 12:00 to 00:30 (Ground & First Floors)

Sundays before Bank Holidays: 12:00 to 02:00 (Ground & First Floors)

**Alcohol is supplied for consumption on the Premises.**

## **Hours Premises are Open to the Public**

Monday to Saturday: 09:00 to 02:30

Sunday 09:00 to 02:00

Sundays before Bank Holidays 09:00 to 02:30

## **Policy Considerations**

- Appendix 4 of the City Council's Statement of Licensing Policy ("SLP") on Pages 120-121.
- Policies CD1, PS1, PN1 and CH1 apply on Pages 27-42 of the SLP.

## **Revised Home Office Guidance**

- Paragraphs 11.1-11.29 on Pages 96-102 and Pages 103-110.
- Expedited/Summary Licence Reviews Guidance (October 2007)

## **Background**

On Saturday 4th May 2024, a male known to police (Victim) was at Louche Bar with friends. Shortly after midnight he went to the downstairs toilets and was using one of the cubicles. Another male (Suspect) has repeatedly knocked on the door and on exiting the cubicle to let the Suspect in, the victim has been forced back inside the cubicle by the Suspect. He has then endured a period of time during which he was repeatedly assaulted including sexual assault and ending with the Suspect forcing the Victim to perform Oral Sex on him. This is being investigated as a category Stranger 1 Rape with offences of Rape, Attempted Rape, false imprisonment and ABH.

The victim throughout made multiple attempts at escape and the ordeal was only stopped when a member of the public heard the victim's cries for help and got security.

The victim, in a clear state of distress, disclosed to the security that he had been the victim of a serious sexual assault. The security officer made the decision to escort both the victim and suspect up-stairs to the front door. The victim and suspect were left stood together, whilst there is a conversation between two security officers. The suspect was then led outside, whereby he ran off and away from the venue. There appears to have been a delay in calling police, as the manager in charge at first calls the general manager (who was off duty) to ask what to do. Police Licensing were informed of this serious incident in the week commencing 6th of May. On the 7th of May the premises was sent an incident report form with a request to complete a detailed account. A meeting was arranged at the venue for Wednesday 8th of May.

Police licensing officers attended the premises and met the general manager. Officers were shown CCTV of the incident, however there had been no record made in the incident log (This being a breach of one of the premises licence conditions - Condition 24 on the premises licence). On discussing the incident, the manager continually advised officers to speak to the owners. Officers also

discussed the premises licence with the manager to which he appeared to have no knowledge of the conditions.

A further condition breach was identified as the general manager advised officers when asked that they were not satisfying this condition as they were not adhering to any of the points listed in condition 13 (a) -(f):

“On any evening where the premises or part of the premises are open for the purpose of music and dance, alcohol shall not be sold or supplied to persons entering that part of the premises except to:

(a) Persons who have paid a minimum admission fee of at least £5.00 Monday to Thursday and £7.00 Friday and Saturday for music, dancing and entertainment, such charges not to be credited against consumables; or

(b) Persons who have paid a minimum annual admission fee of at least £150 payable in advance for music, dancing and entertainment (not to be credited against consumables). A list of all persons who have paid an annual admission fee will be held at reception for inspection by the relevant authority; or

(c) Persons attending a private function/event booked at least 24 hours in advance, where the functions organiser's name and address is to be kept at reception for inspection by Police;

(d) Artistes or persons employed on the premises;

(e) Bona fide guests of the management not to exceed 10% of capacity, a list of whom shall be kept at reception for inspection by relevant authorities; or

(f) Persons taking full table meals a list of whom are held at reception for inspection by the relevant authorities.”

When asked about this officers were told to speak to the owners. As a result of the condition breach a section 19 was issued. On the 9th of May police licensing officers were made aware that the male suspect had been arrested, charged and remanded for a number of offences. However, officers were also made aware that the same male suspect, went on to sexually assault another victim at another location. (This location was not a licensed premises). It was also advised to officers that as a direct result of the suspect not being detained at the time, officers from CID spent three days following the suspects movements from place to place using private venue CCTV. Thankfully a venue the suspect was seen to enter had ID Scan and as a result the suspect scanned his ID in on entry. These details were given to police and the suspect was arrested.

This was the second occasion that the premises had come to Police notice in recent weeks. On Sunday 28th April 2024 at approximately 01:30 hours (Saturday trading night), a fight occurred at the location, whereby a male suspect head-butted a male victim. Both the victim and male were brought outside. The victim decided to call Police at which point the suspect fled the scene. This was another example of failings by the operator by not detaining a suspect in the assault, and not calling Police. Any victim-care fell short of what is expected from a licensed premises in the City of Westminster.

A meeting was arranged to discuss the incidents with the venue owner on Monday 13th May. At this meeting we gave the premises operator the opportunity to have their say and explain their version of events. This was done at Westminster City Hall. Due to the seriousness of the offence, the multiple breaches of the licence and the clear lack of control of the premises, the Police

believe that the premises have failed to uphold the prevention of crime and disorder licensing objective. It is also believed that the premises will continue to fail to promote the licensing objectives going forward. As such, the Police believe that the premises is a risk to the public and it is necessary to suspend the premises licence until the full hearing.

### **Response to Consultation**

The application received a representation in support of the review from the Licensing Authority on the grounds that the Premises are failing to promote the licensing objectives. The representation can be found at **Appendix E.1**

The application received a representation in support of the review from the Licensing Authority on the grounds that the Premises are failing to promote the licensing objectives. The representation can be found at **Appendix E.2**

The Licensing Service have received 3 representations from Interested Parties supporting Review. The representations can be found at **Appendix E.3**

### **Representations in Support of the Review**

- Licensing Authority (Jessica Donovan)
- Environmental Health Service (Maxwell Koduah)
- Jane Doyle (The Soho Society)  
Received: 28 May 2024
- Marina Tempia (The Soho Society)  
Received: 29 May 2024
- Andrew Vining (Flat A 4 Greek Street)  
Received: 29 May 2024

### **Summary of Representations**

- *I am chair of the Soho Ward Panel and write in support of the review of this premises licence. Having read the application notice, I am very concerned about the recent history and breaches of the licence conditions. It seems that there have been at least two incidents at the premises that were not dealt with appropriately by the management and/or staff, one being a serious sexual assault.*
- *Greek Street, as the Committee will know, is one of the streets in Soho which has an enormous amount of crime, and customers should be able to feel safe inside a premises. This does not always seem to be the case with these premises, as the recent incidents and in particular the way they were dealt with by those on-site show. It is perhaps worth mentioning that this management has only been in place since October of last year.*
- *Conditions are set by Licensing Sub-Committee for a variety of reasons, namely with the aim of promoting the prevention of crime and disorder, public nuisance and ensuring public safety. These incidents seem to be in breach of all these aims. Obviously, compliance is essential. Any breaches need to be taken very seriously and I would ask the Committee to take appropriate action in relation to these breaches, in so doing sending a clear message to other premises that breach licence conditions that action will be taken.*

- *Licensing Sub-Committees set conditions with the aim of promoting the prevention of crime and disorder, public nuisance and ensuring public safety. Compliance is therefore essential. Any breaches need to be taken seriously and we ask the Committee to show that they will take decisive action on premises which breach conditions, and in so doing send a message to all other premises not abiding by their licence conditions that they will be severely punished.*
- *I have supplied the investigating police a CCTV and Audio tape of my first encounter with Dennis in April 2023 along with three other gentleman which as the tape shows was an attempt to illegally evict me from my home. In the tape at approximately 2 mins Dennis is involved in a conversation that basically offers a security firm £500 to grab me by the neck and through me down the street.*
- *I have many hours of CCTV Audio visual footage that would support this man is no gentleman, anyone who needs trip down CCTV cameras cut power and who's commercial bar premises have signed for nearly £1,000 worth of postal deliveries that belong to me. Actively avoids attempts my network power to contact them, doesn't maintain public safety should not be operating a or have any influence over a licence premises. As it appears very sadly at some point someone will get hurt or worse killed. I am presently living in concern of my own safety both at and away from my home due to actions by Dennis his employees, family and representatives and the freeholders management company.*

**The Sub-Committee is now required to:-**

- (1) Review the Interim Steps taken on 17 May 2024 and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place,  
  
or whether they should be modified or withdrawn; and
- (2) To determine the full review of the premises licence pursuant to Section 53C of the Act.

*The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:*

- (a) to modify the conditions of the licence;*
- (b) to exclude a licensable activity from the scope of the licence;*
- (c) to remove the designated premises supervisor;*
- (d) to suspend the licence for a period not exceeding three months;*
- (e) to revoke the licence;*

*and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.*

## **Preliminary Matters:**

1. The Chair introduced the Members of the Sub-Committee and outlined the procedure to the Parties in attendance. It was considered appropriate that both applications would be heard in the round but two separate Decisions would be issued by the Licensing Authority. The parties did not raise objection when considering the powers of the Sub-Committee regarding the interim steps to be taken for both the Main Licence and Shadow Licence and the Review.
2. The Chair explained that the purpose of the meeting was for the Sub-Committee to review the interim steps taken on the 17 May 2024 and to consider whether it was appropriate and for the promotion of the licensing objectives for the steps to remain in place, or whether they should be modified or withdrawn; and to determine the full review of the Premises Licence pursuant to Section 53C of the Act.
3. The Chair noted that the committee agenda consisted of the application for full review, the existing Licences of the Premises and the supporting statements of the Main PLH and Shadow PLH which had been circulated previously to all Parties.
4. The Sub-Committee Members confirmed that they had no declarations of interests to make.
5. The Presenting Officer, Kevin Jackaman, outlined the application explaining that it was a review of the premises licence in respect of Louche, 4 Greek Street and the accompanying shadow licence. He advised that since the publication of the report applications to transfer the premises licence and a variation of the DPS had been submitted by the Main PLH. The applications had been brought by the Metropolitan Police who were represented by Armin Solimani Counsel, PC Steve Muldoon and PC Adam Deweltz.
6. The Main PLH was represented by Gary Grant Counsel, Thomas O'Maoileoin, Will Robinson of Thomas & Thomas Solicitors, Premises Licence holder Elliott Dennis Rogers, Ruben Santos, Andy Banon, Damon Sripha and Adrian Studd all on behalf of the Premises.
7. Representations had been received from the Licencing Authority represented by Jessica Donovan and Environmental Health represented by Maxwell Koduah. The Shadow Licence holders Samocca Assets Ltd were represented by Niall McCann of Keystone Law and Alex Aziz of the licence holder company. Three representations were received in respect of the main licence and two representations in respect of the shadow licence. Jane Doyle and Richard Brown were in attendance representing The Soho Society & The Soho Ward Panel and Andy Vinney local resident was in attendance via Teams. The Premises are situated within the West End Ward and located within the West End Cumulative Impact Zone.



**The following parties who made representations attended the hearing and gave their submissions to the Sub-Committee:-**

**Submissions by the Police**

8. Mr Solimani appearing on behalf of the Police advised that the Police were seeking, as a bare minimum, the conditions proposed by the Main PLH and an additional two-week suspension of the licence and believed this was the bare minimum to achieve the licencing objectives and to promote public safety.
9. Mr Solimani gave a brief outline of the events that had occurred which led to the Police seeking a review of the premises licence which included serious failings of management and breaches of existing conditions of the licence. Mr Solimani noted the lack of engagement of the Main PLH following the incident which fell far short of what they would expect from a venue on Greek Street.
10. Mr Solimani stated that Greek Street had one of the highest crime rates in the country and therefore there was an expectation of licence holders of venues on this street to understand the responsibility they hold as the risk to the public is so high.
11. Mr Solimani reminded the Sub-Committee that the Police were seeking to impose the new conditions proposed by the Main PLH along with a two-week suspension but ultimately it was for the Sub-Committee to decide whether they felt this was appropriate having regard to the promotion of the licensing objectives.
12. The Sub-Committee asked whether the Police would like to add any further conditions to those that had been proposed. PC Steve Muldoon stated in reply that following discussion with the Main PLH they are satisfied with what had been proposed and reflect what they would expect from a new venue licence application.
13. The Sub-Committee stated that along with the new conditions a lot would be dependent on a change of attitude and approach from the Main PLH as they main consideration was building trust and a firm commitment that the Premises would be managed efficiently and effectively that would lead to the promotion of the licensing objectives.
14. The Sub-Committee asked how the Police reached their proposal of a two-week suspension. Mr Solimani responded by saying that the Police felt the two-week suspension would be sufficient for the Main PLH to implement the new conditions and for the necessary training to be undertaken by staff.
15. The Sub-Committee asked that given the location on Greek Street whether there were any other conditions the Police would like to see imposed on the premises licence. PC Steve Muldoon in reply confirmed that they are satisfied with what had been proposed. PC Steve Muldoon clarified that what the

Police meant by 'bare minimum' was that there were more serious options that could be imposed as opposed to condition changes.

### **Submissions from the Licensing Authority**

16. Ms Jessica Donovan, representing the Licencing Authority, stated that having assessed the application they agreed that the review was necessary and proportionate in order to promote the licencing objectives. Ms Donovan advised that the venue is in a high-risk area for sexual offences and therefore licence holders were expected to manage the risks and have robust procedures in place, that should offences occur, they can reduce harm as much as possible and ensure that those responsible are detained and the victim is safeguarded. She said it was the Licencing Authority's view that on this particular occasion the Main PLH failed to live up to the standard expected of a competent premises licence holder and as a result the licensing objectives has been severely undermined.

Ms Donovan stated that in conclusion the Licencing Authority supported the request of the Police and proposed new conditions and two-week suspension but that it was within the Sub-Committees powers to impose whatever sanction they felt was appropriate and proportionate to uphold the promotion of the licensing objectives.

### **Submissions from the Environmental Health Service**

17. Mr Maxwell Koduah, representing Environmental Health, explained that, along with new conditions, confidence in the management of the venue was of high importance to prevent future incidents occurring. Mr Koduah was satisfied with the new conditions proposed

### **Submissions from Richard Brown and Jane Doyle**

18. Mr Richard Brown, representing The Soho Society and the Soho Ward Panel explained that they were very concerned about the incident that had occurred and the failings of the Main PLH. Mr Brown stated that they supported the Police's view on imposing a two-week suspension and were supportive of the new conditions, particularly the use of Club Scan.
19. Mr Brown stated that the new conditions did not however, include Model Condition MC24 which requires a telephone number to be made available to local residents should an issue occur and would have liked this to have been included in the proposed conditions.
20. The Sub-Committee asked whether the Soho Society would be supportive of the venue with the new conditions. Mr Brown said they would but would like to see the inclusion of MC24.

### **Submissions from Local Resident**

21. Mr Andy Vinning, a local resident, stated that he did not want to see venues close in Soho but lacked confidence in the management of this venue. Mr Vinning stated that he had issues with noise from the venue and referred to

other issues he had with the Main PLH leading him to move out temporarily of his home.

22. The Sub-Committee noted these concerns but stressed that any dispute he has with the Main PLH of a landlord and tenant nature are private law matters and fell outside of the Sub-Committee powers when considering the application for Review and the promotion of the licensing objectives.

### **Submissions from the Main PLH**

23. Mr Gary Grant, Counsel, representing the licence holder, Mr Dennis Rogers, acknowledged that the incident that occurred was serious and that the Police were right to summary review the licence. Mr Grant agreed that the incident had highlighted weaknesses in the running of the venue and serious management and security failures and Mr Rogers recognised and accepted this.
24. Mr Grant stated that Mr Rogers, had not used the time between the temporary suspension on the 17 May 2024 and the hearing today to challenge the suspension but instead had spent this time imbedding changes including removing his son, Elliott Rogers from the premises licence which was transferred to Mr Dennis Rogers on the 31 May 2024. Mr Elliott Rogers also stood down as DPS on the 28 May 2024.
25. Mr Grant stated that in the twelve months that Mr Rogers had been running the Premises, they had only had two violent incidences occur. He also advised that the Premises did not have a history of complaints and was not a premises which was adding to problems in the West End Cumulative Impact Zone.
26. Mr Grant explained the main issue was the failure of security to hold onto the suspect and their monitoring of the toilets. Mr Grant explained that Mr Rogers had replaced the security with a new company Metro Guard. Mr Rogers has moved into the flat above the Premises and the General Manager has been replaced with Mr Santos and a new Assistant Manager Mr Sripha.
27. Mr Grant briefly went through the new conditions proposed and explained that staff training had taken place in the three weeks that the Premises had been closed and that if the Sub-Committee were minded agreeing with the proposed two-week suspension that the suspension begin from today.
28. Mr Grant referred to the alleged breach of condition 13 which related to membership and payment and explained that there were old, hangover conditions from entertainment provisions. He agreed that these did need to be resolved by way of a variation however until then the Main PLH will comply with the condition.
29. Mr Grant explained that any suspension decided today would have no effect until the appeal period had expired in 21 days. Mr Grant stated that if the Sub-Committee were minded following the Police's suggestion of a two-week suspension, Mr Rogers, would not be appealing that decision and therefore asked the Sub-Committee to use their powers under section 53D4C to extend

the interim suspension by two weeks, therefore avoiding having to wait 21 days.

30. The Sub-Committee asked whether Mr Rogers would agree to a phone number being made available to residents. In answer Mr Rogers agreed to this being a condition.
31. In answer to further questions from the Sub-Committee Mr Rogers confirmed the following:-
  - Regarding what checks he had done when employing the new security team he confirmed that it was important to find a company that were experienced in this type of Premises and area and a company that puts an emphasis on training. The previous security company was inherited and called night security.
  - Mr Andy Banon from Metroguard would be the Premises Security Advisor along with his team (Mr Banon confirmed that training and monitoring were very important and stated that companies can become complacent when working at venues for a long time and to mitigate this they have mystery customers visit their venues to monitor the security - the venue will be visited weekly by an operations manager and monthly KPI meetings. Mr Banon explained that they use an app to record incidents). Mr Banon stated that they send daily bulletins to all staff regarding demonstrations for example, in the area.
  - His understanding of the specific risks to customers in the area was that Greek Street has a large number of late-night venues which bring problems with crowds of drunk people. He explained that he joined a number of local neighbourhood groups and is looking to attend Police workshops and take a proactive approach rather than reactive when it came to managing the Premises.
32. The Sub-Committee noted the importance of venues engaging with the local Police and other licensed premises.

### **Submissions from the Shadow PLH**

33. Mr Niall McCann, representing the shadow PLH, reiterated that they were very shocked to receive the expedited review and were not aware of any issues until receiving the papers for the review. Mr McCann stated that they did not resist the suspension of the primary licence at the initial hearing.
34. He advised that following meetings with the Police and the Main PLH they were reassured that the Police and the Main PLH were in agreement with the steps that need to be taken. Mr McCann asked that the Sub-Committee place the agreed conditions on both licences and suspend the primary licence for a period of two weeks and asked that no further action be taken in respect of the shadow licence because there were no concerns raised around the integrity of the building.
35. Mr McCann stated that they would be visiting the Premises more often to ensure the new conditions are being complied with and have given their details to PC Muldoon.

### **Review of Proposed Conditions**

36. Mr Horatio Chance Legal Advisor to the Sub-Committee discussed the proposed conditions with the parties appearing at pages 23 and 24 of the additional papers.

He commented on the following:-

- Condition 6, the word 'licensee' should be substituted for 'premises licence holder'.
- Conditions 8, 9 and 10 to be prefaced with the words 'The premises licence holder shall ensure that...'
- Condition 10 should be amended to read '*All managers and bar staff to receive crime scene preservation training within one month of starting work at the premises. All recordings of training shall be made available to police and authorised licensing officers upon request*'.

37. Mr Grant agreed to these changes but suggested combining conditions 9 and 10 to avoid a slight duplication.

### **Summing up by the Parties attending the hearing**

38. In summing up both Ms Donovan, Mr Koduah, Mr Brown, Ms Doyle and Mr Vining had nothing further to add to their submissions.
39. In summing up, Mr Grant reiterated that a two-week suspension is more than appropriate and allows adequate time to implement the new conditions and that more than two weeks would be punitive without benefit.
40. In summing up, Mr Solimani stated that the objective of the Sub-Committee was not to decide whether two weeks is enough time to implement new conditions but rather what will it take to uphold the licencing objectives. He also noted that there were venues in the vicinity that have had no violent incidents. In conclusion, Mr Solimani emphasised that all options were open to the Sub-Committee to decide what it would take to ensure the public were safe and that a two-week suspension and new conditions were the bare minimum necessary.

### **Committee's Decision and Reasons**

41. The Sub-Committee noted the submissions from all the parties adjourned the hearing temporarily to make its determination and resumed the hearing to announce its Decision and to summarise its reasons which are more fully set out below.
42. The Sub-Committee recognised that the proceedings set out in the Act for reviewing premises licences represent a key protection for the community when problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. The Act provides the Licensing Authority with a range of powers on determining a review that it may exercise where it considers them appropriate and proportionate for the promotion of the licensing objectives. In deciding which of these powers to

invoke, the Licensing Authority should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response. Each case has to be determined on its own merits, on the balance of probabilities.

43. The Sub-Committee was mindful that the Police had reasonable and sufficient grounds for seeking this review. The Sub-Committee noted from the Police evidence that several witness statements had been produced by Police personnel which gave an account of the events following the reporting of the serious sexual assault that took place inside the Premises and the multiple breaches of licence conditions indicating a failure in management.

44. The Sub-Committee recognised that paragraph 11.24 of the Guidance advises that :-

*When dealing with reviews in connection with crime, “ Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority’s role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.”*

Paragraph 11.25 of the Guidance continues: -

*“Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.”*

45. The purpose of today’s hearing is twofold: -

Firstly, to consider what appropriate and proportionate steps should be taken for the promotion of the licensing objectives, taking into account any change in circumstances since the suspension was imposed at the Interim Steps hearing and;

Secondly, to review the interim steps taken on 17 May 2024 at the Interim Steps hearing, when the licence was suspended and decide whether it is appropriate for the suspension to remain in place and if so, whether the suspension should continue to have immediate effect.

### **Interim Step Review Decision**

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46. The Sub-Committee also reviewed the suspension made at the Interim Steps Hearing on 17 May and **decided** that as there is clear evidence that the Premises is not promoting the licensing objectives, particularly in relation to crime and disorder, that it is necessary, appropriate and proportionate for the promotion of the licensing objectives for:-
- The suspension in respect of the Main Licence is to remain in force for a further period of 14 days from today and the suspension shall continue to have immediate effect.
  - The removal of the Designated Premises Supervisor.
  - To exclude the sale of alcohol from the two scope of the licence

### **Reasons**

47. The Licensing Authority received a valid application for an expedited review under Section 53 A-C of the Act from the Police on 15 May 2024. A sexual assault taking place on the Premises is a serious matter and does not promote the licensing objectives.
48. The Sub-Committee accepted the evidence of the Police that they believe that a serious sexual assault took place on the Premises as identified in the Police's written application to the licensing authority. The Sub-Committee concluded that there had been multiple breaches of the Premises Licence and its running of the Premises which undermined the crime and disorder licensing objective.
49. The interim steps that were imposed by the Sub-Committee previously continue to remain in full force and effect, so the licence remains suspended, from today's date for a further period of 14 days, the DPS is removed and the sale of alcohol of alcohol at the Premises is therefore not permitted.
50. The Sub-Committee, therefore, having carefully considered the application for the full review and the evidence presented by the Police, the Licensing Authority, Environmental Health Service and Interested Parties, both verbally and in writing, the Sub-Committee concluded that the Premises was associated with serious crime, and it was necessary to **Warn** the Main PLH and modify the conditions on both licences as specified below.
51. The Sub-Committee sincerely hopes that the Main PLH has learnt lessons as a result of these proceedings brought by the Police and now realises that it cannot take a lackadaisical approach when it comes to the running of the Premises for whatever reason. Having a premises licence in the heart of soho and within the West End CIZ is a privilege due to the challenges in the area especially when it comes to crime and so it goes without saying that operators are to be alive to the local issues affecting the area and therefore have a duty to run their premises to the highest standards that will help promote the licensing objectives.
52. On this occasion the Sub-Committee decided that it would not be appropriate or proportionate to have revoked both licences bearing in mind that when the suspension is lifted in respect of the main licence the Premises will not have

operated for some five and half weeks. The Sub-Committee was mindful of the financial impact this would have on a small independent operator and was not in the habit of wanting to put the Premises out of business but by the same token there is still an element of *trust* and confidence that needs to be restored going forward so that the Premises are well managed and promote all four licensing objectives in the future.

53. Whilst the Premises has had only two recorded incidents since the Main PLH took over the Premises well over a year ago one incident can still nonetheless have devastating consequences as was revealed by a serious case of sexual assault happening on the Premises which gave rise to a summary review of the Premises. This incident should never have arose in the first place if the correct proper management and procedures were in place as this would have reduced the risk of such a serious crime happening.
54. The Sub-Committee is pleased that the Main PLH has undertaken the necessary steps to train staff, improve security and an undertaking to comply with new conditions, however, this is just the start of effective change and so an ongoing commitment is required that the Premises is to be managed well that will help promote the licensing objectives and the safety of its patrons.
55. The Sub-Committee would request that the Main PLH continue to work closely with the Police and the other Responsible Authorities to ensure that they fully understand their obligations when running a busy night club premises in the heart of the West End CIZ and seek the necessary help from the Licensing Authority when it comes to understanding and interpreting the conditions now imposed on both licences.

### **Review Decision**

56. Being mindful of the Secretary of State's Guidance and having carefully considered the review application and the representations made by all the Parties, both orally and in writing, the Sub-Committee decided that it was, necessary, appropriate and proportionate in order to promote the licensing objectives, in particular the prevention of crime and disorder objective, to take the following step: -
  - ***To modify conditions and impose additional conditions on both the main licence and shadow licence. For the avoidance of doubt these are the conditions as amended and listed 1-11 (with amended Condition 22) on pages 23 and 24 of the additional papers. In relation to conditions 8,9 and 10 these will remain as standalone conditions on both of these licences. Using the same numbering the conditions which are to have full force and effect are as follows:-***
    1. There shall be a personal licence holder on duty at the premises at all times the premises are open and authorised to sell alcohol.



2. A minimum of 1 SIA licensed door supervisor shall be on duty at the premises from 17:00 until 30 minutes after the premises closes.
3. A minimum of 3 SIA licensed door supervisors shall be on duty at the premises on Thursday, Friday and Saturday from 21:00 until 30 minutes after the premises closes.
4. SIA licensed door supervisors must correctly display their SIA licence(s) when on duty so as to be visible.
5. All customers entering the premises after 21:00 on Thursday, Friday or Saturday shall have their ID scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.
6. The Premises Licence Holder shall ensure that:
  - a. All licensed SIA door staff on duty at the premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team.
  - b. All recordings shall be stored for a minimum period of 31 days with date and time stamping, and
  - c. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
7. A toilet attendant responsible for monitoring the toilets in the basement shall be on duty in the basement from 21:00 until 30 minutes after the premises closes. All other toilets shall be monitored on a risk assessed basis.
8. The Premises Licence Holder shall ensure that a trained welfare officer shall be on duty at the premises on Thursday, Friday and Saturday from 21:00 until 30 minutes after the premises closes.
9. The Premises Licence Holder shall ensure staff shall be trained in Welfare and Vulnerability Engagement (WAVE) and crime scene preservation. Records of staff training shall be provided to an authorised officer upon request.
10. The Premises Licence Holder shall ensure that all managers and bar staff to receive crime scene preservation training within one month of starting work at the premises. All records of training shall be made available to police and authorised licensing officers upon request.
11. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- a. the police (and, where appropriate, the London Ambulance Service) are called without delay;
- b. all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- c. the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- d. such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

**Condition 22 on the licence shall be amended to read:**

12. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

**INFORMATIVE**

13. That the Premises Licence Holder is strongly recommended to apply for a Variation in respect of Conditions 13 and 30 to avoid confusion when running the daily operation of the Premises to ensure the promotion of the licensing objectives.
14. That the Premises Licence Holder is committed to ensuring that staff training is undertaken as per the new conditions on a consistent and regular basis and there is an ongoing dialogue with Metro Guard the now appointed security company which shall also include any replacement security company employed by the Premises Licence Holder.

The Applicant for the Review, the Premises Licence Holder and any Party who has made a relevant representation to the review application may appeal against this Decision to Westminster Magistrates Court, 181 Marylebone Road, London, NW1 5BR, within 21 days of receiving this Decision.

**The Licensing Sub-Committee**  
**6 June 2024**

**2. LOUCHE, 4 GREEK STREET, LONDON, W1D 4DB (SHADOW LICENCE)**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4**  
**("Committee")**

Thursday 6 June 2024

Membership: Councillor Angela Piddock (Chair) and Councillor Iman Less and Councillor Caroline Sargent

Officers present: Legal Advisor - Horatio Chance  
Presenting Officer - Kevin Jackaman  
Committee Officer - Jessica Barnett

**Persons attending the hearing**

**For the Police: Amani Solimani Counsel of Francis Taylor Buildings**  
PC Steve Muldoon PC Adam Deweltz.

**For the PLH (Main Licence): Gary Grant Counsel of Francis Taylor Buildings**  
Instructing Solicitors, Thomas & Thomas: Thomas O'Maoileoin (Solicitor) Will Robinson (Solicitor) Mr Dennis Rogers, Elliott Rogers, Ruben Santos, Andy Bannon (Metroguard) Damon Sripha, Adrian Studd (Licensing Consultant).

**For the Licensing Authority:** Ms Jessica Donovan.

**For the Environmental Health Service:** Mr Maxwell Koduah.

**For the Interested Parties: Richard Brown of Westminster Licensing Project representing the Soho Society:** The Soho Ward Panel: Jane Doyle.

**For the PLH (Shadow Licence): Niall McCann (Solicitor) Keystone Law**  
Chaim Aziz (Managing Director).

**Full Review Hearing in respect of Shadow Licence for Louche 4 Greek Street London W1D 4DB ("The Premises") 24/03042/LIREVX**

**FULL REVIEW DECISION**

**Case Summary**

The Metropolitan Police Service ("Police") submitted an application for a Summary Review of the above Premises pursuant to Section 53A of the Licensing Act 2003 ("The Act") on 15 May 2024 as the Police considered the Premises were associated with serious crime. The Premises Licence Holder ("PLH") for the Main Licence is Samocca Assets Limited (British Virgin Island Company) and the registered Designated Premises Supervisor is Mr Elliott Dennis Rogers. The PLH for the Shadow Licence is Samocca Assets Limited but with a UK company registered address.

A Licensing Sub-Committee was convened on the 17 May 2024 to consider whether it was necessary to take interim steps pending the determination of the Review applied for by the Police. At this hearing the Sub-Committee concluded that it was necessary and appropriate to take the following steps in respect of the main licence:

- ***To suspend the Main Licence with immediate effect.***
- ***To exclude the sale of alcohol from the scope of the licence;***
- ***To remove the Designated Premises Supervisor.***

In view of the seriousness of this case, it was necessary for this Interim Decision to take immediate effect.

A copy of the Interim Steps Decision can be found at **Appendix C** of the Agenda report.

Following the advertisement of the review application, two representations have been received from the Soho Society and one member of the public in support of the review. The Police produced further evidence by way of CCTV Footage which was seen by the Sub-Committee along with the CCTV footage produced by the PLH (Main Licence) in advance of today's hearing.

The PLH (Main Licence) has also produced a number of additional documents which can be found at pages 5-83 of the additional papers.

The PLH (Shadow Licence) has also produced a written submission and this was noted by the Sub-Committee.

A representation has also been received from the Environmental Health Service in support of the review.

The representations can be seen at **Appendix E** of the agenda report.

### **Applicant**

The Metropolitan Police Service

### **Premises Licence Holder ("Shadow Licence")**

Samocca Assets Limited

### **Designated Premises Supervisor ("DPS")**

Unknown

### **Activities and Hours**

The Premises operates as a Bar and Nightclub

### **Performance of Dance**

Monday to Sunday: 09:00 to 02:00 (Ground & First Floors)

### **Performance of Live Music**

Monday to Sunday: 09:00 to 02:00 (Ground & First Floors)

Playing of Recorded Music

Monday to Sunday: 00:00 to 00:00 (Ground & First Floors)

### **Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

Monday to Sunday: 09:00 to 02:00 (Ground & First Floors)

### **Late Night Refreshment**

Monday to Saturday: 23:00 to 02:30 (Ground & First Floors)

Sunday: 23:00 to 02:00 (Ground & First Floors)

### **Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit**

Monday to Sunday: 00:00 to 00:00 (Ground & First Floors)

### **Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 02:00 (Ground & First Floors)

Sunday: 12:00 to 00:30 (Ground & First Floors)

Sundays before Bank Holidays: 12:00 to 02:00 (Ground & First Floors)

### **Alcohol is supplied for consumption on the Premises.**

### **Hours Premises are Open to the Public**

Monday to Saturday: 09:00 to 02:30

Sunday 09:00 to 02:00

Sundays before Bank Holidays 09:00 to 02:30

### **Policy Considerations**

- Appendix 4 of the City Council's Statement of Licensing Policy ("SLP") on Pages 120-121.
- Policies CD1, PS1, PN1 and CH1 apply on Pages 27-42 of the SLP.

### **Revised Home Office Guidance**

- Paragraphs 11.1-11.29 on Pages 96-102 and Pages 103-110.
- Expedited/Summary Licence Reviews Guidance (October 2007)

### **Background**

On Saturday 4th May 2024, a male known to police (Victim) was at Louche Bar with friends. Shortly after midnight he went to the downstairs toilets and was using one of the cubicles. Another male (Suspect) has repeatedly knocked on the door and on exiting the cubicle to let the Suspect in, the victim has been forced back inside the cubicle by the Suspect. He has then endured a period of time during which he was repeatedly assaulted including sexual assault and ending with the Suspect forcing the Victim to perform Oral Sex on him. This is being investigated as a category Stranger 1 Rape with offences of Rape, Attempted Rape, false imprisonment and ABH.

The victim throughout made multiple attempts at escape and the ordeal was only

stopped when a member of the public heard the victim's cries for help and got security.

The victim, in a clear state of distress, disclosed to the security that he had been the victim of a serious sexual assault. The security officer made the decision to escort both the victim and suspect up-stairs to the front door. The victim and suspect were left stood together, whilst there is a conversation between two security officers. The suspect was then led outside, whereby he ran off and away from the venue. There appears to have been a delay in calling police, as the manager in charge at first calls the general manager (who was off duty) to ask what to do. Police Licensing were informed of this serious incident in the week commencing 6th of May. On the 7th of May the premises was sent an incident report form with a request to complete a detailed account. A meeting was arranged at the venue for Wednesday 8th of May.

Police licensing officers attended the premises and met the general manager. Officers were shown CCTV of the incident, however there had been no record made in the incident log (This being a breach of one of the premises licence conditions - Condition 24 on the premises licence). On discussing the incident, the manager continually advised officers to speak to the owners. Officers also discussed the premises licence with the manager to which he appeared to have no knowledge of the conditions.

A further condition breach was identified as the general manager advised officers when asked that they were not satisfying this condition as they were not adhering to any of the points listed in condition 13 (a) -(f):

“On any evening where the premises or part of the premises are open for the purpose of music and dance, alcohol shall not be sold or supplied to persons entering that part of the premises except to:

- (a) Persons who have paid a minimum admission fee of at least £5.00 Monday to Thursday and £7.00 Friday and Saturday for music, dancing and entertainment, such charges not to be credited against consumables; or
- (b) Persons who have paid a minimum annual admission fee of at least £150 payable in advance for music, dancing and entertainment (not to be credited against consumables). A list of all persons who have paid an annual admission fee will be held at reception for inspection by the relevant authority; or
- (c) Persons attending a private function/event booked at least 24 hours in advance, where the functions organiser's name and address is to be kept at reception for inspection by Police;
- (d) Artistes or persons employed on the premises;
- (e) Bona fide guests of the management not to exceed 10% of capacity, a list of whom shall be kept at reception for inspection by relevant authorities; or
- (f) Persons taking full table meals a list of whom are held at reception for inspection by the relevant authorities.”

When asked about this officers were told to speak to the owners. As a result of the condition breach a section 19 was issued. On the 9th of May police licensing officers were made aware that the male suspect had been arrested, charged and remanded for a number of offences. However, officers were also made aware that the same male suspect, went on to sexually assault another victim at another location. (This location was not a licensed premises). It was also advised to officers

that as a direct result of the suspect not being detained at the time, officers from CID spent three days following the suspects movements from place to place using private venue CCTV. Thankfully a venue the suspect was seen to enter had ID Scan and as a result the suspect scanned his ID in on entry. These details were given to police and the suspect was arrested.

This was the second occasion that the premises had come to Police notice in recent weeks. On Sunday 28th April 2024 at approximately 01:30 hours (Saturday trading night), a fight occurred at the location, whereby a male suspect head-butted a male victim. Both the victim and male were brought outside. The victim decided to call Police at which point the suspect fled the scene. This was another example of failings by the operator by not detaining a suspect in the assault, and not calling Police. Any victim-care fell short of what is expected from a licensed premises in the City of Westminster.

A meeting was arranged to discuss the incidents with the venue owner on Monday 13th May. At this meeting we gave the premises operator the opportunity to have their say and explain their version of events. This was done at Westminster City Hall. Due to the seriousness of the offence, the multiple breaches of the licence and the clear lack of control of the premises, the Police believe that the premises have failed to uphold the prevention of crime and disorder licensing objective. It is also believed that the premises will continue to fail to promote the licensing objectives going forward. As such, the Police believe that the premises is a risk to the public and it is necessary to suspend the premises licence until the full hearing.

### **Response to Consultation**

The application received a representation in support of the review from the Licensing Authority on the grounds that the Premises are failing to promote the licensing objectives. The representation can be found at **Appendix E.1**

The application received a representation in support of the review from the Licensing Authority on the grounds that the Premises are failing to promote the licensing objectives. The representation can be found at **Appendix E.2**

The Licensing Service have received 3 representations from Interested Parties supporting Review. The representations can be found at **Appendix E.3**

### **Representations in Support of the Review**

- Licensing Authority (Jessica Donovan)
- Environmental Health Service (Maxwell Koduah)
- Jane Doyle (The Soho Society)  
Received: 28 May 2024
- Marina Tempia (The Soho Society)  
Received: 29 May 2024
- Andrew Vining (Flat A 4 Greek Street)  
Received: 29 May 2024

## **Summary of Representations**

- *I am chair of the Soho Ward Panel and write in support of the review of this premises licence. Having read the application notice, I am very concerned about the recent history and breaches of the licence conditions. It seems that there have been at least two incidents at the premises that were not dealt with appropriately by the management and/or staff, one being a serious sexual assault.*
- *Greek Street, as the Committee will know, is one of the streets in Soho which has an enormous amount of crime, and customers should be able to feel safe inside a premises. This does not always seem to be the case with these premises, as the recent incidents and in particular the way they were dealt with by those on-site show. It is perhaps worth mentioning that this management has only been in place since October of last year.*
- *Conditions are set by Licensing Sub-Committee for a variety of reasons, namely with the aim of promoting the prevention of crime and disorder, public nuisance and ensuring public safety. These incidents seem to be in breach of all these aims. Obviously, compliance is essential. Any breaches need to be taken very seriously and I would ask the Committee to take appropriate action in relation to these breaches, in so doing sending a clear message to other premises that breach licence conditions that action will be taken.*
- *Licensing Sub-Committees set conditions with the aim of promoting the prevention of crime and disorder, public nuisance and ensuring public safety. Compliance is therefore essential. Any breaches need to be taken seriously and we ask the Committee to show that they will take decisive action on premises which breach conditions, and in so doing send a message to all other premises not abiding by their licence conditions that they will be severely punished.*
- *I have supplied the investigating police a CCTV and Audio tape of my first encounter with Dennis in April 2023 along with three other gentleman which as the tape shows was an attempt to illegally evict me from my home. In the tape at approximately 2 mins Dennis is involved in a conversation that basically offers a security firm £500 to grab me by the neck and through me down the street.*
- *I have many hours of CCTV Audio visual footage that would support this man is no gentleman, anyone who needs trip down CCTV cameras cut power and who's commercial bar premises have signed for nearly £1,000 worth of postal deliveries that belong to me. Actively avoids attempts my network power to contact them, doesn't maintain public safety should not be operating a or have any influence over a licence premises. As it appears very sadly at some point someone will get hurt or worse killed. I am presently living in concern of my own safety both at and away from my home due to actions by Dennis his employees, family and representatives and the freeholders management company.*

### **The Sub-Committee is now required to:-**

- (1) Review the Interim Steps taken on 17 May 2024 and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place,



or whether they should be modified or withdrawn; and

- (2) To determine the full review of the premises licence pursuant to Section 53C of the Act.

*The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:*

- (a) to modify the conditions of the licence;*
  - (b) to exclude a licensable activity from the scope of the licence;*
  - (c) to remove the designated premises supervisor;*
  - (d) to suspend the licence for a period not exceeding three months;*
  - (e) to revoke the licence;*
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.*

### **Preliminary Matters:**

1. The Chair introduced the Members of the Sub-Committee and outlined the procedure to the Parties in attendance. It was considered appropriate that both applications would be heard in the round but two separate Decisions would be issued by the Licensing Authority. The parties did not raise objection when considering the powers of the Sub-Committee regarding the interim steps to be taken for both the Main Licence and Shadow Licence and the Review.
2. The Chair explained that the purpose of the meeting was for the Sub-Committee to review the interim steps taken on the 17 May 2024 and to consider whether it was appropriate and for the promotion of the licensing objectives for the steps to remain in place, or whether they should be modified or withdrawn; and to determine the full review of the Premises Licence pursuant to Section 53C of the Act.
3. The Chair noted that the committee agenda consisted of the application for full review, the existing Licences of the Premises and the supporting statements of the Main PLH and Shadow PLH which had been circulated previously to all Parties.
4. The Sub-Committee Members confirmed that they had no declarations of interests to make.
5. The Presenting Officer, Kevin Jackaman, outlined the application explaining that it was a review of the premises licence in respect of Louche, 4 Greek Street and the accompanying shadow licence. He advised that since the publication of the report applications to transfer the premises licence and a variation of the DPS had been submitted by the Main PLH. The applications had been brought by the Metropolitan Police who were represented by Armin Solimani Counsel, PC Steve Muldoon and PC Adam Deweltz.

6. The Main PLH was represented by Gary Grant Counsel, Thomas O'Maoileoin, Will Robinson of Thomas & Thomas Solicitors, Premises Licence holder Elliott Dennis Rogers, Ruben Santos, Andy Banon, Damon Sripha and Adrian Studd all on behalf of the Premises.
7. Representations had been received from the Licencing Authority represented by Jessica Donovan and Environmental Health represented by Maxwell Koduah. The Shadow Licence holders Samocca Assets Ltd were represented by Niall McCann of Keystone Law and Alex Aziz of the licence holder company. Three representations were received in respect of the main licence and two representations in respect of the shadow licence. Jane Doyle and Richard Brown were in attendance representing The Soho Society & The Soho Ward Panel and Andy Vinney local resident was in attendance via Teams. The Premises are situated within the West End Ward and located within the West End Cumulative Impact Zone.

**The following parties who made representations attended the hearing and gave their submissions to the Sub-Committee:-**

**Submissions by the Police**

8. Mr Solimani appearing on behalf of the Police advised that the Police were seeking, as a bare minimum, the conditions proposed by the Main PLH and an additional two-week suspension of the licence and believed this was the bare minimum to achieve the licencing objectives and to promote public safety.
9. Mr Solimani gave a brief outline of the events that had occurred which led to the Police seeking a review of the premises licence which included serious failings of management and breaches of existing conditions of the licence. Mr Solimani noted the lack of engagement of the Main PLH following the incident which fell far short of what they would expect from a venue on Greek Street.
10. Mr Solimani stated that Greek Street had one of the highest crime rates in the country and therefore there was an expectation of licence holders of venues on this street to understand the responsibility they hold as the risk to the public is so high.
11. Mr Solimani reminded the Sub-Committee that the Police were seeking to impose the new conditions proposed by the Main PLH along with a two-week suspension but ultimately it was for the Sub-Committee to decide whether they felt this was appropriate having regard to the promotion of the licensing objectives.
12. The Sub-Committee asked whether the Police would like to add any further conditions to those that had been proposed. PC Steve Muldoon stated in reply that following discussion with the Main PLH they are satisfied with what had been proposed and reflect what they would expect from a new venue licence application.

13. The Sub-Committee stated that along with the new conditions a lot would be dependent on a change of attitude and approach from the Main PLH as they main consideration was building trust and a firm commitment that the Premises would be managed efficiently and effectively that would lead to the promotion of the licensing objectives.
14. The Sub-Committee asked how the Police reached their proposal of a two-week suspension. Mr Solimani responded by saying that the Police felt the two-week suspension would be sufficient for the Main PLH to implement the new conditions and for the necessary training to be undertaken by staff.
15. The Sub-Committee asked that given the location on Greek Street whether there were any other conditions the Police would like to see imposed on the premises licence. PC Steve Muldoon in reply confirmed that they are satisfied with what had been proposed. PC Steve Muldoon clarified that what the Police meant by 'bare minimum' was that there were more serious options that could be imposed as opposed to condition changes.

#### **Submissions from the Licencing Authority**

16. Ms Jessica Donovan, representing the Licencing Authority, stated that having assessed the application they agreed that the review was necessary and proportionate in order to promote the licencing objectives. Ms Donovan advised that the venue is in a high-risk area for sexual offences and therefore licence holders were expected to manage the risks and have robust procedures in place, that should offences occur, they can reduce harm as much as possible and ensure that those responsible are detained and the victim is safeguarded. She said it was the Licencing Authority's view that on this particular occasion the Main PLH failed to live up to the standard expected of a competent premises licence holder and as a result the licensing objectives has been severely undermined.

Ms Donovan stated that in conclusion the Licencing Authority supported the request of the Police and proposed new conditions and two-week suspension but that it was within the Sub-Committees powers to impose whatever sanction they felt was appropriate and proportionate to uphold the promotion of the licensing objectives.

#### **Submissions from the Environmental Health Service**

17. Mr Maxwell Koduah, representing Environmental Health, explained that, along with new conditions, confidence in the management of the venue was of high importance to prevent future incidents occurring. Mr Koduah was satisfied with the new conditions proposed

#### **Submissions from Richard Brown and Jane Doyle**

18. Mr Richard Brown, representing The Soho Society and the Soho Ward Panel explained that they were very concerned about the incident that had occurred and the failings of the Main PLH. Mr Brown stated that they supported the Police's view on imposing a two-week suspension and were supportive of the new conditions, particularly the use of Club Scan.

19. Mr Brown stated that the new conditions did not however, include Model Condition MC24 which requires a telephone number to be made available to local residents should an issue occur and would have liked this to have been included in the proposed conditions.
20. The Sub-Committee asked whether the Soho Society would be supportive of the venue with the new conditions. Mr Brown said they would but would like to see the inclusion of MC24.

### **Submissions from Local Resident**

21. Mr Andy Vinning, a local resident, stated that he did not want to see venues close in Soho but lacked confidence in the management of this venue. Mr Vinning stated that he had issues with noise from the venue and referred to other issues he had with the Main PLH leading him to move out temporarily of his home.
22. The Sub-Committee noted these concerns but stressed that any dispute he has with the Main PLH of a landlord and tenant nature are private law matters and fell outside of the Sub-Committee powers when considering the application for Review and the promotion of the licensing objectives.

### **Submissions from the Main PLH**

23. Mr Gary Grant, Counsel, representing the licence holder, Mr Dennis Rogers, acknowledged that the incident that occurred was serious and that the Police were right to summary review the licence. Mr Grant agreed that the incident had highlighted weaknesses in the running of the venue and serious management and security failures and Mr Rogers recognised and accepted this.
24. Mr Grant stated that Mr Rogers, had not used the time between the temporary suspension on the 17 May 2024 and the hearing today to challenge the suspension but instead had spent this time imbedding changes including removing his son, Elliott Rogers from the premises licence which was transferred to Mr Dennis Rogers on the 31 May 2024. Mr Elliott Rogers also stood down as DPS on the 28 May 2024.
25. Mr Grant stated that in the twelve months that Mr Rogers had been running the Premises, they had only had two violent incidences occur. He also advised that the Premises did not have a history of complaints and was not a premises which was adding to problems in the West End Cumulative Impact Zone.
26. Mr Grant explained the main issue was the failure of security to hold onto the suspect and their monitoring of the toilets. Mr Grant explained that Mr Rogers had replaced the security with a new company Metro Guard. Mr Rogers has moved into the flat above the Premises and the General Manager has been replaced with Mr Santos and a new Assistant Manager Mr Sripha.

27. Mr Grant briefly went through the new conditions proposed and explained that staff training had taken place in the three weeks that the Premises had been closed and that if the Sub-Committee were minded agreeing with the proposed two-week suspension that the suspension begin from today.
28. Mr Grant referred to the alleged breach of condition 13 which related to membership and payment and explained that there were old, hangover conditions from entertainment provisions. He agreed that these did need to be resolved by way of a variation however until then the Main PLH will comply with the condition.
29. Mr Grant explained that any suspension decided today would have no effect until the appeal period had expired in 21 days. Mr Grant stated that if the Sub-Committee were minded following the Police's suggestion of a two-week suspension, Mr Rogers, would not be appealing that decision and therefore asked the Sub-Committee to use their powers under section 53D4C to extend the interim suspension by two weeks, therefore avoiding having to wait 21 days.
30. The Sub-Committee asked whether Mr Rogers would agree to a phone number being made available to residents. In answer Mr Rogers agreed to this being a condition.
31. In answer to further questions from the Sub-Committee Mr Rogers confirmed the following:-
  - Regarding what checks he had done when employing the new security team he confirmed that it was important to find a company that were experienced in this type of Premises and area and a company that puts an emphasis on training. The previous security company was inherited and called night security.
    - Mr Andy Banon from Metroguard would be the Premises Security Advisor along with his team (Mr Banon confirmed that training and monitoring were very important and stated that companies can become complacent when working at venues for a long time and to mitigate this they have mystery customers visit their venues to monitor the security - the venue will be visited weekly by an operations manager and monthly KPI meetings. Mr Banon explained that they use an app to record incidents). Mr Banon stated that they send daily bulletins to all staff regarding demonstrations for example, in the area.
    - His understanding of the specific risks to customers in the area was that Greek Street has a large number of late-night venues which bring problems with crowds of drunk people. He explained that he joined a number of local neighbourhood groups and is looking to attend Police workshops and take a proactive approach rather than reactive when it came to managing the Premises.
32. The Sub-Committee noted the importance of venues engaging with the local Police and other licensed premises.

### **Submissions from the Shadow PLH**

33. Mr Niall McCann, representing the shadow PLH, reiterated that they were very shocked to receive the expedited review and were not aware of any issues until receiving the papers for the review. Mr McCann stated that they did not resist the suspension of the primary licence at the initial hearing.
34. He advised that following meetings with the Police and the Main PLH they were reassured that the Police and the Main PLH were in agreement with the steps that need to be taken. Mr McCann asked that the Sub-Committee place the agreed conditions on both licences and suspend the primary licence for a period of two weeks and asked that no further action be taken in respect of the shadow licence because there were no concerns raised around the integrity of the building.
35. Mr McCann stated that they would be visiting the Premises more often to ensure the new conditions are being complied with and have given their details to PC Muldoon.

### **Review of Proposed Conditions**

36. Mr Horatio Chance Legal Advisor to the Sub-Committee discussed the proposed conditions with the parties appearing at pages 23 and 24 of the additional papers.

He commented on the following:-

- Condition 6, the word 'licensee' should be substituted for 'premises licence holder'.
  - Conditions 8, 9 and 10 to be prefaced with the words 'The premises licence holder shall ensure that...'
  - Condition 10 should be amended to read '*All managers and bar staff to receive crime scene preservation training within one month of starting work at the premises. All recordings of training shall be made available to police and authorised licensing officers upon request*'.
37. Mr Grant agreed to these changes but suggested combining conditions 9 and 10 to avoid a slight duplication.

### **Summing up by the Parties attending the hearing**

38. In summing up both Ms Donovan, Mr Koduah, Mr Brown, Ms Doyle and Mr Vining had nothing further to add to their submissions.
39. In summing up, Mr Grant reiterated that a two-week suspension is more than appropriate and allows adequate time to implement the new conditions and that more than two weeks would be punitive without benefit.
40. In summing up, Mr Solimani stated that the objective of the Sub-Committee was not to decide whether two weeks is enough time to implement new conditions but rather what will it take to uphold the licencing objectives. He

also noted that there were venues in the vicinity that have had no violent incidents. In conclusion, Mr Solimani emphasised that all options were open to the Sub-Committee to decide what it would take to ensure the public were safe and that a two-week suspension and new conditions were the bare minimum necessary.

### **Committee's Decision and Reasons**

41. The Sub-Committee noted the submissions from all the parties adjourned the hearing temporarily to make its determination and resumed the hearing to announce its Decision and to summarise its reasons which are more fully set out below.
42. The Sub-Committee recognised that the proceedings set out in the Act for reviewing premises licences represent a key protection for the community when problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. The Act provides the Licensing Authority with a range of powers on determining a review that it may exercise where it considers them appropriate and proportionate for the promotion of the licensing objectives. In deciding which of these powers to invoke, the Licensing Authority should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response. Each case has to be determined on its own merits, on the balance of probabilities.
43. The Sub-Committee was mindful that the Police had reasonable and sufficient grounds for seeking this review. The Sub-Committee noted from the Police evidence that several witness statements had been produced by Police personnel which gave an account of the events following the reporting of the serious sexual assault that took place inside the Premises and the multiple breaches of licence conditions indicating a failure in management.
44. The Sub-Committee recognised that paragraph 11.24 of the Guidance advises that :-

*When dealing with reviews in connection with crime, " Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective."*

Paragraph 11.25 of the Guidance continues: -

*"Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems*

*associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.”*

45. The purpose of today’s hearing is twofold: -

Firstly, to consider what appropriate and proportionate steps should be taken for the promotion of the licensing objectives, taking into account any change in circumstances since the suspension was imposed at the Interim Steps hearing and;

Secondly, to review the interim steps taken on 17 May 2024 at the Interim Steps hearing, when the licence was suspended and decide whether it is appropriate for the suspension to remain in place and if so, whether the suspension should continue to have immediate effect.

### **Interim Step Review Decision**

46. The Sub-Committee also reviewed the suspension made at the Interim Steps Hearing on 17 May and **decided** that as there is clear evidence that the Premises is not promoting the licensing objectives, particularly in relation to crime and disorder, that it is necessary, appropriate and proportionate for the promotion of the licensing objectives for:-

- The suspension in respect of the Main Licence is to remain in force for a further period of 14 days from today and the suspension shall continue to have immediate effect.
- The removal of the Designated Premises Supervisor.
- To exclude the sale of alcohol from the two scope of the licence

### **Reasons**

47. The Licensing Authority received a valid application for an expedited review under Section 53 A-C of the Act from the Police on 15 May 2024. A sexual assault taking place on the Premises is a serious matter and does not promote the licensing objectives.

48. The Sub-Committee accepted the evidence of the Police that they believe that a serious sexual assault took place on the Premises as identified in the Police’s written application to the licensing authority. The Sub-Committee concluded that there had been multiple breaches of the Premises Licence and its running of the Premises which undermined the crime and disorder licensing objective.

49. The interim steps that were imposed by the Sub-Committee previously continue to remain in full force and effect, so the licence remains suspended, from today’s date for a further period of 14 days, the DPS is removed and the sale of alcohol of alcohol at the Premises is therefore not permitted.



50. The Sub-Committee, therefore, having carefully considered the application for the full review and the evidence presented by the Police, the Licensing Authority, Environmental Health Service and Interested Parties, both verbally and in writing, the Sub-Committee concluded that the Premises was associated with serious crime, and it was necessary to **Warn** the Main PLH and modify the conditions on both licences as specified below.
51. The Sub-Committee sincerely hopes that the Main PLH has learnt lessons as a result of these proceedings brought by the Police and now realises that it cannot take a lackadaisical approach when it comes to the running of the Premises for whatever reason. Having a premises licence in the heart of soho and within the West End CIZ is a privilege due to the challenges in the area especially when it comes to crime and so it goes without saying that operators are to be alive to the local issues affecting the area and therefore have a duty to run their premises to the highest standards that will help promote the licensing objectives.
52. On this occasion the Sub-Committee decided that it would not be appropriate or proportionate to have revoked both licences bearing in mind that when the suspension is lifted in respect of the main licence the Premises will not have operated for some five and half weeks. The Sub-Committee was mindful of the financial impact this would have on a small independent operator and was not in the habit of wanting to put the Premises out of business but by the same token there is still an element of *trust* and confidence that needs to be restored going forward so that the Premises are well managed and promote all four licensing objectives in the future.
53. Whilst the Premises has had only two recorded incidents since the Main PLH took over the Premises well over a year ago one incident can still nonetheless have devastating consequences as was revealed by a serious case of sexual assault happening on the Premises which gave rise to a summary review of the Premises. This incident should never have arose in the first place if the correct proper management and procedures were in place as this would have reduced the risk of such a serious crime happening.
54. The Sub-Committee is pleased that the Main PLH has undertaken the necessary steps to train staff, improve security and an undertaking to comply with new conditions, however, this is just the start of effective change and so an ongoing commitment is required that the Premises is to be managed well that will help promote the licensing objectives and the safety of its patrons.
55. The Sub-Committee would request that the Main PLH continue to work closely with the Police and the other Responsible Authorities to ensure that they fully understand their obligations when running a busy night cub premises in the heart of the West End CIZ and seek the necessary help from the Licensing Authority when it comes to understanding and interpreting the conditions now imposed on both licences.

## **Review Decision**

56. Being mindful of the Secretary of State's Guidance and having carefully considered the review application and the representations made by all the Parties, both orally and in writing, the Sub-Committee decided that it was, necessary, appropriate and proportionate in order to promote the licensing objectives, in particular the prevention of crime and disorder objective, to take the following step: -
- ***To modify conditions and impose additional conditions on both the main licence and shadow licence. For the avoidance of doubt these are the conditions as amended and listed 1-11 (with amended Condition 22) on pages 23 and 24 of the additional papers. In relation to conditions 8,9 and 10 these will remain as standalone conditions on both of these licences. Using the same numbering the conditions which are to have full force and effect are as follows:-***
1. There shall be a personal licence holder on duty at the premises at all times the premises are open and authorised to sell alcohol.
  2. A minimum of 1 SIA licensed door supervisor shall be on duty at the premises from 17:00 until 30 minutes after the premises closes.
  3. A minimum of 3 SIA licensed door supervisors shall be on duty at the premises on Thursday, Friday and Saturday from 21:00 until 30 minutes after the premises closes.
  4. SIA licensed door supervisors must correctly display their SIA licence(s) when on duty so as to be visible.
  5. All customers entering the premises after 21:00 on Thursday, Friday or Saturday shall have their ID scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.
  6. The Premises Licence Holder shall ensure that:
    - a. All licensed SIA door staff on duty at the premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team.
    - b. All recordings shall be stored for a minimum period of 31 days with date and time stamping, and
    - c. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

7. A toilet attendant responsible for monitoring the toilets in the basement shall be on duty in the basement from 21:00 until 30 minutes after the premises closes. All other toilets shall be monitored on a risk assessed basis.
8. The Premises Licence Holder shall ensure that a trained welfare officer shall be on duty at the premises on Thursday, Friday and Saturday from 21:00 until 30 minutes after the premises closes.
9. The Premises Licence Holder shall ensure staff shall be trained in Welfare and Vulnerability Engagement (WAVE) and crime scene preservation. Records of staff training shall be provided to an authorised officer upon request.
10. The Premises Licence Holder shall ensure that all managers and bar staff to receive crime scene preservation training within one month of starting work at the premises. All records of training shall be made available to police and authorised licensing officers upon request.
11. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
  - a. the police (and, where appropriate, the London Ambulance Service) are called without delay;
  - b. all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - c. the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - d. such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

**Condition 22 on the licence shall be amended to read:**

12. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

**INFORMATIVE**

13. That the Premises Licence Holder is strongly recommended to apply for a Variation in respect of Conditions 13 and 30 to avoid confusion when running the daily operation of the Premises to ensure the promotion of the licensing objectives.
14. That the Premises Licence Holder is committed to ensuring that staff training is undertaken as per the new conditions on a consistent and regular basis and there is an ongoing dialogue with Metro Guard the now appointed security company which shall also include any replacement security company employed by the Premises Licence Holder.

The Applicant for the Review, the Premises Licence Holder and any Party who has made a relevant representation to the review application may appeal against this Decision to Westminster Magistrates Court, 181 Marylebone Road, London, NW1 5BR, within 21 days of receiving this Decision.

**The Licensing Sub-Committee**

**6 June 2024**

The Meeting ended at 1.01 pm