

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 2 March 2018 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Renata Hamvas (Chair) Councillor Sunil Chopra Councillor Adele Morris
OTHERS PRESENT:	Martin O'Carroll, director of premises Kenneth Clancey, Manager of premises P.C. Mark Lynch, Metropolitan Police Service
OFFICER SUPPORT:	Debra Allday, legal officer (via conference call) Andrew Heron, licensing officer Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

It was agreed that the following item would be considered as a late and urgent item:

- Licensing Act 2003: Sir Robert Peel, 7 Langdale Close, London SE17 3UF.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: SIR ROBERT PEEL, 7 LANGDALE CLOSE, LONDON SE17 3UF

It was noted that the legal officer would participate in the meeting via conference call.

The licensing officer presented their report. Members had questions for the licensing officer.

The Metropolitan Police Service representative, the applicant for the review, addressed the sub-committee. Members had questions for the police representative.

The representatives, namely the director and the manager of the premises, addressed the sub-committee. Members had questions for the representative of the premises.

All parties were given five minutes for summing up.

The director of the premises advised that he believed that the licence at the premises was different from the one presented in the agenda.

Members agreed to give the representatives of the premises time to return to the premises to obtain a copy of the licence from the premises.

The meeting adjourned at 11.20am and reconvened at 1.52pm.

The licensing officer advised that the director of the premises had not returned and had been unable to find the licence that he had referred to. However, the manager of the premises had returned for the decision of the sub-committee.

The meeting adjourned at 1.55pm for the members to consider their decision.

The meeting resumed at 2.30pm.

In the absence of the chair, Councillor Adele Morris advised all parties of the sub-committee's decision.

RESOLVED:

That as interim steps to promote the licensing objectives pending the determination of the review application at the full hearing, to be held on 27 March 2018:

- That the premises licence be suspended.
- That the designated premises supervisor be removed.

Reasons

This was a hearing to consider if it is appropriate to take interim steps to promote the licensing objectives upon receipt of an application by the Metropolitan Police for an expedited summary review of the premises.

The licensing sub-committee have considered the application made by the Metropolitan Police and supplementary evidence from the police presented at this hearing. The police advised that on 28 a Superintendent for the Metropolitan Police force certified that in his opinion

the premises are associated with serious crime or serious disorder or both. The application concerned with a serious incident that took place on Sunday 25 February 2018 at approximately 01:45 the police were called in respect of a stabbed male inside premises. At the date of the application, the victim was remained hospitalized, in a critical condition. A regular customer of the premises has been charged with attempted murder and another customer has been arrested for assisting an offender.

A member of the premises bar staff informed police that the victim entered the premises "at around 11pm, but may have been a bit later". The victim then sat at the bar and purchased a pint. The victim was witnessed having at least two more drinks after this. The premises licence allows for the sale of alcohol until 23:00 hours, last entry at 23:15 and music until 00:30. The premises manager informed police that the DJ finished at exactly 01:00 hours and that there were fewer than 30 people in the premises at 01:15, being two hours after last sale of alcohol and 45-minutes after the last licensable activities. The manager also states that the victim entered the premises at 23:30, 15 minutes after last entry (Condition 308). Police state that both statements confirm that the premises licence was breached and demonstrate a total disregard to licence conditions and had the premises been compliant, this incident would not have occurred.

The police further stated a number of people inside appeared intoxicated and when requests were made to turn lights on, this did not happen. No first aid kit was being used by staff. Also it appears that there was not anybody first aid trained in breach of condition 172.

The licensing sub-committee have also considered evidence submitted by the premises licence holders in relation to the application who advised that the premises was a family orientated pub, with no history of violence. The night of the incident there was no suggestion of any animosity between the victim and the suspect and they could not have predicted that the suspect was in possession of 2 knives. The incident could have happened anywhere and if it had occurred outside of the premises it would certainly be fatal. A customer, who was by profession a nurse, assisted at the scene.

The licensing sub-committee considered the evidence of the parties carefully. The premises stated that they were in possession of a licence stating that the sale of alcohol was permitted until 00:30. They were afforded the opportunity to obtain this version of the licence, but despite the fact that it should have been on display in the premises, they were unable to locate it, in breach of condition 145 of the licence. The premises has a history of operating beyond its hours and in this occasion appear to have been selling alcohol beyond hours. The licensing sub-committee are also concerned of the overall management of the premises and at this stage, have no confidence in the management structure currently in place and therefore suspend the licence and remove the designated premises supervisor as interim steps.

The licensing sub-committee having read and heard all the evidence before them were satisfied that the interim steps set out above were appropriate and proportionate in order to promote the licensing objectives.

Appeal rights

There is no right of appeal to a Magistrates' Court against the licensing authority's decision at this stage.

The premises licence holder may make representation against any interim steps imposed

and a hearing to consider the representation will be held within 48 hours of receipt of the representation. The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination

Any representation should be in writing and cannot be received outside of normal office hours.

The meeting ended at 2.35pm.

CHAIR:

DATED: