

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 21 December 2018 at 10.30 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Lorraine Lauder MBE  
Councillor Sandra Rhule

**OFFICER SUPPORT:** David Franklin, licensing officer  
Felix Rechtman, legal officer  
P.C. Ian Clements, Metropolitan Police Service  
Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 1. 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

The following late and urgent item was accepted by the chair:

Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP**

The licensing officer presented their report. Members had no questions for the licensing officer.

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

The premises licence holder's niece addressed the sub-committee. Members had questions.

Both parties were given five minutes for summing up.

The meeting adjourned at 12.06pm for the sub-committee to consider its decision.

The meeting reconvened at 1.18pm and the chair advised all parties of the 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 16 January 2018:

- That Mr Ian Gualavisi (Person A) and Mr Ronalo Palacios (Person B) be excluded from the premises.

**Reasons**

The licensing sub-committee was asked to consider an urgent application for an expedited review made by the Metropolitan Police following an incident at the premises known as Pasaje Primavera. The expedited review application was made on 19 December 2018 following a serious incident at the premises which took place on 15 December 2018 as set out in more detail below.

The said police expedited review application is based on the prevention of crime and disorder objection in the Act and the police is seeking, as an interim measure until the full review hearing on 16 January 2019, for the premises licence to be suspended.

In support of the review, the police submitted a number of witness statements concerning the said incident at the premises and at the sub-committee hearing today the police also presented CCTV footage which was viewed by the premises owners as well as the sub-committee.

It is the police's evidence that on 15 December 2018 at about 8pm in the evening there was a serious fight outside the premises and two individuals were observed carrying knives during the said incident. It is further alleged that one of those people who was carrying a knife alleged at the time that he was in charge of the premises and that he is the owner's son.

The police further allege that they were offered the option of viewing the CCTV footage immediately following the incident by the son but subsequently when they asked for the

CCTV footage several days later, that they were advised that there was no CCTV footage available but the new system was installed one day after the event. It is therefore suspected by the police that perhaps the CCTV footage was tampered with although they were not able to say with certainty that this was done at this stage but indicated that the hard drive was sent for inspection accordingly.

As stated above, during the hearing the sub-committee also viewed the CCTV footage from the nearby church which provides a very good view of the entrance to the premises. The sub-committee noted that a person was approaching the door to the premises and that a group of people came out and that there was some kind of dispute going on. The sub-committee also noted a big knife which was at some stage dropped on the floor and then later on picked up by the son, Ian. The sub-committee was not convinced from the footage itself that there was a second knife but based on the evidence from those at the premises at the time, it is now clear that there was more than one knife used during the incident.

Next the sub-committee heard from the premises owner's niece who also produced a short witness statement in writing to the sub-committee. A copy of the witness statement will be kept on the file. The niece alleges that she was in charge of the premises at the time of the incident while her uncle was away in Ecuador. She further stated that she was not selling alcohol at any time prior to the incident in question and that she was not even allowed to sell alcohol while her uncle was away, as was in the present case. There is no evidence that alcohol played a part in this incident.

The niece further stated that the incident started by the premises owner's ex-son-in-law coming to the premises with the ex-owner's grandchild and causing problems both inside and outside the premises and that this activity subsequently led to the owner's son, Ian, coming out and trying to deal with the situation. Therefore it was submitted on behalf of the owners that this was a domestic incident and further submitted that the said ex-son-in-law had been previously prohibited from attending anywhere near the premises, as part of an ongoing divorce settlement/proceedings.

The niece stated that she called the police at about 7.56pm while the incident was ongoing which was confirmed by the police at the hearing. According to the police they received 5 calls at the time.

On the basis of all the evidence heard and on the basis that this was just an expedited review to provide interim measures until the full review hearing which is due to take place on 16 January 2019, the sub-committee was not convinced that the sale and supply of alcohol had anything to do with this incident. The sub-committee did form a provisional view that this was a domestic incident which is limited to the two individuals concerned, namely the owner's son and the owner's son-in-law.

In the circumstances, the sub-committee considered that it is appropriate and proportionate to in order to prevent crime and disorder to expressly ban both the son and the son-in-law from the premises as an interim measure until the full review which is now due to take place on 16 January 2019.

The sub-committee considers that this interim measure was proportionate in the circumstances based on the interim finding that the incident was limited to the two individuals concerned as outlined above. This decision is made on the basis of the limited evidence provided by the police to date as well as the submissions and evidence presented by the licence-holder.

### **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 1.21pm.

**CHAIR:**

**DATED:**