

Licensing Sub-Committee

Friday 21 December 2018

10.30 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Lorraine Lauder MBE
Councillor Sandra Rhule

Reserves

Councillor Charlie Smith

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Access

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Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 20 December 2018



Licensing Sub-Committee

Friday 21 December 2018
10.30 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
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PART A - OPEN BUSINESS

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

A representative of each political group will confirm the voting members of the committee.

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

In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.

5. LICENSING ACT 2003: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP 1 - 26

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: 20 December 2018

Item No. 5.	Classification: Open	Date: 21 December 2018	Meeting Name Licensing Sub-Committee
Report title:		Licensing Act 2003: Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP	
Ward(s) or groups affected:		North Walworth	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the Licensing Sub-Committee considers whether it is appropriate to take interim steps pending the determination of an application made under Section 53A of the Licensing Act 2003 by the Chief of Police for the Metropolitan Police area for a summary review of the premises licences in respect of the premises known Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP.
2. **Notes:**
 - a) Under section 53A(2) of the licensing act 2003 the Licensing Authority must consider interim steps within 48 hours following the submission of an application under Section 53A of the licensing act 2003.
 - b) A copy of the full application and certificate is attached as Appendix A.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the Licensing Authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The Licensing Authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The summary review powers under sections 53A to 53C of the Act allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and the Licensing Authority to respond by taking interim steps quickly, where appropriate, pending a full review.

KEY ISSUES FOR CONSIDERATION

The premises licence

8. The premises in respect of the premises licence consists of a restaurant on the ground floor of a railway arch called the Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London, SE1 6SP.
9. The premises licence was first issued on 1 August 2011 under the current premises licence holder name of Pasaje Primavera Limited.
10. On 14 September 2018 Pasaje Primavera Limited applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence. This was heard at a Licensing Sub Committee Hearing on 12 November 2018, at which point the variation was granted. A copy of the Notice of Decision for that Hearing is attached for information at Appendix C.
11. The premises licence has not been subject to a previous review and there is no history of temporary events notices, or complaints.
12. The details of the premises licence agreed at the November Hearing are as follows:
- Opening hours:
 - Sunday to Thursday from 06:00 to 01:00
 - Friday and Saturday from 06:00 to 03:00
 - The sale by retail of alcohol (on sales only):
 - Sunday to Thursday from 11:00 to 00:00
 - Thursday and Friday from 11:00 to 02:30
 - The provision of late night refreshment (indoors):
 - Sunday to Thursday from 23:00 to 00:00
 - Friday and Saturday from 23:00 to 02:30
 - Regulated entertainment in the form of live music and recorded music (indoors) and facilities for making music (indoors):
 - Monday to Sunday from 06:00 to 00:00
13. As the appeal period following the Hearing was complete and an appeal had not been received, the licence was due to be issued immediately; however, this has now been held back. A copy of the earlier premises licence is attached as Appendix B, with the Notice of Decision updating its content.

Designated premises supervisor

14. The designated premises supervisor (DPS) is Segundo Vicente Gualavisi Carlosama who has been DPS since the licence was first issued in 2011 and holds a personal licence issued by the London Borough of Lambeth.

The review application and certificate

15. On 20 December 2018 the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP.
16. The application refers to a serious incident witnessed by Police Officers at 20:00h on Friday 15 December 2018 and draws from further CCTV evidence acquired later. The matter involves a large fight with armed participants. One of the armed males was the son of the premises' owner and was in charge of the premises that night.
17. A copy of the application, supporting statements and certificate are attached to this report as Appendix A.

The review procedure

18. The current hearing is for the purpose of considering if interim steps are needed as a result of the Police review and information submitted pending the full review hearing that will be held on Wednesday 16 January 2019.
19. The licensing sub-committee is not obliged to hear evidence from other parties at this stage of the procedure.
20. The review is currently being consulted on and is advertised at the premises for 10 days. Responsible authorities and any other persons may make representations that will then be considered at the full hearing of the licensing sub-committee.
21. Any interim steps made by the licensing sub-committee at this hearing will cease to have effect once the review has been determined.

Operating History

22. No complaints have been received specifically about this premises, however, there are complaints from local residents of anti-social behaviour in the immediate vicinity caused by patrons of premises in the Yard.
23. The premises has received one full licence inspection, as part of the variation application. It was visited at 19:43 on 5 October 2018. The premises was found to be fully compliant, with the exception of two notices which had fallen down. These were replaced and photographs were provided to the authority shortly afterwards. A compliance letter was issued to the premises. During this visit officers met Ian Gulavisi, whom described himself as 'the owner's son'.

The local area

24. A map of the local area is attached at Appendix D.

Southwark Council statement of licensing policy

25. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. The policy came into effect on 1st January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
- Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
- Section 6 – Local cumulative impact policies. This sets out this authority’s approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
- Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
- Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
- Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
- Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
- Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.

Resource implications

26. There is no fee associated with this type of application.

Consultation

27. The premises licence holder has been informed of the application for review and of the details of the interim hearing.

Community impact statement

28. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

29. The sub-committee is asked to consider interim steps following an application to review the premises licence under Section 53A of the licensing act 2003.
30. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

31. The licensing authority must hold a hearing to consider interim steps within 48 hours of receiving an application for review of a premises licence where.

- The application is properly made in accordance with Section 53A of the Act.
 - The licensing authority has considered the ground(s) of review to be relevant to the licensing objective for prevention of crime and disorder.
32. The four licensing objectives are:
- The prevention of crime and disorder
 - The protection of public safety
 - The prevention of nuisance
 - The protection of children from harm.
33. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the premises licence
34. The steps will remain in place until the review application is determined at a full hearing of the licensing sub-committee.
35. The authority may decide to take no action if it finds no interim steps are appropriate to promote the licensing objectives.
36. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
37. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

38. Where the authority takes interim steps an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
 - The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

39. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.

- The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant:
 - To the particular application before the committee
 - To the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
40. This matter relates to the review of the premises licence under section 53A of the Licensing Act 2003.

Council's multiple roles and the role of the licensing sub-committee

41. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
42. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
43. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
44. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

45. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
46. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
47. Under the Human Rights Act 1998. The sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
48. There is no right of appeal to a magistrates' court against the licensing authority's decision regarding the setting of interim steps at this Stage.

Guidance

49. Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Strategic Director of Finance and Governance

50. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

REASONS FOR LATENESS

51. The reasons for lateness are that when an application for an expedited summary review is received from the police under section 53a of the Licensing Act 2003 the council's licensing authority has a statutory duty hold a hearing within 48 hours from receipt of the application to consider interim steps that may be placed on the premises licence until such time as the application can be fully determined.

REASONS FOR URGENCY

52. The Council has a statutory duty under section 53a to hold an interim hearing within 48 hours of receipt of a summary review.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	C/O Southwark Licensing, Community Safety & Enforcement, 3rd Floor Hub C, 160 Tooley Street PO Box 64529 SE1 5LX	Mrs Kirty Read Tel:02075255748

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APPENDICES

Name	Title
Appendix A	Copy of review application and certificate
Appendix B	Copy of the previous premises licences
Appendix C	Notice of Decision from 12 November 2018
Appendix D	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	20 December 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	20 December 2018	



**METROPOLITAN
POLICE**

TOTAL POLICING

Form for Applying for a Summary Licence Review

Application for the review of a premises licence under section 53A of the Licensing Act 2003
(premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:

Name: **London Borough of Southwark**

Address:

160 Tooley Street

Post town: **London**

Post code: **SE1**

Ref. No.:

I **PC Ian Clements (Licensing Officer)**

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

Pasaje Primavera Arch 146 Eagle Yard Hampton Street

Post town: **London**

Post code:
(if known)

SE1 6SP

2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):

Sugundo Vicente Gualavisi Carlosama

Number of premises licence or club premises certificate (if known):

834660

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:

4. Details of association of the above premises with serious crime, serious disorder or both (Please read guidance note 2)

PROTECTIVE MARKING

At approximately 8pm on Saturday the 15th December 2018, Police and officers from Southark Councils Night Time Economy Team were in Eagle Yard SE1 conducting Licensing compliance visits. On completion of one visit they came out into Eagle Yard and noticed a large fight taking place outside the entrance to Pasaja Primavera 146 Eagle Yard. PC Ducker noticed that one of the males was waving a large machete style knife towards other members of the public in a threatening manner. For officer safety reasons the officers maintained a safe distance and observed until further units began to arrive. Armed officers and further units arrived and took control of the situation.

On Tuesday the 18th December at around 2pm PC Ducker from the Night Time Economy Team attended the venue to investigate the CCTV system. He was told by the person in Charge whom identified himself as the son of the premises licence holder, that the CCTV had been broken last week and that a new system had been installed on Monday. Of note is that from body worn video footage on the night this same male can be heard asking officers if they want to view the CCTV now. There remains a question as to whether the CCTV system has been tampered with, this requires further investigation.

On Wednesday the 19th December officers conducted a CCTV trawl of other local premises and found that a neighbouring premises had very good coverage of the incident. On examination of this CCTV it became apparent that the incident on Saturday evening involved between fifteen and twenty persons fighting outside the venue. It shows one male armed with a large knife before being surrounded by a large group. A short while later a machete style knife can be seen on the floor next to where the fight was taking place. The disturbance continues for several minutes until you see a male run from the premises and pick up the machete, he is seen running towards the crowd with the knife raised.

Having viewed the CCTV PC Ducker has identified this suspect as the male in charge of the premises on the night in question, the son of the premises licence holder.
A crime report has been generated for violent disorder and the son of the premises licence holder is now named as the suspect. This matter is still under investigation.

This was an incident of serious disorder involving the person in charge of the licensed premises known as Paseja Primavera. Although no serious injuries have been reported this could have easily ended in tragedy. A Superintendent has certified that in their opinion this premises are associated with serious disorder. I ask the licensing sub committee to consider putting in place interim measures to suspend the premises licence pending a full review hearing.

Signature of applicant

Signature:		Date:	20 th December 2018
Capacity:	Police Licensing Officer		

Contact details for matters concerning this application

Surname:	Clements	First Names:	Ian
Address:	Southwark Police Station, 323 Borough High Street		
Post town:	London	Post code:	SE1 1JL
Tel. No.:		Email:	SouthwarkLicensing@met.police.uk

Notes for guidance

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

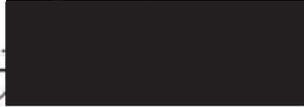
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Statement of: Jonathan Ducker Pc 494MD

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

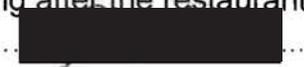
Witness Signature:



Date: 18/12/2018

On Saturday 15th December 2018 I was on duty in plain clothes in company with two council officers, one a licensing officer called Justin Williams, the other Adam Burchett is a local authority enforcement officer. We had just attempted to carry out an inspection at Corporation Ponce, Arch 144 Eagle Yard SE1 and exited that premises at just before 2000hrs. As I looked to my left I could see a group of people obviously having a heated argument. There were a mixture of males and females numbering no more than 10 and although the lighting was poor I could see pushing and pulling and punches being attempted to be thrown. Clearly some of the group were trying to split others up but very quickly it degenerated. I was about 15 metres from the group who were outside Arch 146 which is a restaurant called Pasaje Primavera when I saw a shorter stocky male stood in front of the restaurant waving around a large machete. He was shouting and people were keeping away from him. They were not speaking English so I could not understand exactly what was being said. There is a parking area where some males had run off into before returning. I took hold of one male who had been involved in the initial altercation and told him that I was a police officer. He later gave his name as _____ and was an IC2 male with a red top and a cast on his right wrist, he was about 6'01" with short dark hair and was slim build. There were two Spanish speaking women who kept getting in front of him and were shouting. Two other males approached and were abusive toward me. One of them was squaring up to me and even though the male I had hold of was telling him to calm down and that I was a police officer this seemed to just spur him on. That male said "I don't give a fuck if he's police, I'll fuck him up" was one of the choice phrases used. I used my radio to call for urgent assistance and during the short time before officers arrived Adam helped to keep _____ with us. Clearly people were trying to get _____ free and the male who'd made various threats toward me didn't hang around for the police. He was dressed in a Grey Hooded top and was also an IC2. He walked off through the building line towards the Elephant and Castle roundabout and I called up on my radio to inform officers of that fact. In the midst of everything else the male who'd been waving the machete around had disappeared. He was dressed in a way that led me to believe he was probably a chef at the venue. When uniform officers arrived we tried to piece together what had happened. The restaurant was checked and the male in charge of the venue called _____ was initially detained for having a small lock knife in his possession. This was dealt with by the uniform officers and when the dust began to settle surprisingly no-one would tell us what had happened. All I was able to glean was that the parties involved had been in the restaurant and that for no reason a fight had happened. I requested to see the CCTV but Mr _____ said that he's looking after the restaurant whilst his parents are on holiday in Ecuador and

Witness Signature:



Signature Witnessed by Signature:

Continuation of Statement of:

that he didn't know how to work it and had no way of getting in contact with them. No-one else could work the CCTV either and because that is a condition of their licence I issued a closure notice on the venue for breaches of conditions 288 – That a CCTV system shall be installed at the premises and shall be maintained in full working order and be continually recording at all times that the premises is in use under this licence. The CCTV system must be capable of capturing an image of every person who enters the premises. 289 – That all CCTV footage shall be kept for a period of 31 days and shall be made immediately available to officers of the police or council on request. Because the CCTV could not be accessed both conditions were breached and 2040hrs the notice was issued. There had been an initial call to the venue which was CAD 6474. The venue was closing as a result of the incident anyway and I informed Mr [REDACTED] that we'd be returning to view the CCTV which he stated covers both inside and out the front of the restaurant and should cover the incident.

[REDACTED]

Witness Signature: ... [REDACTED]

Signature Witnessed by Signature:.....

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Jonathan Ducker Pc 494MD

Age if under 18: over 18(if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of one(1) page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature:  Date: 20/12/2018

This is a further statement to one relating to a disturbance outside Pasaje Primavera arch 146 Eagle Yard, Hampton Street SE1 6SP on Saturday 15th December 2018 at just before 2000hrs. On Tuesday 18th December 2018 at about 1400hrs I re attended the venue to secure CCTV in relation to the events on Saturday evening with Pc Graham White from licensing. The male I know to be  who'd been in charge on Saturday evening was at the premises. He informed us that the CCTV had been broken as of last Wednesday or Thursday and that he'd just had the system replaced yesterday (Monday 17th December). He still had the old system and had boxed it up. I asked him why he hadn't told me that the system was broken when I'd requested it on the Saturday and he didn't answer that question but told me that water had got into the system and that was why it had broken. We seized the old system and took it straight to Walworth Police Station VIIDO office (Video Imagery identification and detection office) to see if they could see whether the events of that night could be retrieved. It transpired that a password was required so we returned to the venue and asked for one. A password was supplied and having provided that to the VIIDO unit they informed us that the password was incorrect but that they'd noticed certain warnings showing on the device that meant in their opinion that it was broken. Along with Pc White we returned to the area and noticed that cameras were attached to a building opposite the venue which is the Crossway United Reformed Church. Inside that venue were some people who had nothing to do with the running of the building who said to return the following day. On Wednesday the 19th December myself and Pc White attended the church at about 1400hrs and they were able to provide us with CCTV coverage from the 15th December from 3 cameras that cover the area where the incident took place. This was placed on a USB stick and having had it converted onto CD we viewed the incident at about 1600hrs. The cameras showed a large disturbance involving both males and females. It showed during an initial altercation a knife being dropped on the floor and  being involved in the initial fight before being dragged back into the restaurant. He then came back out of the venue and picked the knife off the floor before waving it around in a threatening manner. Having viewed the CCTV what I can now confirm, and that I couldn't on the night is that the male waving the knife around was the owner of the premises son who has been in charge whilst his parents are away on holiday 

Witness Signature: 

Signature Witnessed by Signature:


**METROPOLITAN
POLICE**
TOTAL POLICING

Form 693A

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with:
Serious Disorder

Premises (Include business name and address and any other relevant identifying details):

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

Pasaje Primavera Arch 146 Eagle Yard Hampton Street

Post town:	London	Post code: (if known)	SE1 6SP
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Premises licence number (if known):

834660

Name of premises supervisor (if known):

Sugundo Vicente Gualavisi Carlosama

I am a Superintendent* in the Metropolitan Police Service.

*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

At approximately 8pm on the 15th December 2019 Police came across a large fight outside the above premises. The first officer on scene was in plain clothes and with an officer from Southwark council night time economy team. They observed the incident from a safe distance at first as they saw one male armed with a large machete style knife. On examination of CCTV from the incident it shows that before Police arrived there were at least two males armed with large knives and involved in violent disorder. It is now apparent that one of the males armed with a knife was the son of the premises licence holder and was in charge of the premises that night.

This is very serious incident that requires the matter to be expedited under the licensing act 2003. I do not consider a standard review appropriate due to the time scales involved. A interim measures hearing under section 53A of the licensing act provided us with the option to ask the licensing sub committee to suspend the premises licence. Under these circumstances I am of the opinion that this is the most appropriate course of action.

Signature

Signature:

Date:

19/12/2018

Licensing Act 2003 Premises Licence

APPENDIX B



Environmental Health & Trading Standards
Licensing Unit
Chaplin Centre
Thurlow Street
London SE17 2DG

Premises licence number

834660

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Pasaje Primavera Arch 146 Eagle Yard Walworth Road London SE1 6SP	
Ordnance survey map reference (if applicable), 178752532037	
Post town London	Post code SE1 6SP
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Recorded Music - Indoors
Facilities for Making Music - Indoors
Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises

The opening hours of the premises

For any non standard timings see **Annex 2**

Monday	06:00 - 01:00
Tuesday	06:00 - 01:00
Wednesday	06:00 - 01:00
Thursday	06:00 - 01:00
Friday	06:00 - 01:00
Saturday	06:00 - 01:00
Sunday	06:00 - 01:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2 of the full premises licence

Recorded Music - Indoors

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

Facilities for Making Music - Indoors

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

Late Night Refreshment - Indoors

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 00:00
Saturday	23:00 - 00:00
Sunday	23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 00:00
Saturday	11:00 - 00:00
Sunday	11:00 - 00:00

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Pasaje Primavera Ltd
7 Dartford Street
London
SE17 3UQ

Registered number of holder, for example company number, charity number (where applicable)

07128803

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Segundo Vicente Gualavisi Carlosama

[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

[REDACTED]

Licence Issue date 01/08/2011

.....
Community Safety Enforcement
Business Unit Manger
Chaplin Centre
Thurlow Street
London SE17 2DG
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended

101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence

485 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process; or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters

or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

486 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

487 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2). The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) Beer or cider: ½ pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) Still wine in a glass: 125 ml; and

(b) Customers are made aware of the availability of these measures

Annex 2 - Conditions consistent with the operating Schedule

4AA The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

255 That fire extinguishers shall be kept at the premises and located in unobstructed and easily accessible locations.

288 That a CCTV system shall be installed at the premises and shall be maintained in full working order and be continually recording at all times that the premises is in use under this licence. The CCTV system must be capable of capturing an image of every person who enters the premises.

289 That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to officers of the police or council on request.

293 That staff shall be trained in regards to all aspects of public safety at the premises.

298 That clearly legible signs shall be prominently displayed to the satisfaction of the council stating "Drug Free Zone".

309 That no electronically amplified instruments shall be played in the premises.

310 That after 21:00 hours the front entrance doors shall be kept closed when regulated entertainment is taking place.

311 That clearly legible signs shall be prominently displayed to the satisfaction of the council requesting that customers leave the premises in a quiet and orderly manner.

332 That all persons under 18 years old attending the premises must be accompanied by a parent, guardian or responsible adult at all times.

340 That a fire alarm system shall be installed at the premises and shall be maintained in full working order and be in operation at all times that the premises is in use under this licence.

Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans - Attached

Licence No. 834660
Plan No. 2112(LIC)01
Plan Date May 2011



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 12 NOVEMBER 2018

SECTION 34 LICENSING ACT 2003: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP

1. Decision

That the application made by Pasaje Primavera Limited to vary a premises licence under s.34 of the Licensing Act 2003 in respect of the premises known as Pasaje Primavera – Arch 146, Eagle Yard, Hampton Street, London SE1 6SP is granted as follows:

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form, the conditions agreed with the Metropolitan Police Service and trading standards during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That substantial food to be served at all times that alcohol is supplied on Fridays and Saturdays after 00:00.
2. That a minimum of one SIA licensed door supervisors shall be on duty at the premises at all times when the premises are open between 00:00 and 03:00.
3. That patrons admitted after midnight must have been invited.
4. That there shall be no more than 80 patrons shall be present on the premises between 00:00 and 03:00.
5. That no more than six patrons may use the outside smoking area at any one time. No drinks may be taken into this area.
6. That no alcohol may be taken off the premises.
7. That alcohol and late night refreshment is permitted until 02:30 on Fridays and Saturdays. The opening time to be extended until 03:00 on Fridays and Saturdays for events.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant's representative who advised that the premises had held a licence since 2011 and was a restaurant/bar that had an Ecuadorian menu. The alcohol menu was extremely limited consisting of beer and wine. Since the grant of the licence in 2011, no complaints either in respect of the operation of the licence or noise had been received. Due to general concerns of anti-social behaviour,

the applicant had liaised joined with the other premises in the area and employed a private security firm. The applicant was very much customer led and wished the additional hours to occasionally hold birthday parties and weddings.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who raised concerns that the hours sought by the applicant were a substantial increase to those already in operation and lay well outside of the Southwark licensing policy hours. The operating schedule is also deemed to be insufficient in light of this increase.

The licensing sub-committee then heard from the officer from Southwark's environmental protection team (EPT) who also raised concerns to the extended hours and the use of the premises. The officer also mentioned that there was a history of noise complaints in the immediate vicinity. The operating schedule is again believed to be lacking in content to sufficiently mitigate the potential for a negative impact on the locality.

The council's public health department have also made representations in relation to the concerns around extended hours and the potential for public nuisance and crime and disorder in the vicinity if granted.

The licensing sub-committee noted that the representation from the health and safety Team had been withdrawn.

The licensing sub-committee were please that through the course of discussions with the applicant the responsible authorities agreed conditions and therefore granted the variation application accordingly.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

Appeal

The applicant may appeal against any decision:

- a) To impose conditions on the licence.
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

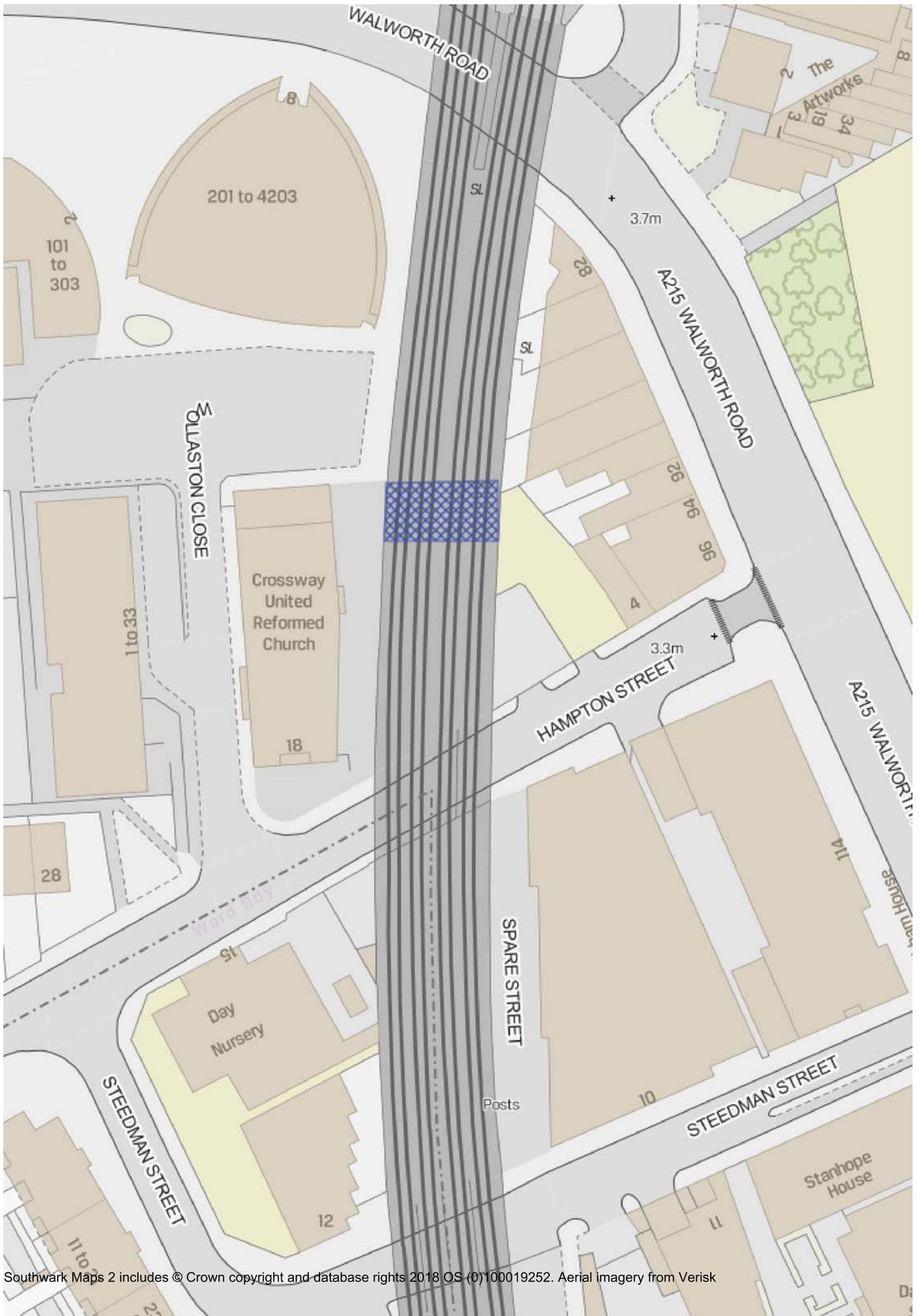
- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 12 November 2018



LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2018-19

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