

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 20 August 2013 at 9.30 am at Ground Floor Meeting Room G01B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas
Councillor Eliza Mann
Councillor Adele Morris

OTHERS PRESENT: Jose Cozono Diaz, licensee
Momdolo Bah, employee
PC Graham White, Metropolitan Police Service licensing team

OFFICER SUPPORT: Cynthia Barrientos, legal officer
Felix Rechtman, legal officer
Kristie Ashenden, licensing officer
Virginia Wynn-Jones, constitutional officer

1. APOLOGIES

There were no apologies.

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

The chair agreed to accept item 5, Distriandina, Unit 6 Farrell Court, Elephant Road, London SE17 1LB, as a late and urgent item.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. DISTRIANDINA, UNIT 6 FARRELL COURT, ELEPHANT ROAD, LONDON SE17 1LB

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

The police representative addressed the sub-committee. Members had questions for the police representative.

The applicant's representative addressed the sub-committee. Members had questions for the applicant and their representative.

The sub-committee went into closed session at 10.45am.

The sub-committee resumed at 11.15am and the chair read out the decision of the sub-committee.

RESOLVED:

That the following conditions placed on the premises licence as interim steps to promote the licensing objectives pending the determination of the review application at the full hearing:

1. That all licensable activities cease at 02:00hrs with a closing time of 02:30hrs
2. That no spirits (alcohol containing more than 20% abv) are to be sold by the bottle or half-bottle

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 sub committee heard evidence from the police that in the last three weeks there were two serious violent incidents outside the premises directly connected to the premises. In the most recent incident which took place on 19 August, which resulted in a person currently being in a coma and the police investigation continues in that respect. In response the licensee submitted that the premises were not responsible for the incidents which took place outside of the premises but that the premises tried to deal with the incident to the best of their ability.

On the basis of the limited evidence provided by the police on this expedited review application, the sub committee accepted the police evidence that the said two serious incidents were directly connected to the premises and further found that both incidents took place after 2am and therefore in the circumstances accepted the interim measure requested by the police for licensable activities to stop at 2am with a closing time at 2:30am. The sub committee accepted the submitted evidence by the police that the violence was connected to excessive consumption of alcohol and therefore further accepted the police request that as an interim measure, until the full review, the premises are not allowed to sell spirits by the bottle or half bottle. The sub-committee wish to remind the licensee that they will have an opportunity to present their case in full and to respond to police evidence at the full review which will take place in several weeks time as the said interim measures will only last until the full review.

In considering the evidence the licensing sub-committee paid particular attention to the licensing objective of the prevention of crime and disorder and considered that this decision was appropriate and proportionate.

Appeal rights

That the premises licence holder may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrate's court.

There is no time limit for an appeal against interim steps, however interim steps cease to have any effect on the full determination of the review application.

Meeting ended at 11.20am

CHAIR:

DATED: