

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 27 August 2014 at 1.30 pm at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Adele Morris

OTHERS PRESENT: Keith Dempster, Metropolitan Police Service
P.C. Graham White, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal 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

The chair agreed to accept item 5: Licensing Act 2003: Summary review - Banana's Bar, 374 Walworth Road, London SE17 2NF as late and urgent.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: SUMMARY REVIEW - BANANA'S BAR, 374 WALWORTH ROAD, LONDON SE17 2NF

This was an application for a summary review of the premises.

The licensing officer presented the report.

The representative from the Metropolitan Police Service addressed the committee. The committee had questions of the police

The licensing sub-committee went into closed session at 2.20pm.

The licensing sub-committee resumed at 3.15 pm and the chair read out the decision of the sub-committee

RESOLVED

That the premises licence be suspended as an interim step to promote the licensing objectives pending the determination of the review application at the full hearing.

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 considered the application made by the Metropolitan Police Service and supplementary evidence from the police presented at this hearing. The police advised that on 24 August 2014 at approximately 23.54 a fight involving four males armed with bottles occurred within the premises. One male received a serious head wound requiring 12 stitches. The premises failed to call the police or the ambulance service and this was left to a member of the public. The premises cleaned up the crime scene, mopping up the blood and glass and discarded the weapon (the bottle) in a glass recycling bin, negating forensic evidence.

The licensing sub-committee noted that there was no representative from the premises in attendance at the meeting.

The licensing sub-committee considered this incident to be extremely serious. It was noted that a similar incident occurred on 18 January 2014 when the premises failed to preserve the crime scene and also failed to inform the police of the incident. On 24 August 2014, the premises again failed to inform the police or the ambulance service and this was left to a member of the public to do. The premises had been cleaned and the crime scene was not preserved. Police officers at the scene struggled to find a witness who was not heavily intoxicated to give a statement so that they could continue with the investigation. No security staff or security measures were in place on the night of the incident. On 26 August 2014, the officer in the case (of the criminal investigation) spoke with the manager of the premises, Mr Lino Louenco, who advised that he did not have security working on 24 August 2014. This was in direct breach of conditions 290 and 291 of the premises licence.

Furthermore, two individuals had been charged in connection with the incident and have been remanded in custody, pending trial at Woolwich Crown Court.

The licensing sub-committee concluded that the premises remaining open posed a risk to public safety and therefore suspended the premises licence pending the full review

hearing on 22 September 2014.

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.

Any representation should be in writing to: licensing@southwark.gov.uk between 9am and 4pm, Monday to Friday.

The meeting closed at 3.17pm.

CHAIR:

DATED: