



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 19 December 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Jon Hartley (Chair)
Councillor Adele Morris
Councillor Sandra Rhule

OTHERS PRESENT: Donovan Haye, representative from Club Favour
Emeka Osisiona, representative from Club Favour
Vanessa George, witness for the police
Ian Clements, Metropolitan Police Service
Ghazanfar Ali, representative from Foodlink
Mr Hussain, representative from Foodlink
S. Waites, legal representative

OFFICER SUPPORT: Debra Allday, legal officer
David Franklin, licensing officer
Ken Matthews, business unit manager, environment and leisure
Dorcas Mills, licensing officer
David Swaby, licensing officer representing the council as a responsible authority
Bill Masini, trading standards officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members. In the absence of the chair, Councillor Jon Hartley was nominated by Councillor Sandra Rhule to chair the meeting. This was seconded by Councillor Adele Morris.

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: CLUB FAVOUR (AKA CLUB MYTRIBE), GROUND FLOOR, 512-516 OLD KENT ROAD, LONDON SE1 5BA

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. Members had questions for the police representative.

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

The representatives from the premises addressed the sub-committee. Members had questions for the representatives from the premises.

All parties were given five minutes for summing up.

The meeting went into closed session at 12.15pm.

The meeting resumed at 2.06pm and the chair read out the decision of the sub-committee.

RESOLVED:

The council's licensing sub-committee, having had regard to the application by the Metropolitan Police Service for a review of the premises granted under the Licensing Act 2003 in respect of the premises known as Club Favour (aka MyTribe), Ground Floor, 512-516 Old Kent Road, London SE1 5BA and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence.

Reasons

The licensing sub-committee heard from the Metropolitan Police Service, the applicant for the review who stated that the Metropolitan Police had submitted summary reviews on 4 April 2014, 15 October 2014 and 26 November 2014 due to serious crime and serious disorder. On 2 May 2014 the licensing sub-committee imposed additional conditions. Interim steps were imposed on 17 October 2014, whereby further conditions were imposed. At the summary review of 28 November 2014 the sub-committee suspended the

licence as an interim step. This was subsequently modified on 3 December 2014 after the premises made representations against the interim steps, when additional conditions were imposed.

The police referred to a number of violent incidents that had occurred at the premises during the course of 2014. As a result the police have no faith in the management of the premises and their ability to implement and maintain any additional measures to their licence.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who fully supported the police review. He advised that the number of violent incidents at the premises can be an indication of poor management.

The licensing sub-committee noted the written representation from the John Penry Residents Forum who stated that the premises attracted a young clientele that caused problems to the local residents and that the situation was "out of control".

The female victim of the incident from 23 November 2014 stated that everything within her witness statement, provided to the police on 4 December 2014, was correct.

The licensing sub-committee heard from the director and designated premises supervisor (DPS) of Club Favour (aka MyTribe) who outlined the details of the various incidents that occurred on 23 November 2014. In summary, a number of accusations were either exaggerated or vindictive. Club MyTribe was the victim and the police have failed to provide a reliable witness and that Club MyTribe "has always been the victim". All the additional conditions were seen to be unnecessary and some were even felt to be "ridiculous". They felt that their club was one of the safest in South East London, or even Central London due to the conditions on their licence.

The licensing sub-committee considered very carefully all the evidence both written and oral before it. The sub-committee were very concerned of the number of violent incidents that had occurred on the premises during the course of 2014. In that time, there have been two previous expedited reviews and the licence conditions have been modified to promote the licensing objectives. It is noted that on 17 October 2014 the licensing sub-committee added a condition "That all incidents involving violence that result in an injury or accidents that result in injury shall be reported as soon as practicable to the emergency services". Notwithstanding this condition, the premises admittedly breached this condition when the female victim was assaulted on 23 November 2014. The licensing sub-committee were shocked that this condition was breached so soon after it was imposed and during the interim steps period.

Concerning the female victim, the premises stated that she had no interest in calling the police and wanted to go back inside to the party. They also stated that the injury was "extremely minor" and that they "didn't see the point of calling the police". This is completely contradictory to the victim's written statement that herself and her friend repeatedly requested police assistance. Both the promoter on that night and the director of the premises said that it was not a good idea to call the police; the victim was led back into the club and was bought a drink by the director. The victim stated that she felt intimidated by the incident. The licensing sub-committee also saw photos of the injury on the victim's phone and do not view them as minor, the injuries are an obvious assault.

It is regrettable that despite the numerous reviews and conditions imposed on the premises licence and the opportunities offered and made available to the premises to improve their management, the number of serious incidents has continued placing members of the public at risk of harm. Therefore, the sub-committee feel that there is no alternative now but to revoke the licence.

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

Appeal rights

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

For the avoidance of doubt, during this time the interim steps imposed on 3 December 2014 shall remain in place.

6. LICENSING ACT 2003: FOOD LINK, THE WINDMILL, 98-100 WYNDHAM ROAD, LONDON SE5 0UB

The sub-committee heard a request from the representatives from the premises for an adjournment of the hearing as their legal advisor had to leave due to a family emergency.

The meeting went into closed session at 2.30pm.

The meeting resumed at 2.36pm and the chair read out the decision of the sub-committee

RESOLVED:

That the hearing be adjourned to 23 December 2015.

The meeting ended at 2.38pm

CHAIR:

DATED: