

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 4 February 2015 at 10.00 am at Ground Floor Meeting Room G11, 160 Tooley Street, London SE12QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Maria Linforth-Hall
Councillor Sandra Rhule

**OTHER S
PRESENT:** Guido Guzman, representative from the premises
Christian Anene, representative from the premises
Richard Nash, legal representative
Keith Dempster, Metropolitan Police Service
Graham White, Metropolitan Police Service

**OFFICER
SUPPORT:** Debra Allday, legal officer
Dominic Septon, legal officer (observing)
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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: ELEPHANT & CASTLE, UNIT 1, METRO CENTRAL HEIGHTS, LONDON SE1 6BN

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 representative from the premises and their legal representative addressed the sub-committee. Members had questions.

All parties were given five minutes for summing up.

The meeting went into closed session at 1.00pm.

The meeting resumed at 2.44pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the licence be suspended as an interim step to promote the licensing objectives pending the determination of the review application at the full hearing on 2 March 2015.

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 under Section 53A of the Licensing Act 2003.

The licensing sub-committee have considered the application made by the Metropolitan Police Service who informed the sub-committee that at 03:08, which was beyond the terminal hour, an incident occurred where the suspect stabbed the victim in the eye with a biro pen, which remained there until it was removed by staff at hospital. The premises failed to inform the emergency services. The officer also advised the sub-committee that an offence of grievous bodily harm also took place at the premises on 19 December 2014.

On 30 January 2015 a superintendent for the Metropolitan Police certified that in their opinion the premises were associated with serious crime and instigated the Section 53A summary licence review process. The police advised that the victim was subject to a grievous bodily harm with intent.

The representative for the premises accepted that the incident on 29 January 2015 warranted a summary review of the licence, but requested that the licence not be suspended or the exclusion of the sale of alcohol, as this would bankrupt the business. The premises were determined to implement radical improvements prior to the full review on 2 March 2015 to achieve full compliance with the licence and the licensing objectives set out in the Licensing Act 2003, specifically the prevention of crime and disorder, in addition to the minimisation of similar incidents in the future. No details of how this would be achieved were provided to the sub-committee.

From the evidence before it, the sub-committee were of the view that the incident was extremely serious. It was not satisfied that the premises were neither closed to the public nor had licensable activities ceased, in accordance with the licence. Evidence has been obtained by the police confirming that the premises were open to the public and the sale of alcohol was taking place. The sub-committee agree that the serious incidents occurred due to the breaches of the premises licence.

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

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 and cannot be received outside of normal office hours.

The meeting ended at 1.15pm.

CHAIR:

DATED: