



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 2 March 2015 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor David Hubber (Chair)
Councillor Maria Linforth-Hall
Councillor Charlie Smith

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

OFFICER SUPPORT: Debra Allday, legal officer
Kristie Ashenden, licensing officer
David Franklin, licensing officer representing the council as a responsible authority
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members. Councillor David Hubber, in his capacity as the vice-chair of the licensing committee, chaired the sub-committee.

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, 119 NEWINGTON CAUSEWAY, LONDON SE1 6BN

The licensing officer advised that the licensing consultant who had been acting for the premises at the expedited review on 4 February 2015 was no longer instructed and that the premises licence holder would not be in attendance. The licensing officer then 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 licensing officer representing the council as a responsible authority addressed the sub-committee and advised that they supported the review. Members had no questions for the licensing officer representing the council as a responsible authority.

All parties were given five minutes for summing up.

The meeting went into closed session at 10.35am.

The meeting resumed at 10.40pm and the chair advised that the licence would be revoked and that the reasons for this decision would be sent to all parties within the statutory timescales.

RESOLVED:

That the council's licensing sub-committee, having had regard to the application made under Section 53C by the Metropolitan Police for a review of the premises granted under the Licensing Act 2003 in respect of the premises known as Elephant & Castle, Unit 1 Metro Central Heights, 119 Newington Causeway, London SE1 6BN and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the premises licence.

Reasons

The licensing sub-committee heard from the Metropolitan Police Service, the applicant for the review 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.

On 31 January 2015, being two days after the incident, another serious assault occurred within the premises. The victim had been drinking inside the venue when another customer accused him of sexually touching his girlfriend and then assaulted him, causing facial injuries.

The Metropolitan Police officer also advised that Mr Guido Guzman Medellin, the sole director of Manggoontong Limited and licence holder for the premises Elephant and Castle is the designated premises supervisor (DPS) of the premises known as Lezet Kebab, 179 Camberwell Road, London SE5 0HB. He is also the DPS for the Royal Standard, 42 Harper Road, London SE1 6AD. Lezet Kebab is known to the police for crime and disorder incidents and on 28 February 2015 the police attended the premises and found that the premises was in breach of six conditions of the licence (conditions 100, 101, 4AC, 4A1, 289 and 311). It was noted that conditions 100 and 101 are mandatory conditions. Additionally, there was regulated entertainment taking place, which is not included on the licence for Lezet Kebab.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority supporting the review. They informed the sub-committee that they lacked faith in the current management of the premises, who had no regard for promoting the licensing objectives and by not abiding by the terms of the conditions of the premises licence, in spite of warnings, they have caused serious concern with regard to public safety and crime and disorder. The licensing authority also recommended that the premises licence be revoked.

The licensing sub-committee noted that there were no representatives from the premises present at the hearing and were informed the licensing officer that the licensing consultant who had been acting for the premises at the expedited review on 4 February 2015 was no longer instructed and that it was unlikely that anyone from the premises would be in attendance.

From the evidence before it, the sub-committee were of the view that the incident On 29 January 2015 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.

This licensing sub-committee agree with the Metropolitan Police Service that the premises has no management structure and changes constantly by way of directors of the company (Manggoontong Limited). The licensing sub-committee were of the view that Mr Guido Guzman Medellin is not a suitable person to run a licensed premises. He has shown contempt for the licensing conditions at both the Elephant and Castle and Lezet Kebab. Mr Medellin breached the conditions on 29 January 2015 by telling the DPS not to have SIA door staff on duty and selling alcohol after the terminal hour. The licensing sub-committee believe that the only option is to revoke this licence.

The licensing sub-committee considered that this decision was appropriate and proportionate in order to fulfil the licensing objectives.

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.

In accordance with the Licensing Act and guidance issued in 2007, the interim steps agreed on 4 February 2015 must remain in effect until the time for appealing the review has expired and any appeal determined.

Meeting ended at 10.45 am

CHAIR:

DATED: