



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 12 May 2015 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Tom Flynn
Councillor Adele Morris

OTHERS PRESENT: Carla Escobar, premises licence holder
Ana Cordinas, witness for the premises
Omar Villavroel, owner
Mr R.O Ojukotola, premises licence holder's legal representative
P.C. Ian Clements, Metropolitan Police Service

OFFICER SUPPORT: David Collins, legal advisor to the sub-committee
Dorcas Mills, licensing officer
Sarah Newman, environmental protection 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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: BOULEVARD COFFEE PLACE, 224 OLD KENT ROAD, LONDON SE1 5UB - REVIEW

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 environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The legal representative for the premises addressed the sub-committee. Members had questions for the legal representative and the premises licence holder.

All parties were given five minutes for summing up.

The meeting went into closed session at 1.30pm.

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

RESOLVED:

That 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 to CO & JM Ltd in respect of the premises known as Boulevard Coffee Place, 224 Old Kent Road, London SE1 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 reasons for this decision are as follows:

The licensing sub-committee heard from the Metropolitan Police Service representative, the applicant for the review who stressed the serious nature of the alleged incident on the 12 April 2015 and referred the sub-committee to the victim's witness statement, in which he stated that he arrived after 2am, purchased drinks from the bar and made a number of references to a dance floor at the premises. The Metropolitan Police indicated that this was inconsistent with the premises holder's witness statement that had been submitted to this sub-committee. They submitted that the premises licence holder had wilfully ignored the licence conditions and that the premises licence holder was not a suitable person to hold a premises licence as they could not be trusted to comply with the licence.

With respect to 8 March 2015, they noted that two of the CCTV cameras were not working at that time and the crime report indicated that the incident happened between 3am and 4am on the premises. The Metropolitan Police provided a statement from the premises licence holder which stated that "The alleged assault was downstairs on the ground floor of the coffee place" and "in early hours". The Metropolitan Police also clarified the position with the CCTV footage from 12 April 2015. No footage had been received from the

system and is undergoing further forensic examination to establish whether or not the police's removal of the CCTV had damaged the recording.

The licensing sub-committee heard from the environmental protection team officer who supported the review. They submitted that the premises holder had been shown to run the premises well beyond the operating times and this was a basic and fundamental requirement of the licence. The environmental protection officer confirmed that when the licence was originally applied for that the environmental protection team had objected to the regulated entertainment application noting that there was no noise lobby, no sound insulation, the premises was adjacent to residential properties and there were no noise limitation proposals. They stated that EPT conciliated with the applicant on the basis that regulated entertainment was withdrawn from the application.

The licensing sub-committee heard from the representatives from the premises who submitted that the event of 12 April 2015 was an isolated incident in which customers unexpectedly stayed beyond the operating hour. They stated that the front door and the bar were closed at the appropriate time. In relation to the events of 8 March 2015, they stated that the incident occurred outside the premises and disputed the time at which the Metropolitan Police suggested that the incident happened. They submitted that it would be disproportionate to revoke the licence. They submitted that the premises licence holder had shown remorse and learned from the incident. The sub-committee were advised to either suspend the licence for a period of time or change the designated premises supervisor.

The legal representative of the premises licence holder conceded that there was clearly an issue with understanding the conditions of the licence.

The sub-committee carefully considered all the representations.

The sub-committee noted that the licence holder had conceded that some action was appropriate. The sub-committee did not think that either a change of supervisor or a suspension of up to three months would further the licensing objectives. They noted that the licence holder had not provided an alternative supervisor, and that the business was a small husband and wife enterprise. The committee were not convinced that a suspension of the licence of up to three months would result in either a greater awareness of the conditions on the licence or the need for licence holder to comply with them.

The sub-committee were concerned by inconsistencies in the representations of the licence holder. The sub-committee noted that at the previous hearing the licence holder had stated that the premises had been open on a number of occasions after the operating hours in the 30 days prior to the 12 April 2015. This appeared to be consistent with the other material received by parties that suggested that the 12 April 2015 was not an isolated occurrence. In relation to the 8 March 2015, the sub-committee noted that licence holder's police statement which implies the incident occurred on the premise and after the operating hours. The sub-committee were also concerned about a number of other breaches alluded to in representations, including: not maintaining the CCTV, selling spirits by the bottle; not moving clients on after the end of the operating hours; amplified music, dancing and karaoke.

The sub-committee noted the Facebook advert retrieved by the police. Although the licence holder suggested that this was not a regular event but rather an opening party with

a DJ, this did not alleviate concerns. The sub-committee further noted that if this were accepted the event occurred shortly after the licence holder had agreed not to host regulated activities. The committee considered that the premises holder was likely to breach a premises licence that did not incorporate regulated activities. The sub-committee could not impose conditions for regulated activities on an existing alcohol and late night refreshment licence.

In light of the concerns above, the sub-committee did not consider that the licensing objectives could be furthered by any actions other than to revoke the licence.

The sub-committee would remind the premise holder that they may apply for a fresh licence covering regulated activities at a future date.

The sub-committee felt that this decision was appropriate and proportionate in order to address 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

Any appeal must be made to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

This decision does not have effect until either

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

The interim steps shall remain in place until either:

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

6. LICENSING ACT 2003: THE OTHER ROOM, UNIT 6, 60 BRIGHTON BUILDINGS, TOWER BRIDGE ROAD, LONDON, SE1 4TR

This item had been conciliated prior to the meeting.

Meeting ended at 3.25 pm

CHAIR:

DATED: