



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 10 MARCH 2015

#### LICENSING ACT 2003: THOMAS A BECKET, 320-322 OLD KENT ROAD, LONDON SE1 5UE

##### 1. Decision

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 Thomas A Becket, 320-322 Old Kent Road, London SE1 5UE 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.

##### 2. Reasons

The reasons for this decision are as follows:

The thrust of the representation from the Metropolitan Police Service, the applicant for the review, concerned a serious assault that occurred at the premises on 7 February 2015 at around 02.50 where the victim was slashed in the side of the neck with a broken bottle by the suspect during an altercation. The victim received serious neck injuries and medical staff informed the police that it nearly hit a major artery, which could have proved fatal.

During the investigation it had been established that the premises were in breach of the premises licence conditions and this had hindered the investigation of the crime. The premises were found to be in breach of the following conditions: Condition 303 (696 risk assessment was not submitted to the police 14 days in advance of the event), Condition 308 (No entry or re-entry after 02.00) Condition 341 (ID scanning system to scan and store identification of patrons to be used to enter the premises was not being used to scan all customers and as a result the suspect's name and address, which would have been stored on the system was not). Furthermore, the premises had failed to preserve the crime scene, and failed to contact the emergency services and obstructed the police from entering. The police were only able to gain access once the ambulance service had arrived. The ambulance service had been called by a member of the public.

The police also referred to nine other incidents of violence that had taken place at the premises in the past year. The commonality of these incidents was that the parties involved were heavily intoxicated, demonstrating the fact that there was no responsible sale of alcohol policy at the premises. Concerning the promotion event risk assessment forms 696, these were consistently provided late, if at all. During October to November 2014, there were 12 events involving external promoters at the premises and only four of the form 696s were provided on time. The importance of these forms is to allow the police time to carry out the necessary research to be completed and any advice or recommendations from the police to be implemented.

The police advised that their position remained the same and that the licence should be revoked.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority supporting the review of the premises licence. The officer said that the premises had breached the licence conditions before and had also opened beyond the terminal hour granted in the licence. Specifically, the officer referred to nine incidents in 2014, of complaints of loud music, breaches of the premises licence conditions and opening hours in addition to advertising unlicensed events. The complaints also referred to public nuisance from people arguing in the street, sounding car horns and racing up and down the street in their cars, after leaving the premises. The licensing sub-committee were informed that further enforcement action was currently being considered. The officer recommended that the licence should be revoked.

The licensing sub-committee heard from other persons supporting the review, namely two local residents and an officer from the private sector housing enforcement team.

The officer from the private sector housing enforcement team advised the sub-committee that the premises at 320-322 Old Kent Road is owned by Mr Kashim Abdul, Mr Kazim Abdul and Mr Baian Abdul. They informed the sub-committee that here is a large high risk houses in multiple occupation (HMO) above the Thomas A Becket premises and that the freeholders have consistently breached the HMO licensing regime, under the Housing Act 2004. The officer advised that the freeholders had pleaded guilty in November 2013 to offences under the Housing Act 2004 and a further prosecution is ongoing in the magistrates' court. The officer had personally experienced aggressive behaviour from the freeholders on numerous occasions. The officer supported the police application and recommended that the licence be revoked.

The local residents advised that it had been a nightmare for at least two years, particularly at weekends when residents were experiencing loud arguments and fights, people urinating in public, loud noise caused by patrons leaving the premises, cars revving loudly and music being played loudly in cars after 4am, broken glass and rubbish being left all over the street and trespassing in the car park at Riddell Court. Since the licence had been suspended on 12 February 2015, the residents described that they were able to sleep and that the peace and quiet was blissful. Both residents stated that they felt intimidated in approaching the management of the premises.

The licensing sub-committee heard from the representatives of Thomas A Becket who advised that there was now a new management team in place who would concentrate on compliance with licensing conditions. They informed the sub-committee that premises were going to take a new direction, would be family orientated and focus on the provision of food and evening events. A new external security company would be put in place, 80% of staff would be replaced and the rest retrained. The representative referred to a management plan, which would reflect the future plan of the premises. They accepted that there was no excuse for the previous non-compliance of the licence and that the two proposed designated premises supervisors (DPS) were confident of turning the premises around by the security changes, the training of all staff, the refurbishment of the premises, good working relationships with the authorities and working closely with the community.

The sub-committee felt that it was clear that whilst there may be a change in management at the premises, the existing management team, Kazim Abdul, Kashim Abdul (and Baian Abdul) would remain the freehold owners of the premises. In a letter dated 22 December 2014 the licensing team received a letter from Thomas A Becket accepting the licensing breaches and gross mismanagement of the business. The letter advised that they intended to make right the misconduct by working with the licensing team and the police. They provisionally agreed that they would overhaul the current management staff, including Mr Kashim Abdul and that Mr Kazim Abdul and Gerrado Romero would assume management responsibilities for the premises. This never transpired, as evidenced by the fact that the premises was represented by Mr Kashim Abdul and Mr Kazim Abdul at the expedited review hearing on 12 February 2015, rather than the majority shareholder and the premises licence holder of Thomas A Becket Leisure Investments Ltd, Mr M. Chowdhury.

The licensing sub-committee also noted that there was no new management agreement with the new team and the premises licence holder. Furthermore, the two proposed DPSs had yet to pass the DPS exams thus, no variation of DPS applications have been submitted to date. The sub-committee felt that the new management team presented as a smoke screen for the old management team, which was compounded by wanting a continuation of the existing licence, despite the alleged new management direction. Particularly, despite the promise of having no external promoters at the premises, external promoters events remain advertised on social media.

In all the circumstances, the sub-committee felt that there is no alternative but to revoke the premises licence in order to fulfil the licensing objectives.

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.

### **3. 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 12 February 2015 must remain in effect until the time for appealing the review has expired and any appeal determined.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 10 March 2015