

NOTICE OF DECISION**LICENSING SUB-COMMITTEE – 27 APRIL 2015****LICENSING ACT 2003: THE ROXY 128 - 132 BOROUGH HIGH ST, LONDON SE1 1LB**

1. 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 The Roxy, 128 - 132 Borough High St, London SE1 1LB 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 for the Decision.**

The reasons for this decision are as follows:

The licensing sub-committee have considered the application made by the Metropolitan Police Service who informed the sub-committee that on 29 March 2015 at approximately 03.30, a fight broke out inside the premises, which quickly escalated into large scale disorder outside the premises involving approximately 50 people. The police advised that the closing time of the premises, under its licence is 03.00 and licensing activities must cease at 02.30. Condition 308 provides that there should be no admission or readmission of the public to the premises after midnight every day of the week. As a result of the disorder nine people were stabbed and a number of them were arrested. The incident was so serious that officers from other boroughs around London were drafted in to restore order. 45 police officers attended in total and Borough High Street was closed for approximately 12 hours.

The police also advised the sub-committee of seven serious violent incidents at the premises over the past six months.

Following the interim steps hearing on 1 April 2015, the police attended the premises on 4 April 2015 at 21.00 and found that the venue was playing a pre-recorded film, in breach of the interim steps imposed.

Following a hearing on 9 April 2015 to hear representations against the interims steps (imposed on 1 April), the next day police entered the premises and purchased alcohol and a bowl of chips at 18.35. No film was being shown and a bowl of chips between two persons did not amount to a "table meal". This was in breach of the revised interim steps imposed on 9 April 2015. As a result, a Section 19 Closure Notice was issued.

On 11 April 2015 police officers attended the premises at 16.40. No SIA staff were present and alcohol was being consumed outside the premises, in breach of the revised interim steps imposed on 9 April 2015. A further Section 19 Closure Notice was issued.

The licensing sub-committee heard from the environmental protection officer supporting the review who provided statistics relating to the increase of temporary event notices applied for since Ms Begum had taken over the licence, which supported the police's contention that licence holder had moved away from the original business model of the premises as a bar/cinema and was running it as a nightclub. In addition to this he provided evidence that a statutory noise nuisance had been witnessed on 1 March 2015, which was a breach of condition 239 of the premises licence.

The licensing sub-committee heard from the health and safety officer supporting the review who advised that following the visit to the premises on 6 March 2015 approximately 10 breaches of health and safety legislation were witnessed and deemed Ms Begum as not a fit and proper person to hold a premises licence.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority supporting the review who advised that the premises was inspected on 6 March and six breaches of the premises licence were witnessed. They advised that there are still two outstanding breaches of the licence namely CCTV conditions and a staff training condition. The licensing officer advised that all the breaches of the licence had taken place while Ms Begum was the licensee and until recently the designated premises supervisor (DPS). Whilst a new DPS has been appointed, the DPS is related to Ms Begum. Ms Begum remains as the licensee and could change the DPS at any time.

The licensing sub-committee heard from a ward councillor representing local residents also who supported the review who advised that the number of complaints from residents had increased since Ms Begum had taken over the premises licence. The ward councillor advised that the premises was in a saturation zone and mismanagement of the premises had a huge effect on the local area. The sub-committee also took into account the written representations from seven local residents who were unable to attend the meeting.

The licensing sub-committee noted the written representation from the Southwark Chamber of Commerce and Industry in support of the licence holder.

The licensing sub-committee heard from the legal representative of the premises who did not dispute anything that had been submitted in respect of the review. The representative advised that Ms Begum had previously delegated all responsibility to a Mr Hickson who had now been excluded from the premises under the revised interim steps imposed on 9 April 2015. He also informed the sub-committee that Ms Begum recognised that she was unable to manage the premises and as a result she had placed it on the market to sell. With this in mind, he requested that the sub-committee did not revoke the licence but alternatively asked that the sub-committee suspend the licence until such time that a transfer is granted to a new suitable licensee.

The sub-committee felt that the incident of 29 March 2015 was extremely serious and would not have occurred had the premises closed in time and had not been in breach of its licence. The impact on the emergency services in addition to the surrounding area as a result of this incident was significant. The premises have had a number of violent incidents over the recent months when the premises should have been closed. The premises licence holder has demonstrated incompetence in managing the premises as well as a disregard for the licensing objectives by flagrantly breaching the interim steps on three occasions.

The suggestion that the licence be suspended was not felt to be realistic as there could be no guarantees that the premises would be sold in the three month suspension period. Therefore, on this occasion there is no suitable alternative 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 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 9 April 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: 27 April 2015