

**NOTICE OF DECISION****LICENSING SUB-COMMITTEE – 22 JUNE 2017****LICENSING ACT 2003: SECTION 53A: THE CHARLIE CHAPLIN, ELEPHANT AND CASTLE, 26 NEW KENT ROAD, LONDON SE1 6TJ – EXPEDITED REVIEW****1. Decision**

That as an interim step to promote the licensing objectives, pending the determination of the review application at the full hearing, to be held on 18 July 2017:

- The licence be suspended.

2. 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 Service for an expedited summary review of the premises.

The licensing sub-committee have considered the application made by the Metropolitan Police Service and supplementary evidence from the police presented at this hearing. The police advised that on 21 June 2017 the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence issued in respect of The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ after a Superintendent for the Metropolitan Police force certified that the premises were associated with serious crime or serious disorder or both as a result of a serious incident that took place on Saturday 17 June 2017 at approximately 23:30.

The Police attended the premises in which two males were stabbed. Both victims were reported to be heavily intoxicated. The suspect, a patron, was also believed to be intoxicated and was seen to go behind the bar and remove a knife from the counter and stab both victims before leaving. Both victims were taken to hospital. The suspect has not as yet been identified and apprehended. The CCTV was not operational.

The representative for the police advised that the premises were previously the subject of an expedited review when a serious incident that took place on 16 March 2016 at 22:50, when a an extremely intoxicated patron became aggressive when last orders were called and left the premises, then smashed a window of the premises with a phone. Another patron then left the premises were assaulted causing significant facial injuries. The licensing Sub-committee modified the licence by imposing additional conditions.

The licensing sub-committee then heard from the manager of the premises, who advised that he had been the manager for some four years and lived on the premises. He stated that he came down from the residential premises at 20:30 hours and sat by the bar. There was two mature female staff on duty. The suspect was with another person at the other end of the bar, his colleague left the bar. The suspect then sat near the manager and had a half pint. He then had three heated conversations on his phone. The first victim, a regular of the premises then approached the suspect and said "you don't remember me?"; it wasn't heated. The suspect then asked for another half pint. The manager then advised the bar staff to refuse to serve the suspect and for the suspect to leave. At this point the suspect dashed passed the manager and grabbed the knife that was by the till. The manager tried to grab the suspect as he came past. The suspect then stabbed the first victim, and then the second. The suspect left the premises with the knife. The police were then called and the premises vacated.

The leaseholder to the premises provided much of the representation for the premises licence holder during the discussion stage of the meeting, but he had not been present during the incident on 21 June. It was accepted that the designated premises supervisor rarely attended the premises. It was proposed following the previous review to transfer the DPS, but this had not transpired. The leaseholder accepted that access to the bar was easy due to there being no gate/hatch as an obstacle to customers. No explanation could be given for the CCTV not working apart from there being a "technical glitch", which had now been rectified. The work related violence and aggression training condition 846 had not been carried out as they were waiting for the police/licensing authority to provide details of relevant courses. Of the few courses found, they were extremely expensive and there were limited spaces available. They had carried out their own in house training on the subject and found this helpful.

The licensing sub-committee read and heard all the evidence before them. They noted the DPS made no comment whatsoever during the course of the meeting and that he rarely attended the premises. At this stage the committee were of the view that the DPS had no effectual role in the running of the premises.

The previous expedited review had taken place in March 2016 when conditions were imposed relating the CCTV and training. The sub-committee were not satisfied with the explanation that because of a technical glitch the CCTV was not working, particularly when the premises were unable to demonstrate any regular simple maintenance or checks were being conducted of the CCTV. The explanation for the failure to comply with the condition relating to work related violence and aggression training imposed at the previous review was similarly unacceptable; it is not a matter for the police or licensing authority to provide of relevant courses.

During the meeting the manager admitted to the sub-committee that he had committed a further breach of conditions by stating that he had come down to the licensed premises that evening (21 June) at 20:30. This is a breach of condition 843 "that a personal licence holder will be on the premises at all times after 20:00 and intoxicating liquor is being offered for sale". The sub-committee considered whether to modify the licence with conditions, but due to the conditions imposed at the review which was just over a year ago, the sub-committee had no confidence that they would be complied with.

The incident on 21 June 2017 could easily have been avoided. Having been the subject to the expedited review process a year before, the premises should have been running the premises in an exemplary condition. Staff and indeed management allowing customers to charge their mobile phones behind the bar is an extremely dangerous and negligent practice and shows the poor practices being operated at the premises. It is for this reason that the sub-committee have no alternative but to suspend the licence until the full review of the licence on 18 July 2017. In the meantime, for the benefit of the premises licence holder, it is recommended that a gate/hatch be installed at the bar, evidence of operational CCTV is provided and that the necessary staff training is undertaken and documented.

In coming to this decision, the licensing sub-committee were satisfied that the interim steps set out above were appropriate and proportionate in order to promote the licensing objectives

3. 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. The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination

Any representation should be in writing and cannot be received outside of normal office hours.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 22 June 2017

