



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 11 AUGUST 2017

LICENSING ACT 2003: SECTION 53A: AFRIKIKO BAR, 871 OLD KENT ROAD, LONDON, SE15 1NX

1. Decision

That the licence be suspended as an interim step to promote the licensing objectives pending the determination of the review application at the full hearing, to be held on 6 September 2017.

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 for an expedited summary review of the premises.

The police advised that on 9 August 2017 they applied to the licensing authority for a summary review of the premises licence in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London, SE15 1NX after a Superintendent for the Metropolitan Police Service certified that in his opinion the premises are associated with serious crime or serious disorder or both.

The application related to a serious incident that took place on the previous day, Tuesday 8 August 2017 at approximately 02:00 hours. An emergency call was made to the police at 02:02 hours reporting that a large fight including the use of a knife, and involving approximately 34 persons (both male and female), was taking place outside of the premises. Police attended the premises at 02:08 and established that a male was unresponsive on the floor. A large number of people were still in the vicinity of the premises. Police officers viewed CCTV of the incident which showed a large group of people outside the premises at 02:00. The closing time of the premises on Tuesday 8 August 2017 was 01:30. The CCTV showed a fight involving weapons. The victim was stabbed and died as a result of the injuries the victim received.

The police stated that the premises were being operated on 8 August in breach of various of the conditions on the premises licence, namely condition 303 (completion of Form 696/venue hire agreement), condition 336 (personal licence holder to be on premises when alcohol is supplied) and condition 347 (only over 21s to be admitted to the basement area). They further stated that there was a history of non-compliance at the premises with regards to the terms and conditions of the premises licence issued in respect of the premises and recommended that the premises licence be suspended as an interim step.

The licensing sub-committee have also considered evidence submitted by the premises licence holder and the designated premises supervisor in relation to the application. It was accepted that the DPS was not present and was not aware of the event. It was also accepted that there was no personal licence holder was on the premises that night. No explanation could be given as to why persons under the age of 21 had been admitted to the premises or why the SIA staff had input fake dates of birth (approximately 20 people) in the ID scanner system. The premises stated that the victim was stabbed away from the premises and staggered back to the premises for assistance and "fell on the premises". The victim fell across the doorway and the main door could not be shut.

The licensing sub-committee believe that there are too many questions that require answers and matters that need to be urgently addressed. From the version of the events provided by the premises, the main door must have been open as the victim fell across the doorway and it could not be closed, meaning the door must have been open when he fell. Three conditions had been breached (conditions 336, 303 and 347). At this stage, the licensing sub-committee have no confidence in the management of the premises and in the interim the premises licence must be suspended.

The licensing sub-committee having read and heard all the evidence before them 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: 11 August 2017