

## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 5 DECEMBER 2019

#### LICENSING ACT 2003: SECTION 53A: K-CHE VIP LATIN CLUB, FIRST FLOOR, 512-516 Old Kent Road, London SE1 5BA

This was a hearing to consider if it is appropriate to take interim steps pursuant to section 53B of the Licensing Act 2003, to promote the licensing objectives upon receipt of an application on 3 December 2019 by the Metropolitan Police Service, for a summary review of the premises licence relating to an incident that occurred in the early hours of 30 November 2019.

#### 1. Decision

That the premises licence in respect of K-CHE VIP LATIN CLUB, FIRST FLOOR, 512-516 Old Kent Road, London SE1 5BA be modified with immediate effect as an interim step to promote the licensing objectives, pending the determination of the review application at a full hearing, to be held on 2 January 2020.

#### 2. Reasons

The sub-committee was satisfied on the evidence that a fight had taken place on the premises, a bottle was thrown and were concerned that there was a lack of control of the consumption of spirits. The sub-committee determined that it was necessary to modify the licence to include the following conditions:

- i. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.
- ii. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of two measures per container/receptacle
- iii. CCTV to be upgraded so all parts of the upstairs are covered including seating areas, and a CCTV camera is placed so that it gives a clear facial image of all customers leaving the premises.
- iv. One member of staff be designated to ensure all persons are entered on the ID Scanning system when entering through the front gate, and that there is no re-entry except for staff.

The sub-committee considered that the modification of the licence was necessary and proportionate to promote the licensing objective of the prevention of crime and disorder. The sub-committee considered that other measures short of this were insufficient given the seriousness of the incident and the previous operating history of the premises.

The sub-committee found there has been a failure to uphold the licensing objectives; there were members of the public present who were put at risk of harm, and to

mitigate the risk of extreme intoxication the restriction on the mode of the sale of spirits was necessary.

In light of this, the sub-committee determined it was necessary to modify the licence. Having considered the representations made by the premises, the sub-committee did not consider it was necessary, notwithstanding the use of a bottle, to restrict their sale. In considering the proportionality of their decision, the sub-committee considered that the review of the licence would be undertaken on 2 January 2020.

The sub-committee urge the police to provide evidence at the full hearing that supports the contention that these premises are the cause of incidences of violent crime. The sub-committee was concerned about the entry of persons who were not scanned. The sub-committee noted the speed with which the security staff responded to the incident.

### **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: 5 December 2019