

Kalu, Richard

From: Tear, Jayne
Sent: 10 March 2020 19:23
To: Regen, Licensing
Cc: Kalu, Richard; 'IAN CLEMENTS (ian.clements@met.police.uk)'
Subject: REPRESENTAION RE EXPEDITED REVIEW FOR - Costa Azul Mexican Bar & Grill
Attachments: Costa Azul Mexican Bar & Grill.pdf

Importance: High

Dear Licensing

Please find attached a copy of my representation for the above premises licence application,

With kind regards

Jayne Tear - Principal Licensing Officer – As Responsible Authority for Licensing

Southwark Council | Licensing Unit

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Womens Safety Charter

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

MEMO: Licensing Unit

To Licensing Unit Date 10 March 2020
Copies
From Jayne Tear Telephone 020 7525 0396
Email jayne.tear@southwark.gov.uk

Subject Costa Azul Mexican Bar & Grill, 190-192 Old Kent Road, London, SE1 5TY

- Application to review the premises licence

I write with regards to the above application to review the premises licence submitted by The Metropolitan Police as a responsible authority under Section 53A of the Licensing Act 2003.

The grounds for the review within the application state:

'On 23 January 2020 at approximately 03:40 Police were called to Costa Azul 190-192 Old Kent Road, the call came from the LAS for assist with a male that had been assaulted. On arrival a male victim was found unresponsive on the pavement with blood coming from his mouth. Due to the seriousness of his injuries he was transferred to KCH, at the time of writing this report the victim remains on life support, his injuries have been assessed as life threatening. Police obtained an initial statement from a member of the security staff and witness to the incident. He stated that the victim had attempted to gain entry to the premises but was refused due to being intoxicated. When outside of the venue he has started an argument with the suspect who has then pushed him to the ground, whilst on the ground the suspect has continued to kick the victim. The witness was able to identify the suspect, the suspect was arrested by Police shortly after. Further information from witnesses and friends of the victim indicate a slightly different version of events. According to their statements the victim had been drinking inside the venue since approximately 20:00. He was removed from the premises by security staff at 03:00 where he remained outside until he was assaulted between 03:20 and 03:40. The suspect for this offence has stated that the victim approached him outside the club and that he appeared to be very drunk. In my opinion the level of intoxication of the victim is highly likely to have been a contributing factor in the outcome of this incident. Early intervention by staff at the venue could have in my opinion prevented this very serious crime. Early evidence indicates that Police were alerted to this incident via the LAS control room. I have conducted an initial search of our crime reporting system and found a further four assaults associated with the premises, all indicate that high levels of intoxication were an aggravating factor. There appears to have been an initial attempt by security staff to cover up the fact the victim had been drinking inside the venue prior to his assault. I would have serious concerns for the safety of other patrons becoming exposed to the potential of serious harm and injury if the premises is permitted to continue to operate.'

My representation is submitted with regards to promoting the prevention of crime and disorder, the prevention of public nuisance, public safety and protection of children from harm licensing objectives and also has regard to the Southwark Statement of Licensing Policy 2019 – 2021.

At the licensing sub-committee hearing to discuss interim measure held on 27 February 2020 several conditions were imposed upon the premises licence, to promote the licensing objectives, pending the full hearing as follows:

1. That last entry be at 00:00 hours with the exception of event taking place on 1 March 2020 when the last entry will be 2:00 hours.

2. That there will be a minimum of 3 SIA security officers employed when the premises are open after 01:00 hours and a minimum of 1 of the SIA security officers will be located outside the premises until all patrons have left the premises and dispersed from the vicinity.
3. That all staff shall be retrained in respect of responsible alcohol sales.
4. That staff shall ensure that all patrons leaving the premises disperse in an orderly fashion and shall inform the premises management of any issues that they observe with the vicinity of the premises.
5. That there will be no glassware or drinks taken outside the premises.
6. That polycarbonate jugs of water with sufficient polycarbonate cups are to be provided at all tables and regularly refilled.

It was also recommended that the SIA security company currently employed by the premises be replaced to an alternative SIA security company.

On Saturday 29 February 2020 officers working on the NTET visited the premises to check on compliance of the premises licence conditions and found breaches of the following conditions:

- 290** - That an SIA registered door supervisor be employed in order to supervise admissions to and departures from the premises and to ensure that the premises maximum accommodation limit is not exceeded
- 336** - A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.
- 342** - A recognised Training scheme for all the staff concerned with the sale or supply of intoxicating liquor

The licensing unit are currently pursuing further enforcement action regarding these breaches.

A further visit has been made and more breaches have been witnessed. I will provide additional information regarding this to at a later stage.

I have no confidence in Edison Ivan Caviedes Cruz the licensee to uphold the four licensing objectives or to ensure the conditions on the premises licence are being met. I also have serious concerns in the ability of Mr Alejandro Ortiz Mendez the DPS to train staff regarding the responsible sales of alcohol at the premises; to ensure that the licensed conditions are being met, or to uphold the licensing objectives. The LSC hearing for interim steps was on 27 February 2020 and yet on Saturday 29 February 2020, 3 other licensing breaches were witnessed. If these conditions were being complied with it would help to prevent patrons becoming overly intoxicated and lower the risk of incidents like the one which occurred on 23 January 2020 of happening.

I fully support the Police in submitting this review and it would seem that the incident that happened on 23 January 2020 has not been taken seriously by the licensee or DPS, or that they have a total lack of understanding of what is required to manage a licensed premises and promote the licensing objectives, It the therefore my recommendation that the licence is revoked.

I may provide further information to support this representation at a later stage.

Southward's Statement of Licensing Policy 2019 – 2021 can be found on the following link:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Jayne Tear
Principal Licensing officer
In the capacity of the Licensing Responsible Authority