

Kalu, Richard

From: [REDACTED] on behalf of Regen, Licensing
Sent: 11 March 2020 09:48
To: [REDACTED]
Cc: Kalu, Richard
Subject: FW: Costa Azul, Mexican Bar & Grill, 190-192 Old Kent Road, SE1 5TY [INCE-EU_GDG_OPEN.FID810931]
Importance: High

From: [REDACTED]
Sent: Tuesday, March 10, 2020 4:37 PM
To: Regen, Licensing
Subject: Costa Azul, Mexican Bar & Grill, 190-192 Old Kent Road, SE1 5TY [INCE-EU_GDG_OPEN.FID810931]
Importance: High

Dear Sirs

Representations relating to the review of the premises licence for Costa Azul, Mexican Bar and Grill, 190-192 Old Kent Road

This firm has been instructed by the following:

- 1) Mr Edison Ivan Caviedes Cruz – Current Premises Licence Holder
- 2) Mr Alejandro Ortiz Mendez – Current Designated premises Supervisor
- 3) Mr Vicente Pico – Proposed Licence Holder and Designated Premises Supervisor

We have been requested to forward to you their joint statement as a representation in relation to the review of the premises licence. We are further instructed that you can use the writer's email and business address to respond.

Statement of Mr Cruz, Mr Mendez and Mr Pico

Costa Azul Mexican Bar & Grill operates as a food led business during the day and early evening until 11pm, when it then operates as nightclub. A premises licence has been held since 2007. Our food and entertainment offering is Latin American and that reflects our customer base. During the daytime and at weekends, we attract mainly diners. After 23:00 on Friday and Saturday nights, the premises operates as a nightclub. On many occasions we have obtained Temporary Event Notices to extend our operating hours and these have been successful nights without incident.

The police have reviewed the premises licence following an incident on the 23rd February 2020, when a male customer whom had earlier left the premises, was assaulted outside. The policer report outlines that this person was alleged to have visited the premises at 20:00 and left an approximately 03:00. Whilst outside he got into an argument with another customer and was assaulted in the process, causing what the police believe to be life changing injuries. He was not drunk on arrival, was checked by door staff and admitted to the premises. He was subsequently asked to leave as staff took the view he should not be served with any more alcohol. Police were concerned that the victim was permitted to remain outside the venue for quite some time, without any assistance from door staff or from staff. Furthermore, that the door team had apparently initially attempted to cover up the fact that the victim had been drinking inside the venue prior to the assault.

Due to the nature of the incident, the police sought an expedited review of the premises licence and there was an interim steps hearing on the 27 February. Vicente Pino and Alejandro Mendez attended on behalf

of the premises. The Licensing Sub Committee determined to impose a number of interim steps, but not to change the hours of operation.

In relation to the incident, we have conducted our own investigation. We had two personal licence holders on duty on the night of 22/23 February 2020. Also we had employed SIA registered door staff. We have a contract with UFP and the particular door team on duty that night has been working at the venue for many months. We have conducted a review of the actions of the door team on the night. This has involved liaising with [REDACTED] and also commissioning an independent security review by **Licensing Consultant [REDACTED]** who has viewed CCTV footage of the incident and referred to the incident book. We will provide the Licensing Authority and the Police with a copy of Mr Halton's report in due course.

Our Findings

The victim arrived at the venue before midnight and was spoken to by door staff. He stayed in the premises until 01:55 when he is escorted out of the premises.

He was asked to leave the venue as staff determined he should not be served any more alcohol

The door team were aware of his presence outside

He tried to regain entry to the venue but was refused admission because the premises were closed

He was seen talking to a group outside the venue, shortly after he was pushed to the floor and kicked by the suspect – this all happened in a matter of seconds

Door staff went outside immediately in response, gave the victim first aid and called an ambulance

One door person accompanied police who did a sweep of the area – the door man pointed out the suspect to police and he was arrested

The incident report book was completed

The venue has fully co-operated with the police investigation, including providing witness statements and handing over CCTV

The accused remains in custody and obviously is barred from the premises indefinitely

Previous incidents

Four previous incident have been referred to by the police. Any incident is a concern to us. We strive to ensure that we provide a safe environment for our customers to enjoy themselves within. We also understand that there equally needs to be a focus on ensuring that customers leave safely.

Next Steps

We have conducted a thorough review of the business and have taken the following actions:

1) Door Staff

We have replaced the door team that we employ. We would suggest that the condition reads:

There will be a minimum of 3 SIA security officers employed when the premises are open after 01:00 (such staff to be employed from 23:00). 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.

2) Training records

We have ensured that all staff have now been trained. We have also focussed on the issue of drunkenness. In addition, we have arranged for a number of staff to undertake the BII APLH Course and obtain personal licences

3) Staffing

We will transfer the premises licence into Mr Pico's name, who will also become DPS.

4) Last Entry Time

We are currently subject to a last entry time of midnight. This is having a significant impact on our business because many of our nightclub customers come to our venue after midnight. We would prefer to see this condition removed from the licence. Whilst we understand why the condition was imposed as an interim step, it would not be proportionate for this condition to remain in place as it stands. We will be engaging with the Police and Licensing Authority regarding this condition.

5) Incident Book

We already have an incident book in place. However we would agree to a condition being imposed which requires use of an incident book, which will also require staff to record refusals.

6) Dispersal

We agree with the condition 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

We are also going to work with our Licensing Consultant, with the Licensing Authority and Police in drafting up a **dispersal policy**

7) Glass/drinks not to be permitted outside premises

We agree with this condition

8) Polycarbonate jugs and cups

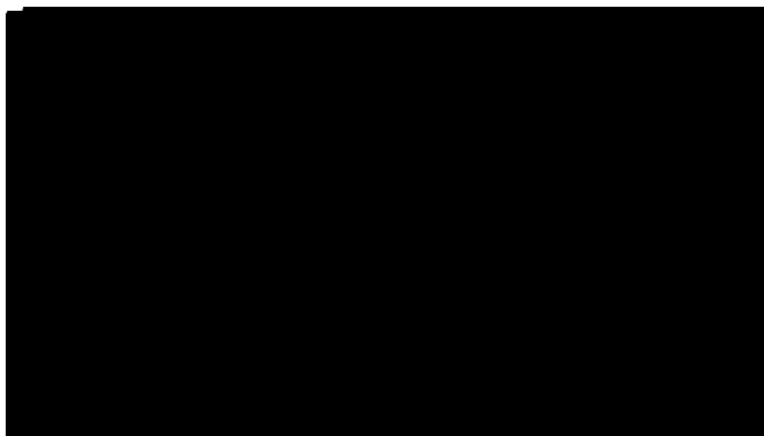
We agree with this condition

We are all shocked and saddened by this incident, We wish the victim a full recovery. This has resulted in a review of the premises licence, which has caused disruption to our business and inconvenienced many of our customers, as well as leading to the Police and Licensing Authority having to focus resources in monitoring our premises. We understand the importance of promoting the four licensing objectives and of the need to adopt additional steps to prevent issues such as the above from occurring again. We hope that the above is an appropriate response to this review, by the venue.

Statement of Edison Ivan Caviedes Cruz, Alejandro Ortiz Mendez, Vicente Pico.

Please can you acknowledge receipt of the above representation.

Thank you



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