Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 10 April 2014 at 10.00 am at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Renata Hamvas (Chair) Councillor David Hubber Councillor The Right Revd Emmanuel Oyewole
OTHERS PRESENT:	Graham White, Metropolitan Police Service Eustace Hayes, leaseholder Emeka Osisioma, licensee Francis Ferary, barman Stanley Ailoto, security supervisor
OFFICER SUPPORT:	Cynthia Barrientos, legal services Dorcas Mills, licensing team Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair agreed to accept the report and supplementary evidence presented by the police as late and urgent.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: EXPEDITED REVIEW - CLUB FAVOUR, GROUND FLOOR, 516 OLD KENT ROAD, LONDON SE1 5BA

There was an adjournment from 10.14am to 10.33am to allow all parties time to read the late and urgent items.

The licensing officer presented the report. Members had no questions for the licensing officer.

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police representative.

The representatives from Club Favour addressed the sub-committee. Members had questions for the representatives from Club Favour.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 11.17am.

The licensing sub-committee resumed at 12.34pm and the chair read out the decision of the sub-committee.

RESOLVED:

Having considered whether it is appropriate to take interim steps pending the determination of an application made under Section 53A of the Licensing Act 2003 by the chief of police for the Metropolitan Police area for a summary review of the premises licence in respect of the premises known Club Favour, (Ground Floor) 512 - 516 Old Kent Road, London SE1 5BA the licensing sub-committee have made the following decision:

That the following conditions be placed on the premises licence as interim steps to promote the licensing objectives pending the determination of the review application at the full hearing:

1. That the smoking area must be monitored by two security staff at all times that licensable activities are taking place and there be no more than ten customers allowed to smoke in this area at any one time.

2. That door security measures be monitored and maintained on a daily basis prior to opening in order to ensure no unauthorised entry.

Reasons

This was a hearing to consider if it was 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 sub-committee have considered the application made by the Metropolitan Police and supplementary evidence from the police presented at the hearing. The police advised that on Saturday 5 April 2014, at approximately 2.30am, a male was seriously assaulted amounting to grievous bodily harm. The officer advised that an altercation took place in the smoking area of the premises between two males. The victim of the incident was a bystander who at first believed he had been elbowed in the rib area. However, upon noticing blood on his t-shirt the victim established that he had been stabbed by a knife, which he then noticed on the floor. The police advised that the victim had left the premises after cleaning his wound and made his way home to Croydon, before being

taken to Croydon University Hospital by his mother. The police were called by the hospital stating that a male had arrived with a stab injury. The victim was initially cooperative with the police. However, after the intervention of his mother he refused to give a statement or hand over his clothing for forensic evidence as well as refusing the police access to his medical report. The police have no record of being called to investigate the incident until the hospital contacted them at approximately 6.00am.

The police advised that they had attended the premises to forensically examine the scene at approximately 12 noon but the premises had already been cleaned. The police spoke to a male working behind the bar and who allegedly stated that he was made aware of a stabbing at around 5.00am. However, the club was busy and he did not see anything and did not see any blood. The police also highlighted some previous incidents relating to the premises over the past six months.

The sub-committee have also considered evidence submitted by the premises licence holders in relation to the application who advised that they were surprised to be subject to an expedited review. They stated that they had always been cooperative with the police and responsive to any recommendations. It was further submitted that they were pro-active and on occasions where there was intelligence that safety could be compromised they would cooperate with the police and/or contact the police as soon as possible. They advised that safety was a primary concern, particularly as this was a family run business, employing several members of their family.

They advised that they had not been aware of the events on 5 April 2014, alleged by the police, until after 12 noon. They advised that they viewed the CCTV, which showed unauthorised entrance of seven individuals who may or may not have been involved with the altercation. They further advised that the CCTV showed an altercation between two males, which was separated by a member of security who led the males outside the premises. The bar man who spoke to the police when the police attended the premises, clarified his conversation with the police. He advised the sub-committee that he had not told the police that he was aware of a stabbing but had told the police that he had become aware at approximately 5.00am that morning, through a conversation with other staff, that an altercation had taken place. He had advised the police that they could view the CCTV from 1.30pm that day. To date the police have not attended to view the CCTV footage.

The premises confirmed that upon discovering the unauthorised access they had immediately responded by installing a system whereby bright lights switch on and the music is cut off when this door is opened.

On considering the evidence before the sub-committee, the sub-committee believe that the additional conditions listed above are appropriate and proportionate to satisfy the licensing objectives until the full review hearing takes place on 2 May 2014.

Appeal Rights

There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

The meeting closed at 12.40pm.

CHAIR:

DATED: