

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 15 July 2021 at 10.00 am at Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online meeting

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Charlie Smith
Councillor Kath Whittam

OFFICER SUPPORT: Debra Allday, legal officer
Andrew Heron, licensing officer
P.C. Ian Clements, Metropolitan Police Service
Andrew Weir, constitutional officer

1. APOLOGIES

This was a virtual licensing sub-committee meeting.

The chair explained to the participants and observers how the virtual meeting would run. Everyone then introduced themselves.

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

The voting members were confirmed verbally, one at a time.

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

The chair accepted the following as a late and urgent item:

Item 7: Licensing Act 2003: Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP - Expedited Review.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: FRANCESCO SOURDOUGH PIZZA, 53 CAMBERWELL CHURCH STREET, LONDON SE5 8TR

It was noted that this item had been conciliated prior to the meeting.

6. LICENSING ACT 2003: VINEGAR YARD, (MAIN SITE), GROUND FLOOR, 1-7 FENNING STREET, LONDON SE1 3QR AND VINEGAR YARD, (SNOWSFIELD SITE), 80-82 ST THOMAS STREET, LONDON SE1 3QU

It was noted that this item had been conciliated prior to the meeting.

7. LICENSING ACT 2003: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP - EXPEDITED REVIEW

The licensing officer addressed the sub-committee. Members had no questions for the licensing officer.

The Metropolitan Police officer, the applicant for the review, addressed the sub-committee. The police officer also presented CCTV to the sub-committee. Members had questions for the police officer.

The premises licence holder and their legal representative addressed the sub-committee. It was noted that the premises licence holder also had a family members, acting as a translator. Members had questions for the premises licence holder and their legal representative.

Both parties were given up to five minutes for summing up.

The meeting adjourned at 11.26am for the sub-committee to consider its decision.

The meeting reconvened at 11.43am and the chair advised everyone present of the decision.

RESOLVED:

That as interim steps to promote the licensing objectives pending the determination of the review application at the full hearing, to be held on 5 August 2021 the premises licence is suspended.

Reasons

This was an application made by the Metropolitan Police Service to consider whether it was appropriate to take interim steps pending the determination of an application for a summary review, made under s.53A of the Licensing Act 2003 in respect of the premises known as the Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP.

The licensing sub-committee heard from the Metropolitan Police Service. The officer representing the Metropolitan Police advised that on 13 July 2021 a Superintendent for the Metropolitan Police Service certified that the premises were associated with serious crime, serious disorder or both. The application concerned an incident that occurred on 10 July 2021 at approximately 02:40 after a number of calls were made to the police stating that a fight was taking place at or near the premises.

Shortly after this the police received a call from the London Ambulance Service stating they were dealing with a male victim with significant head injuries and a possible machete wound to his back. The police arrived on scene to speak with the victim, who was uncooperative towards the police. The victim said that he could not remember where nor how he received his injuries and wanted the matter forgotten. The police discovered that the incident had taken place at the premises.

On the police arrival at the premises the premises was found to be empty, locked and secure. A key holder attended the premises and allowed police entry. Inside the premises, police found a significant amount of blood, tables and chairs turned over and smashed glass all over the floor. No calls appeared to have been made to the emergency services from the premises or by staff.

The police officer showed the sub-committee excerpts from the premises CCTV from the night. The CCTV clearly showed a number of people drinking alcohol and the alleged suspect going behind the bar area and take what appeared to be a beer from a fridge. The alleged suspect then struck the victim from behind and a fracas then ensued, seriously injuring the victim.

The police officer also referred to a serious incident that took place on 15 December 2018 and involving a large fight with armed participants. One of the armed males was the son of the premises' owner whom was in charge of the premises that night. The son was the victim on 10 July 2021 and had been excluded from the premises at a review of the premises licence on 16 January 2019.

The licensing sub-committee then heard from the legal representative for the premises who conceded the application. They advised that the premises licence holder and the premises licence holder's niece (who would be translating for the premises licence holder were present with him at the premises. They advised that the premises licence holder was unable to recognise any of the people in the premises at the time of the incident, which was over two hours after the premises had been closed. The premises licence holder accepted that he had allowed his son to enter the premises shortly before closing (at midnight), despite his son

being excluded by virtue of condition on the premises licence. It was unclear how the premises were locked, given that the son did not have any keys.

The incident was extremely serious. The premises was uncooperative with the emergency services. The premises licence holder had allowed a person onto the premises when they had been excluded by way of a condition on the licence. The premises licence holder was also unable to explain how the premises came to be secured after the incident. The legal representative for the premises representative conceded the application.

The licensing sub-committee felt it appropriate and proportionate to suspend the premises licence.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

Appeal rights

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 licensing sub-committee were satisfied that the interim steps set out above were necessary in addition to being appropriate and proportionate in order to promote the licensing objectives.

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.

Meeting ended at 11.45 am

CHAIR:

DATED:

[CABINET ONLY]

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, [DATE].

THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE CABINET BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION.