

## Licensing Sub-Committee

Tuesday 10 August 2021  
10.00 am  
(Reconvened from 5 August 2021)

Online/Virtual: please contact [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk) for a link to the meeting and the instructions for joining the online meeting

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Adele Morris  
Councillor Margy Newens

### Reserves

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

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#### Contact

Andrew Weir by email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**  
Chief Executive  
Date: 5 August 2021



## Licensing Sub-Committee

Tuesday 10 August 2021  
10.00 am

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### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP - REVIEW</b>	1 - 39

**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

**PART B - CLOSED BUSINESS**

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 5 August 2021

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 5 August 2021	<b>Meeting Name</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP - Review	
<b>Ward(s) or groups affected:</b>		North Walworth	
<b>From:</b>		Strategic Director of Environment and Leisure	

### RECOMMENDATION:

1. That the licensing sub-committee considers an application made under Section 53A of the Licensing Act 2003 by the Chief of Police for the Metropolitan Police area, of the premises licences issued in respect of the premises known as the Pasaje Primavera – Arch 146, Eagle Yard, Hampton Street, London, SE1 6SP.
2. Notes
  - a) A copy of the current premises licences issued in respect of the premises are attached to this report as Appendix A.
  - b) The grounds for the review are stated in paragraphs 16 to 27 of this report. A copy of the full application and certificate are provided as Appendix B with an additional extract of the crime report.
  - c) A copy of the notice of decision from the previous hearing held on 15 July 2021 is in Appendix D.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

### BACKGROUND INFORMATION

#### The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:

- The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to
- The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
7. The summary review powers under sections 53A to 53C of the Act allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

8. The premises licence issued in respect of the ground floor premises known as Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP.
9. The premises licence was first issued on 01 August 2011. On 14 September 2018 Pasaje Primavera Limited applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence. This was heard at a licensing sub-committee Hearing on 12 November 2018, at which point the variation was granted.
10. On 20 December 2018 the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence. The application refers to a serious incident witnessed by police officers at 20:00 on Friday 15 December 2018 and draws from further CCTV evidence acquired later. The matter involved 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, Mr Ian Gualavisi.
11. As a result, the licensing sub-committee put a number of measures in place, namely:
- i. That Mr Ian Gualavisi (Person A) and Mr Ronalo Palacios (Person B) be excluded from the premises.
  - ii. That all staff shall receive conflict management training within 28 days.
  - iii. That all staff are retrained in the use of CCTV and their obligations in respect of conditions 288 and 289 of the premises licence within 28 days.
12. A copy of the notice of decision from the full hearing is attached in Appendix C.

13. The current licence allows the following licensable activities as follows:
- Opening hours:
    - Sunday to Thursday from 06:00 to 01:00
    - Friday and Saturday from 06:00 to 03:00
  - The sale by retail of alcohol (on sales only):
    - Sunday to Thursday from 11:00 to 00:00
    - Thursday and Friday from 11:00 to 02:30
  - The provision of late night refreshment (indoors):
    - Sunday to Thursday from 23:00 to 00:00
    - Friday and Saturday from 23:00 to 02:30
  - Regulated entertainment in the form of live music and recorded music (indoors) and facilities for making music (indoors):
    - Monday to Sunday from 06:00 to 00:00
14. A copy of the current premises licence is attached as Appendix A.

### **Designated premises supervisor**

15. The designated premises supervisor (DPS) of the premises is Segundo Vicente Gualavisi Carlosama who has been DPS since the licence was first issued in 2011 and holds a personal licence issued by the London Borough of Lambeth.

### **The review application and certificate**

16. On 13 July 2021 the Metropolitan Police Service applied to this licensing authority for the summary review of the premises licence issued in respect of the premises known as the Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP.
17. On 13 July 2021 a Superintendent for the Metropolitan Police Service certified that in the Superintendent's opinion the premises are associated with serious crime, serious disorder or both.
18. On Saturday 10 July 2021 at approximately 02:40 a number of calls were made to the police stating that a fight was taking place at or near Rincon Costeno, Arch 146 Eagle Yard. This premises currently holds a premises licence 869693 under the business name of Pasaje Primavera. Shortly after this police received a call from the London Ambulance Service (LAS) stating they were dealing with a male victim with significant head injuries and a possible machete wound to his back.
19. Police arrived on scene to speak with the victim, who was uncooperative towards Police. He apparently could not remember where or how he received his injuries and wanted the matter forgotten. Police discovered that the incident took place at 146 Eagle Yard, they attended the venue and found it to be locked and secure with no staff or patrons inside. A key holder attended the premises and allowed police

access. Inside the venue Police found a significant amount of blood, tables and chairs turned over and smashed glass all over the floor. It should be noted that no calls were made to the emergency services from the premises or staff at the premises.

20. The police managed to gain access to the CCTV which was viewed at the scene. The CCTV shows between 6 and 8 persons inside the venue sat at a table drinking what appears to be bottles of beer. One view shows the victim bending down behind the bar area, the suspect comes up from behind the victim and smashes a glass bottle across the back of the victims head. A fight then starts between the two males. The other people inside then attempt to break up the fight. It is not entirely clear what happened after this but the victim was attended to by the LAS outside the Elephant & Castle tube station. From the details contained in the crime report and CAD messages the victim was treated for a significant head injury and what is described by the LAS as a machete wound to his back. He was conveyed to hospital for further treatment.
21. The police in their application also refer to the incident on Saturday 18 December 2018 detailed in paragraph 10 of this report. The investigation of this incident established the suspect as the son of the premises licence holder. Following a review of the premises licence the licensing sub-committee came to a decision that the suspect would be permanently barred from the premises. See condition 846 of the premises licence.
22. It was also agreed that SIA door supervisors would be employed on Friday and Saturday nights when the premises operates after midnight. It is not clear at this stage if any SIA were employed on 10 July 2021. By allowing this same individual into the licensed premises they have breached the conditions of the premises licence, as a result a serious crime was committed inside the premises. No calls to the emergency services calls were received from the premises or staff. On attending the venue it was found to be locked and secured with a crime scene unattended inside.
23. The Metropolitan Police Service are of the opinion that this was a deliberate act from those at the premises to cover up the fact a serious crime had occurred on their licensed premises and ask the licensing sub-committee to consider immediate interim steps to promote the prevention of crime and disorder licensing objective and to suspend the premises licence, pending a full review hearing.
24. A copy of the review application is attached to this report as Appendix A along with an extract of the crime report.
25. The premises licence was subsequently reviewed at an interim steps hearing on 15 July 2021. A copy of the notice of decision is available in Appendix D.
26. As a result, the premises licence was suspended by the licensing sub-committee.
27. At the time this report was published, the Metropolitan Police Service has not provided additional supporting documentation.

### **Representations from responsible authorities**

28. At the time that this report was published, a supporting representation has been made only by environmental health in their role as a responsible authority under the licensing objective of public safety for failing to contact emergency services following the violent incident and for moving the victim.

### **Representations from other persons**

29. Representations have not been made by other persons.

### **Operating history**

30. Paragraphs 8-14 give the recent history of the premises.
31. On 25 May 2019, the Police visited the premises and found the premises operating beyond hours. A warning letter was issued and is available in Appendix F.
32. In addition, on 28 August 2019, a transfer application was received and granted to the current licence holder, Rincon Costeno Limited.
33. There is no history of TENS and no complaints have been received specifically about this premises, however, there are generic complaints from local residents of anti-social behaviour in the immediate vicinity caused by patrons of the various premises in Eagle Yard.

### **The local area**

34. A map of the local area is attached at Appendix G. There are a number of other licensed premises in the locality, namely:

#### **Ivory Arch, 80-82 Walworth Road, London SE1 6SW:**

- The sale by retail of alcohol (both on and off sales):
  - Monday to Sunday from 11:00 to 00:00 (midnight)
- The provision of late night refreshment (both indoors and outdoors):
  - Monday to Sunday from 23:00 to 00:00 (midnight).
- The provision of regulated entertainment in the form of live music, recorded music, films and plays:
  - Monday to Sunday from 11:00 to 00:00 (midnight).

#### **Mamuska, 16 Elephant and Castle, London SE1 6TH**

- The sale by retail of alcohol (both on and off sales):
  - Monday to Saturday from 10:00 to 02:00 (the following day)
  - Sunday from 12:00 (midday) to 23:00.



- The provision of late night refreshment (both indoors and outdoors):
  - Monday to Saturday from 23:00 to 02:30 (the following day)
  - Sunday from 23:00 to 23:30.
- The provision of regulated entertainment in the form of live music, recorded music, and performances of dance:
  - Monday to Saturday from 09:00 to 02:00 (the following day)
  - Sunday from 09:00 to 23:00.

**Chatkhara Restaurant, 84 Walworth Road, London SE1 6SQ**

- The provision of late night refreshment (indoors):
  - Monday to Sunday from 23:00 to 02:00 (the following day).

**Corporation Ponce, Arch 144, Eagle Yard, Hampton Street, London SE1 6SP**

- The sale by retail of alcohol (on sales):
  - Sunday to Monday from 14:00 to 22:30
  - Friday and Saturday from 14:00 to 23:30.
- The provision of late night refreshment (indoors):
  - Friday and Saturday from 23:00 to 23:30.
- The provision of regulated entertainment in the form of live music and recorded music:
  - Friday to Saturday from 14:00 to 23:30
  - Sunday from 14:00 to 22:30.

**La Barra (Downstairs), Arch 147, Eagle Yard, Hampton Street, London SE1 6SP**

- The sale by retail of alcohol (on sales):
  - Sunday to Thursday from 10:00 to 23:30
  - Saturday and Sunday from 10:00 to 00:00.
- The provision of late night refreshment (indoors):
  - Sunday to Thursday from 23:00 to 23:30
  - Saturday and Sunday from 23:00 to 00:00.

**Rincon Tropical (Upstairs), Arch 147, Eagle Yard, Hampton Street, London SE1 6SP**

- The sale by retail of alcohol (on sales):
  - Sunday to Thursday from 10:00 to 23:30
  - Saturday and Sunday from 10:00 to 00:00.
- The provision of late night refreshment (indoors):
  - Sunday to Thursday from 23:00 to 23:30
  - Saturday and Sunday from 23:00 to 00:00.

**Chill Out Billards Pool Limited, Arch 148, Eagle Yard, Hampton Street, London SE1 6SP:**

- The sale by retail of alcohol (on sales):
  - Sunday to Thursday from 10:00 to 23:30
  - Saturday and Sunday from 10:00 to 00:30
- The sale by retail of alcohol (off sales):
  - Sunday to Thursday from 10:00 to 00:00
  - Saturday and Sunday from 10:00 to 01:00
- The provision of late night refreshment (indoors):
  - Sunday to Thursday from 23:00 to 23:30
  - Saturday and Sunday from 23:00 to 00:30

**Southwark Council statement of licensing policy**

35. Council assembly approved Southwark's statement of licensing policy 2021 - 2026 on 25 November 2020. The policy came into effect on 1 January 2021.
36. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
  - Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
  - Section 5 - Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 - Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.

- Section 7 - Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 - The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 - Public safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 - The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 - The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
37. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

### **Cumulative impact area (CIA)**

38. Within Southwark's statement of licensing policy, the premises are identified as being outside of a cumulative impact zone but situated in the Elephant and Castle major town centre area.
39. Under the Southwark statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within this area for these categories of premises:
- Closing time for restaurants and cafes:
    - Sunday to Monday to 00:00 (midnight)
    - Friday and Saturday to 01:00 (the following day)
  - Closing time for public houses, wine bars or other drinking establishments:
    - Sunday to Monday to 23:00
    - Friday and Saturday to 00:00 (midnight)
  - Closing time for night clubs (with sui generis planning classification):
    - Monday to Thursday to 01:00 (the following day).

### **Resource implications**

40. There is no fee associated with this type of application.

## **Consultation**

41. The premises licence holder has been informed of the application for review and of the details of the interim hearing.

## **Community impact statement**

42. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Governance**

43. The sub-committee is asked to consider interim steps following an application to review the premises licence under Section 53A of the licensing act 2003.
44. The principles, which sub-committee members must apply, are set out below.

### **Principles for making the determination**

45. The licensing authority must hold a hearing to consider interim steps within 48 hours of receiving an application for review of a premises licence where.
- The application is properly made in accordance with Section 53A of the Act.
  - The licensing authority has considered the ground(s) of review to be relevant to the licensing objective for prevention of crime and disorder.
46. The four licensing objectives are:
- The prevention of crime and disorder
  - The protection of public safety
  - The prevention of nuisance
  - The protection of children from harm.
47. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
  - Exclude a licensable activity from the scope of the licence
  - Remove the designated premises supervisor
  - Suspend the premises licence.
48. The steps will remain in place until the review application is determined at a full hearing of the licensing sub-committee.
49. The authority may decide to take no action is if it finds no interim steps are appropriate to promote the licensing objectives.

50. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
51. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

### **Reasons**

52. Where the authority takes interim steps on an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
  - The chief officer of police for the area (or each police area) in which the premises are situated.

### **Hearing procedures**

53. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - If given permission by the committee, question any other party
    - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
  - The committee shall disregard any information given by a party which is not relevant:
    - To the particular application before the committee
    - To the licensing objectives.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party

in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

- This matter relates to the review of the premises licence under section 53A of the Licensing Act 2003.

### **Council's multiple roles and the role of the licensing sub-committee**

54. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
55. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
56. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
57. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
58. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
59. The sub-committee can consider matters within the application that have been raised through representations from other persons and responsible authorities.
60. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.

61. There is no right of appeal to a Magistrates' Court against the licensing authority's decision regarding the setting of interim steps at this stage.

### Guidance

62. Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

### Strategic Director of Finance and Governance

63. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	C/O Southwark Licensing, Community Safety & Enforcement, 3rd Floor Hub C, 160 Tooley Street PO Box 64529 SE1 5LX	Mrs Kirty Read Tel: 020 7525 5748

## APPENDICES

Name	Title
Appendix A	Copy of current premises licence
Appendix B	Copy of the review application
Appendix C	Copy of the Notice of Decision from 16 January 2019
Appendix D	Copy of the Notice of Decision from 15 July 2021
Appendix E	Representation from Environmental Health
Appendix F	Warning letter from Police May 2019
Appendix G	Map showing the location of the premises

## AUDIT TRAIL

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	26 July 2021	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		26 July 2021



# Licensing Act 2003 Premises Licence



Regulatory Services  
Licensing Unit  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

Premises licence number

869693

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Pasaje Primavera Arch 146, Eagle Yard Re-Instate Issued (Licensing) SE1 6SP	
Ordnance survey map reference (if applicable), 532056178732	
<b>Post town</b> London	<b>Post code</b> SE1 6SP
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b>
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<b>Licensable activities authorised by the licence</b>
Recorded Music - Indoors Facilities for Making Music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>
Monday            06:00 - 01:00
Tuesday           06:00 - 01:00
Wednesday       06:00 - 01:00
Thursday          06:00 - 01:00
Friday             06:00 - 03:00
Saturday          06:00 - 03:00
Sunday            06:00 - 01:00

<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies</b>
Sale by retail of alcohol to be consumed on premises

<b>The times the licence authorises the carrying out of licensable activities</b>
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For any non standard timings see Annex 2 of the full premises licence

**Recorded Music - Indoors**

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

**Facilities for Making Music - Indoors**

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

**Late Night Refreshment - Indoors**

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 02:30
Saturday	11:00 - 02:30
Sunday	11:00 - 00:00

**Sale by retail of alcohol to be consumed on premises**

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 02:30
Saturday	11:00 - 02:30
Sunday	11:00 - 00:00

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

RINCON COSTENO LIMITED

██████████,  
██████████  
██████████

**Registered number of holder, for example company number, charity number (where applicable)**

11689338

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Segundo Vicente Gualavisi Carlosama

████████████████████  
██████████  
██████████

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence No. 02539

Authority

**L B of Lambeth**

Licence Issue date 30/08/2019



Head of Regulatory Services  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
licensing@southwark.gov.uk

## Annex 1 - Mandatory conditions

**100** No supply of alcohol may be made under the Premises Licence -

- (a). At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b). At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

**101** Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

**485** (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

- (a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

**487** The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

**488** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

**489** The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or

supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

**491** 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
  - (i) the holder of the premises licence:

- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;
- (2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the operating Schedule**

**4AA** The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

**255** That fire extinguishers shall be kept at the premises and kept in unobstructed and easily accessible locations.

**288** That a CCTV system shall be installed at the premises and shall be maintained in full working order and be continually recording at all times that the premises is in use under this licence. The CCTV system must be capable of capturing an image of every person who enters the premises.

**289** That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to officers of the police or council on request.

**293** That staff shall be trained in regards to all aspects of public safety at the premises.

**298** That clearly legible signs shall be prominently displayed to the satisfaction of the council stating "Drug Free Zone".

**309** That no electronically amplified instruments shall be played in the premises.

**310** That after 21:00 hours the front entrance doors shall be kept closed when regulated entertainment is taking place.

**311** That clearly legible signs shall be prominently displayed to the satisfaction of the council requesting that customers leave the premises in a quiet and orderly manner.

**332** That all persons under 18 years old attending the premises must be accompanied by a parent, guardian or responsible adult at all times.

**340** That a fire alarm system shall be installed at the premises and shall be maintained in full working order and be in operation at all times that the premises is in use under this licence.

**341** Maximum persons to be allowed at any one time including staff to be 80.

**342** A fire risk assessment and a evacuation plan will be implemented in case of fire or other emergencies.

**343** The management will ensure that all staff receive appropriate training and development to carry out their job in an effective manner - to ensure that all the policies including health & safety are consistently maintained.

**344** No bottles or glasses shall be taken off the premises.

**345** A specified time between last sales and the close of the premises shall be displayed.

**346** A display will set out conditions of entry to the premises in the vicinity of any entrance to the premises. a secure deposit box will be kept on the premises for the retention of confiscated items and ensure

that the police are informed of any item which require safe disposal.

**347** Windows and doors will always be kept closed acoustically treated ventilation/air conditioning will be utilised.

**348** Management will ensure that staff, DJs and artists understand the noise control requirements, and regularly monitor noise levels during operating hours.

**349** A complaints and incidents book would be held on the premises to record details of any complaints received from neighbours for inspection by council officers.

**4AB** All staff will receive documented training in relation to the licensing act 2003, and the 'Challenge 21' policy and the training shall be repeated every six months. Records of this training and written policies relating to it will be kept and made available to police or council officers on request.

**4AG** That the premises adopts the 'challenge 21 scheme' whereby any person that appears under 21 year of age has to prove they are 18 or over by providing identification bearing their photograph, date of birth and a holographic mark and/or ultraviolet feature. examples of appropriate identification include passport, photo card driving licence, military ID and proof of age card bearing the pass hologram.

**350** A Refusals Log be kept and maintained and be available to Police or Council Officers on request.



**Annex 3 - Conditions attached after a hearing by the licensing authority**

**840** That substantial food to be served at all times that alcohol is supplied on Fridays and Saturdays after 00:00;

**841** That a minimum of one SIA licensed door supervisors shall be on duty at the premises at all times when the premises are open between 00:00 and 03:00;

**842** That patrons admitted after midnight must have been invited;

**843** That there shall be no more than 80 patrons shall be present on the premises between 00:00 and 03:00;

**844** That no more than six patrons may use the outside smoking area at any one time. No drinks may be taken into this area;

**845** That no alcohol may be taken off the premises.

**846** That Mr Ian Gualavisi (Person A) and Mr Ronalo Palacios (Person B) be excluded from the premises.

**847** All staff to receive conflict management training with 28-days.

**848** All staff are retrained in the use of CCTV and their obligations in respect of Conditions 288 and 289 of the premises licence within 28-days

**Annex 4 - Plans - Attached**

Licence No. 869693

Plan No. 221102(lic)01

Plan Date May 2011

## PROTECTIVE MARKING

Form 693


**METROPOLITAN  
POLICE**
**TOTAL POLICING**
**Form for Applying for a Summary Licence Review**

Application for the review of a premises licence under section 53A of the Licensing Act 2003  
(premises associated with serious crime, serious disorder or both)

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

Use additional sheets if necessary.

**Insert name and address of relevant licensing authority and its reference number:**

Name:	London Borough of Southwark		
Address:	160 Tooley Street		
Post town:	London	Post code:	SE1
Ref. No.:			

I PC Ian Clements (Licensing Officer)

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details**

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

Pasaje Primavera, Arch 146 Eagle Yard, Hampton Street

Post town:	London	Post code: (if known)	SE1 6SP
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**2. Premises licence details**

Name of premises licence holder or club holding club premises certificate (if known):

Rincon Costeno Limited

Number of premises licence or club premises certificate (if known):

869693

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:

**4. Details of association of the above premises with serious crime, serious disorder or both (Please read guidance note 2)**

## PROTECTIVE MARKING

On Saturday the 10th July 2021 at approximately 0240 a number of calls were made to the Police stating that a fight was taking place at or near Rincon Costeno Arch 146 Eagle Yard. This premises currently holds a premises licence 869693 under the business name of Pasaje Primavera.

Shortly after this Police received a call from the London Ambulance Service (LAS) stating they were dealing with a male victim with significant head injuries and a possible machete wound to his back. Police arrived on scene to speak with the victim, the victim [REDACTED] was uncooperative towards Police, he apparently could not remember where or how he received his injuries and wanted the matter forgotten.

Police discovered that the incident took place at 146 Eagle Yard, they attended the venue and found it to be locked and secure with no staff or patrons inside. A key holder attended the premises and allowed Police access. Inside the venue Police found a significant amount of blood, tables and chairs turned over and smashed glass all over the floor.

It should be noted that no calls were made to the emergency services from the premises or staff at the premises.

Police managed to gain access to the CCTV which was viewed at the scene. The CCTV shows between 6 and 8 persons inside the venue sat at a table drinking what appears to be bottles of beer. One view shows the victim bending down behind the bar area, the suspect comes up from behind the victim and smashes a glass bottle across the back of the victim's head. A fight then starts between the two males. The other people inside then attempt to break up the fight.

It is not entirely clear what happened after this but the victim was attended to by the LAS outside the Elephant & Castle tube station. From the details contained in the crime report and CAD messages the victim was treated for a significant head injury and what is described by the LAS as a machete wound to his back. He was conveyed to hospital for further treatment.

On Saturday the 18th December 2018 Police came across a fight outside 146 Eagle Yard. This incident triggered a summary review of the above premises for 146 Eagle Yard, then known as Pasaje Primavera. It was established the suspect for this incident was [REDACTED] was the son of the premises licence holder. Following a review of the premises licence the licensing sub committee came to a decision that [REDACTED] would be permanently barred from the premises. See condition 846 of the premises licence. It was also agreed that SIA door supervisors would be employed on Friday & Saturday nights when the premises operates after midnight. It is not clear at this stage if any SIA were employed on this night in question.

By allowing [REDACTED] into the licensed premises they have breached the conditions of the premises licence, as a result a serious crime was committed inside the premises. No calls to the emergency services were received from the premises or staff. On attending the venue it was found to be locked and secured with a crime scene unattended inside. I am of the opinion that this was a deliberate act from those at the premises to cover up the fact a serious crime had occurred on their licensed premises.

I ask the licensing sub committee to consider immediate interim steps to promote the prevention of crime and disorder licensing objective and to suspend the premises licence, pending a full review hearing.

## Signature of applicant

Signature:

[REDACTED]

2362 AS

Date:

13<sup>th</sup> July 2021

Capacity:

Police ~~Licensing~~ Officer

## Contact details for matters concerning this application

Surname:

Clements

First Names:

Ian

Address:

## PROTECTIVE MARKING

<b>Southwark Police Station, 323 Borough High Street</b>			
<b>Post town:</b>	<b>London</b>	<b>Post code:</b>	<b>SE1 1JL</b>
<b>Tel. No.:</b>	<b>[REDACTED]</b>	<b>Email:</b>	<b>SouthwarkLicensing@met.police.uk</b>

**Notes for guidance**

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.  
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
  - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
  - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years  
MP 146/12


**METROPOLITAN  
POLICE**
**TOTAL POLICING**

Form 693A

## Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with:  
**Serious Crime**

**Premises** (Include business name and address and any other relevant identifying details):

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

**Rincon Costeno (Pasaje Primavera) Arch 146 Eagle Yard Hampton Street**

Post town:	<b>London</b>	Post code: (if known)	<b>SE1 6SP</b>
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Premises licence number (if known):

**869693**

Name of premises supervisor (if known):

**Sugundo Vicente Gualavisi Carlosama**

I am a Superintendent\* in the Metropolitan Police Service: **Det. Supt Clair Kelland**

\*Insert rank of officer giving the certificate, which must be superintendent or above.

**I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:**

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

On 10<sup>th</sup> July 2021 at approximately 0230 a serious assault took place inside this premises, one victim was hit over the head with a glass bottle causing injuries consistent with grievous bodily harm. The victim also sustained slash injuries to his back, described by the LAS as a potential machete injury. The victim of this incident has been previously barred from the premises following an incident at the venue in December 2018. Following this incident in 2018 a summary review of the premises licence led to the premises licence being modified to include a specific condition barring Mr Ian Gualavisi from entering the premises. Mr Gualavisi is the victim of this most recent assault.

On attending the premises Police found it to be locked and secure with no staff or patrons on scene. After eventually gaining entry, a crime scene with a significant amount of blood had been left unattended. This premises was operating in breach of its premises licence and has been the subject of a previous summary review. The incident was not reported to Police. It is for these reasons that I consider a summary review the most appropriate course of action.

**Signature**

PROTECTIVE MARKING

<b>Signature:</b>		<b>Date:</b>	13 <sup>th</sup> July 2021
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Retention Period: 7 years  
MP 147/12

**DIRECT LIFT OF DETAILS FROM CRIME REPORT 3017860/21**

DS Duncan and DC Charlesworth attended The Victims home address at 0900hrs. He was uncooperative and refused to provide a statement or sign a 172 even when it was explained to him. When asked about the incident he said he couldn't remember what started the incident or what happened other than the fact he had asked for an ambulance. He said he had never seen the people involved before and wouldn't recognise them again, nor could he describe them or their clothing. He was unsure exactly where the incident happened stating it was either inside or outside a restaurant in the area. We asked the victim what he was wearing at the time but he couldn't remember except for a pair of jeans and a rucksack. The Victim said he just wanted to move on and didn't want the matter investigated

**SCENE**

Scene was not established for some time after the initial incident due to lack of obvious blood. Scene was discovered sometime after 0300HRS as blood seen on step of COSTENO RESTAURANT. Restaurant has rolling shutters and was mostly closed. Owner of restaurant arrived at scene and provided key to open the shutters. Once open, it was clear there was significant blood inside the restaurant, including large blood smudges on the near right side wall, a pillar mid-way through the restaurant, and overturned tables, chairs, broken bottles and blood on the floor. Despite the significant quantities of blood inside the premises, no blood trail has been found.





## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 16 JANUARY 2019

#### SECTION 53C LICENSING ACT 2003: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP

1. That the council's licensing sub-committee, having considered an application made under Section 53 C of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence issued in respect of the premises known as **Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP** and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to modify the conditions on the licence by adding:
  - i. That Mr **Ian Gualavisi** (Person A) and **Mr Ronalo Palacios** (Person B) be excluded from the premises.
  - ii. All staff to receive conflict management training with 28-days.
  - iii. All staff are retrained in the use of CCTV and their obligations in respect of conditions 288 and 289 of the premises licence within 28-days
2. **Reasons for the Decision.**

The reasons for this decision are as follows:

On 20 December 2018 the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP. The application refers to a serious incident witnessed by police officers at 20:00 on Friday 15 December 2018 and draws from further CCTV evidence acquired later. The matter involved 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. Further to the summary review application, interim steps were put in place that Ian Gualavisi and Mr Ronalo Palacios be excluded from the premises.

The representative for the Metropolitan Police Service accepted that the incident was a domestic incident and that alcohol was not a contributing factor. The officer also advised the Licensing Sub-Committee that there was an on-going investigation and criminal charges were likely and in the circumstances, recommended that the interim steps remain in place.

The premises licence holder was assisted by his daughter and 2-friend, one of which acted as a translator. On 15 December 2018, the premises were being managed by a family friend. It was incorrect that the licence holder's son was in charge. Ronalo Palacios was the ex-boyfriend of the licence holder, with whom she had a child. The relationship between him and the licence holder's daughter is acrimonious and the police have been called at least 3-times. On 15 December,

the ex-boyfriend unexpectedly turned up at the premises with their child. The licence holder's son instinctively went to defend and protect his sister, but over-reacted in making threats with a knife in a public area. This Licensing Sub-Committee were told that the likelihood of a reoccurrence of an incident of this type was nil. The premises had been operating for approximately 5-years as a family restaurant and there had been no previous incidents of this type, nor had there been any complaint regarding the premises management. The premises licence holder assisted his father greatly in doing the shopping and deliveries to the restaurant. Excluding his son would put a greater burden on the licence holder. The sub-committee reassured the licence holder that there was no reason why the son could not continue helping his father, but he could not enter the restaurant under any circumstances.

The Licensing Sub-Committee notes the representations from the other persons who were not present.

The Licensing Sub-Committee were concerned that no one from the premises who was also present during the incident at the sub-committee meeting and the explanation given by the premises of the events of 15 December differed from that given at the interim steps meeting. The members of the sub-committee also had concerns that the translator friend for the licence holder was not translating accurately and a tainted view of the incident was being given.

This was an extremely serious incident and those in charge of the premises failed to take any preventative action. The licence holder's son retaliated by wielding a knife and the police were not contacted immediately. Licensing Sub-Committee also strongly recommend that independent legal advice is sought with a view to obtaining an injunction against the ex-boyfriend to prevent him from approaching the licence holder's family, particularly his daughter and also to prevent him from approaching the premises.

Knife crime is at an all time high and it is necessary and proper that measures are put in place to prevent it. This

### 3. **Appeal Rights**

This decision does not have effect until either

- a. The end of the period for appealing against this decision; or
- b. In the event of any notice of appeal being given, until the appeal is disposed of.

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

4. **Review of interim steps pending appeal**

At the conclusion of the review hearing the licensing sub-committee reviewed the interim steps to determine which interim steps were appropriate for the promotion of the licensing objectives, pursuant to section 53D of the Licensing Act 2003. The sub-committee concluded that these interim steps were appropriate:

To modify the premises licence by adding: That Mr **Ian Gualavisi** (Person A) and Mr **Ronaldo Palacios** (Person B) be excluded from the premises

The interim steps are open to appeal by:

- a) The chief officer of police for the police area in which the premises is situated; or
- b) The holder of the premises licence

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 16 January 2019



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 15 JULY 2021

**LICENSING ACT 2003: SECTION 53A: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP**

#### **1. Decision**

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.

#### **2. Reasons**

To follow within 5 working days.

#### **3. 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.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 15 July 2021

## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 15 JULY 2021

#### LICENSING ACT 2003: SECTION 53A: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP

#### 1. Decision

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.

#### 2. 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.

### **3. 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.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 15 July 2021

**From:** Farrington, Ian <[lan.Farrington@southwark.gov.uk](mailto:lan.Farrington@southwark.gov.uk)>  
**Sent:** Wednesday, July 21, 2021 10:27 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>; Tear, Jayne <[Jayne.Tear@SOUTHWARK.GOV.UK](mailto:Jayne.Tear@SOUTHWARK.GOV.UK)>  
**Subject:** Recon Cosrono' 'Pasage Primavera' arch 146 Eagle Yard, Hampton St, SE16SP.

I write regarding the operation of the premises at 146 Eagle Yard. 'Recon Cosrono' 'Pasage Primavera' arch 146 Eagle Yard, Hampton St, SE16SP.

It has come to the attention of the health and safety team of environmental health that the police have called for an expedited review of the licence for this premises following a stabbing on the premises.

As the responsible authority for public safety, I write to express concern that this incident indicates a lack of management control of the premises, as would be required under the Health and Safety at Work Act 1974. And the Management of Health and Safety at Work Regulations 1999.

In that Management:-  
failed to call an ambulance,  
failed to call the police,  
&The injured person was carried from the premises.

It is also understood that the injured person was previously banned from the premises and is named as such on the license. This would further indicate that the management were not in control of the premises.

With these details in mind I wish to make a representation to the licensing authority on behalf of environmental health, as the responsible authority for public safety.

Kind regards  
Ian Farrington  
Principal Environmental Health Officer (Workplace Health and Safety)



**Mr Segundo Gualavisi Carlosama**  
Pasaje Primavera  
Arch 146, Eagle Yard  
Hampton Street;  
London  
SE17

**Metropolitan Police Service**  
**Licensing Office**  
Southwark Police Station,  
323 Borough High Street,  
LONDON,  
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD

**Date:** 30<sup>th</sup> May 2019

Dear Mr Carlosama,

**Re:- Pasaje Primavera, Arch 146 Eagle Yard, Hampton Street SE1 6SP**

I am writing to you following my visit to the venue on Saturday 25<sup>th</sup> May 2019, with Southwark Council officers, and thank you for your cooperation on this.

We arrived approximately 0130 hours and were met at the entrance by SIA door supervisor. Although the door was closed, I could hear clearly music emanating from inside the venue. The door supervisor then went inside for you.

As music was being played, and your granted licensable activity for recorded music, is until 00:00, I asked if there was Temporary Event Notice in place. You replied "No".

I asked to see your personal licence, and you asked if he could get your daughter to assist with interpreting, as English was not good. As your daughter joined you, I asked for a copy of the premises licence and through your daughter, you said did not have it. I explained it was an offence to not have the licence on the premises, and you then went to a vehicle parked nearby, and from a folder showed me a copy of your personal licence issued by Lambeth council. I said I wanted to see the premises licence, and this was then produced. I went through the licence asking what you understood Challenge 25 to be. You said you thought this meant that if people look under 18 they should not be let in the premises. Challenge 25 was explained to you. I then asked about the CCTV condition and how long it was kept. Mr Carlosama was a little confused and a female went inside the venue and a male then joined us. He said he had installed the CCTV and could show us on his phone. He said it could record for months, and tried to show us on his mobile phone. It did not show any recordings. I then said I would like to go inside the venue and check other parts of the licence and the CCTV. The male who knew about CCTV showed us recordings from the month before, and this was compliant with licence. I had also noticed Challenge 25 poster at the bar.



I asked Mr Carlosama if he had training records for his staff as condition 4AB, and there appeared to be none available at time.

I then explained and reminded you of the activities conditions and timings, and that his licence permitted recorded music until midnight. You said through your daughter that music was planned regularly. I explained how a Temporary Event Notice worked and the application process, and police and council are able to put in objections to these if appropriate. I also explained the licence variation process and advised him to contact Southwark council Tuesday 28<sup>th</sup> May 2019, should he wish to consider this, although police and council would have sight of this and make representations.

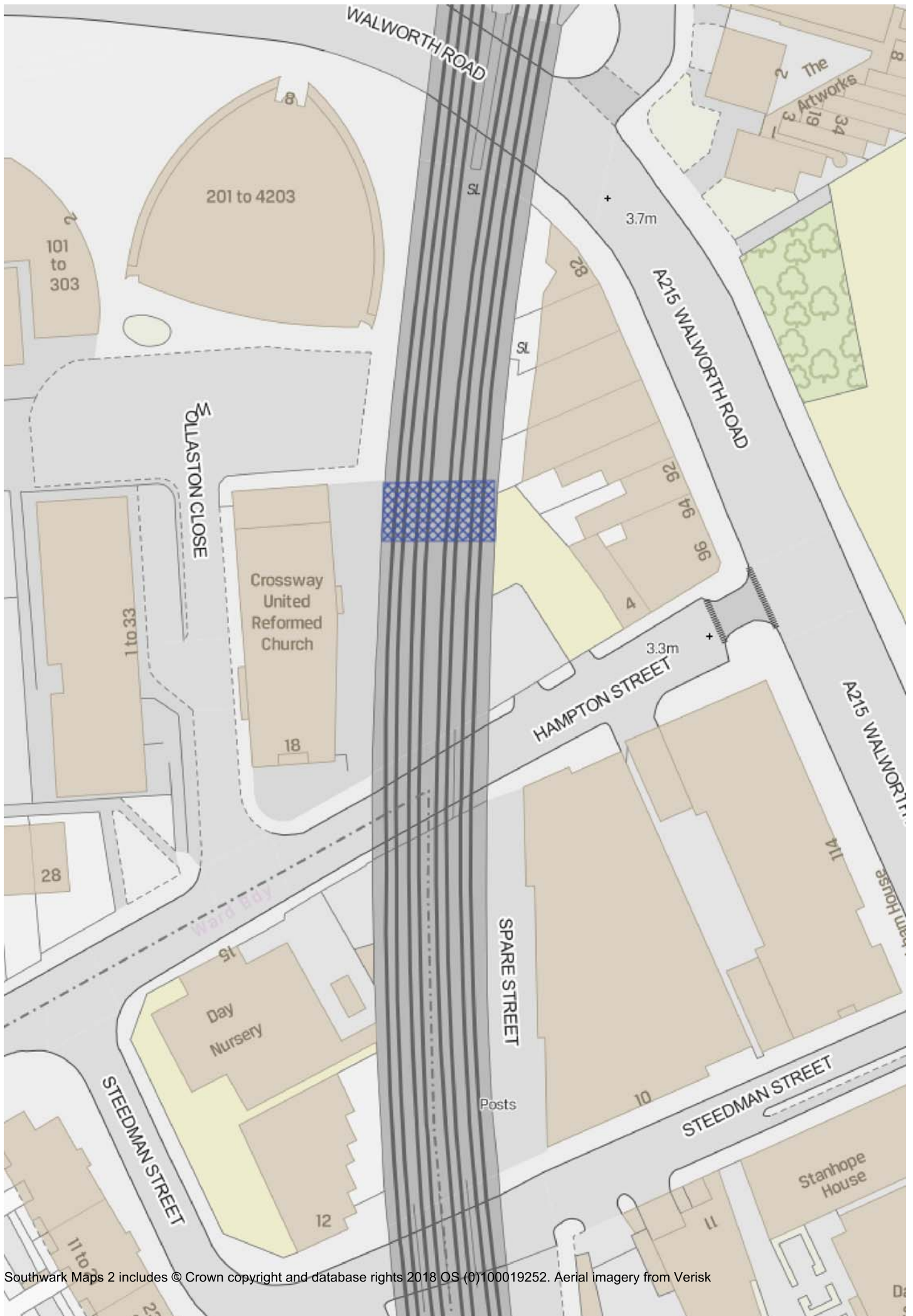
Although this was not a full inspection, I informed you that you had breached a number of conditions and I would write to inform you, and on this occasion would offer words of advice. We then left the premises to continue patrols of the borough.

You are reminded that licensable activity for recorded music is 00:00, and failure to comply with this or other conditions, may result in prosecution or a review of licence.

There were approximately 30 persons in the premises.

Yours sincerely

**PS Keith Dempster 216 AS**  
Southwark Police Night Time Economy Team  
0207 232 6758



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