

## 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