

**NOTICE OF DECISION****LICENSING SUB-COMMITTEE – 9 SEPTEMBER 2016****LICENSING ACT 2003: SECTION 53A: LICENSING ACT 2003: RED SEA, 85 CAMBERWELL ROAD LONDON SE5 0EZ****1. Decision**

That the premises licence be suspended as an interim step to promote the licensing objectives pending the determination of the review application at the full hearing on 3 October 2016.

**2. Reasons**

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 Service for an expedited summary review of the premises.

The licensing sub-committee have considered the application made by the Metropolitan Police Service and supplementary evidence from the police presented at this hearing. The police advised that on 7 September 2016 they applied to the licensing authority for a summary review in respect of these premises. A senior member of the police force, for the area, certified that in his opinion, the premises were associated with serious crime and/or serious disorder.

The summary review application resulted due to an incident that took place on 4 September 2016 at 02:45. It was alleged that a serious assault occurred at the premises which resulted in the victim receiving injuries consistent with grievous bodily harm. On arrival, the police noted that most of the patrons attending the premises were drunk. They arrested two suspects and when the police attempted to liaise with the SIA staff they were un-cooperative and refused to provide formal witness statements to the police and were reluctant to provide their details or aid in the police's enquiries. Furthermore, CCTV cameras at the premises were obstructed and of no evidential use. The police also advised that there had been previous breaches of the licence on 10 July and 7 August 2016. On 10 July 2016, a Section 19 Closure Notice was served.

The licensing sub-committee have also considered oral evidence from the licensee's nephew, acting as her representative in her absence.

Concerning the incident on 4 September 2016, he advised that he couldn't comment as he had not been present at the premises but believed that his aunt was.

He informed the sub-committee that his aunt's first language was not English but Italian. He advised that she had very limited understanding of the premises licence and its conditions. On questioning, it was unclear whether other employees at the premises had personal licences. If patrons asked if they could stay beyond the terminal hour, his aunt would rarely refuse the requests.

Concerning the events that took place in the basement function room, these were largely managed by another male who was not a personal licence holder. His aunt, however, remained on the premises. Due to his aunt's limited grasp of English and understanding of the licence, he had become more involved over the last year in assisting her running the business. He added that, looking to the future, his aunt hoped to turn the premises into an Italian pizza restaurant.

Having considered all the evidence before it, the licensing sub-committee have very serious concerns with the management of these premises, the apparent lack of control that the licensee has over the premises and the proper management of the incident on 4 September 2016. The police expressed concerns over the previous compliance of the premises licence and were in the process of applying for a review of the licence when the incident on 4 September occurred. It is the opinion of this licensing sub-committee that an immediate suspension of the licence is required to prevent crime and disorder and to protect the public. All licensable activities are suspended. The restaurant may continue operating during the hours of 05:00 and 23:00 only and no alcohol may be sold. The licensing sub-committee, strongly recommend that the licence holder seeks independent legal advice.

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**

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.

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: 9 September 2016