

## MEMO: Licensing Unit

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To Licensing Unit Date 22 April 2020

Copies

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Subject K-CHE VIP Latin Club, First Floor, 516 Old Kent Road, London, SE1 5BA

- Application to review the premises licence

I write with regards to the above application to review the premises licence submitted by The Metropolitan Police as a responsible authority under Section 53A of the Licensing Act 2003.

The grounds for the review within the application state:

*'Under the grounds that in the opinion of a senior police officer the premises are associated with serious crime or serious disorder or both. On Saturday 29 February 2020 at approximately 03:35 fighting started inside the premises. The premises had to stop trading as the premises' security operatives were unable to gain control, and the police were called. On the arrival of the first responding police officers, a group was fighting in the premises' yard area. One male was armed with a brandy bottle attempting to hit people. He then attacked officers who tasered him. A number of other customers were attempting to attack officers who had to call for urgent assistance and use batons and incapacitating spray in an attempt to restore order and defend themselves. One officer was assaulted on the dance floor area by a customer who attempted to strangle him while the officer was trying to clear the premises. A further fight and disturbance occurred in a nearby McDonald's. The police are of the opinion that action is required to prevent further crime and disorder and to protect the public'.*

My representation is submitted with regards to promoting the prevention of crime and disorder, the prevention of public nuisance, public safety and protection of children from harm licensing objectives and also has regard to the Southwark Statement of Licensing Policy 2019 – 2021.

This premises has already been the subject of a previous expedited review. The full LSC hearing took place on 2 January 2020. I attach a copy of the Notice of Decision from that hearing to this representation. I submitted a representation regarding this application on 17 December 2019, asking for the interim steps to remain on the premises licence and for an extra condition to also be added to licence.

The incident that occurred before at the premises also involved a glass bottle being thrown. At the time it was impossible for licensing officers to check whether the interim measures had been applied as every time officers on the NTET visited the premises was closed.

It is clear from the incident that happened On Saturday 29 February 2020 which has instigated this second review application from the police within the space of a few months that the licensee company K-CHE Club Limited and DPS Maria Zahouani have lost complete control of the premises.

I have no confidence in K-CHE Club Limited the licensees to uphold the four licensing objectives or to ensure the conditions on the premises licence are being met. I also have serious concerns in the ability of Maria Zahouani the DPS to train staff regarding the responsible sales of alcohol at the premises; to ensure that the licensed conditions are being met, or to uphold the licensing objectives.

I fully support the Police in submitting this review and it would seem that after the 1<sup>st</sup> review on 2 January 2019; and the licensing sub-committee giving the licensee and DPS a chance to turn things around by applying more robust conditions, that the licensee and DPS have not taken their responsibilities to promote the licensing objectives seriously and have a total lack of understanding of what is required to manage a licensed premises.

In the interested of promoting all of the licensing objectives it is my recommendation that the licence is revoked.

I may provide further information to support this representation at a later stage.

Southward's Statement of Licensing Policy 2019 – 2021 can be found on the following link:  
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Jayne Tear  
Principal Licensing officer  
In the capacity of the Licensing Responsible Authority

## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 2 JANUARY 2020

#### LICENSING ACT 2003, SECTION 53A: K-CHE VIP LATIN CLUB, FIRST FLOOR, 512-516 OLD KENT ROAD, LONDON SE1 5BA

#### 1. Decision

The council's licensing sub-committee, having considered an application made under section 53A of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence in respect of K-Che VIP Latin Club, First Floor, 512-516 Old Kent Road, London SE1 5BA, and having had regard to all relevant representations, decided to modify the conditions of the licence by adding the following conditions to the licence:

- 1) No bottles or glassware are to be taken onto the dancefloor area of the premises;
- 2) Polycarbonate jugs of water with sufficient polycarbonate cups are to be provided at all tables and regularly refilled;
- 3) That the CCTV system provides full coverage of all public areas, to include all parts of the upstairs including seating areas, a CCTV camera is placed so that it gives a clear facial image of all customers leaving the premises;
- 4) One member of staff be designated to ensure all persons are entered on the ID Scanning system when entering through the front gate, and that there is no re-entry except for staff.
- 5) Staff shall ensure that all patrons leaving the premises disperse in an orderly fashion and shall inform management of any issues they observe within the vicinity of the premises.

The sub-committee noted with approval the premises licence holder's undertaking to avoid the use of single-use plastics where possible.

#### 2. Reasons

The sub-committee noted paragraph 2.1 of the Guidance, to the effect that licensing authorities should look to the police as the main source of advice on crime and disorder. They shared the concerns of the police and the licensing team that a serious incident had occurred on the premises involving a bottle being thrown while an altercation occurred. They took account of the fact that the incident had occurred in the dancefloor area of the premises, where flashpoints are perhaps more likely.

However, the sub-committee also took account of the licence holder's submissions (see paragraph 11.10 of the Guidance) that where problems are identified, the licence holder should be given early warning and an opportunity to work with the responsible authorities to put matters right before any review takes place. The sub-committee accepted on balance that the respondent was unaware of the bottle-

throwing and noted that security staff had acted quickly to deal with the altercation itself.

The sub-committee noted that it was not disputed by the police that, although some incidents of violence associated with the premises had occurred since the current licence holder took them over, there had nevertheless been an overall reduction in the number of such incidents.

The sub-committee considered with care (as required by paragraph 11.23 of the Guidance) what action would be proportionate in the circumstances and took account of evidence from the licence holder as to the financial impact of prohibiting the sale of half-bottles of spirits.

They also noted (pursuant to the Equalities Act 2010) the evidence from the licence holder as to the drinking and dancing culture within the Latin American community which is catered for by these premises.

Overall, the sub-committee decided that although there remain concerns about the premises, in particular the risk of violence associated with heavy drinking, the licence holder should be given a chance to demonstrate that the premises can be responsibly managed and the risks reduced whilst maintaining the current practice of serving half-bottles of spirits and bottles of wine or beer.

In order specifically to promote the licensing objective of the prevention of crime and disorder, the sub-committee decided that it was both necessary and proportionate to impose additional conditions on the licence as set out in section 1 above, in order to assist the licence holder to maintain proper control at the premises.

### **3. Appeal rights**

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.

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.

### **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:

- CCTV to be upgraded so all parts of the upstairs are covered including seating areas, and a CCTV camera is placed so that it gives a clear facial image of all customers leaving the premises;
- One member of staff be designated to ensure all persons are entered on the ID Scanning system when entering through the front gate, and that there is no re-entry except for staff.

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 Law and Democracy

Date: 2 January 2020.