



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 5 MARCH 2020

LICENSING ACT 2003: SECTION 53A: K-CHE VIP LATIN CLUB, FIRST FLOOR, 523-516 OLD KENT ROAD, SE1 5BA

1. Decision

That the premises licence to K-CHE VIP Latin Club, First Floor, 523-516 Old Kent Road, London SE1 5BA be suspended with immediate effect as interim steps to promote the licensing objectives pending the determination of the review application at the full hearing, to be held on 26 March 2020.

2. Reasons

This was an application from the Metropolitan Police Service to consider whether or not to impose interim steps in respect of the premises licence to K-CHE VIP Latin Club, First Floor, 523-516 Old Kent Road, SE1 5BA a result of the summary review under section 53A of the Licensing Act 2003 prior to the pending full review which is due to be heard on 26 March 2020.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who advised the members that the expedited review application was submitted following a serious incident that took place on Saturday 29 February 2020 at approximately 03:35 hours when fighting started inside the premises. The premises were required to stop trading as the premises' security operatives (SIA) were unable to gain control of the premises. As a result, the police were called. On arrival, police officers witnessed fighting in the premises' yard area and a police officer was required to deploy their Taser after a customer attacked a police officer.

Members of the licensing sub-committee were disturbed with the level of violence when they viewed video footage from officer's body worn cameras and noted a number of other customers were attempting to attack officers, requiring the officers to call for urgent assistance and use batons and CS gas in an attempt to restore order and defend themselves. CCTV taken within the premises showed a male armed with a brandy bottle attempting to hit people. An 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. After being dispersed from the premises, customers congregated outside a nearby McDonald's where further fighting and disturbance, requiring the McDonald's to close.

The police also provided history of violent incidents that were associated with the premises in particular, since December 2018 including: 4 grievous bodily harm (GBH), 4 actual bodily harm (ABH), 1 assault on police, 1 common assault, 1 robbery and a crime related incident for a fight inside the premises.

In late 2019 the premises had been subject to a further expedited review, which was finally determined on 2 January 2020. At that time, the premises licence was modified. In the notice of decision (dated 2 January 2020) it states: *“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”* thus giving the licence holder an opportunity to work with the responsible authorities to put matters right before any review takes place (paragraph 11:10 of the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018)).

The licensing sub-committee then heard from the management of the premises who did not deny the incident and accepted that they lost control of that evening. The event that evening was a new externally promoted event. The primary reason why the incident had occurred was due to issue they were experiencing with their contracted SIA officer company; they did however have 100% confidence with the head of the security the company had provided. The management for the premises had lost confidence with the company, for failing to send the correct number of SIA (and failing to send replacement SIA) and sending those unfamiliar with the premises (issues and procedures).

Despite the additional conditions being placed on the premises licence as a result of the last review, the premises does not appear to be restricting the crime and disorder associated with the premises and continued violent incidents inside and outside of the premises put both members of the public and police officers at risk.

This licensing sub-committee agree that to modify the licence with further conditions as an interim steps is not appropriate considering the seriousness of the disorder witnessed at the premises. In the circumstances, the licensing sub-committee is satisfied that interim steps are necessary and in promoting the licensing objectives it is appropriate and proportionate to suspend the premises licence as an interim steps.

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.

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: 5 March 2020