

Licensing Act 2003 Notice of Interim Steps following a Summary Review

Date of issue of this notice: 18 March 2022

Subject: The Vale, The Vale at Streatham, 1A Lilian Road, Streatham, London, SW16 5HN

Having considered relevant applications and representations together with any other relevant information submitted on this matter the Licensing Authority has made the determination set out in Annex A. Reasons for the determination are also set out in Annex A.

The Premises Licence Holder has a right to submit representations against interim steps if imposed which would in turn trigger a further meeting of the Licensing Sub-Committee to consider such representations. These rights are set out in Schedule 53A of the Licensing Act 2003

For enquiries about this matter please contact

Democratic Services
Civic Centre
London Road
Morden
Surrey
SM4 5DX

Telephone: 020 8545 3357

Email: democratic.services@merton.gov.uk

Useful documents:

Licensing Act 2003

<http://www.hmso.gov.uk/acts/acts2003/20030017.htm>

Guidance issued by the Home Secretary

<http://www.homeoffice.gov.uk/>

Regulations issued by the Secretary of State for Culture, Media and Sport

http://www.culture.gov.uk/alcohol_and_entertainment/lic_act_reg.htm

Merton's Statement of Licensing policy

<http://www.merton.gov.uk/licensing/>

Annex A

Determination

The Licensing Sub-Committee met on 17 March 2022 following receipt of an application made by the Police Superintendent of the Metropolitan Police for a Summary Review of the Premises Licence for the premises "The Vale" at 1A Lillian Road, Streatham, London, SW16 5HN held by North & South Leisure Ltd.

A Summary Review allows the Metropolitan Police to ask the Licensing Sub-Committee in a Review of a Premises Licence, to consider, where such premises are associated with serious crime or serious disorder (or both), which requires the Licensing Authority to respond within 48 hours of receipt of a Summary Review Application and consider under section 53B of the Licensing Act 2003 whether it was appropriate to take Interim Steps quickly pending the determination of the subsequent Review of the Premises Licence. The interim steps that the Licensing Authority can consider taking are:

- modification of the current conditions of the Premise Licence;
- exclusion of the sale of alcohol from the current permissions of the Premise Licence;
- removal of the Designated Premises Supervisor (DPS) from the Licence; or
- suspension of the Licence.

The Metropolitan Police applied for a Summary Review pursuant to section 53A of the Licensing Act 2003 following an incident at the premises on 13 March 2022 during which a victim had sustained a serious head injury following an assault inside the premises, with the affray also extending to the outside of the premises and down Lillian Road involving the use of billiard cues and which had led to Police recovering a discarded knife in the vicinity of the premises. A previous assault had occurred on 10 December 2021 during which [REDACTED] had been assaulted. The victims of both incidents had not been willing to further pursue the investigations with Police due to fear of reprisals.

When attending the premises to review the CCTV of the incident at the premises on 13 March 2022, Police had seized a knuckle duster which they were advised had been kept by a previous member of staff for personal protection.

The Metropolitan Police advised that there was no Designated Premises Supervisor on site at the time of the incident and the single member of staff managing the premises at the time did not possess a personal licence. Whilst the Licensing Sub-Committee recognised that this is not a legal requirement it remained a concern.

The Metropolitan Police considered that the standard review process would not be suitable following this incident due to the seriousness of the 13 March 2022 offences and the previous incident.

The Premises Licence Holder had responded with representations which included an offer of early closure of the premises (22.30 with the sale of alcohol ceasing at 21.30) on Friday and Saturday evenings, until the Licensing Sub-Committee meets to formally Review the Premises Licence. The Premises Licence Holder advised that the individuals involved in the most recent incident had been permanently

barred from entering the premises and that the Premises Licence Holder had undertaken to meet with local residents to discuss their concerns.

Decision

In discharging its functions in respect of this Summary Review, the Licensing Sub-Committee had to consider whether it is necessary to take Interim Steps pending the determination of the Review pursuant to section 53B of the Licensing Act 2003. The Licensing Sub-Committee had regard to the Licensing Act 2003 (and especially the promotion of the licensing objectives), its Regulations, the Home Office Guidance and the Section 53B Guidance, the Council's Statement of Licensing Policy, and parameters provided by relevant case law (especially the case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court 2008). The Licensing Sub-Committee felt that there was sufficient "real evidence" presented by the Police, and within the Summary Review Application and witness statement evidence presented to the Licensing Sub-Committee.

The Licensing Sub-Committee considered evidence from the Police and representations from the Premises Licence Holder. The Licensing Sub-Committee accepted that the premises had recently been associated with serious crime and disorder. The Licensing Sub-Committee were concerned that the potential for further incidents and injuries to the public were possible.

The Licensing Sub-Committee decided to impose Interim Steps as follows:

- suspension of the Premises Licence until the Review determination.

The suspension of the Premises Licence will take place with immediate effect.

The Metropolitan Police and the Premises Licence Holder (Richard Grady of North & South Leisure Ltd as Director of the Premises Licence holder and Designated Premises Supervisor) were verbally informed of the decision on 17 March 2022.

Reasons

The Licensing Sub-Committee decided to impose the Interim Steps suspending the Premises Licence for the following reasons:

- a) The Licensing Sub-Committee had considered the detailed evidence provided by the Metropolitan Police which evidenced that two incidents involving serious violence and injuries that had occurred at and outside the premises.
- b) The Licensing Sub-Committee was of the view that more than one incident had occurred at the premises and were concerned that the premises were not being managed in a way which would prevent further incidents occurring at the premises, because the Premises Licence holder's use of a single staff member to manage the premises, the absence of any security staff at the premises or other measures to address suitable management of the premises.
- c) The proposal of the Premises Licence holder to reduce hours on Friday and Saturday nights did not, in the Licensing Sub-Committee's view, address the concerns raised by the Metropolitan Police and the Licensing Sub-Committee's concern that further incidents would occur at the premises, with the risks to the public that it would result in crime and disorder.

The Licensing Sub-Committee therefore decided that suspension of the Premises Licence was the only appropriate and proportionate step to take to prevent further crime and disorder occurring at this premises. In making the decision, the Licensing Sub-Committee considered the option of removing the DPS, but considered that the DPS was required to urgently address the concerns of the Licensing Sub-Committee and the Metropolitan Police

Representations of Premises Licence holder

If the holder of the Premises Licence makes, and does not withdraw, representations against any interim steps taken by the Licensing Sub-Committee, the Licensing Authority must, within 48 hours of receipt of the representations, hold a hearing to consider those representations, with notice to be provided to the Police, so they can also attend before the Licensing Sub-Committee to make representations. Such a hearing must consider whether the interim steps are appropriate for the promotion of the licensing objectives and determine whether to withdraw or modify the interim steps taken.

Appeals

There is no provision in section 181 or 8A of Schedule 5 of the Licensing Act 2003 for the Interim Steps decision to be appealed to the Magistrates or for any other remedy.