

Licensing Sub-Committee

Friday 11 August 2017

10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street,
London SE1 2QH

Supplemental Agenda No.1

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Contact

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Date: 11 August 2017

Item No. 7.	Classification: Open	Date: 11 August 2017	Meeting Name Licensing Sub-Committee
Report title:		Licensing Act 2003: Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London SE15 1NX	
Ward(s) or groups affected:		Livesey	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATIONS

1. That the licensing sub-committee considers whether it is appropriate to take interim steps pending the determination of an application made under Section 53A of the Licensing Act 2003 by the chief of police for the metropolitan police area for a summary review of the premises licences in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London SE15 1NX.
2. **Notes:**
 - a) Under section 53A(2) of the licensing act 2003 the licensing authority must consider interim steps within 48-hours following the submission of an application under Section 53A of the licensing act 2003.
 - b) A copy of the full application and certificate is attached as Appendix B.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The summary review powers under sections 53A to 53C of the Act allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

KEY ISSUES FOR CONSIDERATION

The premises licence

8. The premises licence issued in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London SE15 1NX allows licensable activities as follows

- Live music, recorded music, performances of dance, entertainment similar to live or recorded music, the sale of alcohol to be consumed on and off the premises:

Monday to Thursday from 11:00 to 01:00 the following day
Friday to Sunday from 11:00 to 04:00 the following day

- Late night refreshment (indoors):

Monday to Thursday from 23:00 to 01:00 the following day
Friday to Sunday from 23:00 to 04:00 the following day

- Opening Hours:

Monday to Thursday from 11:00 to 01:30 the following day
Friday to Sunday from 11:00 to 04:30 the following day

9. A copy of the current premises licence is attached as Appendix A.

Designated premises supervisor

10. The designated premises supervisor (DPS) of the premises is Emmanuel Koku Dodzi Kpakpah. Mr Kpakpah has been the DPS of the premises since 31 August 2011.

The review application and certificate

11. On 9 August 2017 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 Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London, SE15 1NX.
12. On 9 August 2017 a Superintendent for the Metropolitan Police Service certified that in his opinion the premises are associated with serious crime or serious disorder or both.
13. The application is concerned with a serious incident that took place on Tuesday 8 August 2017 at approximately 02:00. An emergency call was made to the police at 02:02 reporting that a large fight including the use of a knife, and involving approximately 34 persons (both male and female), was taking place outside of the premises. The police attended the premises at 02:08 and established that a male was unresponsive on the floor. A large number of people were still in the vicinity of the premises.
14. Police officers viewed CCTV of the incident. The CCTV showed a large group of people outside the premises at 02:00 hours. The closing time of the premises on Tuesday 8 August 2017 was 01:30 hours. The CCTV showed a fight involving weapons. The victim was stabbed and died as a result of the injuries the victim received.

15. The police contend that they have established that on the night of Tuesday 8 August 2017 the premises were being operated in breach of various of the conditions of the premises licence issued in respect of the premises, namely condition 303 (completion of Form 696/venue hire agreement), condition 336 (personal licence holder to be on premises when alcohol is supplied) and condition 347 (only over 21s to be admitted to the basement area).
16. The police further contend that there is a history of non compliance at the premises with regards to the terms and conditions of the premises licence issued in respect of the premises.
17. The state that immediate steps are required to promote the prevention of crime and disorder and protection of public safety licensing objectives and request that the following interim step is taken to promote these licensing objectives:
 - The licence is suspended until such time as the full licensing review is determined.
18. The licensing sub-committee is not restricted to just considering this step.
19. Copies of the application and certificate are attached to this report as Appendix A.

The review procedure

20. The current hearing is for the purpose of considering if interim steps are needed as a result of the police review and information submitted pending the full review hearing that will be held on 6 September 2017.
21. The licensing sub-committee is not obliged to hear evidence from other parties at this stage of the procedure. However the premises licence holder and DPS have been invited to attend the hearing.
22. The review is currently being consulted on and is advertised at the premises for 10 days. Responsible authorities and any other persons may make representations that will then be considered at the full hearing of the licensing sub-committee.
23. Any interim steps made by the licensing sub-committee at this hearing will cease to have effect once the review has been determined.

Operating history

24. A premises licence was issued in respect of the premises on 4 October 2005.
25. Various transfers and / or amendments to the licence have taken place and on 31 August 2011 an application was submitted to transfer the licence to Afrikiko Limited and an application was also submitted to specify Emmanuel Koku Dodzi Kpakpah as the DPS of the premises. The premises name was also changed on this date to Afrikiko Bar, Restaurant and Nightclub.
26. On 29 June 2012 a licensing inspection of the premises was undertaken. The premises were found to be being operated in breach of licence conditions 289, 308 and 336. A warning letter was sent to the premises. On 8 December 2012 a re-visit of the premises was undertaken and the premises were found to be being operated compliantly.
27. On 21 March 2014 a licensing inspection of the premises was undertaken. The premises were found to be being operated in breach of licence conditions 291 and 303. A warning letter was sent to the premises.

28. On 4 October 2015 a licensing inspection of the premises was undertaken. The premises were found to be being operated compliantly.
29. On 27 February 2016 the Metropolitan Police Service visited the premises. As a result of the visit they served a closure notice in regards to the premises under S.19 of the Criminal and Justice Police Act 2001 in respect of breaches of various conditions of the premises licence issued in respect of the premises.
30. On 30 July 2016 the Metropolitan Police Service visited the premises. As a result of the visit they served a closure notice in regards to the premises under Section 19 of the Criminal and Justice Police Act 2001 in respect of the breach of condition 344 of the premises licence issued in respect of the premises.
31. On 13 August 2016 the Metropolitan Police Service visited the premises. As a result of the visit they served a closure notice in regards to the premises under Section 19 of the Criminal and Justice Police Act 2001 in respect of the breach of condition 291 of the premises licence issued in respect of the premises.
32. On 14 August 2016 the Metropolitan Police Service visited the premises. As a result of the visit they served a closure notice in regards to the premises under Section 19 of the Criminal and Justice Police Act 2001 in respect of the breach of conditions 302 and 344 of the premises licence issued in respect of the premises.
33. On 13 December 2016 an application, to have immediate effect, was submitted to transfer the licence to the current licensee – Afrikiko Restaurant and Night Club Limited. The DPS remained Emmanuel Koku Dodzi Kpakpah.
34. A revisit on 17 December 2012 found the premises compliant and a fire risk assessment in place.
35. Visits by council licensing officers working on the night-time economy have been made and details of these visits are provided in Appendix C.

The local area

36. A map of the local area is attached at Appendix D.

Southwark Council statement of licensing policy

37. Council assembly approved Southwark's statement of licensing policy 2016 to 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
 - Section 5 - Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 - Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.

- Section 7 - Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
- Section 8 - The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
- Section 9 - Public safety. This provides general guidance on the promotion of the second licensing objective.
- Section 10 - The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
- Section 11 - The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.

38. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

Resource implications

39. There is no fee associated with this type of application.

Consultation

40. The premises licence holder has been informed of the application for review and of the details of the interim hearing.

Community impact statement

41. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

42. The sub-committee is asked to consider interim steps following an application to review the premises licence under Section 53A of the licensing act 2003.

43. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

44. The licensing authority must hold a hearing to consider interim steps within 48 hours of receiving an application for review of a premises licence where.

- The application is properly made in accordance with Section 53A of the Act.
- The licensing authority has considered the ground(s) of review to be relevant to the licensing objective for prevention of crime and disorder.

45. The four licensing objectives are:

- The prevention of crime and disorder
- The protection of public safety

- The prevention of nuisance
 - The protection of children from harm.
46. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the premises licence.
47. The steps will remain in place until the review application is determined at a full hearing of the licensing sub-committee.
48. The authority may decide to take no action if it finds no interim steps are appropriate to promote the licensing objectives.
49. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
50. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

51. Where the authority takes interim steps on an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
 - The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

52. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.

- The committee shall disregard any information given by a party which is not relevant:
 - To the particular application before the committee
 - To the licensing objectives.
- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

53. This matter relates to the review of the premises licence under section 53A of the Licensing Act 2003.

Council's multiple roles and the role of the licensing sub-committee

54. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
55. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
56. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
57. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
58. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
59. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested

parties must live in the vicinity of the premises. This will be decided on a case to case basis.

60. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
61. There is no right of appeal to a Magistrates' Court against the licensing authority's decision regarding the setting of interim steps at this stage.

Guidance

62. Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Strategic Director of Finance and Governance

63. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

REASONS FOR LATENESS

64. The reasons for lateness are that when an application for an expedited summary review is received from the police under section 53a of the Licensing Act 2003 the council's licensing authority has a statutory duty hold a hearing within 48 hours from receipt of the application to consider interim steps that may be placed on the premises licence until such time as the application can be fully determined.

REASONS FOR URGENCY

65. The Council has a statutory duty under section 53a to hold an interim hearing within 48 hours of receipt of a summary review.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	C/O Southwark Licensing, Community Safety & Enforcement, 3rd Floor Hub C, 160 Tooley Street PO Box 64529 SE1 5LX	Mrs Kirty Read Tel:02075255748

APPENDICES

Name	Title
Appendix A	Copy of current premises licence
Appendix B	Copies of the review application and certificate
Appendix C	Council night time economy visits
Appendix D	Map of local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment Social Regeneration	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	10 August 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		10 August 2017

Licensing Act 2003 Premises Licence



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

844920

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Afrikiko Bar, Restaurant & Night Club 871 Old Kent Road London SE15 1NX	
Ordnance survey map reference (if applicable), 177370535176	
Post town London	Post code SE15 1NX
Telephone number [REDACTED]	

Where the licence is time limited the dates
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Licensable activities authorised by the licence
Live Music - Indoors Recorded Music - Indoors Performance of Dance - Indoors Entertainment Similar to live/recorded music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 11:00 - 01:30
Tuesday 11:00 - 01:30
Wednesday 11:00 - 01:30
Thursday 11:00 - 01:30

Friday	11:00 - 04:30
Saturday	11:00 - 04:30
Sunday	11:00 - 04:30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Sale by retail of alcohol to be consumed on premises

Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2 of the full premises licence

Live Music - Indoors

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 04:00
Saturday	11:00 - 04:00
Sunday	11:00 - 04:00

Recorded Music - Indoors

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 04:00
Saturday	11:00 - 04:00
Sunday	11:00 - 04:00

Performance of Dance - Indoors

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 04:00
Saturday	11:00 - 04:00
Sunday	11:00 - 04:00

Entertainment Similar to live/recorded music - Indoors

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 04:00
Saturday	11:00 - 04:00
Sunday	11:00 - 04:00

Late Night Refreshment - Indoors

Monday	23:00 - 01:00
Tuesday	23:00 - 01:00
Wednesday	23:00 - 01:00
Thursday	23:00 - 01:00
Friday	23:00 - 04:00
Saturday	23:00 - 04:00
Sunday	23:00 - 04:00

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 01:00
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Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 04:00
Saturday	11:00 - 04:00
Sunday	11:00 - 04:00

Sale by retail of alcohol to be consumed off premises

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 04:00
Saturday	11:00 - 04:00
Sunday	11:00 - 04:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Afrikiko Limited



Registered number of holder, for example company number, charity number (where applicable)

07743362

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Emmanuel Koku Dodzi Kpakpah

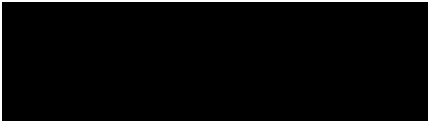


Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No. [REDACTED]

Authority

Licence Issue date 02/07/2014



Head of Regulatory Services
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

- (a). At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b). At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

107 Any individual carrying out security activities at the premises must be.

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

485 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

487 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

112 This licence allows for the premises to be open from the start time on New Years Eve until the finish time on New Years Day.

114 This licence allows for the premises to extend the following licensable activities for non standard timings: live music, recorded music, performance of dance, entertainment similar to live/recorded music, facilities for making music, facilities for dancing, provisions similar to making music and dancing, late night refreshment, sale of alcohol on and off the premises from the start time on New Years Eve until the finish time on New Years Day.

255 That fire extinguishers will be checked annually.

276 That the basement area is to be equipped with extract ventilation and chilled intake replacement air to facilitate music and dancing until requested terminal hour.

288 That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing an image of every person who enters the premises.

289 That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the Police and the Council.

291 Two SIA registered door supervisors, one of whom shall be female shall be employed from (on Fridays, Saturdays, Sundays and days when non-standard timings are in operation) 22:00hrs until the terminal hour that the premises are in use under the licence when the basement is in use. Hand held search wands will be used to assist in searching all persons entering the premises. All persons to include staff, performers, guests and members of the public. Counting devices shall be used to ensure that the accommodation capacity is not exceeded. The number of attendees shall be recorded periodically whilst the premises is in operation. This information will be made available to the Police and officers of the council and any other authorised person upon request.

298 That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry, Management reserve the right to refuse entry'.

302 That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs.

303 That you shall require any regular and external promoters hiring the premises to complete the 'Venue Hire Agreement' and, once completed, you shall ensure that a copy of the agreement is provided to the Police and Southwark Licensing a minimum of fourteen (14) days prior to the date of hire.

308 There shall be no new entry or re-entry to the premises after 03:00hrs other than to those who temporarily leave the premises to smoke a cigarette. A maximum of 10 persons at any one time. Those who temporarily leave for this reason shall be subjected to the requirement of a further search. The premises must assign a designated smoking area separate from other members of the public.

309 That all amplification equipment is to be played through the sound limiting device; the level set in conjunction with the Environmental Protection Team.

310 That doors and windows are to be kept closed except for access and egress.

- 311** That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
- 312** Customers shall use no outside area after 22:00hrs except those who temporarily leave to smoke, with no more than 10 persons at any one time. Those customers shall be identified by a token or some other method with approval of the Police and Local Authority. Customers shall not take drinks outside after 22:00hrs.
- 313** That there shall be no movement of musical or amplification equipment from the premises between the hours of 12 midnight and 08.00am.
- 332** That children under 16 may only be present at the premises between 12 midnight and 04.30am when accompanied by a person aged over 18.
- 336** That a personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.
- 340** That a Personal Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch scheme should there be one in existence for the area in which the premises is located.
- 341** That all children will be supervised.
- 342** That doors and windows are to remain closed during performance.
- 343** That floor speakers are to be mounted on resilient material between floor and speakers to reduce bass transmission.
- 344** An ID scanning system to the reasonable satisfaction of police will be installed and maintained. The system should be capable of sharing information about banned customers with other venues, identify the hologram of an ID and read both passport and ID cards, able to identify fake or forged ID documents.
- 428** That all audio and musical equipment on the premises shall be played through the approved sound limiting/cut out device.
- 345** An ID Scanning system to the reasonable satisfaction of Police be installed and maintained. The system should be capable of sharing information of banned customers with other venues, identify the hologram from a form of ID and read passports and ID cards, and be able to identify fake or forged ID documents. This system is to be used for access to the basement area of the premises only. All members of the public, DJ's and associated staff will have their ID scanned and stored on the system prior to being permitted access to the basement area. The system will be in use at all times after 22:00 and the terminal hour the premises are in use under its licence and when regulated entertainment is being provided in the basement area of the premises.
- 346** All customers entering the basement area will be identified with an ink stamp on initial entry. Persons without the approved ink stamp will not be permitted entry to the basement area via the internal ground floor door and will be required to enter via the external door located in Ilderton Road only. Restaurant users are to access the premises via the entrance on Old Kent Road only. If restaurant users wish to gain access to the basement area, they must conform with the usual security requirements and enter via the entrance on Ilderton Road.
- 347** Only persons of age 21 years or over to be admitted to the basement area for promoted events. This age restriction will be displayed on all promotional material including and not limited to websites and flyers.
- 348** The operating hours of the premises highlighting the last hour of admission and the closing time to be

displayed on all promotional material including and not limited to websites and flyers.

349 Any flyers for promoted events must be approved by the management of the premises prior to distribution to ensure compliance with the requirements of the conditions for the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans - Attached

Licence No. 844920

Plan No. N/A

Plan Date 12 June 2009


**METROPOLITAN
POLICE**
TOTAL POLICING

Form 693

Form for Applying for a Summary Licence Review

Application for the review of a premises licence under section 53A of the Licensing Act 2003
(premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:

Name: London Borough of Southwark

Address:

Floor 3, 160 Tooley Street, London, SE1

Post town: London

Post code:

SE1 2QH

Ref. No.:

I Mark Lynch PC246MD

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

Afrikiko 871 Old Kent Road

Post town: London

Post code:
(if known)

SE15 1NX

2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):

Afrikiko Bar, Restaurant and Night Club

Number of premises licence or club premises certificate (if known):

857167

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:



PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both
(Please read guidance note 2)

PROTECTIVE MARKING

Afrikiko is a dual purpose venue with a restaurant operation on the ground floor and a night club situated in the basement, both operations run on the same premises licence, with additional control measures for when the basement night club is in operation.

On Tuesday 8th August 2017 at 02:02hrs an Emergency call was made to Police from member of public in nearby flats as reports of a knife seen at venue, and large fight. The knife is possibly a kitchen knife, approximately 30 males and 3 – 4 females, still fighting. They are now hitting each other with planks of wood, smashing bottles, a vehicle trying to run over people, according to informant. Police units were dispatched arriving at 02.08hrs to establish male unresponsive on floor. There was still a large number of people around the club that had now closed.

It has been described as serious crime and disorder with numerous fights occurring. From CCTV viewed by officers it showed a large group outside club at 0200hrs, the terminal hour is 0130. A suspect is seen chasing victim into car park and punch victim. This fight is broken up, and victim is then seen to get to the suspect with broken broom handle. Two suspects are seen to come at the victim, who runs and suspect stabs victim. The victim has died as a result of the injuries received.

The seriousness of this incidents passes the threshold test for what amounts to serious crime, and of particular concern is the club had no control over the dispersal of customers, and made no call to police.

It has been established that the premises were also operating in breach of the premises licence and as such were operating without the correct authorisation. The conditions of the premises licence are designed to promote the licensing objectives, on this occasion conditions designed to promote the prevention of crime and disorder were breached.

Condition 336 *That a personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.*

I have spoken to the DPS Mr Emmanuel Kpakpah who has admitted that there was not a personal licence holder on the premises on the night in question.

Condition 303 *That you shall require any regular and external promoters hiring the premises to complete a venue hire agreement and once completed you shall ensure that a copy is provided to the police and Southwark Licensing a minimum of 14 days prior to the date of hire*

Mr Kpakpah also admitted that it was an oversight that no 696 was submitted. When asked to explain why, Mr Kpakpah stated that he was actually unaware the premises was open and that his business partner must have organised this event without his knowledge.

Condition 347 *Only persons of age 21 years and over to be admitted to the basement area for promoted events. This age restriction will be displayed on all promotional material including and limited to websites and flyers.*

Initial investigation shows that the victim is 18 years of age and a number of significant witnesses were also under the age of 21.

The premises has a history of non-compliance, although very little to report for 2017, the closure of the premises for refurbishment might well have had an impact on this.

In 2016 there were at least four occasions where the premises were found to be operating in breach of the premises licence, on each occasion the premises were issued with closure notices. A warning letter was also sent as a follow up to a number of alleged breaches.

Immediate steps are required to promote the prevention of crime & disorder and public safety licensing objectives. Police are asking the licensing sub committee to consider the suspension of the premises licence pending the full licensing review.

PROTECTIVE MARKING

Signature of applicant			
Signature:	[REDACTED]		Date: 9 th August 2017
Capacity:	Metropolitan Police Licensing Officer		
Contact details for matters concerning this application			
Surname:	Lynch	First Names:	Mark
Address:	Southwark Police station, 323 Borough High Street,		
Post town:	London	Post code:	SE1 1JL
Tel. No.:	0207 232 6756	Email:	SouthwarkLicensing@met.police.uk

Notes for guidance

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
 Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
 Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

PROTECTIVE MARKING



**METROPOLITAN
POLICE**

TOTAL POLICING

Form 693A

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with:
Serious Crime and disorder

Premises (Include business name and address and any other relevant identifying details):

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

Afrikiko

Post town: **London**

Post code:
(if known)

SE15 1NX

Premises licence number (if known):

857167

Name of premises supervisor (if known):

Emmanuel Koku Dodzi Kpakpah

I am a Superintendent * in the Metropolitan Police Service.

*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

PROTECTIVE MARKING

On Tuesday 8th August 2017 at 02:02hrs an Emergency call was made to Police from member of public in nearby flats as reports of a knife seen at venue, and large fight. The knife is possibly a kitchen knife, approximately 30 males and 3 – 4 females, still fighting. They are now hitting each other with planks of wood, smashing bottles, a vehicle trying to run over people, according to informant. Police units were dispatched arriving at 02.08hrs to establish male unresponsive on floor. There was still a large number of people around the club that had now closed.

It has been described as serious crime and disorder with numerous fights occurring. From CCTV viewed by officers it showed a large group outside club at 0200hrs, the terminal hour is 0130. A suspect is seen chasing victim into car park and punch victim. This fight is broken up, and victim is then seen to get to the suspect with broken broom handle. Two suspects are seen to come at the victim, who runs and suspect stabs victim.

The seriousness of this incidents passes the threshold test for what amounts to serious crime, and of particular concern is the club had no control over the dispersal of customers, and made no call to police.

It has been established that the premises were also operating in breach of the premises licence and as such were operating without the correct authorisation. The conditions of the premises licence are designed to promote the licensing objectives, on this occasion conditions designed to promote the prevention of crime and disorder were breached.

Other procedures under the licensing act have been considered, however a standard review is considered inappropriate due to serious nature of the allegations and the clear issues at the venue with disorder and possible future disorder.

The venue has a number of events scheduled for the coming weeks, a standard review can take up to 8 weeks to come before the sub committee with the addition of any possible appeal procedures.

Immediate steps are required to promote the prevention of crime & disorder and public safety licensing objectives.

Signature

Signature: 

Date:

8th August 2017

APPENDIX C

Date	Time	Officer	Notes
08/12/2012	01:50	Roy Fielding	Met DPS Emmanuel. Found to be compliant although Drug signage was missing on arrival. Emmanuel explained that it had been repainted and he had failed to put the signage back up. I could tell this was true and he put all the signage back up with tape whilst I was on site.
21/03/2014	22:02	Farhad Chowdhury	Checked car park, no BBQ. No activity will visit later with Police regarding fighting last weekend.
21/03/2014	23:20	Farhad Chowdhury	Visit with Police No SIA on the doors, met Daniel Donor manager. The Licensee Mr Emmanuel Kpakpah was not in at the time of the visit. Mr Donor said that he heard there was a fight outside. He didn't know his security staff would know about it. They would be here at 00:00hrs. They are open till 4:00am; we inspected the basement with the Police. There were no customers in the basement. DJ was however playing music very loud. There were no fire extinguishers in the basement they are stored in a cupboard upstairs by the staircase. There were no personal licence holders, the condition says that personal licence holders have to be on the premises all the time. They showed us a letter signed by the DPS nominating staff to sell alcohol, they said that Stu Wythe Police officer told them this insufficient. PC Letts told them this is incorrect. PC Letts said that they have an event tomorrow night and they did not submit a 696 or risk assessments. This was advertised on (www.filmyaad.com). On the licence it says they need to employ SIA from 22:00hrs to closing time of 4:30am. Police served a section 19 closure notice for breaches of their licence conditions. This is a warning and gives the premises 7 days to rectify the breaches. The manager called their lawyer [REDACTED] who spoke to PC Tom Letts. One SIA staff turned up at 23:50hrs to work on the doors. I spoke to door staff his name was Mr K Aghedo number [REDACTED] expiry of card [REDACTED]. The SIA staff is self employed does not work for any company. The SIA staff said that the second SIA comes around 1:00hrs. Mr Donor explained they are closed Sundays would they need a SIA on Sundays as well. PC Letts advised him to vary his licence or separate the club and the restaurant so they would not need SIA for the restaurant. They have 16 CCTV seen working, Police served section 19 notice and said they would be writing with all the breaches to the licensee. We left at 00:20hrs.
28/03/2014	23:30	Mark Orton	Visited premises with Police. SIA present. Went through licence conditions with the manager, all ok except no search wand. He stated he'd ordered one. Police have some they could distribute to licensed premises.
30/03/2014	04:15	Mark Orton	BBQ in situ in carpark of premises. I spoke with the operator to tell him he shouldn't be there and colleagues will be there to confiscate the equipment the weekend of the 4/5 April. There was some disturbance as the manager didn't want the BBQ there but the person hiring the venue had requested the operator to put his BBQ there. Voices became raised and I stepped in to calm things down. I spoke with all parties to come to an agreement as things were getting heated. I requested that the venue hirer asks his guests to go inside the premises to reduce the chance of nuisance. Further visits to be carried out.
05/04/2014	02:55	Richard Kalu	Barbecue drum seized from outside the front of the premises by Adam Burchett. Visit carried out with NTE police. I note that when we arrived at the premises a group of about 11 males and 4 females approached the door of the premises. The door was closed and myself and NTE requested that the management of the premises and the SIA security of the premises present

			themselves. SIA and management of the premises were with myself and NTE Police. Members of the public were located at the front of the premises and were attempting to gain entry. An SIA member of staff went to the entrance of the premises and the members of the public located at the front of the premises were advised that they would not gain entry into the premises. Request from the NTE police were done without issue and all SIA members of staff were happy to show there SIA badges. The management of the premises advised the NTE Police that there were two doors in order to gain entry into the premises. We were shown the initial entrance door and a further lobby door which was closed. All doors and windows of the premises were closed however there was some noise breakout at the premises. We were advised that this was due to the opening and closing of the lobby door when patrons were coming in and out of the premises to go and smoke. I have requested Adam provide an update on the barbecue drum which was seized.
12/04/2014	03:15	Kristie Ashenden	Pulled up outside Afrikiko in police van. Could hear LAM drum beat of music while in van with doors closed and radio on. ATOV a red cordon barrier is out and 3 men are standing in q. FRC took photos (see NTE team logs & photos on G: drive) to show the setup. The barrier system was open at the Old Kent Rd end, which gives the impression that it is there for people to walk up and join the queue. 2 SIA men outside with search wands. Approximately 12 people waiting around outside. Appears to be a breach of condition 309 (SLD condition) as there is very loud African music blaring out of the premises. Need to check with EPT to set it. Spoke to a man who identified himself as Emmanuel; he said he's spoken to MAD about people outside. I raised concerns about people being admitted to premises beyond 2am (condition 308) and he claimed that he was advised to have smokers outside supervised by staff. I saw 2 white people enter who I had not seen outside; this appeared to be new admittance. I advised that I will speak to MAD. There was a man with a BBQ in the carpark - police dealt with him whilst I spoke to Emmanuel. Registration [REDACTED]. Open window on Ilderton Rd near red queueing system says "Pay at window £10 from 1am". I asked Emmanuel about the sign - he said it was £5 before 1am, and £10 between 1am and 2am. Sound escape from open window - I asked why this was open if they were no longer admitting customers. FRC took photos as evidence.
13/04/2014	03:02	Kristie Ashenden	Drive past in police van - no one outside premises.
25/04/2014	02:38	Jayne Tear	Noted when we drove past to turn around into Ormside street, that there were appx 10-15 people waiting outside in a queue by the entrance (this included 3 women who looked very young).
02/05/2014	22:00	Mark Orton	Smoking area moved from rear of premises to side of premises to minimise noise disturbance. Downstairs area being painted, some improvements taking place. MD informed that music levels had been lowered and that he was monitoring the DJ's. He wishes to discuss noise limiters with MP. I advised MD to remedy a bare wire in stairwell.
03/05/2014	02:10	Mark Orton	Witnessed patrons entering after 02:00hrs.
03/05/2014	02:30	Mark Orton	Admitting patrons at time of visit, some patrons being verbally abusive, S19 served by Police.
17/05/2014	02:11	Kristie Ashenden	Saw approx. 6 men appear at premises and gain entry. Spoke to Daniel Doner who said he'd had a meeting with police and they have agreed 3am last admission. Sign at entrance stating last entry 3am. He produced a letter from Graham White which said they could vary their licence for a later admittance but I advised that they need to put an application in first - it is still 2am

			last admission until variation is granted. There is serious sound escape from the premises- they have a PA shouting over the music. Observed several people gaining entry whilst we were there. At 02:22hrs observed several cars parking up on opposite pavement, using it as a parking area. Door continually opening and huge sound escape. Gave details of colleagues (WJM, MAD, DPF) and advised them to do a draft variation app and go to office on Monday.
18/05/2014	01:58	Farhad Chowdhury	Had long queues outside barriers up, balloons up and SIA on doors, had 7 people in queue. Ken Dale called Police at 2:00hrs no answer.
18/05/2014	02:04	Farhad Chowdhury	People are going inside the premises. 16 People outside now and more taxis and people arriving. Security guard not SIA does not have armband. But he was using a wand to check people in. Hole on wall window people using to pay for entry after 2am. They have breached their condition; licence does not allow entry after 2am. Observed the queue all the people went inside.
18/05/2014	02:36	Farhad Chowdhury	Cabs arriving to the premises.
18/05/2014	02:50	Farhad Chowdhury	Approx. 22 people in queue and paying through window hole in wall. Loud people noisy outside. No intention of closing, still letting people in, taxis and cars tuning up to venue security guard is not SIA, but was using a wand.
24/05/2014	02:20	Wesley McArthur	Visit to premises re' SLD and entry / re-entry of persons into the premises after 02:00. Roy Fielding (RF) and I parked on Ilderton road and observed the entrance to the r/o the premises. There were 4 door supervisors by the entrance to the premises comprised of 1 IC3 female and 3 IC3 males. Waist height barriers were in place to guide customers into the club and to delineate the search area. We saw 4 IC3 males queue to enter the premises; they were searched and entered the premises. Approx.' 10minutes late we saw 7 people approach the premises (4 females – 3 IC3 and 1 IC1 and 3 Males – 2 IC1 and 1 IC3). They spoke amongst themselves in the queue for sometime and then one of the females approached a hole in the exterior wall of the premises adjacent to Ilderton Road, and appeared to be speaking to someone. The female then appeared to pass an object to somebody behind the hole in the wall. (It later transpired that the hole in the wall leads to a box office).The group then approached the door supervisors, were searched and entered the premises. Approx.' 10 minutes later 2 IC3 females approached the entrance to the premises, were searched and then entered the premises. Approx. 3minutes later an IC3 male left the premises and stood near to the junction of Ilderton Road and Old Kent Road. The IC3 male smoked a cigarette, after he finished he re-entered the premises. It was noted that there were 2 IC3 males in the car park to the r/o the premises. They were stood behind the security barriers and appeared to be associated with or known to the door supervisors as they were talking to the door supervisors for the duration of our observation. The door supervisors were using a hand held metal detector in regards to searches of male customers. We approached the entrance to the premises. I identified myself to a DS and asked to speak to the licensee. Approx.' 5 minutes later an IC3 male approached me and identified himself as Emmanuel Kpakpah (EK), the licensee of the premises. We entered the ground floor of the premises to talk. I reminded EK of condition 308 of the premises licence issued in respect of the premises prohibiting entry or re-entry to the premises after 02:00. EK stated that he had submitted an application to vary the premises licence and that the application included an amendment to condition 308 to allow an entry / re-entry time of 03:00. EK further stated that, as he requested in the application form that the variation take effect immediately, he thought that he was able to operate as per the amendments proposed in the application,

			including the amendment to condition 308. I explained that this was not the case and that he must adhere to the conditions of the current licence until such time that the variation application is granted, if it is granted. I enquired as to whether an SLD had been installed and was in use at the premises. EK wasn't sure and stated that he thought an SLD had been installed, but that he would have to check with his sound engineer. EK took me thorough the basement area to the DJ booth. Loud 'Bashment' style music was playing in the basement. There were approx. 50 people inside the basement. EK showed me an amp' rack which was connected to a DSP (digital signal processor) manufactured by Ohm Europe, model name 'Cleo'. EK stated that he thought the DSP included a sound limiter. I told EK that I wasn't sure if it included sound limitation in its functions, but that if it does he has to have it calibrated in conjunction with the EPT. (N.B. I checked the spec' of the Cleo, and it doesn't appear to include a limiter or compressor function, however EK's sound engineer will have to confirm this). I asked EK if he had displayed a public notice in regards to the variation application he had submitted, he said that he did not, and was not aware of the requirement to display a public notice or advertise one. I explained the requirements in regards to public notices and variation applications and also showed EK a suitable place to display a public notice when he completes one. EK stated that he would contact me in regards to obtaining public notice pro-forma's. I left EK my business card. Before we left I reiterated the requirement to adhere to the conditions of the premises licence. As we were leaving a queue had built up outside the entrance. It appeared that the door supervisors had stopped letting people in as some people in the queue were agitated and enquiring as to why they hadn't been let in. The police NTET team had arrived and were speaking to some of the door supervisors. We left the police to continue with their visit.
25/05/2014	00:15	Farhad Chowdhury	Premises ready to open, security setting up barriers. No customers yet.
25/05/2014	01:37	Farhad Chowdhury	People arriving, one went inside. 4 men on the doors working, one customer outside smoking, cars pulled in, barriers up customers being let inside past their hours.
01/06/2014	03:10	Mark Orton	Some music audible, low level bass. Approx. 7 persons in car park talking. No BBQ evident.
13/06/2014	22:46	Farhad Chowdhury	No BBQ's set up yet
14/06/2014	01:52	Farhad Chowdhury	Long queues outside, people paying through window slot, no BBQ outside.
14/06/2014	12:06	Farhad Chowdhury	N.B. – no visit notes on database
22/06/2014	03:05	Farhad Chowdhury	No activity no customers or door staff tonight.
28/06/2014	00:25	Wesley McArthur	Visit to premises requested by MAD re' BBQ's. No BBQ on site ATOV. The car park to the r/o the premises was ringed with crowd control barriers.
29/06/2014	02:57	Farhad Chowdhury	No BBQ tonight, no SIA on doors very quiet.
12/07/2014	01:48	Mark Orton	Car park barriered off, no sign of patrons in that area. Orderly queue along Ilderton Road, some music noise audible but not loud.
03/08/2014	02:39	Farhad Chowdhury	No BBQ tonight, no queues.
16/08/2014	02:50	Mark Orton	Approx. 4 people queuing ATOV, no issues re noise or ASB.

24/08/2014	02:10	Farhad Chowdhury	Looks closed no activity.
30/08/2014	03:06	Kristie Ashenden	Drove into Ilderton Rd to find police van parked out the front. Barriers out, no customers outside as they are aware of police observations. Stu talking to female SIA.
13/09/2014	00:20	Richard Kalu	Very quiet at premises. Barriers are out. X2 SIA staff standing at the entrance of premises. All lights internally within the premises on. No noise breakout. X3 cars parked in the car park. No issues noted.
13/09/2014	01:43	Richard Kalu	ATOV 9 people within the premises when we went past. Parked up and observed 4 Patrons just by the entrance door smoking. Intermittent noise breakout when the entrance doors of the premises were opened and closed to let people in and out to smoke. X2 SIA members of staff X1female and X1 male at the entrance of the premises. Lights inside the premises were all on. Not very much activity taking place. No issues in relation to cars pulling up or small groups of members of the public attempting to gain entry to the premises. Noted that the carpark area was cordoned off and it appeared that SIA staff were only allowing staff members to park in the premises car park. Appeared to be a quite night for the premises with about 25 people within the premises.
20/09/2014	02:13	Dave Swaby	Drive-by, noted that people were queuing in an orderly manner.
27/09/2014	00:52	Kristie Ashenden	Drove past, no BBQ
04/10/2014	03:15	Richard Kalu	No barbecue seller at time of visit. Observed one patron leave the premises. When the door opened there was some noise breakout. When the patron attempted to re-enter he was stopped and searched before being allowed to re-enter the premises.
22/11/2014	02:10	Mark Orton	Drove past premises, no music audible, no queue, no BBQ o/s.
23/11/2014	02:15	Mark Orton	Premises quiet, no queue, no music audible, no BBQ o/s.
30/11/2014	04:07	Richard Kalu	Visited the premises with Adam Burchett and noted that no activity was taking place at the premises at the time of my visit. No barbecue sellers were around the venue and no issues noted in relation to compliance of the premises. X3 SIA staff were outside the front of the venue pulling away barriers and X2 cars were located in the carpark area of the premises. No barbecue sellers in the immediate vicinity of the premises.
20/12/2014	02:28	Farhad Chowdhury	Two SIA staff on the door.
21/12/2014	03:28	Richard Kalu	N.B. – no visit notes on database
27/12/2014	01:35	Richard Kalu	NTE visit with Adam Burchett. Premises were very quite. X5 SIA staff at the front of the premises. X3 patrons with the premises drinking. Heard conversation with management and the SIA staff advising them that if it remained quite that they would close up at 02:00. No compliance related issues noted no music was being played within the premises. Very quite night.
28/12/2014	01:30	Richard Kalu	Visited the premises with Adam Burchett. No patron activity at front of premises. Looked into premises X10 males seated having a meal at a table within premises. Not a club night at premises appeared to be a staff sit down meal. No ASB issues noted in and around the general area of the premises.
03/01/2015	01:50	Richard Kalu	Visit to premises with Adam Burtchett. X10 patrons within the premises. X4 SIA staff at the front of the premises. No patrons

			attempting to gain entry into premises. Very quiet. No barbecue seller located outside the premises.
17/01/2015	01:40	Richard Kalu	No patrons within the venue ATOV. No compliance related issues noted.
18/01/2015	02:45	Richard Kalu	No patrons within the venue. No barbecue sellers located within the car park area of the premises.
01/03/2015	03:30	Richard Kalu	Visited premises with Justin Miller. X5 cars parked in the car park at the rear of the premises. Lights on within the premises. No SIA at the entrance of the premises. Appeared that that no event was taking place within the premises. When doors opened had sight of tables and chairs within and people eating a meal. No patrons waiting around to gain entry and no ASB issues noted ATOV.
04/03/2015	01:15	Richard Kalu	Visited the premises with Sarah Newman premises was operational with X4 patrons within the premises. Lights were all on within the venue. No noise breakout. X3 SIA staff at the front of the premises no patrons waiting to gain entry at the front of the premises. No compliance related issues noted.
12/04/2015	03:30	Farhad Chowdhury	03:30hrs we seen loads of cars parked in middle of the road, and in the chevrons about 15-20 cars taken photos, people arriving to a party with balloons.
03/05/2015	03:00	Richard Kalu	Afrikiko, 871 Old Kent Road – Compliance check of the premises. Noted X3 SIA staff at the entrance of the premises. Walked past the premises and spoke to SIA staff and asked them if they were busy. Was advised that it was a very quite night and they had not been busy all night. SIA staff said that they think that they would close soon as it was very quite and they had not drawn in big numbers into the venue. Whilst talking to SIA staff the manager came out and told the SIA staff that they were going to close. No noise breakout from the premises or congregation of patrons outside the premises.
13/06/2015	00:35	Mark Orton	SIA visible at entrance, no patrons queueing. No music noise
20/06/2015	02:50	Richard Kalu	Visit to Afrikiko with Adam Burchett. Noted that there were X7 patrons within the premises and X5 SIA staff. Very quite no sound escape at the premises. Advised that they would be closing by management as it was a very slow night quite night.
19/07/2015	03:32	Kristie Ashenden	With Adam Burchett. Asked to monitor by MP1 re: TEN and WJM re: complaint. Afrikiko has a TEN tonight until 06:30hrs. Bad parking noticed all over Ilderton Rd. Music from venue not audible above traffic. People still turning up to venue as its open late on TEN. People parked in the middle of Ilderton Rd right in front of the traffic light. 4 cars parked in RHT filter lane. At 03:44 TCT NTE to request they monitor premises for nuisance until they finish their shift and update me by email for Monday.
26/07/2015	02:34	Richard Kalu	Visited premises with Farhad Chowdhury and discussed operation of premises in regards to complaints about ASB and parking in the immediate vicinity of premises. Music was at background level and there was no dancing within premises. X10 patrons within the premises eating food within the premises seated at tables. Manager advised that they were going to stop using the premises as a club and wanted to move more to operating as a traditional restaurant. We were advised that from time to time they may put on events using TENS but generally they were moving back to being a restaurant as operating as a club was causing too many issues for management of the premises. Have been advised that SIA staff have been instructed to be stricter in respect of parking outside the premises. Have been advised that issues arise when the patrons park up and then come over to the premises. Advised that operationally it is very hard for them to stop this issue as they have no control over where people

			park. I have been advised that where this is witnessed SIA staff will ask patrons to either move their cars or in the most serious of cases refuse entry into the premises. Action - NTE to monitor premises next weekend.
09/08/2015	02:37	Mark Orton	Premises busy, there appeared to be patrons in the car park next to the venue and also a BBQ stall set up. There were cars parked all over the road also, further monitoring required. Will inform parking enforcement of the situation if there is a repeat.
16/08/2015	03:15	Richard Kalu	No barbecue seller located at this location. Premises were very quiet. No audible loud music no issues of concern noted.
30/08/2015	00:01	Farhad Chowdhury	Queue of patrons outside venue, bass beat audible on street but not a public nuisance.
06/09/2015	02:51	Farhad Chowdhury	15 people outside the premises
18/09/2015	23:40	Richard Kalu	Visit to Afrikiko with Farhad Chowdhury advised management of issue in relation to closure notice of River of Life. Advised management to be vigilant and to possibly expect an increase in patrons. Requested that any issues were immediately phoned through to the Police.
19/09/2015	03:15	Richard Kalu	Visit to premises with Farhad Chowdhury. Spoke to management who advised us that they had not encountered any issues as a result of closure notice served on River of Life. Advised that there had been some large parties of people attempting to gain entry however they were refused. Patrons had confirmed that they had intended to visit the River of Life however the event had been cancelled. Some patrons confirmed that they believed that there was another event planned the following week at either the Penarth or the River of life which tied into some of the information received from SIA staff at Mystique.
29/11/2015	02:25	Mark Orton	Area quiet, no music audible from the premises, SIA visible controlling access, very few people outside the premises, no BBQ, no parking issues.
05/12/2015	02:27	Richard Kalu	Visit to premises with Sarah Newman. Premises busy with X2 SIA security on door. No noise breakout from premises and no ASB issues identified.
03/01/2016	00:06	Farhad Chowdhury	All quiet. Had one SIA door staff male on doors.
05/03/2016	00:27	Richard Kalu	Compliance check on Club Scan. X2 SIA staff were at the entrance X1Female & X1 male who were both compliant. No Patrons waiting to gain entry into the premises. I identified myself and asked to speak to the manager of the premises a Mr Emmanuel Koku Dodzi Kpakpah. Advised that they would not be running the basement club part of the premises and that club scan was not operational. I asked to see the basement and noted that there was no activity and that the basement club area was non operational. X16 patrons located in the premises at seated at covers. Advised that they have just placed a new fire alarm system in the premises and that there are some very minor additional works that need to be carried out at the premises and once done they will be submitting a minor variation to tidy up the licence as per discussion with Jayne Tear and my discussion with David Franklin.
13/03/2016	00:45	Farhad Chowdhury	No music audible outside, all quiet.
10/04/2016	02:38	Farhad Chowdhury	Nobody outside all quiet.
16/04/2016	22:20	Richard Kalu	Visit to premises with Farhad Chowdhury and NTE Police. Police requested that we attend the premises to carry out a joint visit

			as there has been a threat to life. Lengthy discussion with management and SIA staff within the premises. Promoted event and we were given assurances that the premises would have been highly alert and if any issues were encountered that the police would be called. Discussed minor variation with management and he will be calling me on Tuesday to arrange a convenient time to discuss the issue with his licence and conditions with a view to submit a minor variation to change the wording of conditions on his licence. Action – Arrange meeting to suggest wording change as part of minor variation application.
17/04/2016	02:34	Richard Kalu	Visit to premises with Farhad Chowdhury as a result of advice from NTE Police that the premises had been closed down due to threat to life.X4 males at the front of the premises removing sound equipment. Observed the premises and then I spoke to a male and asked if the event was still proceeding was advised that someone had made a call to the police to stop the event out of spite. Asked if the event had definitely stopped and was told that it could not continue and that the event had now been called off. Monitored the premises and we were sufficiently confident that no event would be taking place at the premises.
16/07/2016	00:05	Farhad Chowdhury	Premises open SIA staff on the doors setting up.
17/07/2016	02:30	Farhad Chowdhury	All quiet nobody outside just door staff
13/08/2016	00:55	Richard Kalu	Visit to premises with Sarah Newman. I could not see that there has been any layout change within the premises. When we arrived at the premises the basement was not in operation. Met NTE police at the premises who were having a discussion with the operator of the premises about their security. At the time we arrived there was no female SIA member of staff at the premises that is a requirement under their premises licence. Advised by management of the premises that the female SIA member of staff had arrived but had to leave due to a family emergency. This was checked against CCTV and found to be true. However this had not been the first time this situation had occurred and Police NTE advised me that they would serve a Section 19.
19/08/2016	21:34	Richard Kalu	Visit to premises with Ken Andrews as a follow up to last weekend visit to premises and the police servicing a section 19. X2 male SIA & X1 female SIA staff positioned at the entrance of the premises. No patrons within the premises. Advised by SIA staff that they were not expecting the premises to be busy as people were saving money for the bank holiday weekend.
27/08/2016	03:00	Richard Kalu	Visit to premises to check if X1 female SIA member of staff is working in compliance with premises licence conditions. Visit undertaken with Matt Bourne and Stuart from NTE police. When we arrived at the premises it was very quiet and there were X6 patrons within the restaurant eating. I note that within the basement (nightclub) there were X4 patrons seated and amplified music was being played by a DJ but there did not appear to be any paid patrons with the basement. There was a clear smell of cannabis at the main entrance of the premises. This was apparently coming from people stood outside the premises and was not attributed to anyone within the venue. We undertook some checks of club scan and noted that pictures had been scanned in however no ID's had been scanned into the club scan. Stuart enquired why week after week the same conversation had taken place at the premises and why club scan was not in operation. We were advised that club scan was in operation and the reason why no ID's had been scanned in was because they were the DJ and relatives and the girlfriend of the DJ. Stuart and myself advised that this was unacceptable and that all patrons that entered the premises regardless of their relationship with staff at the premises needed to be scanned in on the club scan. Whilst we were stood outside the premises an object was

			thrown out of a window from the high rise council block located beside the venue and overlooking the main entrance of the premises. We could not identify here the missile had been thrown from however Stuart confirmed that he would make some further enquires. We were advised by staff of the premises that this was a frequent event when the premises was operational and that various objects had been thrown down on to patrons who were visiting the premises. Stuart confirmed to the operator that he would be serving a section 19 closure notice and that the issues needed to be rectified as a matter of priority. Details of the section 19 detailed below. Metropolitan Police Section 19 served at 03:00hrs • ID scan not being used properly / Photos only • IDs not scanned and no way to determine who patrons were within the basement of the premises. Staff advised that it was the DJ's girlfriend and friends and family
11/09/2016	03:00	Farhad Chowdhury	All quiet seen SIA door staff and one female.
24/09/2016	01:25	Richard Kalu	Visit to premises with Adam Burchett and NTE Police. Arrived at the premises and note that there was X1 female SIA member of staff and there was X1 male SIA member of staff. Requested to see evidence of metal detector wand and was shown this by the male SIA member of staff. Checked operation of the metal wand and found that it was compliant. Walked in on conversation which Stuart from NTE police was having with the manager of the premises and advised him that we wanted to see evidence that club scan was working and in operation. Myself Stuart and Adam entered the basement of the premises and note that it was very quiet and that there were approximately X15 patrons within the basement club. We walked to the main entrance of the premises and spoke with the manager and requested to see club scan in operation and who had been scanned in. We were advised that there had been some internal works at the front entrance of the premises that had shorted out the electrics of the premises and club scan intermittently. We could see evidence of works having taken place at the entrance of the premises and words of advice was given by both myself and NTE Police. NTE police confirmed that they would be making some further enquires with club scan in relation to the use of the club scan software at the premises. We were advised that the issue with club scan had been rectified and it was now the intention to request patrons to leave the premises and re-enter going through club scan. Whilst talking for 20 – 30 seconds an announcement was made on the PA system and almost all patrons left and re-entered the premises via the club scan system. We discussed compliance related issues with management and advised them that we would be retuning later in the night to ensure compliance.
24/09/2016	03:45	Richard Kalu	NTE Police advised over the police radio that there was a major incident taking place at Afrikiko. Myself and Adam were on the NTE police van attended Afrikiko and I noted when we arrived there were approximately 370 patrons stood outside the venue. NTE police advised us to stay on board the NTE van due to concerns in relation to Health & Safety. We were immediately upon attendance at the scene surprised by the sheer numbers of people who were outside the venue and who had it appeared been inside the venue. With regard to Health and Safety and risk management it did not seem possible that so many patrons could have been accommodated within the venue. Police NTE requested CCTV from management of the premises and I have requested an update in relation to this matter once CCTV has been reviewed so I can follow up on this. NTE advised that no crime and disorder issues were apparent however for public order reason a decision was taken to move on.
01/10/2016	01:33	Richard Kalu	Visit to premises to check if X1 female SIA member of staff is working in compliance with premises licence conditions. If not

			inform Police NTE. Arrived at the premises and noted at the entrance of the premises X1 male SIA member of staff and X1 female member of staff. We were not accompanied by NTE police and did not feel due to the activity at the premises we should enter and check club scan
02/10/2016	01:17	Farhad Chowdhury	Seen SIA door staff and some people arriving.
15/10/2016	00:04	Farhad Chowdhury	Open very quiet nobody outside.



Annotations
T 871 Old Kent Road

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