

Licensing Sub-Committee

Tuesday 18 July 2017

10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Lorraine Lauder MBE
Councillor Adele Morris

Reserves

Councillor Sandra Rhule

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 10 July 2017



Licensing Sub-Committee

Tuesday 18 July 2017
10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003:THE CHARLIE CHAPLIN, 26 NEW KENT ROAD, LONDON SE1 6TJ - REVIEW	1 - 49
	ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT	

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT

Date: 10 July 2017

Item No. 5.	Classification: Open	Date: 18 July 2017	Meeting Name Licensing Sub-Committee
Report title:		Licensing Act 2003: The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ – Review	
Ward(s) or groups affected:		East Walworth	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made under Section 53C of the Licensing Act 2003 by the chief of police for the Metropolitan Police Service for a summary review of the premises licences in respect of the premises known as The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ.
2. **Notes:**
 - a) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix A.
 - b) The grounds for the review are stated in paragraphs 16 to 21 of this report. A copy of the full application and certificate are provided as Appendix B
 - c) Copies of the Notices of Decisions from two previous hearings held on 22 and 27 June 2017 are in Appendix C.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

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 in respect of the premises licence consists of a public house on the ground floor called the Charlie Chaplin and a nightclub on the first floor called the CC Lounge, 26 New Kent Road, London SE1 6TJ.
9. The premises licence was carried over from the justices licence in the 2005 transition and varied to extend the hours.
10. The premises licence was transferred to the current premises licence holder Adrian Ennis in September 2010.
11. The premises licence was subject to a previous summary review, initiated by the Metropolitan Police on 16 March 2016. Copies of the notices of decision from 18 March 2016 and 12 April 2016 are available in Appendix C. The application concerned a serious incident that took place on 16 March 2016 at approximately 22:50. It was alleged that a patron described as being extremely intoxicated became aggressive when last orders were called and left the premises, then smashed a window of the premises with a phone.
12. Another patron then left the premises and assaulted the victim causing significant facial injuries. At the hearing on 18 March 2016, interim steps were considered and two interim steps were imposed. The notice of decision it attached in Appendix C. Additional conditions were added to the operating schedule of the premises licence.
13. The details of the current premises licence that applies to both areas are:
- Opening Hours:

Monday to Saturday	11:00 to 01:30 (the following day)
Sunday	11:00 to 23:30
 - Regulated entertainment in the form of live music and recorded music (indoors):

Monday to Saturday	11:00 to 01:30 (the following day)
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 - Late night refreshment (indoors):

Monday to Saturday	23:00 to 01:30 (the following day)
Sunday	23:00 to 23:30
 - Sale of alcohol for consumption on and off the premises

Monday to Saturday	11:00 to 01:00 (the following day)
Sunday	11:00 to 23:00
14. A copy of the current premises licence is attached as Appendix A.

Designated premises supervisor

15. Since the review was initiated, the designated premises supervisor (DPS) has been changed as of 26 June 2017 from Adrian Ennis to Craig Morrison, who holds a personal licence issued by the London Borough of Barking and Dagenham.

The review application and certificate

16. On 21 June 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 The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ.
17. On 21 June 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. The CCTV at the premises was not operational.
18. The premises licence was subsequently suspended following a hearing held on 22 June 2017. A copy of the notice of decision is available in Appendix C.
19. As a result, the premises licence holder put a number of measures in place, namely:
 - a) The physical bar was altered so as to prevent members of the public gaining access behind the bar
 - b) The CCTV system was upgraded
 - c) All staff were received training in preventing and dealing with violence and aggression
 - d) The licence holder applied to vary the licence so as to change the designated premises supervisor to Craig Morrison.
20. On 26 June, the licensing authority inspected the premises to confirm that all interim measures had been put in place.
21. As a result of the measures taken, a second hearing was held on 27 June 2017. A copy of that Notice of Decision is also included in Appendix C.

Representations from responsible authorities

22. A representation has been provided by this council's licensing authority in relation to the prevention of crime and disorder, the prevention of public nuisance and public safety. The concern is primarily with the event that led to review in 2016. Had the measures that had been put in place been followed, this incident may not have taken place.
23. A 'holding representation' has been received from this council's health and safety Department. At the time this report was published, the body of that representation had not provided and is expected to be circulated at a later date.
24. The representations from Responsible Authorities are available in Appendix D.
25. The Metropolitan Police have also submitted additional supporting documents which are available in Appendix E.

Representations from other persons

26. No further representations have been made.

Operating history

27. Four full premises inspections were made under the Licensing Act 2003, the first conducted on 5 August 2011 at 23:07, the premises was found to be in breach of six conditions of the premises licence, additionally there was no fire risk assessment in place. A warning letter was sent on 8 August 2011.
28. A revisit on 30 September 2011 found the premises compliant and a fire risk assessment in place.
29. The second conducted on 13 April 2012 at 23:26, found the premises to be in breach of one condition of the premises licence, additionally there was another 9 items of concern. A warning letter was sent on 8 May 2012.
30. A revisit on 17 December 2012 found the premises compliant and a fire risk assessment in place.
31. On 1 March 2014 at 21:06 an inspection found the premises to be fully compliant with the premises licence.
32. On 7 March 2015 at 21:00 an inspection found the premises to be fully compliant with the premises licence.
33. An inspection conducted on 20 March 2015 at 21:49, the premises was found to be in breach of one condition of the premises licence; additionally the premises licence and summary were unavailable. A warning letter was sent on 23 March 2015.
34. A revisit on 17 April 2015 found the premises compliant and a fire risk assessment in place.
35. A visit took place on 29 July 2016 at 18:30 following a complaint about parents with children consuming alcohol on the premises and patrons parking in front of the premises.
36. A revisit took place on 14 April 2017 at 19:07 to further discuss the parking issue and the use of the land by the premises to place tables and chairs there. The DPS advised that the premises had the permission of the Shopping Centre management to use the land.
37. A further revisit took place on 2 June 2017 at 18:08, no issues were found with external parking.
35. Visits by council licensing officers working on the night-time economy have been made and details of these visits are provided in Appendix D. On Monday 26 June 2017, the licensing authority inspected the premises to confirm that all interim measures had been put in place as a result of the licensing sub-committee hearing held on 22 June 2017, when the interim steps were varied and the licence modified with the following conditions added:
 - That the CCTV is checked on a daily basis to ensure that operational and a log maintained of the daily checks and made available to the police and authorised council officers immediately upon request.
 - That there will always be someone on the premises at all times the premises open to the public that can operate the CCTV.
 - That the hatch/gate shall remain closed at all times save for access or ingress.
 - That on Fridays and Saturdays from 21:30 until closing there will be one SIA officer.

- That no fruit knife (or any other knife/weapon) will be allowed within the premises and/or kept behind the bar area.

37. At the licensing sub-committee meeting on 26 June 2017, the representative for premises informed the committee that whilst they were agreeable to the additional conditions, they would not agree to the SIA authorised officer being a permanent condition of the licence.

The local area

38. A map of the local area is attached at **Appendix F**. There are other licensed premises in the area, namely:

The Coronet, 28 Old Kent Road, London SE1 6TL

- Opening Hours:

Monday to Wednesday 09:00 to 03:30
Thursday to Sunday 09:00 to 07:30

- Licensable activities: The provision of regulated entertainment in the form of plays, films, indoor sports, boxing or wrestling, live music, recorded music, performances of dance, anything similar to live/recorded music and sale of alcohol (on sales only):

Monday to Wednesday 09:00 to 03:00
Thursday to Sunday 09:00 to 07:00

- The provision of late night refreshment:

Monday to Wednesday 23:00 to 03:00
Thursday to Sunday 23:00 to 07:00

Railway Arches 3-6 Elephant Road, London SE17 1LB

- Opening Hours:

Monday to Wednesday 09:00 to 03:00
Thursday to Sunday 09:00 to 07:00

- Licensable activities for Arches 3, 4, 5 & 6

The provision of regulated entertainment in the form of plays, films, indoor sports, boxing or wrestling, sale of alcohol:

Monday to Wednesday 09:00 to 03:00
Thursday to Sunday 09:00 to 07:00

- The provision of late night refreshment:

Monday to Wednesday 23:00 to 03:00
Thursday to Sunday 23:00 to 07:00

- Licensable activities for Arches 3 only:

The provision of regulated entertainment in the form of live music, recorded music, performances of dance and anything similar to live/recorded music:

Monday to Wednesday 09:00 to 03:00
Thursday to Sunday 09:00 to 07:00

Davish News, 30 New Kent Road, London SE1 6TJ

- The sale by retail of alcohol (off sales)
Monday to Sunday from 07:00 to 23:00

Naranjo Restaurant, 113 Elephant Road, London SE17 1LB

- The sale by retail of alcohol (on sales)
Monday to Sunday from 07:00 to 22:30

Tesco Metro, 326-328 Shopping Centre Elephant and Castle, London SE1 6TB

- The Sale by retail of alcohol (off sales)
Monday to Saturday from 07:00 to 22:30
Sunday from 09:00 to 17:30

Agata London, Unit 5 Metro Central Heights, 119 Newington Causeway, London SE1 6DQ

- The sale by retail of alcohol (off sales)
Monday to Sunday 24 hours per day

Nando's, Unit 4 Metro Central Heights, 119 Newington Causeway, London SE1 6BA

- The sale by retail of alcohol (on sales)
Monday to Saturday from 11:00 to 00:00 (midnight)
Sunday from 11:00 to 23:30
- The provision of late night refreshment (indoors)
Monday to Saturday from 23:00 to 00:30 (the following day)
Sunday from 23:00 to 00:00 (midnight)

Elephant and Castle Public House, 121 Newington Causeway, London SE1 6BN

- The sale by retail of alcohol (on sales)
Sunday to Wednesday from 11:00 to 00:00 (midnight)
Thursday from 11:00 to 01:00
Friday and Saturday from 11:00 to 02:00 (the following day)
- The provision of late night refreshment (indoors)
Sunday to Wednesday from 23:00 to 00:30 (the following day)
Thursday from 23:00 to 01:30
Friday and Saturday from 23:00 to 02:30 (the following day)
- The provision of regulated entertainment in the form of recorded music (indoors)
Sunday to Wednesday from 11:00 to 00:00 (midnight)
Thursday from 11:00 to 01:00
Friday and Saturday from 11:00 to 02:00 (the following day)

May Stores, Unit A, 28 Arch Street, London SE1 6AS

- The sale by retail of alcohol (off sales)

Monday to Sunday from 07:00 to 02:00 (the following day).

Southwark Council statement of licensing policy

39. 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.

40. 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. Within Southwark's statement of licensing policy, the premises are identified as being outside of a cumulative impact zone situated within a major town centre area. Relevant closing times recommended in the statement of licensing policy for licensed premises in residential areas are as follows:

- Closing time for public houses, wine bars or other drinking establishments: Sunday to Thursday is 23:00 and for Friday and Saturday 00:00.

Resource implications

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

Consultation

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

Community impact statement

43. 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

44. The sub-committee is asked to determine, under Section 53C of the Licensing Act 2003, an application, made under Section 53A of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
45. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

46. Under Section 53(A)(2) The licensing authority must determine a review application within 28 days of receipt of the application and reach a determination on that review.
47. 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.
48. 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 licence for a period not exceeding three months
 - Revoke the licence.
49. For the purpose of determining a relevant representation under section 52 of the Act a "relevant representation" means representations which:
- Are relevant to one or more of the licensing objectives
 - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
 - Have not been withdrawn
 - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.

50. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
51. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
52. 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.
53. 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

54. 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

55. 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.

56. 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

57. 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.
58. 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.
59. 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.
60. 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.
61. 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.
62. 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.
63. 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.
64. 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

65. 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

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

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	The current premises licence
Appendix B	Copy of review application
Appendix C	Notices of decisions from two previous hearings held on 22 June 2017 and 27 June 2017
Appendix D	Representations from responsible authorities
Appendix E	Supporting documents from the Metropolitan Police Service
Appendix F	Map of local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	6 July 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	7 July 2017	

APPENDIX A

Licensing Act 2003 Premises Licence



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

Premises licence number

859339

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
THE CHARLIE CHAPLIN 26 New Kent Road London SE1 6TJ Ordnance survey map reference (if applicable), 179013532051	
Post town London	Post code SE1 6TJ
Telephone number [REDACTED]	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Live Music - Indoors
 Recorded Music - Indoors
 Facilities for Dancing - 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 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 23:30

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	21:00 - 01:30
Tuesday	21:00 - 01:30
Wednesday	21:00 - 01:30
Thursday	21:00 - 01:30
Friday	21:00 - 01:30
Saturday	21:00 - 01:30

Recorded Music - Indoors

Monday	21:00 - 01:30
Tuesday	21:00 - 01:30
Wednesday	21:00 - 01:30
Thursday	21:00 - 01:30
Friday	21:00 - 01:30
Saturday	21:00 - 01:30

Facilities for Dancing - Indoors

Monday	21:00 - 01:30
Tuesday	21:00 - 01:30
Wednesday	21:00 - 01:30
Thursday	21:00 - 01:30
Friday	21:00 - 01:30
Saturday	21:00 - 01:30

Late Night Refreshment - Indoors

Monday	23:00 - 01:30
Tuesday	23:00 - 01:30
Wednesday	23:00 - 01:30
Thursday	23:00 - 01:30
Friday	23:00 - 01:30
Saturday	23:00 - 01:30
Sunday	23:00 - 23:30

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 01:00
Saturday	11:00 - 01:00
Sunday	11:00 - 23:00

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 - 01:00
Saturday	11:00 - 01:00
Sunday	11:00 - 23:00

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Adrian Ennis
26 New Kent Road
London
SE1 6TJ

Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Craig Morrison

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 L.B. Barking & Dagenham

Licence Issue date 26/06/2017

[REDACTED]
Head of Regulatory Services
Hub 1, 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.

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

109 Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means the hours stated elsewhere on this licence and:

a. On Good Friday, 1200 to 2230 hours

b. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit;

i) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

ii) The sale of alcohol to a trader or club for the purposes of the trade or club;

iii) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

iv) The taking of alcohol from the premises by a person residing there; or

v) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or

vi) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises

110 No statutory regulations for music and dancing shall apply so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, or of public entertainment by way of music and singing only which is produced solely by the reproduction of recorded sound is permitted.

111 This licence provides for the provision of private music and dancing entertainment that is promoted for private gain;

122 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies

- a. He is the child of the holder of the premises licence
- b. He resides in the premises, but is not employed there
- c. He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to and from which there is no other convenient means of access or egress
- d. The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as ancillary to their table meals.

127 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- c. To a canteen or mess.

298 That suitable notices shall be displayed stating "No Drugs".

310 That all doors and windows excepting any that may be required to be locked open for the purposes of means of escape, shall be kept closed whenever public entertainment is being provided upon the premises to prevent noise escaping

311 That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner. Staff are to check the outside area regularly and disperse any customers who may gather outside

324 That a notice be displayed at the premises giving the telephone numbers of local mini-cab firm. Where possible staff will phone a taxi for people who need one and will give directions to people using public transport

325 That after 2100 hours children shall not be admitted in any area where alcohol is sold and consumed

327 That signs shall be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age identification will be required

332 All children on the premises will be accompanied by a parent or responsible adult at all times

334 That an age identification scheme shall be established and maintained. The scheme shall Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

340 Our staff will refuse to serve a person who appears to be intoxicated. They will additionally discourage binge drinking and remove anyone behaving badly from the premises

342 Staff will be trained to react quickly and effectively in evacuating the premises in case of fire

343 The volume on music provided will be reduced half an hour before the premises closes

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

788 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 a clear facial image of every person who enters the premises. It should cover all areas within the premises including upstairs and the outside area to the front in all lighting conditions.

789 That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the police and the council.

793 That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to officers of the police and the council.

840 That three SIA registered door supervisors will be engaged when the upstairs of the premises are in operation and a DJ or MC performing to recorded music. They will be employed at all times until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection , screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.

841 That when SIA are required they will be provided with and held metal detection units in order to ensure that searches are carried out in respect of all admissions to the upstairs of the premises, whether members of the public or performers and their assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

842 That a member of staff should be available at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removal device on request of Police or council officer.

843 That a personal licence holder will be on the premises at all times after 20:00 and intoxicating liquor is being offered for sale.

844 That a 696 form must be submitted for any occasion in a premises licensed under the provisions of the Licensing Act 2003, using a DJ or MC performing to recorded background music, operating any time between 22:00 and 06:00, that is promoted in some form by either the venue or an outside promoter, where entry is either free, by invitation, pay on the door or by ticket.

845 That the 2 persons mentioned in the notice of decision be permanently excluded from the premises.

846 That all staff working at the premises shall undertake a training course in dealing with work related violence and aggression.

847 That training records of all staff that have undertaken the training course dealing with work related violence and aggression shall be kept at the premises and available for inspection by authorised officers of the police or the council.

848 That the accommodation limit of 150 people for the ground floor shall not be exceeded.

849 That the accommodation limit of 120 people for the first floor shall not be exceeded.

Annex 4 - Plans - Attached

Licence No. 859339

Plan No. 1233801/237

Plan Date 5 October 2004


**METROPOLITAN
POLICE**
TOTAL POLICING
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: Licensing Team 3rd Floor 160 Tooley Street

Post town: London

Post code: SE1 5LX

Ref. No.:
I Mark Lynch 246MD

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:

The Charlie Chaplin 26 New Kent Road

Post town: London

Post code: SE1 6TJ
 (if known)

2. Premises licence details
Name of premises licence holder or club holding club premises certificate (if known):

Adrian Ennis

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

851670

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)

On Saturday 17th June 2017 at 2330hours police attended the Charlie Chaplin 26 New Kent Road SE1 6TJ in regards to serious crime and disorder in which two males were stabbed CAD 10213. It has been reported that the two victims were very intoxicated and had been talking early in the evening to the suspect who was also believed to be intoxicated. Later in the evening the victims and suspect were heard to have a disagreement to which the suspect was seen to go behind the bar area and remove a knife from the counter to which he then approached the victims and stabbed them, causing a 2-3 inch gash in one of the victims arms and the other victim was stabbed in the upper chest area. The suspect then left the pub and headed towards the Bricklayers roundabout.

On police arrival medical help was being provided by LAS and medics from the Coronet, there appeared to be no first aider on duty at the venue. Both victims were taken to hospital due to the seriousness of the injuries. It has been reported that the bar staff at the venue were inebriated along with the landlord and that the bar staff would not at the time provide statements of the events. There were no persons at the venue who could operate the CCTV system which would have assisted in identifying the suspect.

At this stage of the investigation the suspect has not been identified.

Concern/Observations

My immediate concerns are with regard to the levels of intoxication involved with the victims and suspects. There is also serious concern that the staff were intoxicated and their ability to manage the venue if the case was seriously impaired, proven by the fact that a member of the public could get behind the bar and remove a knife and then use it to cause serious injury, this also shows the premises are not promoting the prevention of crime and disorder licence objective.

Licence conditions 788-789-793-842 refer to CCTV at the premises and that there should be a member of staff available to operate the CCTV at all times and be able to download immediately upon request.

This incident has already involved the use of significant resource from the Police, LAS and medical staff at the hospital and will continue to do so in regards to the investigation and identification of the suspect.

Considerations

This is not the first incident involving high levels of intoxication of patrons drinking inside the venue. The premises have failed to promote the licensing objectives by not maintaining their CCTV or staff training which were given at their 2016 review.

This incident in my opinion was entirely preventable had the premises stopped serving the intoxicated males at an early stage and if they had managed their premises in a safe secure way preventing the suspect from locating the knife behind the bar.

Recommendations The premises licence is suspended with immediate effect pending a full review

Signature of applicant

Signature:



Date:

21 06 17.

Capacity:

POLICE OFFICER

Contact details for matters concerning this application

Surname:

LYNCH

First Names:

MARSH

Address:

SOUTHWALK POLICE

STATION

Post town:

LONDON

Post code:

SE1 19L

Tel. No.:

0207 232 6756

Email:

Mark.Lynch5@Met.Police

Notes for guidance

PROTECTIVE MARKING

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.

Retention Period: 7 years

MP 146/12



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 18 MARCH 2016

LICENSING ACT 2003: SECTION 53A: THE CHARLIE CHAPLIN, ELEPHANT AND CASTLE, 26 NEW KENT ROAD, LONDON SE1 6TJ

1. Decision

That the following conditions be placed on the premises licence as interim steps to promote the licensing objectives pending the determination of the review application at the full hearing:

1. That Mr [REDACTED] and Mrs [REDACTED] be excluded from the premises.
2. That a CCTV system be installed at the premises before the full review hearing, scheduled for 12 April 2016. The CCTV system shall 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. 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

2. Reasons

This was a hearing to consider if it is appropriate to take interim steps to promote the licensing objectives upon receipt of an application by the Metropolitan Police for an expedited summary review of the premises.

The licensing sub-committee have considered the application made by the Metropolitan Police and supplementary evidence from the police presented at this hearing. The police advised a serious assault had allegedly taken place immediately outside the premises and concerned a patron and the manager on duty that evening. The police relied on CCTV evidence to support their application.

The licensing sub-committee have also considered evidence submitted by the premises licence holders in relation to the application. They advised that since becoming aware of the evidence by the police they had taken steps to suspend the manager concerned with immediate effect. They also expressed a willingness to assist the police with all their enquiries in respect of the criminal case. Furthermore they proposed that they would install a more up to date CCTV system.

The licensing sub-committee having read and heard all the evidence before them were satisfied that the interim steps set out above were appropriate and proportionate in order to promote the licensing objectives.

3. Appeal rights

There is no right of appeal to a Magistrates' Court against the licensing authority's decision at this stage.

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation.

Any representation should be in writing and cannot be received outside of normal office hours.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 18 March 2016

APPENDIX B**NOTICE OF DECISION****LICENSING SUB-COMMITTEE – 12 APRIL 2016****LICENSING ACT 2003: THE CHARLIE CHAPLIN, 26 NEW KENT ROAD, LONDON SE1 6TJ****1. Decision**

That the council's licensing sub-committee, having had regard to the application by the Metropolitan Police for a review of the premises licence in respect of the premises known as The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ and also having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Modify the conditions of the licence by imposing the following additional conditions:

1. That three SIA registered door supervisors will be engaged when the upstairs of the premises are in operation and a DJ or MC performing to recorded music. They will be employed at all times until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.
2. That When SIA are required they will be provided with and held metal detection units in order to ensure that searches are carried out in respect of all admissions to the upstairs of the premises, whether members of the public or performers and their assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
3. That a member of staff should be available at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removal device on request of Police or council officer.
4. That a personal licence holder will be on the premises at all times after 20:00 and intoxicating liquor is being offered for sale.

5. 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 a clear facial image of every person who enters the premises. It should cover all areas within the premises including upstairs and the outside area to the front in all lighting conditions.
6. That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the police and the council.
7. That a 696 form must be submitted for any occasion in a premises licensed under the provisions of the Licensing Act 2003, using a DJ or MC performing to recorded background music, operating any time between 22:00 and 06:00, that is promoted in some form by either the venue or an outside promoter, where entry is either free, by invitation, pay on the door or by ticket.
8. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to officers of the police and the council.
9. That Mr [REDACTED] and Mrs [REDACTED] be permanently excluded from the premises.
10. That all staff working at the premises shall undertake a training course in dealing with work related violence and aggression.
11. That training records of all staff that have undertaken the training course dealing with work related violence and aggression shall be kept at the premises and available for inspection by authorised officers of the police or the council.
12. That the accommodation limit of 150 people for the ground floor shall not be exceeded.
13. That the accommodation limit of 120 people for the first floor shall not be exceeded.

2 **Reasons for the Decision.**

The reasons for this decision are as follows:

The licensing sub-committee heard from the Metropolitan Police Service representative, the applicant for the review who advised that the police had applied to the licensing authority for a summary review of the premises licence on 17 March 2017. The application concerned a serious incident that took place on 16 March 2016 at approximately 22.50. It was alleged that a patron described as being extremely intoxicated became aggressive when last orders were called and left the premises, then smashed a window of the premises with a phone. Another patron then left the premises and assaulted the victim causing significant facial injuries

At the hearing on 18 March 2016, interim steps were considered and two interim steps were imposed (6 and 10 above).

The police advised the sub-committee that they were satisfied that the conditions listed above would promote the licensing objectives.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who had highlighted previous breaches of the premises licence. However, they had also agreed conditions with the premises and were satisfied that they would address the officer's concerns.

The licensing sub-committee noted the written representation from the health and safety officer who had also agreed conditions with the licensing officer.

The representative from the premises informed the sub-committee that they had liaised closely with the police, the licensing authority and the health and safety authority and had agreed with all the conditions recommended. They reiterated that they were apologetic that this incident had occurred at the premises and assured the sub-committee that the relief manager had been permanently excluded from the premises immediately.

The licensing sub-committee were pleased that all the parties were able to resolve their concerns through their discussions and were content that the conditions agreed would satisfy the concerns.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and felt that this decision was appropriate and proportionate in order to address the licensing objectives.

3 **Appeal rights**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application.

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The interim steps will remain in place until either:

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation.

Any representation should be in writing and cannot be received outside of normal office hours.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 12 April 2016

APPENDIX C



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 22 JUNE 2017

LICENSING ACT 2003: SECTION 53A: THE CHARLIE CHAPLIN, ELEPHANT AND CASTLE, 26 NEW KENT ROAD, LONDON SE1 6TJ – EXPEDITED REVIEW

1. Decision

That as an interim step to promote the licensing objectives, pending the determination of the review application at the full hearing, to be held on 18 July 2017:

- The licence be suspended.

2. Reasons

This was a hearing to consider if it is appropriate to take interim steps to promote the licensing objectives upon receipt of an application by the Metropolitan Police Service for an expedited summary review of the premises.

The licensing sub-committee have considered the application made by the Metropolitan Police Service and supplementary evidence from the police presented at this hearing. The police advised that on 21 June 2017 the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence issued in respect of The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ after a Superintendent for the Metropolitan Police force certified that the premises were associated with serious crime or serious disorder or both as a result of a serious incident that took place on Saturday 17 June 2017 at approximately 23:30.

The Police attended the premises in which two males were stabbed. Both victims were reported to be heavily intoxicated. The suspect, a patron, was also believed to be intoxicated and was seen to go behind the bar and remove a knife from the counter and stab both victims before leaving. Both victims were taken to hospital. The suspect has not as yet been identified and apprehended. The CCTV was not operational.

The representative for the police advised that the premises were previously the subject of an expedited review when a serious incident that took place on 16 March 2016 at 22:50, when a an extremely intoxicated patron became aggressive when last orders were called and left the premises, then smashed a window of the premises with a phone. Another patron then left the premises were assaulted causing significant facial injuries. The licensing Sub-committee modified the licence by imposing additional conditions.

The licensing sub-committee then heard from the manager of the premises, who advised that he had been the manager for some four years and lived on the premises. He stated that he came down from the residential premises at 20:30 hours and sat by the bar. There was two mature female staff on duty. The suspect was with another person at the other end of the bar, his colleague left the bar. The suspect then sat near the manager and had a half pint. He then had three heated conversations on his phone. The first victim, a regular of the premises then approached the suspect and said "you don't remember me?"; it wasn't heated. The suspect then asked for another half pint. The manager then advised the bar staff to refuse to serve the suspect and for the suspect to leave. At this point the suspect dashed passed the manager and grabbed the knife that was by the till. The manager tried to grab the suspect as he came past. The suspect then stabbed the first victim, and then the second. The suspect left the premises with the knife. The police were then called and the premises vacated.

The leaseholder to the premises provided much of the representation for the premises licence holder during the discussion stage of the meeting, but he had not been present during the incident on 21 June. It was accepted that the designated premises supervisor rarely attended the premises. It was proposed following the previous review to transfer the DPS, but this had not transpired. The leaseholder accepted that access to the bar was easy due to there being no gate/hatch as an obstacle to customers. No explanation could be given for the CCTV not working apart from there being a "technical glitch", which had now been rectified. The work related violence and aggression training condition 846 had not been carried out as they were waiting for the police/licensing authority to provide details of relevant courses. Of the few courses found, they were extremely expensive and there were limited spaces available. They had carried out their own in house training on the subject and found this helpful.

The licensing sub-committee read and heard all the evidence before them. They noted the DPS made no comment whatsoever during the course of the meeting and that he rarely attended the premises. At this stage the committee were of the view that the DPS had no effectual role in the running of the premises.

The previous expedited review had taken place in March 2016 when conditions were imposed relating the CCTV and training. The sub-committee were not satisfied with the explanation that because of a technical glitch the CCTV was not working, particularly when the premises were unable to demonstrate any regular simple maintenance or checks were being conducted of the CCTV. The explanation for the failure to comply with the condition relating to work related violence and aggression training imposed at the previous review was similarly unacceptable; it is not a matter for the police or licensing authority to provide of relevant courses.

During the meeting the manager admitted to the sub-committee that he had committed a further breach of conditions by stating that he had come down to the licensed premises that evening (21 June) at 20:30. This is a breach of condition 843 "that a personal licence holder will be on the premises at all times after 20:00 and intoxicating liquor is being offered for sale". The sub-committee considered whether to modify the licence with conditions, but due to the conditions imposed at the review which was just over a year ago, the sub-committee had no confidence that they would be complied with.

The incident on 21 June 2017 could easily have been avoided. Having been the subject to the expedited review process a year before, the premises should have been running the premises in an exemplary condition. Staff and indeed management allowing customers to charge their mobile phones behind the bar is an extremely dangerous and negligent practice and shows the poor practices being operated at the premises. It is for this reason that the sub-committee have no alternative but to suspend the licence until the full review of the licence on 18 July 2017. In the meantime, for the benefit of the premises licence holder, it is recommended that a gate/hatch be installed at the bar, evidence of operational CCTV is provided and that the necessary staff training is undertaken and documented.

In coming to this decision, the licensing sub-committee were satisfied that the interim steps set out above were appropriate and proportionate in order to promote the licensing objectives

3. Appeal rights

There is no right of appeal to a Magistrates' Court against the licensing authority's decision at this stage.

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation. The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination

Any representation should be in writing and cannot be received outside of normal office hours.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 22 June 2017



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 27 JUNE 2017

LICENSING ACT 2003: THE CHARLIE CHAPLIN, 26 NEW KENT ROAD, LONDON SE1 6TJ - REPRESENTATIONS AGAINST INTERIM STEPS

1. The council's licensing sub-committee, having had regard to the representations by the representatives of The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ against interim steps imposed at the expedited review on 22 June 2017 has agreed to vary the interim steps:
 1. That the CCTV is checked on a daily basis to ensure that operational and a log maintained of the daily checks and made available to the police and authorised council officers immediately upon request.
 2. That there will always be someone on the premises at all times the premises open to the public that can operate the CCTV.
 3. That the hatch/gate shall remain closed at all times save for access or ingress.
 4. That on Fridays and Saturdays from 21:30 until closing there will be one SIA officer.
 5. That no fruit knife (or any other knife/weapon) will be allowed within the premises and/or kept behind the bar area.

2 Reasons

This was a hearing to consider representations from the representatives of The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ against interim steps imposed at the expedited review on 22 June 2017

The licensing sub-committee heard from the representatives of The Charlie Chaplin who confirmed that the concerns of the Metropolitan Police Service had been conciliated. In discussion with the sub-committee the premises were agreeable to additional conditions, namely conditions 1 to 5 above.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who confirmed that their concerns regarding the premises were conciliated.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion that at the expedited review on 22 June 2017 the premises licence was suspended to allow the licence holder to install a gate/hatch at the bar, evidence of operational CCTV and documented staff training. All these matters have been addressed and additional conditions have been accepted by the premises licence holder. In these circumstances, a suspension of the licence is no longer appropriate and/or proportionate and agree as an alternative to modify the terms of the licence as detailed.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3 **Appeal Rights**

There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation. The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination

Any representation should be in writing and cannot be received outside of normal office hours.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 27 June 2017

APPENDIX D

MEMO: Licensing Unit

To	Licensing Unit	Date	5 July 2017	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: The Charlie Chaplin, 26 New Kent Road, London, SE1 6JT

Application to review the premises licence

I write with regards to the above application to review the premises licence submitted by the Metropolitan Police under the Licensing Act 2003.

The application is concerned with a serious incident that took place on 17 June 2017, whereby two males were stabbed. It has been reported that the two victims were very intoxicated and had been talking early in the evening to the suspect who was also believed to be intoxicated. Later in the evening the victims and suspect were heard arguing before the suspect was seen to go behind the bar area and remove a knife from the counter, which he then approached the victims arms and the other victim was stabbed in the upper chest area. The suspect then left the pub and headed towards the Bricklayers roundabout. On arrival medical help was being provided by LAS and medics from the Coronet, there appeared to be no first aider on duty at the venue. Both victims were taken to hospital due to serious injuries. It has been reported that the bar staff at the venue were inebriated along with the landlord and that the bar staff would not at the time provide statements of the events. There were no persons at the venue that could operate the CCTV system which would have assisted in identifying the suspect.

My representation is concerned with the prevention of crime and disorder, the prevention of public nuisance and public safety.

In March 2016 another violent incident happened at this premises. It was alleged that a patron described as extremely intoxicated became aggressive when last orders were called and left the premises, then smashed a window of the premises with a phone. Another patron then left the premises and assaulted the victim causing significant facial injuries. As a result of the incident the Metropolitan Police called an expedited review. At the full hearing for this review the licensing sub committee (LSC) imposed more robust conditions upon the licence and the previous relief managers were to be permanently excluded from the premises. I attach the notice of decision from the review hearing on 12 April 2016 to this representation.

At the time of the incident on 17 June 2017 it would seem that the premises was in breach of the following conditions placed upon the premises licence at the review hearing by the LSC on 12 April 2016:

- 788** - *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 a clear facial image of every person who enters the premises. It should cover all areas within the premises including upstairs and the outside area to the front in all lighting conditions.*
- 789** - *That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the police and the council.*
- 793** - *That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to officers of the police and the council.*
- 842** - *That a member of staff should be available at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removal device on request of Police or council officer.*

And a further condition which was already on the licence prior to the review hearing, which came from the operating schedule from a previous application submitted in 2005 by the applicant which states the following:

340 - Our staff will refuse to serve a person who appears to be intoxicated. They will additionally discourage binge drinking and remove anyone behaving badly from the premises

In my opinion the incident may not have happen if the premises were complying with the conditions placed on the premises licence. It is an offence under the licensing act 2003 to serve a person who is already drunk and I have a lack of faith in the current management or licensee to abide by the conditions on the premises license or to promote the licensing objectives.

The breaches of the conditions also prevented the police from identifying the suspect who committed the assaults.

The licensing unit may be pursuing further enforcement action with regards to the breaches.

I fully support the Metropolitan Police in this review and I have a lack of faith in the management/licensee/DPS of the premises to abide by the conditions put upon the licence or to promote the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives.

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

Heron, Andrew

From: Chowdhury, Farhad
Sent: 05 July 2017 15:00
To: Heron, Andrew
Cc: Farrington, Ian
Subject: Charlie Chaplin PH Expedited Review

Hi Andrew,

Re: Expedited Review – Charlie Chaplin PH, New Kent Road SE1

I write with reference to the above expedited review, the case officer is Ian Farrington who called me today and wanted me to send you a holding representation.

Ian has concerns that Charlie Chaplin Public House have a lack of an up to date health and safety management system.

Therefore the Health and Safety Team support the review by the Metropolitan Police of the above premises licence .

Kind regards,

Farhad Chowdhury

Principal Enforcement Officer | Southwark Council | Regulatory Services | Environment and Social Regeneration
I Commercial Services Compliance Unit | EHTS (Health and Safety Team)

Postal Address:

Health and Safety Team | 3rd Floor, Hub 1 B | PO Box 64529 | London | SE1P 5LX

Visitor's Address:

160 Tooley Street | London | SE1 2QH

☎ Tel: 020 7525 0398

☎ Admin Tel: 020 7525 4261

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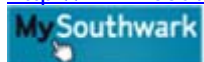
E-mail: farhad.chowdhury@southwark.gov.uk

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WITNESS STATEMENT APPENDIX E


CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Ian Clements PC 362 MD**..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 193760**

This statement (consisting of: 2..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  *PC 362*..... Date: 5th July 2017

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Police constable Ian Clements I have been a Police officer for over 24 years, for the past 6 or so years I have been in post as the Police licensing officer for Southwark Borough. I have specific responsibilities for all licensed premises under the licensing act 2003 and have the delegated authority to deal with all licensing matters on behalf of Southwark's Borough Commander.

This statement is made in relation the forthcoming premises licence review hearing for the premise known as The Charlie Chaplin 26 New Kent Road SE1 6TJ


Police welcome the initial response from the premises licence holders and the swift actions to rectify the issues identified at the interim measures hearing.

On the 27th June the premises made further representations against the interim steps following a change in circumstances at the venue. These changes included the installation of a door to restrict access to the bar area, the removal and storage of knives away from the public areas, the installation of a new CCTV system and the promise that this system will be checked on each day the premises is in use under the premises licence.

The DPS was also changed from Mr Adrian Ennis to Craig Morrison. Although not challenged at the time I now feel that this could be a matter that needs further consideration.

Mr Morrison was in charge of the venue on the night of the incident in his capacity of Manager. It is therefore the case that he should have been responsible for ensuring all the conditions of the premises licence could be satisfied before opening the doors to the public.

One of the aggravating factors in this case was the excessive consumption of Alcohol. As stated by Mr Morrison himself, the suspect for this serious assault had been allowed to consume alcohol to the point where he felt that staff should stop serving him due to his behaviour.

Signature:  *362*..... Signature witnessed by:

Continuation of Statement of **Ian Clements PC 262 MD**

The victims of this assault had been drinking in the venue since 4pm, seven hours of consuming alcohol. Staff describe in their own words that the victim was someone who could certainly take their drink. This is my opinion would suggest this was someone who had consumed excessive amounts of alcohol and this might have had an impact on the outcome of this incident.

There is some conflicting evidence from the Police on scene in regard to staff having consumed alcohol, this might also be an aggravating factor. The overriding issue in this is that we cannot rely on any CCTV from the venue to investigate these issues as it was not working. This could also have an impact on the investigation and identification of the suspect for the assault.

I therefore recommend that Mr Morrison is removed as the DPS and also prevented from working at the venue in any capacity.

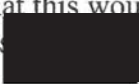
In addition to the above, the licensing subcommittee imposed an additional condition re the employment of one (1) SIA door supervisor. From representations made on the 27th June it was suggested that this should not remain a full term condition on the premises licence.

Police are recommending that this interim step remains and forms a condition on the premises licence. The reasoning for this request is for the promotion of the prevention of crime and disorder. The key word in all of this is Prevention, I feel the employment of an SIA door supervisor would act as deterrent to anyone causing disorder, and will without doubt provide reassurance to staff employed at the venue, that they have someone fully qualified and trained to deal with conflict management, and able to comply with condition 340 of the premises licence.

340: Our staff will refuse to serve a person who appears intoxicated. They will additionally discourage binge drinking and remove anyone behaving badly from the premises.

Only those trained and qualified as a door supervisor should be removing persons from the premises or hopefully prevent them from entering in the first instance.

To address the issue around the consumption of alcohol by staff. The evidence from Police is conflicting and this matter is strongly disputed by the staff on duty that night. For the avoidance of any further doubt, police recommend that a condition is added to the licence that prevents staff on duty from consuming any alcohol.

With the addition of the above recommendations and those changes already made I feel that this would be sufficient for the promotion of the prevention of crime and disorder licensing objectives 

Signature:  *362 ma*

Signature witnessed by:

Heron, Andrew

From: [REDACTED] on behalf of
SouthwarkLicensing@met.pnn.police.uk
Sent: 05 July 2017 15:52
To: Heron, Andrew
Subject: RE: Charlie Chaplin
Attachments: MG11 CHASE CCPH.PDF; Full review support.pdf; CCTV Statement Charlie Chaplin.pdf; Charlie Chaplin 3017427/17

Dear Andrew

Please find additional documents in relation to the forthcoming full review hearing.

Kind Regards

*Ian Clements PC 362 MD
Police Licensing Officer
Southwark Police Station
323 Borough High Street SE1 1JL
T 0207 232 6756
M 07974 836 444
ian.clements@met.pnn.police.uk*

Heron, Andrew

From: [REDACTED]
Sent: 21 June 2017 12:06
To: [REDACTED]
Subject: Charlie Chaplin 3017427/17

Hiya Mark!

I did indeed attend the Charlie Chaplin Pub to deal with a double stabbing that occurred on the premises. Myself and George Beechey were first on scene. We dealt primarily with the casualties and crime scene. Although we spoke briefly with staff, I did not consider the bar staff or landlord to be intoxicated or drunk. I know that Jason Chase has made a comment about this on CRIS, but I was totally unaware there were any concerns the staff had been drinking and I did not have this impression. In my opinion, the staff were very co-operative and helpful while we were dealing with this incident and did everything that was expected of them. There is a lot of BWV attached to the CRIS report if you need to view it, and MG11s have already been completed by us and passed to CID. However, I see a note on the CRIS system which states that the CCTV system was not working/recording at the time this incident occurred, which is probably more of interest to you.

If you need anything else from me, let me know!

Cheers!

Matt 975

From: Lynch Mark A - MD
Sent: 20 June 2017 10:35

[REDACTED]

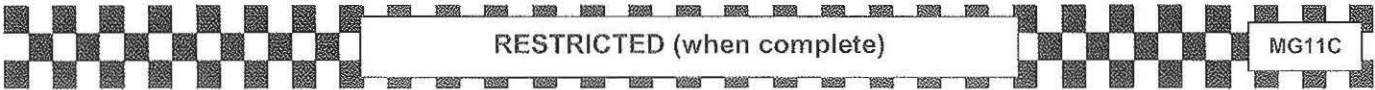
Subject: Charlie Chaplin 3017427/17

Good Morning

I believe you all attended the GBH at the Charlie Chaplin Public House SE1 on the 17th June 2017 in which two males were stabbed. Licensing are looking to take the venue to review this week for a number of licence condition breaches and the seriousness of the offence. I have seen on the CRIS that the bar staff and land were inebriated, would you mind doing brief statements stating that they were drunk, inebriated, intoxicated and how you were aware of this. I appreciate you are all very busy at the moment but these statements would really assist in closing the venue. If you could mail me the statement and I will come collect the hard copies

Many Thanks
Mark

Pc Mark Lynch 246MD
Southwark Licensing
Southwark Police Station
323 Borough High Street
SE1 3JL
0207 232 6756



RESTRICTED (when complete)

MG11C

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

[Empty boxes for URN]

Statement of: Jason CHASE

Age if under 18: 018 (if over 18 insert 'over 18') Occupation: T/Detective Constable p228139

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Witness Signature:



228139

Date: 22/06/2017

This statement is to detail my actions on 18/06/2017 in relation to attending a crime scene at The Charlie Chaplin public house, SE1 in relation to a male that had been stabbed.

On 18/06/2017 I was on duty in plain clothes employed on the duty of night duty CID call sign MD5 when at approximately 0010 hours I attended The Charlie Chaplin public house, 26 New Kent Rd, London SE1 6TJ in company with T/DC DEMPSTER in relation to male that had been stabbed at the location, CAD 10213/17JUN17 refers.

On arrival at the scene I liaised with PC BAILEY 975MD inside who apprised me of the circumstances of the incident. The venue was a crime scene and there were no patrons present. There was a barmaid behind the bar named 'Sharon' who pointed out some items on the bar that the suspect had been in contact with. 'Sharon' also directed me to the landlord of the venue and said 'he's the guvnor, he's on the brandy'. Sitting in the corner by the front aspect of the building was a male I now know to be Mr Craig MORISSON dob [redacted] Mr MORISSON identified himself as the landlord of the venue. He was drinking a large neat brandy from a brandy glass.

T/DC DEMPSTER and I conducted enquiries in relation to securing evidence and ensuring there were no outstanding lines of enquiry at the scene in our capacity as MD5.

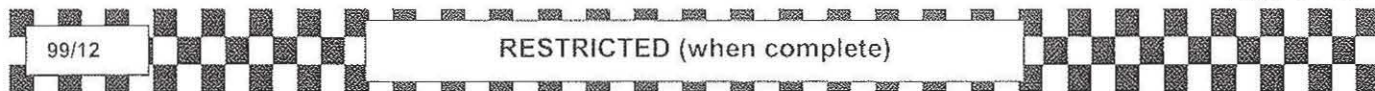
Directly outside of the venue I spoke briefly with the barmaid 'Sharon' to ascertain if she was willing to provide a statement to officers. She stated she had witnessed the incident and appeared genuinely shaken by what had happened; she wanted some time to consider if she

Witness Signature:



228139

Signature Witnessed by Signature:.....



Continuation of Statement of: *TDC JASON CRAJE*
wanted to give a statement. Her eyes were glazed and her speech was slightly slurred, small bits of spittle came from her mouth when she spoke; she appeared to be drunk. If she had been willing to I would have taken a written initial account from her but I would not have deemed her suitable to take a comprehensive statement.

I then spoke with Mr MORISSON with regards to securing the CCTV footage from the venue. He stated he did not know how to burn the footage onto a disc. I asked him how long it was retained for and he replied he wasn't sure but at least for a period of thirty (30) days. I informed him we would arrange for someone to attend to acquire the CCTV at a later date. He was still drinking neat brandy and I could smell it strongly on his breath as he spoke even though we were outside in the open air. His eyes were glazed and he appeared mellow; he was drunk although not disorderly so.

I have never met Sharon or Mr MORISSON prior to this incident. I have never attended the venue prior to this incident. I was at the venue (inside the pub and the area outside) for approximately twenty (20) minutes in total.

 *22839*

Witness Signature:  *22839*

Signature Witnessed by Signature:

Not Disclosable

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: James Glynn

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  (witness) Date: 22/06/2017

This statement refers to my visits to the Charlie Chaplin Public House 26 New Kent Road London SE1 6TJ.

At the request of DC Brian Gillespie from Walworth CID I was asked to visit the public house in order to download some CCTV footage in relation to a violent incident. DC Gillespie stated the Landlord was unable to view the footage and did not know how the system worked.

I visited the public house at 0938 hours on 19th June 2017, the person I was told was the Landlord Craig Morrison welcomed me into the pub and to a small cluttered room that was located behind the bar. He told me he had used the CCTV system in the past but he was having difficulty getting it to work. The Digital Video Recorder did not have a commercial make labelled on it, the time displayed on the system was 0906 hours the real time was 0940 hours. The DVR was very warm to touch. The cameras appeared to be working correctly. As I entered the play back menu, I tried to select past dates to play back footage. I tried several times of different recent dates and including 17th June 2017. No data was coming up to playback. The playback function would not even playback footage from that morning. I told the Landlord that I was not sure if his system was recording any footage. I

Signature:  Signature witnessed by:

went into the DVR's backup menu and again tried several dates to backup no footage was coming up again as if no data was being saved. I asked the Landlord for an instruction manual and he stated he did not have one. I told him the system appeared to be not working properly and I would go back to DC Gillespie with this information and that he may look to seize the DVR to retrieve footage. The landlord stated he would phone the for a CCTV engineer to have a look at the DVR to see if he could fix it.

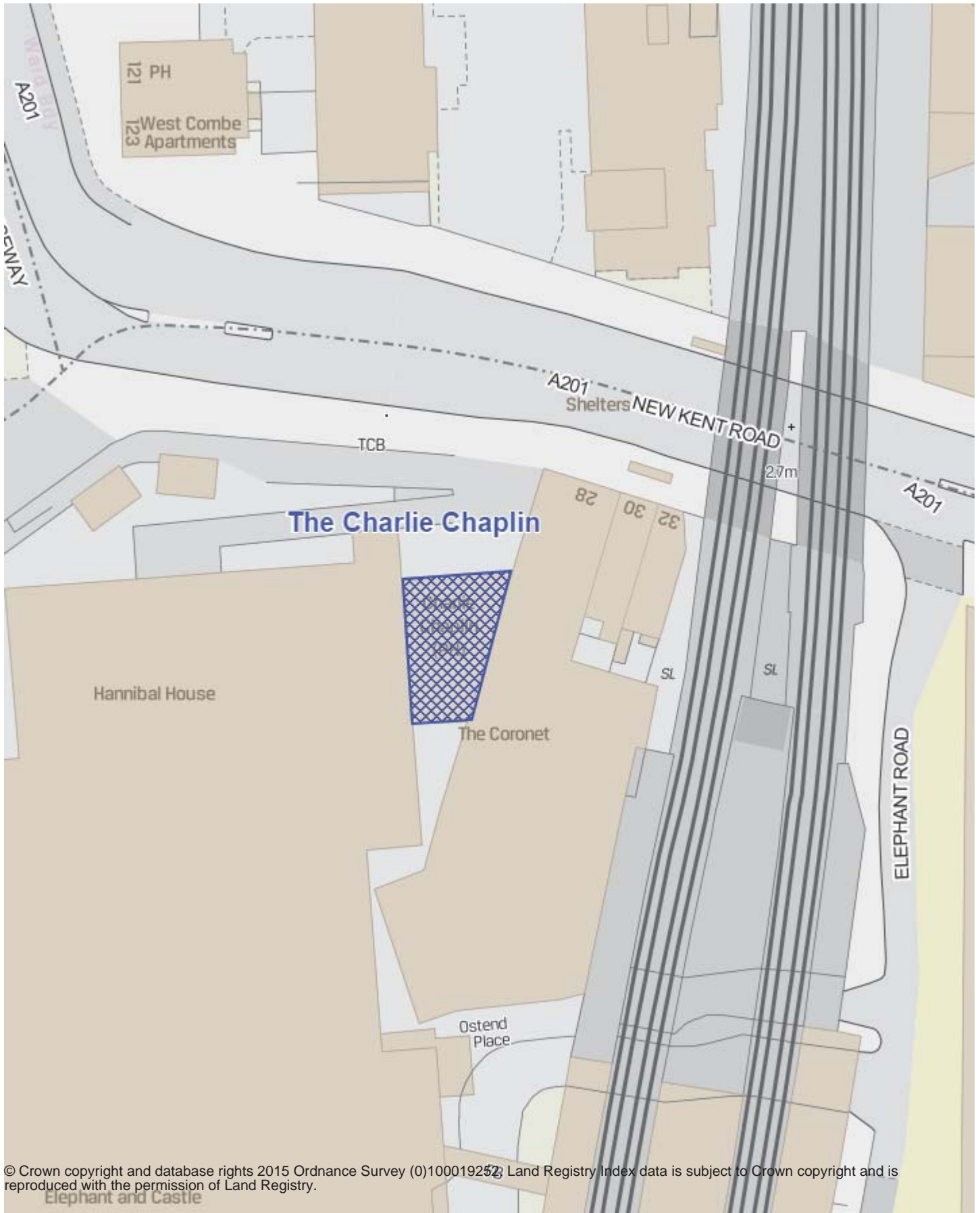
I reported my findings to DC Gillespie later that day, he stated he would contact the Landlord and seek permission to seize the DVR.

On 20th June 2017 I spoke again to Mr Morrison who stated that the engineer had looked at the DVR and was not able to get it working either. He said I could come round any time and agreed he would allow for the DVR to be taken but his boss wanted a replacement DVR fitted in its place. That afternoon around 1200 hours, I walked to the Charlie Chaplin public house with a replacement DVR. A female member of staff who stated she did not understand CCTV systems welcomed me to the room containing it. I switched off the DVR's power and took out its camera feed wires and power source and began to put our replacement DVR in place. As I was doing this, I noticed that our DVR which was a QVIS serial VL-152 was not accepting the camera feeds on being powered up. I decided to put back the original DVR and explained this to the female member of staff who was working the bar. I successfully put the pubs DVR back but noticed a large crackle static sound coming from the power source of the DVR and also that slight movements of this wire would fluctuate the power and cause this noise. This appeared to me to be unsafe. I had reattached the camera feeds and the pubs DVR was working as before. The female staff member said to me that the engineer had be round and said there was 'no hard drive' in the DVR. This was backed up in my opinion by the DVR error message stating there was an error reading the disc. The female staff member said she would put the boss on as she didn't understand the CCTV system and it

would be better I explain to her boss what had taken place. I spoke to her boss from her mobile phone and explained my steps. He stated that the DVR had worked before, I stated that during my time and it would appear from the engineer's time studying the DVR that it was not working properly. I also warned him that the power supply seemed unsafe and may electrocute someone in the future. He stated that he would look into the situation as he thought the DVR was working. I then left the premises with the MPS DVR in my possession.

On returning to Wakworth Police Station, I explained to DC Gillespie what had happened.





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Elephant and Castle



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21-Jun-2017

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