

Licensing Sub-Committee

Monday 21 January 2019

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Charlie Smith
Councillor Kath Whittam

Reserves

Councillor Ian Wingfield

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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: 11 January 2019



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Licensing Sub-Committee

Monday 21 January 2019
10.00 am

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

Order of Business

Item No.	Title	Page No.
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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: RED SEA, 85 CAMBERWELL ROAD, LONDON SE5 0EZ 1 - 53

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: 11 January 2019

Item No. 5.	Classification: Open	Date: 21 January 2019	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Red Sea, 85 Camberwell Road, London SE5 0EZ	
Ward(s) or groups affected:		Faraday	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application submitted by the Metropolitan Police Service (Licensing Division) under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence held by Letteberhan Abraha Tafla in respect of the premises known as Red Sea, 85 Camberwell Road, London SE5 0EZ.
2. Notes:
 - a) The grounds for the review are stated in paragraphs 13 to 15 of this report. A copy of the premises licence review application is attached as Appendix A.
 - b) The review application is supported by representations submitted by public health and the licensing authority in their roles as responsible authorities. Copies of the representations are attached as Appendix B. Details of the representations are provided in paragraphs 16 to 19.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix C. A map of the area that the premises are located in is attached as Appendix E.
 - 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 applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The premises licence allows the provision of licensable activities as follows:
- The sale of alcohol to be consumed on the premises:
 - Sunday to Thursday from 12:00 to 23:00
 - Friday from 12:00 to 00:00
 - Saturday from 12:00 to 02:00
 - The provision of late night refreshment (indoors):
 - Friday from 23:00 to 00:00
 - Saturday from 23:00 to 02:00
 - Opening hours:
 - Sunday to Thursday from 12:00 to 23:30
 - Friday from 12:00 to 00:30
 - Saturday from 12:00 to 02:30.
10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as Appendix C.

Designated premises supervisor (DPS)

11. The current Designated Premises Supervisor (DPS) named on the licence is Letteberhan Abraha Tafla. Letteberhan Abraha Tafla is also the licensee of the premises.

The review application

12. On 22 November 2018, an application was submitted by the Metropolitan Police Service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by

Letteberhan Abraha Tafla in respect of the premises known as Red Sea, 85 Camberwell Road, London SE5 0EZ.

13. The review application was submitted in respect of the prevention of crime and disorder licensing objective and in summary states that the following has been witnessed and /or taken place at the premises:

Prevention of crime and disorder:

- The premises was the subject of a summary licence review in September 2016 following an incident of serious crime and disorder. A male victim was punched and kicked to the ground and had his finger bitten by the suspect. The victim received injuries consistent with grievous bodily harm. On 9 September 2016 at the interim measures hearing, the licensing sub committee suspended the premises licence pending the full review hearing on the 3 October 2016.
 - At the full review hearing on 3 October 2016 the licensing sub- committee suspended the premises licence for a period of six weeks and modified the premises licence.
 - The premises licence holder agreed to change the operation of the premises to a restaurant and would no longer provide any type of regulated entertainment.
 - On 13 August 2018 at around 02:00 police were called to the premises to a suspected attempted murder. On arrival it was established that a male had tried to gain entry to the premises but was refused due him being intoxicated. The male suspect left the premises then returned later and attempted to stab a member of the security team outside of the venue. The male suspect was detained and arrested for attempted murder. Further investigation showed that in fact the suspect for the attempted murder had been allowed access to the premises, CCTV from the venue shows him apparently intoxicated and drinking what appears to be a bottle of beer on the dance floor.
 - The premises was operating in breach of its premises licence and was open to the public at least two and a half hours after they should have been closed to the public.
 - On 5 September 2018 at 18:00 a representative from Southwark Council's licensing team visited the premises and found it to be operating in breach of eight of the conditions of the premises licence.
 - On 30 October 2018 the licensing sub-committee convened to consider an application from the premises licence holder for a variation to the premises licence to extend the hours permitted for the sale of alcohol and opening times. The premises licence holder and their representative provided evidence to the sub-committee as to why the variation should be granted.
 - During this evidence it became apparent that the premises regularly provided regulated entertainment by way of a DJ over the weekends, it also became apparent that there still remained only one personal licence holder at the premises. One of the promises made by the premises licence holder on 3 October 2016 was that a further two staff would become personal licence holders (in breach of Condition 851). The application was then withdrawn by the applicant at the hearing.
14. The Metropolitan Police Service are seeking a revocation of the premises licence.
15. Full details of the grounds for the review are provided within review the application. A copy of the review application is attached as Appendix A.

Representations from responsible authorities

16. There are supporting representations submitted in support of the review application by public health and the licensing authority.
17. Public health's representation is submitted in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The representation expresses concerns over the offences alleged in the review application and fully supports that the premises licence be reviewed by the licensing sub-committee.
18. The licensing authority's representation is made in support of the police review and draws attention to the history of the premises and the conditions breaches that have been found during recent inspections, including 5 September 2018 for which the premises licence holder signed a simple caution, admitting the offences; and, more recently on 15 December 2018 officers re-inspected and found further breaches. It states that the licensing authority are considering further enforcement action against the premises licence holder for the latter breaches.
19. Copies of the representations are attached as Appendix B.

Representations from other persons

20. No representations have been received by other persons.

Operating History

21. A premises licence was issued to Ms Zege Abraha and Ms Letteberhan Tafla on 16 January 2008. Ms Abraha was specified as the designated premises supervisor (DPS).
22. On 18 February 2010 a licensing inspection of the premises was undertaken. One breach of the Licensing Act 2003 was substantiated in that the premises licence summary was not displayed at the premises. A re-inspection of the premises was undertaken on 12 March 2010 and the premises were found to be operating compliantly.
23. On 5 November 2010 an application, to have immediate effect, was submitted to transfer the licence to Ms Letteberhan Tafla solely. On the same date an application, to have immediate effect, was submitted to specify her as the DPS of the premises. An amended licence, pursuant to the above, was issued on 5 November 2010.
24. On 20 December 2010 an application to vary the licence was submitted. The application sought to extend the hours in respect of the licensable activities permitted by the licence and also to add further licensable activities to the licence. The application was refused by the licensing sub-committee on 7 February 2011.
25. On 14 July 2011 an application to vary the licence was submitted. The application sought to extend the hours in respect of the licensable activities permitted by the licence and also to add further licensable activities to the licence. The application was granted and an amended licence was issued on 9 September 2011.
26. On 10 July 2016 police officers visited the premises. The premises were operating outside of permitted operating hours and the following breaches of the premises licence were noted; (i) there was no personal licence holder working at the premises (breach of condition 336), (ii) there were no SIA registered door supervisors working at the premises (breach of condition 290) and (iii) CCTV footage could not be made immediately available to police officers (breach of condition 289). A closure order was served under section 19 Criminal and Justice Police Act 2001 in regards to the above

27. On 22 July 2016 a licensing officer attended the premises and undertook an induction with the licensee. During the induction the terms and conditions of the licence were fully explained, and the possible consequences of breaching licence conditions, or committing offences under the Licensing Act 2003, were explained to the licensee
28. On 3 August 2016 an application to vary the licence was submitted. The application sought to extend the hours in respect of the licensable activities permitted by the licence. The application was withdrawn on 6 September 2016.
29. On 7 August 2016 the premises were inspected by a licensing officer and a police officer as part of the night time economy team (NTET) duties on that date. The following breaches of the premises licence were noted; (i) there were no SIA registered door supervisors working at the premises (breach of condition 290), (ii) the CCTV system was not operational and CCTV footage could not be made immediately available to police officers (breach of conditions 288 & 289) and (iii) there were no staff training records as required by condition 4AB. The licensing officer explained the licence breaches and explained the conditions and the consequences should further breaches of the licence be substantiated.
30. The current premises licence was issued on 3 October 2016, further to an expedited review initiated by the Metropolitan Police Service on 7 September 2016 following a violent incident. The application went to an interim hearing of the Southwark licensing sub-committee on 9 September 2016 with the full hearing held on 3 October 2016. Copies of both notices of decision are available in Appendix D for member's information.
31. The licence has remained unchanged since that time; however a minor variation application was made on 24 August 2018 to amend the hours. This application was rejected. A full variation application was made on 5 September 2018 to extend alcohol and opening times and to amend conditions. However, this application was withdrawn by the applicant at the hearing on 26 October 2018.
32. Since the current licence was granted temporary event notices have been applied for and issued. The table below outlines those.

Applicant	Activities	Dates	Counter Notice
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	31/12/2016 - 01/01/2017 01:00 - 05:30	No
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	11/02/2017 - 12/02/2017 01:00 - 05:00 Both Days	No
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	11/03/2017 - 12/03/2017 01:00 - 05:00 Both Days	No
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	16/04/2017 - 17/04/2017 12:00 - 05:00	No
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	20/05/2017 - 20/05/2017 01:00 - 05:00	No

Applicant	Activities	Dates	Counter Notice
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	24/06/2017 - 25/06/2018 12:00 - 05:00	No
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	19/08/2017 - 20/08/2017 12:00 - 05:00	No
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	27/08/2017 - 28/08/2017 12:00 - 05:00	No
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	30/09/2017 - 01/10/2017 01:00 - 05:00	No
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	16/12/2017 - 17/12/2017 01:00 - 05:00	No
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	24/12/2017 - 25/12/2017 01:00 - 05:00	No
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	26/08/2018 - 27/08/2018 00:00 - 04:00	No
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	09/09/2018 - 10/09/2018 00:00 - 03:30	No
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	16/09/2018 - 17/09/2018 00:00 - 02:30	No
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	23/09/2018 - 24/09/2018 12:00 - 03:00	Yes. Late TEN objected to by Police
Letteberhan Abraha Tafla	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	23/12/2018 – 24/12/2018 10:00 to 03:00	Yes. Late TEN objected to by Police

33. There is no history of complaints regarding the premises, since this current licence was issued.
34. On 5 September 2018, an inspection was carried out at the premises, during which 8 breaches were found, further to which the licence holder signed a Simple Caution. A second inspection took place on 15 December 2018, during which further breaches were discovered. Full details of the failed inspections are contained with the supporting representation made by the licensing authority.
35. On 22 November 2018, an application was submitted by the Metropolitan Police Service under Section 51 of the Licensing Act 2003. At the time of composing the report, the

premises licence holder has not submitted a response to the review application and representation, any submissions received prior to the hearing will be circulated.

The local area

36. A map of the local area is attached as Appendix E. There are other licensed premises in the immediate vicinity:

Emukay Restaurant, 91 Camberwell Road, London SE5 0EZ:

- The sale of alcohol to be consumed both on and off the premises
 - Monday to Sunday from 10:00 to 02:00.
- The provision of late night refreshment:
 - Monday to Sunday from 23:00 to 03:00.
- The provision of regulated entertainment in the form of live and recorded music, performances of dance and anything similar:
 - Monday to Sunday from 20:00 to 02:30.

Southbank Nightclub, 57-59 Camberwell Road, London SE5 0EZ, licensed for:

- The sale by retail of alcohol (on sales only):
 - Sunday to Wednesday from 10:00 to 00:00
 - Thursday from 10:00 to 02:30
 - Friday and Saturday from 10:00 to 04:30.
- The provision of late night refreshment (indoors and outdoors):
 - Sunday to Wednesday from 23:00 to 00:00
 - Thursday from 23:00 to 02:30
 - Friday and Saturday from 23:00 to 04:30.
- The provision of regulated entertainment in the form of films, performances of dance, live music and recorded music (indoors):
 - Sunday to Wednesday from 10:00 to 00:00
 - Thursday from 10:00 to 02:30
 - Friday and Saturday from 10:00 to 04:30.

Legacy Restaurant, 53 Camberwell Road, London SE5 0EZ, licenced for:

- The sale by retail of alcohol (on sales only):
 - Monday to Thursday from 10:00 to 00:30
 - Friday to Sunday from 10:00 to 02:30.
- The provision of late night refreshment (indoors):
 - Monday to Thursday from 23:00 to 00:30
 - Friday to Sunday from 23:00 to 02:30.

- The provision of regulated entertainment in the form of performances of dance, live music and recorded music (indoors):
 - Monday to Thursday from 18:00 to 00:30
 - Friday to Sunday from 18:00 to 02:30

Dallas Chicken and Ribs, 30 Camberwell Road, London SE5 0EN, licensed for:

- The provision of late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 01:00.

Southwark council statement of licensing policy

37. Council assembly approved Southwark's Statement of Licensing Policy 2016 - 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
- Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
- Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
- Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
- Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
- Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
- Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
- Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.

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

39. Within Southwark's statement of licensing policy 2016 - 2020, the premises is outside of a cumulative impact policy area and within a residential area. Under the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises indicated:

- Closing time for restaurants and cafes:
 - 23:00 daily.
- Closing time for public houses, wine bars or other drinking establishments:
 - 23:00 daily
- Night clubs (with sui generis planning classification) are not considered appropriate for this area

Resource implications

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

Consultation

41. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

Community impact statement

42. 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

43. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 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.

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

Principles for making the determination

45. Under Section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.

46. 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.

47. 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.
48. 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 another person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
49. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
50. 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.
51. 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.
52. 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

53. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
 - The applicant
 - Any person who made relevant representations
 - The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

54. 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 and 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.

55. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

56. 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.

57. 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.

58. 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.

59. 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.

60. 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.

61. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.

62. 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.
63. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

64. 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

65. 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	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Supporting representations
Appendix C	Copy of the premises licence
Appendix D	Previous Licensing Sub Committee Notices of Decision
Appendix E	Map of local area

AUDIT TRAIL

Lead Officer	Ian Smith, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	8 January 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		8 January 2019

PROTECTIVE MARKING

RECEIVED

22 NOV 2018

Form 691


**METROPOLITAN
POLICE**
TOTAL POLICING

Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

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 this 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.
- You may wish to keep a copy of the completed form for your records.

I, Ian Clements PC362MD
**apply for the review of a premises licence under Section 51 of the Licensing Act 2003
for the premises described in Part 1 below**

Part 1 – Premises or club premises details

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

Red Sea 85 Camberwell Road

Post town:

Southwark

**Post code:
(if known)**

SE5 0UZ

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

Letteberhan Abraha Tafla

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

855543

Part 2 – Applicant details

I am:

Please tick Yes

- | | | |
|----------|--|-------------------------------------|
| 1 | an individual, body or business which is not a responsible authority
(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/> |
| 2 | a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | a member of the club to which this application relates (please complete section (A) below) | <input type="checkbox"/> |

PROTECTIVE MARKING

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:					First Names:				
I am 18 years old or over <input type="checkbox"/>									
Current postal address if different from premises address:									
Post town:					Post code:				
Daytime Tel. No.:					Email: (optional)				

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)

Name and Address:
Telephone Number (if any):
Email address: (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)

Name and Address:
PC Ian Clements 362 MD Metropolitan Police Service Southwark Police Station London SE1 1JL
Telephone Number (if any):
Email address: (optional)

This application to review relates to the following licensing objective(s)

		Please tick one or more boxes
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input type="checkbox"/>
3	The prevention of public nuisance	<input type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>

Please state the ground(s) for review: (please read guidance note 2)

On the 13th August 2018 at around 2am Police were called to the premises to a suspected attempted murder. On Police arrival it was established that a male had tried to gain entry to the premises but was refused due him being intoxicated. The male suspect left the premises then returned later and attempted to stab a member of the security team outside of the venue. The male suspect was detained and arrested for attempted murder. Further investigation showed that in fact the suspect for the attempted murder had been allowed access to the premises, CCTV from the venue shows him apparently intoxicated and drinking what appears to be a bottle of beer on the dance floor.

The premises was operating in breach of its premises licence and was open to the public at least two and a half hours after they should have been closed to the public. This incident was entirely avoidable had the premises been operating in line the restrictions of its premises licence.

The Premises licence holder has failed in their responsibility to promote the prevention of crime and disorder licensing objective.

PROTECTIVE MARKING

Please provide as much information as possible to support the application: (please read guidance note 3)

The premises known as Red Sea 85 Camberwell Road SE5 0EZ was the subject of a summary licence review in September 2016 following an incident of serious crime and disorder. A male victim was punched and kicked to the ground and had his finger bitten by the suspect. The victim received injuries consistent with grievous bodily harm.

On the 9th September 2016 at the interim measures hearing, the licensing sub committee suspended the premises licence pending the full review hearing on the 3rd October 2016.

At the full review hearing on the 3rd of October having considered all the relevant representations the licensing sub committee felt it appropriate and proportionate to suspend the premises licence for a period of six weeks and modify the premises licence as detailed in Annex B.

Essentially the premises licence holder had agreed to change the operation of the premises to a restaurant and would no longer provide any type of regulated entertainment. This was reflected in the modified conditions.

On the 13th August 2018 at around 2am Police were called to the premises to a suspected attempted murder. On Police arrival it was established that a male had tried to gain entry to the premises but was refused due him being intoxicated.

The male suspect left the premises then returned later and attempted to stab a member of the security team outside of the venue. The male suspect was detained and arrested for attempted murder. Further investigation showed that in fact the suspect for the attempted murder had been allowed access to the premises, CCTV from the venue shows him apparently intoxicated and drinking what appears to be a bottle of beer on the dance floor.

From evidence obtained from the crime report relating to the above incident

On this occasion the premises were providing regulated entertainment, they were open considerably later than the terminal hour of 23:30, there is evidence from CCTV to suggest that alcohol was being provided in the form of bottled beer and consumed on the premises. All in breach of the conditions of the premises licence.

On the 30th October 2018 the licence sub committee convened to consider an application from the premises licence holder for a variation to the premises licence to extend the hours permitted for the sale of alcohol and opening times.

The premises licence holder and their representative provided evidence to the committee as to why the variation should be granted.

During this evidence it became apparent that the premises regular provided regulated entertainment by way of a DJ over the weekends, it also became apparent that there still remained only one personal licence holder at the premises, one of the premises made by the premises licence holder on the 3rd October 2016 was that a further two staff would become personal licence holders. This was evidenced in the committees decision to suspend the licence to allow time for the additional staff to obtain their qualifications. This is clearly not the case, and it would appear the premises have been operating in breach of the premises licence condition 851 since the 3rd October 2016.

On the 5th September 2018 at 6pm a representative from Southwark's Councils licensing team visited the premises and found it to be operating in breach of no less than eight of the conditions of the premises licence.

It is my submission that the premises licence holder has shown a complete disregard towards the promotion of the licensing objectives, in particular the prevention of crime and disorder. They have been consistently operating in breach of the premises licence.

As a consequence of the premises licence holders inability to run the premises properly, a member of staff was put in danger of losing their life.

I have no confidence that the situation will improve with the addition of further control measures, I therefore submit that the licensing sub committee consider revocation of the premises licence.

PROTECTIVE MARKING

Have you made an application for review relating to this premises before?

(Please tick yes)

Day

Month

Year

If yes, please state the date of that application:

If you have made representations before relating to this premises please state what they were and when you made them:

PROTECTIVE MARKING

Please tick Yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.

I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature:  Date: 22/11/2018

Capacity: 

Contact name (where not previously given) **and postal address for correspondence associated with this application:** (please read guidance note 6)

Ian Clements PC 362MD Southwark Police Station 323 Borough High Street

Post town: London

Post code: SE11JL

Telephone Number (if any):

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Heron, Andrew**PUBLIC HEALTH**

Subject: FW: Re: Red Sea, 85 Camberwell Road, London, SE5 0EZ

From: Public Health Licensing
Sent: Monday, December 17, 2018 12:48 PM
To: Regen, Licensing
Cc: Shapo, Leidon; Public Health Licensing
Subject: Re: Red Sea, 85 Camberwell Road, London, SE5 0EZ

To whom it may concern:

Re: Red Sea, 85 Camberwell Road, London, SE5 0EZ

On behalf of the Director of Place and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

This representation is made in respect of the following licensing objective(s):

- Prevention of public nuisance
- The prevention of crime and disorder
- Public safety

General Comments

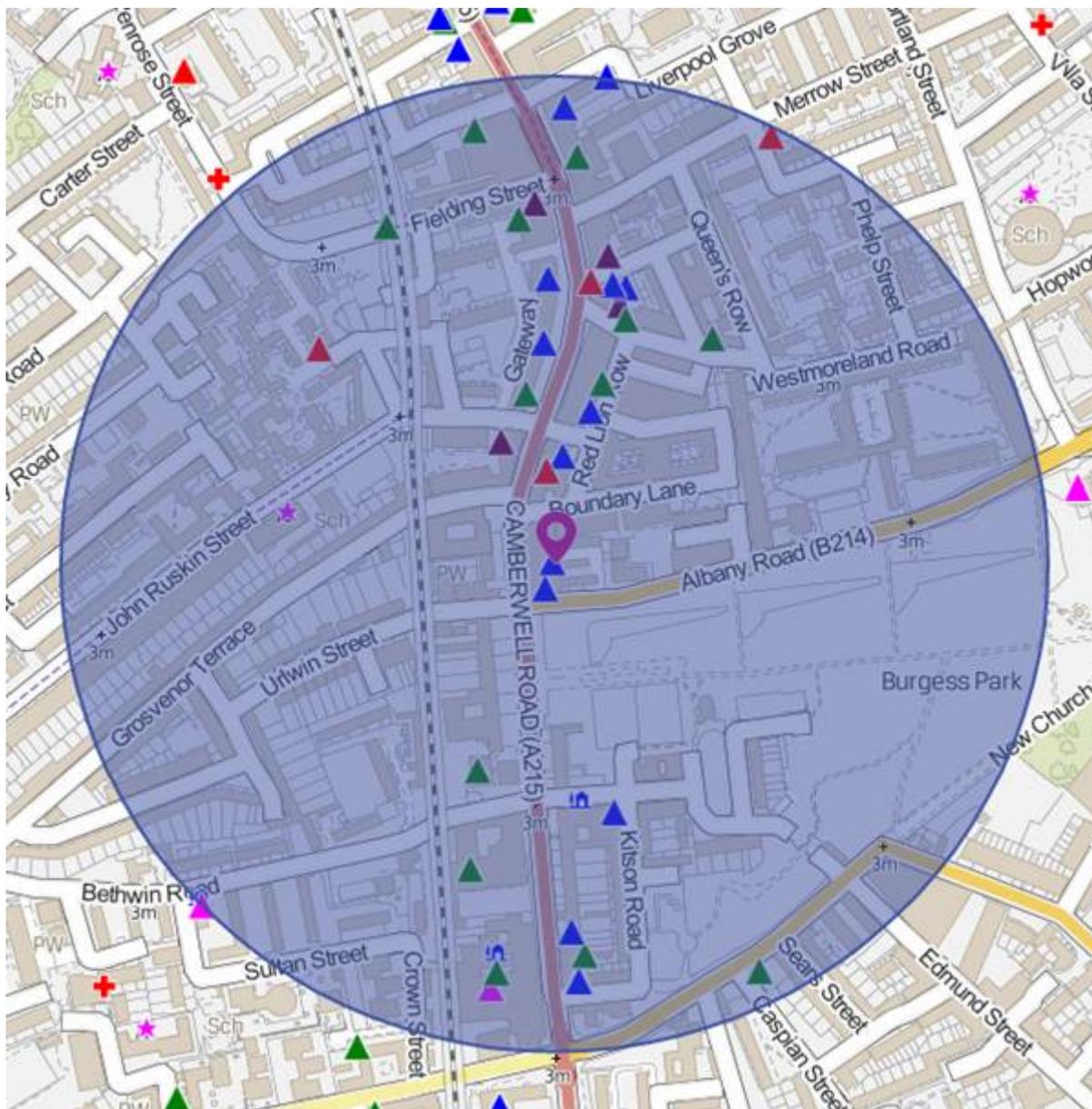
The premises is located in the Faraday ward, where 66% of the population is in the most deprived quintile.

Although this premises is located outside the Borough Bankside Cumulative Impact Policy area, it is located within a residential area.

Faraday is responsible for 4% of all alcohol related ambulance call-outs in Southwark and the standardised admission ratio for alcohol related harm is statistically higher than England.

Furthermore, within a 400m radius of the premises there are several other licensed premises, one primary school and two hostels/alcohol recovery centres. As a result of this, children and other vulnerable residents/visitors are likely to come in contact with individuals buying alcohol from the premises or intoxicated.

Figure 1 – Map excerpt showing the location of various points of interests within a walking distance from the premises



Recommendations

Public Health supports the recommendation made by the Police for the Licensing sub-committee to consider the revocation of the premises licence.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely,

Clizia Deidda, on behalf of Professor Kevin Fenton, Director of Place and Wellbeing (incorporating the role of Director of Public Health)

Clizia Deidda

Public Health Policy Officer (Mental Health, Substance Misuse & Healthcare) | Public Health Division
Place and Wellbeing Department | London Borough of Southwark

160 Tooley Street | London SE1P 5LX

T: 0207 525 7707 | M: 07710 179 570

E: Clizia.deidda@southwark.gov.uk

www.southwark.gov.uk

MEMO: Licensing Unit

To	Licensing Unit	Date	20 December 2018	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject

Re: Red Sea, 85 Camberwell Road, London, SE5 OEZ

t

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 which seeks to revoke the premises licence.

The review application relates to the prevention of crime and disorder and is summarised as follows:

'On the 13 August 2018 at around 2am Police were called to the premises to a suspected attempted murder. On Police arrival it was established that a male had tried to gain entry to the premises but was refused due to him being intoxicated. The male suspect left the premises then returned later and attempted to stab a member of the security team outside of the venue. The male suspect was detained and arrested for attempted murder. Further investigation showed that in fact the suspect for the attempted murder had been allowed access to the premises, CCTV from the venue shows him apparently intoxicated and drinking what appears to be a bottle of beer on the dance floor. The premises was operating in breach of its premises licence and was open to the public at least two and a half hours after they should have been closed to the public. This incident was entirely avoidable had the premises been operating in line the restrictions of its premises licence. The Premises licence holder has failed in their responsibility to promote the prevention of crime and disorder licensing objective'

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

The premises is situated in a residential area and under the Southwark Statement of Licensing Policy 2016 - 2020 the appropriate closing times for Restaurants, Public Houses, Wine bars or other drinking establishments in this area is **23:00 daily. Night Clubs (with sui generis planning classification) are not considered appropriate for this area.**

The premises is a *'restaurant and bar'* and currently has generous hours granted on the current licence which are outside the hours recommended for a residential area within the policy. It would seem that the premises is changing in nature/operating as a night club which under the policy is not considered appropriate for this area.

This premises has previously been the subject of an expedited review submitted by the chief of police for the metropolitan police following an incident associated with serious crime and/or serious disorder which took place on 4 September 2016. At the full hearing for the review it was the decision of the

licensing sub committee to suspend the licence for 6 weeks and to modify the conditions. **I attached a copy of the LSC notice of decision on 3 October 2016 to this representation.**

On Wednesday 5th September 2018 at 18:00 a licensing officer visited the premises to carry out a full premises licence inspection. Letteberhan Abraha Tafla, the premises licence holder and DPS was present during the inspection and the following breaches of the premises licence conditions were found:

- **298** That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry, Management reserve the right to refuse entry'
- **309** That all amplified recorded and live music be played through the amplification regulated by the sound limiting device.
- **311** That clearly legible notice shall be prominently displayed at each exit at the premises and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
- **320** That a sound limiter be installed in the basement room and be set at a level by the applicants engineer in association with residents of the flats above and immediately adjoining in presence of Environmental Protection Team
- **841** 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.
- **8AB** That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- **8AI** That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

In addition, the officer noted that Condition 341 which states:

- **341** That an entrance lobby be constructed to the ground floor entrance sufficient in size to permit the outer door closing before customer enter the inner door to the ground floor and basement stairway.

There was no entrance lobby to the premises, you enter the premises directly from the street into the ground floor restaurant. However, there is a separate door to the basement that also has a door to street level.

After investigation of the above breaches the licensee and DPS Letteberhan Abraha Tafla received a caution on 13 November 2018 for the offences committed under the Licensing Act 2003. **I attached to this representation the information regarding the caution and the signed caution.**

On 15 December 2018 at 21:30 hours licensing officers visited the premises and witnessed further breaches of the premises licence as follows:

- **841** 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.
- **8AB** That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- **8AI** That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
- **789** That a Member of staff shall be on duty at all times the premises is open that is trianed in the use of the CCTV and able to view the CCTV and able to download images to a removable device on request of police or council officer

The licensing unit are now considering further enforcement action regarding the repeated breaches of the premise licence.

Considering the past history and the way that the premises is currently operating I have no confidence in Letteberham Abraha Tafla to promote the licensing objectives or adhere to the conditions on the premises licence. I therefore recommend that the premises licence is revoked.

I may submit further supporting information to this representation at a later stage.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:
<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

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

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 3 OCTOBER 2016

LICENSING ACT 2003: RED SEA, 85 CAMBERWELL ROAD, LONDON SE5 0EZ

1. Decision

That the council's licensing sub-committee, having considered an application made under Section 53A of the Licensing Act 2003 by the chief of police for the metropolitan police area for a review of the premises licence issued in respect of the premises known as Red Sea, 85 Camberwell Road, London SE5 0EZ and also having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

- a) Suspend the licence for a period of six weeks
- b) Modify the conditions of the licence by removing the following conditions:
 - Conditions 332, 345, 4AA, 4AB, 4AC, 4AI 288, 289, 290, 332 and 340.
- c) Modify the conditions of the licence by adding the following conditions:
 1. 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.
 2. That a member of staff should be on duty 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 removable device on request of Police or council officer.
 3. 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.
 4. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.

5. That two SIA registered door supervisors will be engaged when the premises are in operation on Saturday and will be employed at all times after 22:00 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
6. That all SIA shall sign in to a register which shall include their Name, badge number and telephone number and should include a declaration of expectation from the management in dealing with crime, drunkenness, assisting police and refusing entry to intoxicated people.
7. That the company engaged to provide door supervisors (the 'service provider') shall be subject to independent third party auditing to confirm that it complies with BS 7960:2005 Code of Practice in Door Supervision, including incident record keeping, and cooperation with police and other authorised officers. An instruction to SIA staff to cooperate with investigation of any incident by an authorised officer must be explicit in the assignment instructions for these premises from the service provider to the SIA door supervisors.
8. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.
9. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of two measures per container/glass
10. That after 11 p.m. only polycarbonate or toughened glass drinking vessels shall be available to patrons, and all bottled drinks sold must be decanted into a drinking container before service to the customer, with the exception of bottles of wine served to persons seated in the restaurant, and who are taking or have ordered a table meal.
11. That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
12. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals); the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

13. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
 14. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
 15. That no minors, under the age of 18 are allowed on the premise after 23:00 hours.
 16. That all minors under the age of 16 years of age are to be accompanied by a responsible adult at all times.
 17. That at least the designated premises supervisor plus one other personal licence holder shall be on the premises at all times that licensable activities are taking place.
 18. That the designated premises supervisor and all staff are trained by a recognised accredited organisation in their responsibilities under the Licensing Act 2003. All training records shall be kept and updated every six months and shall be on request made immediately available to the officers of the police and the council.
- d) That the times for licensable activities shall be modified as follows: Sunday to Thursday from 12.00 to 23.00, Friday from 12.00 to 00.00 and Saturday from 12.00 to 02.00 (to close 30 minutes later with all customers to have left the premises).
- e) That all regulated entertainment shall be removed from the licence

2 Reasons for the decision

The reasons for this decision are as follows:

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 7 September 2016 they applied to the licensing authority for a summary review in respect of these premises. A senior member of the police force, for the area, certified that in his opinion, the premises were associated with serious crime and/or serious disorder.

The summary review application resulted due to an incident that took place on 4 September 2016 at 02.45. It was alleged that a serious assault occurred at the premises which resulted in the victim receiving injuries consistent with grievous bodily harm. On arrival, the police noted that most of the patrons attending the premises were drunk. They arrested two suspects and when the police attempted to liaise with the SIA staff they were un-cooperative and refused to provide formal witness statements to the police and were reluctant to provide their details or aid in the police's enquiries. Furthermore, CCTV cameras at the premises were obstructed and of no evidential use. The police also advised that there had been previous breaches of the licence on 10 July and 7 August 2016. On 10 July 2016, a Section 19 Closure Notice was served.

The licensing sub-committee heard from licensing as a responsible authority who advised that they supported the police application but were happy to accept the conditions and modifications of the licence agreed between the responsible authorities and the licensee.

The licensing sub-committee heard from the environmental protection officer who supported the review and advised the incident that led to the assault causing wounding, escalated from an incident of harassment of a woman by a male. The officer added that incidents of harassment carry with them the risk that such incidents may be flashpoints for escalation into violent conduct. The officer also referred to the unproven counter-allegation of an assault with a glass bottle. This suggests that the premises was providing alcohol in bottles which could be used as casual weapons. The premises also allowed bottles of spirits being available for sale by patrons, thus allowing the free pouring of spirits by the purchaser, which would inevitably lead to individuals becoming heavily intoxicated. The environmental protection officer recommended that conditions be added to the licence.

The licensing sub-committee heard from the representative from trading standards supporting the review who advised that they had recently objected to the application to vary the licence (to extend hours) under the protection of children from harm licensing objective. The current licence permits children to be on the premise at any opening times but they have to be accompanied by an adult after 23.00 (condition 332). In addition, condition 345 allows 16 and 17 year olds to drink beer, wine or cider with a table meal provided the adult purchases the drink and accompanies them at the table.

The trading standards officer also expressed concern that the premise had received a section 19 notice on 10 July 2016 due to serious breaches of the licence, which were also witnessed on 7 August. Despite advice and guidance being given, the incident of 4 September 2016 still occurred. Trading standards are of the opinion that if the conditions on the licence had been complied with, the serious assault may not have occurred. Trading standards were of the view that the licence should be revoked.

The licensing sub-committee heard from the premises licence holder and her representative who informed the sub-committee that the premises was a restaurant and on Saturday nights there was a "night club" in the basement of the premises where events take place for weddings, christenings etc. They advised that they cooperated with all of the authorities and agreed with the proposed licence conditions set out in a document submitted by the police (further evidence of the police, points 1 to 7). The premises licence holder advised that they planned to change the operation of the premises to a pizzeria. She also proposed having two friends apply for personal licences to assist her in the running of the premises.

Concerning the events of 4 September 2016, the premises licence holder advised that she had been at the premises and called the police when the incident occurred. The premises licence holder recognised that the incident happened as a result of the harassment of a female patron and assured the sub-committee that the premises are signed up to the Southwark Women's Safety Charter.

The sub-committee considered all the written and oral evidence before it and concluded that the six weeks suspension of the premises licence would allow the premises adequate time to change the operation of the premises and make the necessary arrangements for the two proposed personal licence holders to complete their training and to apply for the licenses. The licence has been modified with the agreement of the premises licence holder and will ensure that the four licensing objectives are robustly promoted.

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.

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

Date: 3 October 2016



MS Letteberhan Abraha-Tafla
 Red Sea
 85 Camberwell Road
 SE5 0EZ

Licensing Unit
 Direct Dial - 020 7525 5767
 Facsimile - 020 7525 5735
 Our Ref:

5 November 2018

Dear Ms Letteberhan Abraha Tafla

Simple Caution

Section 136 (1) (a) of The Licensing Act 2003, which states that:

"A person commits an offence if -

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or*
- (b) knowingly allows a licensable activity to be so carried on.*

The facts surrounding the alleged offences, briefly described in the attached document, have been reported to me by an Officer of this service. I have carefully considered these facts and concluded that there are sufficient grounds to institute legal proceedings under the above legislation.

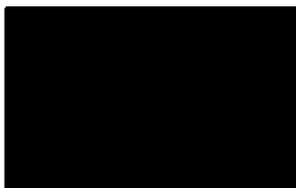
However, on this occasion I am proposing to issue a simple caution in respect of the allegations. This course of action is subject to your agreement and admission of the alleged offences.

Before making your decision I recommend you seek independent legal advice about this matter and ensure you are aware of the consequences of accepting a simple caution. These are listed on the attached document.

If you agree you need to sign the declaration attached. A countersigned copy of the caution will then be issued to you in due course.

If you have any queries about this matter please do not hesitate to contact us.

Yours faithfully,



David Littleton
Head of Regulatory Services
licensing@southwark.gov.uk

SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

CASE REFERENCE:	
OFFENDER'S SURNAME:	Tafla
FORENAME(S):	Letteberhan Abraha
NATIONAL INSURANCE No.	
OCCUPATION:	Licence Holder/DPS
ADDRESS:	85 Camberwell Road London SE5 0EZ
DATE OF BIRTH:	15/03/1959 Eritrea

DATE OF OFFENCES:	13 August 2018/5 September 2018
PLACE OF OFFENCE(S):	Red Sea 85 Camberwell Road London SE5 0EZ
BRIEF CIRCUMSTANCES OF OFFENCE(S):	<p>During the early hours of Monday 13th August 2018 a serious incident occurred outside of Red Sea which resulted in the arrest of a patron from the premises. It later transpired that the premises was operating beyond their permitted hours and providing licensable activities without authorisation detailed below:</p> <ol style="list-style-type: none"> 1. Regulated entertainment was being provided at the venue without a licence to provide regulated entertainment of a similar description to playing of recorded music. Thus Licensable activities were knowingly allowed to be carried on at the premises without authorisation contrary to Section 136(1) (a) and (b) of The Licensing Act 2003. 2. Alcohol was being served to customers on the premises beyond their licensable hours without authorisation contrary to Section 136(1) (a) and (b) of The Licensing Act 2003. <p>The above offences prompted a licensing inspection on Wednesday 5th September 2018 where a Licensing Officer attended Red Sea premises. During the inspection the Officer witnessed the following conditions being breached:</p> <ul style="list-style-type: none"> • 298 That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry,

	<p>Management reserve the right to refuse entry'</p> <ul style="list-style-type: none"> • 309 That all amplified recorded and live music be played through the amplification regulated by the sound limiting device. • 311 That clearly legible notice shall be prominently displayed at each exit at the premises and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents. • 320 That a sound limiter be installed in the basement room and be set at a level by the applicants engineer in association with residents of the flats above and immediately adjoining in presence of Environmental Protection Team • 841 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. • 8AB That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the
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trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

- 8A1** That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
- 341** That an entrance lobby be constructed to the ground floor entrance sufficient in size to permit the outer door closing before customer enter the inner door to the ground floor and basement stairway.

Section 136 (1) (1) of the Licensing Act 2003 states that:

"A person commits an offence if --

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or

	<p>(b) knowingly allows a licensable activity to be so carried on."</p> <p>On November 2nd 2018 Ms Letteberhan Abraha Tafla attended 160 Tooley Street accompanied with her solicitor and interpreter for an interview under caution. During the course of the interview Ms Tafla via her solicitor provided a prepared statement where she admitted the offences on both dates.</p> <p>Ms Letteberhan Abraha Tafla has therefore accepted liability for the offences committed on the 13th August and 5th September 2018. She also gave reassurance that she will endeavour to comply with her licensing conditions going forward.</p>
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Ministry of Justice guidance on simple cautions (issued 8th April 2013)

Please read the guidance below and the attached declaration. Make sure you understand it before you sign. You may seek independent legal advice before you accept the caution. Some of these points are applicable to cautions issued by the Police and will not be relevant to this matter.

1. A simple caution is an admission of guilt to committing an offence and forms part of an offender's criminal record. A record will be retained by the Council for future use. It may also be disclosed in a court in any future proceedings.
2. If after the simple caution has been administered, new evidence comes to light suggesting that the offence(s) committed are more serious, a prosecution may still be brought.
3. A simple caution may be disclosed to a current or prospective employer in certain circumstances. Separate guidance governs the disclosure of criminal record information
4. Simple cautions become spent immediately they are administered. This means that you do not need to disclose a simple caution when asked unless you are seeking work in an occupation that is listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974 such as working with children and vulnerable adults or for other excepted purposes such as seeking to obtain certain licences. Police Cautions will also be disclosed under Disclosure and Barring Service (DBS) standard and enhanced checks. Further information can be obtained from the DBS.
5. The DBS maintains the lists of those barred from working with children and vulnerable groups, including adults. A simple caution may be taken into account by the DBS when reaching a decision about the suitability of persons to work with children and adults. Accepting a simple caution for certain offences may lead to the offender's inclusion on such a list which will prevent them from working in a regulated post with children and vulnerable groups. Further information should be obtained from the DBS.

6. If the offence(s) involve a victim or victims they might still take civil action or bring a private prosecution against you. The Council may provide your details to the victims if this is necessary for legal action to take place.
7. Countries requiring foreign nationals to obtain entry visas may require applicants to declare simple cautions on their application forms or at interview. Other country's immigration rules may mean that a person who has received a simple caution is refused entry as though they have a criminal conviction. The Rehabilitation of Offenders Act 1974 only applies within the UK which means simple cautions, even if spent, may still need to be disclosed to some countries in some circumstances. This will vary from country to country and may apply to people who want to emigrate permanently or those who simply want to visit for short term purposes, such as on business, for a holiday or to study. For specific information on what an individual may be required to disclose, the relevant embassy of the country of travel should be contacted.

Further information relating to certain cautions

If this caution relates to the sale of age restricted products (ARPs) or services please note that further covert test purchases will be attempted by the Council at your business. This means we will send in underage, or young looking, volunteers to attempt to buy ARPs or services. Such test purchasing may be covertly observed and recorded. You should also advise all sales staff of this.

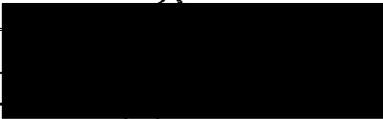
SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

DECLARATION:

I have read and understand all this information.
I hereby declare that I (insert name)

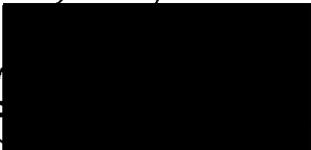
Letterberhan Abraha Tafla

I admit the offence described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME: LETTEBRHAN W. TAFLA SIGNED: 
(Block capitals)

DATED THIS 13th DAY of November 2018

After a signature has been added above, an officer of Southwark Council will countersign and return a copy.

NAME: DAVID LITTLETON SIGNED: 

DESIGNATION: Environmental Health & Trading Standards Business Manager

DATED THIS 7th DAY of NOVEMBER 2018

Licensing Act 2003

Premises Licence



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

Premises licence number

855543

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Red Sea 85 Camberwell Road	
Ordnance survey map reference (if applicable): 177683532439	
Post town: London	Post code: SE5 0EZ
Telephone number: 020 7277 4494	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises

The opening hours of the premises. For any non standard timings see Annex 2.

Monday	12:00 - 23:30
Tuesday	12:00 - 23:30
Wednesday	12:00 - 23:30
Thursday	12:00 - 23:30
Friday	12:00 - 00:30
Saturday	12:00 - 02:30
Sunday	12:00 - 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

The times the licence authorises the carrying out of licensable activities. For any non standard timings see Annex 2.

Late Night Refreshment - Indoors

Friday	23:00 - 00:00
Saturday	23:00 - 02:00

Sale by retail of alcohol to be consumed on premises

Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 00:00
Saturday	12:00 - 02:00
Sunday	12:00 - 23:00

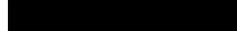
Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Letteberhan Abraha Tafla
85 Camberwell Road
London
SE5 0EZ

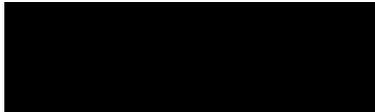
**Registered number of holder, for example company number, charity number (where applicable)****Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Letteberhan Abraha Tafla

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


Authority: L.B.Southwark

Licence Issue date: 03/10/2016



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

4AK That the Premises Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch Scheme should there be one in existence for the area in which the premises is located.

276 That adequate ventilation shall be installed downstairs.

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

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

308 That no new entry or re-entry to premises be permitted after 0100 except for those patrons returning from smoking.

309 That all amplified recorded and live music be played through the amplification regulated by the sound limiting device.

310 Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Those leaving the premises should not be permitted to consume drinks whilst outside. Those who do temporarily leave for this reason shall be the subjected to the requirement of a further search.

311 That clearly legible notice shall be prominently displayed at each exit at the premises and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.

320 That a sound limiter be installed in the basement room and be set at a level by the applicants engineer in association with residents of the flats above and immediately adjoining in presence of Environmental Protection Team.

336 That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.

341 That an entrance lobby be constructed to the ground floor entrance sufficient in size to permit the outer door closing before customer enter the inner door to the ground floor and basement stairway.

342 That the door to the basement room from the passage and stairway-up be made self closing and be kept closed during performance of regulated

entertainment.

343 An emergency button will be installed in toilets to call for assistance upstairs.

344 That recorded music will be kept at a reasonable level through out opening hours.

346 All SIA Staff are required to record their details, including SIA Badge number, in a booking on/off register

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

8AF No open containers of alcohol or any other drink shall be taken outside of the premises.

840 Smoking shall not be permitted at the rear of the premises.

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 a member of staff should be on duty 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 removable device on request of Police or council officer.

841 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 intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.

843 That two SIA registered door supervisors will be engaged when the premises are in operation on Saturday and will be employed at all times after 22:00 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

844 That all SIA shall sign in to a register which shall include their Name, badge number and telephone number and should include a declaration of expectation from the management in dealing with crime, drunkenness, assisting police and refusing entry to intoxicated people.

845 That the company engaged to provide door supervisors (the 'service provider') shall be subject to independent third party auditing to confirm that it complies with BS 7960:2005 Code of Practice in Door

Supervision, including incident record keeping, and cooperation with police and other authorised officers. An instruction to SIA staff to cooperate with investigation of any incident by an authorised officer must be explicit in the assignment instructions for these premises from the service provider to the SIA door supervisors.

846 That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.

847 That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of two measures per container/glass

848 That after 11 p.m. only polycarbonate or toughened glass drinking vessels shall be available to patrons, and all bottled drinks sold must be decanted into a drinking container before service to the customer, with the exception of bottles of wine served to persons seated in the restaurant, and who are taking or have ordered a table meal.

849 That no minors, under the age of 18 are allowed on the premise after 23:00 hours.

850 That all minors under the age of 16 years of age are to be accompanied by a responsible adult at all times.

851 That at least the designated premises supervisor plus one other personal licence holder shall be on the premises at all times that licensable activities are taking place.

852 That the designated premises supervisor and all staff are trained by a recognised accredited organisation in their responsibilities under the Licensing Act 2003. All training records shall be kept and updated every six months and shall be on request made immediately available to the officers of the police and the council.

853 That the times for licensable activities shall be modified as follows: Sunday to Thursday from 12.00 to 23.00, Friday from 12.00 to 00.00 and Saturday from 12.00 to 02.00 (to close 30 minutes later with all customers to have left the premises).

8AA That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is

composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

8AB That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

8AC That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.

8AI That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

Annex 4 - Plans - Attached

Licence No. 855543

Plan No. N/A

Plan Date 11 Sept 2007



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 3 OCTOBER 2016

LICENSING ACT 2003: RED SEA, 85 CAMBERWELL ROAD, LONDON SE5 0EZ

1. Decision

That the council's licensing sub-committee, having considered an application made under Section 53A of the Licensing Act 2003 by the chief of police for the metropolitan police area for a review of the premises licence issued in respect of the premises known as Red Sea, 85 Camberwell Road, London SE5 0EZ and also having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

- a) Suspend the licence for a period of six weeks
- b) Modify the conditions of the licence by removing the following conditions:
 - Conditions 332, 345, 4AA, 4AB, 4AC, 4AI 288, 289, 290, 332 and 340.
- c) Modify the conditions of the licence by adding the following conditions:
 1. 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.
 2. That a member of staff should be on duty 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 removable device on request of Police or council officer.
 3. 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.
 4. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.

5. That two SIA registered door supervisors will be engaged when the premises are in operation on Saturday and will be employed at all times after 22:00 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
6. That all SIA shall sign in to a register which shall include their Name, badge number and telephone number and should include a declaration of expectation from the management in dealing with crime, drunkenness, assisting police and refusing entry to intoxicated people.
7. That the company engaged to provide door supervisors (the 'service provider') shall be subject to independent third party auditing to confirm that it complies with BS 7960:2005 Code of Practice in Door Supervision, including incident record keeping, and cooperation with police and other authorised officers. An instruction to SIA staff to cooperate with investigation of any incident by an authorised officer must be explicit in the assignment instructions for these premises from the service provider to the SIA door supervisors.
8. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.
9. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of two measures per container/glass
10. That after 11 p.m. only polycarbonate or toughened glass drinking vessels shall be available to patrons, and all bottled drinks sold must be decanted into a drinking container before service to the customer, with the exception of bottles of wine served to persons seated in the restaurant, and who are taking or have ordered a table meal.
11. That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
12. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

13. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
 14. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
 15. That no minors, under the age of 18 are allowed on the premise after 23:00 hours.
 16. That all minors under the age of 16 years of age are to be accompanied by a responsible adult at all times.
 17. That at least the designated premises supervisor plus one other personal licence holder shall be on the premises at all times that licensable activities are taking place.
 18. That the designated premises supervisor and all staff are trained by a recognised accredited organisation in their responsibilities under the Licensing Act 2003. All training records shall be kept and updated every six months and shall be on request made immediately available to the officers of the police and the council.
- d) That the times for licensable activities shall be modified as follows: Sunday to Thursday from 12.00 to 23.00, Friday from 12.00 to 00.00 and Saturday from 12.00 to 02.00 (to close 30 minutes later with all customers to have left the premises).
 - e) That all regulated entertainment shall be removed from the licence

2 **Reasons for the decision**

The reasons for this decision are as follows:

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 7 September 2016 they applied to the licensing authority for a summary review in respect of these premises. A senior member of the police force, for the area, certified that in his opinion, the premises were associated with serious crime and/or serious disorder.

The summary review application resulted due to an incident that took place on 4 September 2016 at 02.45. It was alleged that a serious assault occurred at the premises which resulted in the victim receiving injuries consistent with grievous bodily harm. On arrival, the police noted that most of the patrons attending the premises were drunk. They arrested two suspects and when the police attempted to liaise with the SIA staff they were un-cooperative and refused to provide formal witness statements to the police and were reluctant to provide their details or aid in the police's enquiries. Furthermore, CCTV cameras at the premises were obstructed and of no evidential use. The police also advised that there had been previous breaches of the licence on 10 July and 7 August 2016. On 10 July 2016, a Section 19 Closure Notice was served.

The licensing sub-committee heard from licensing as a responsible authority who advised that they supported the police application but were happy to accept the conditions and modifications of the licence agreed between the responsible authorities and the licensee.

The licensing sub-committee heard from the environmental protection officer who supported the review and advised the incident that led to the assault causing wounding, escalated from an incident of harassment of a woman by a male. The officer added that incidents of harassment carry with them the risk that such incidents may be flashpoints for escalation into violent conduct. The officer also referred to the unproven counter-allegation of an assault with a glass bottle. This suggests that the premises was providing alcohol in bottles which could be used as casual weapons. The premises also allowed bottles of spirits being available for sale by patrons, thus allowing the free pouring of spirits by the purchaser, which would inevitably lead to individuals becoming heavily intoxicated. The environmental protection officer recommended that conditions be added to the licence.

The licensing sub-committee heard from the representative from trading standards supporting the review who advised that they had recently objected to the application to vary the licence (to extend hours) under the protection of children from harm licensing objective. The current licence permits children to be on the premise at any opening times but they have to be accompanied by an adult after 23.00 (condition 332). In addition, condition 345 allows 16 and 17 year olds to drink beer, wine or cider with a table meal provided the adult purchases the drink and accompanies them at the table.

The trading standards officer also expressed concern that the premise had received a section 19 notice on 10 July 2016 due to serious breaches of the licence, which were also witnessed on 7 August. Despite advice and guidance being given, the incident of 4 September 2016 still occurred. Trading standards are of the opinion that if the conditions on the licence had been complied with, the serious assault may not have occurred. Trading standards were of the view that the licence should be revoked.

The licensing sub-committee heard from the premises licence holder and her representative who informed the sub-committee that the premises was a restaurant and on Saturday nights there was a "night club" in the basement of the premises where events take place for weddings, christenings etc. They advised that they cooperated with all of the authorities and agreed with the proposed licence conditions set out in a document submitted by the police (further evidence of the police, points 1 to 7). The premises licence holder advised that they planned to change the operation of the premises to a pizzeria. She also proposed having two friends apply for personal licences to assist her in the running of the premises.

Concerning the events of 4 September 2016, the premises licence holder advised that she had been at the premises and called the police when the incident occurred. The premises licence holder recognised that the incident happened as a result of the harassment of a female patron and assured the sub-committee that the premises are signed up to the Southwark Women's Safety Charter.

The sub-committee considered all the written and oral evidence before it and concluded that the six weeks suspension of the premises licence would allow the premises adequate time to change the operation of the premises and make the necessary arrangements for the two proposed personal licence holders to complete their training and to apply for the licenses. The licence has been modified with the agreement of the premises licence holder and will ensure that the four licensing objectives are robustly promoted.

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:

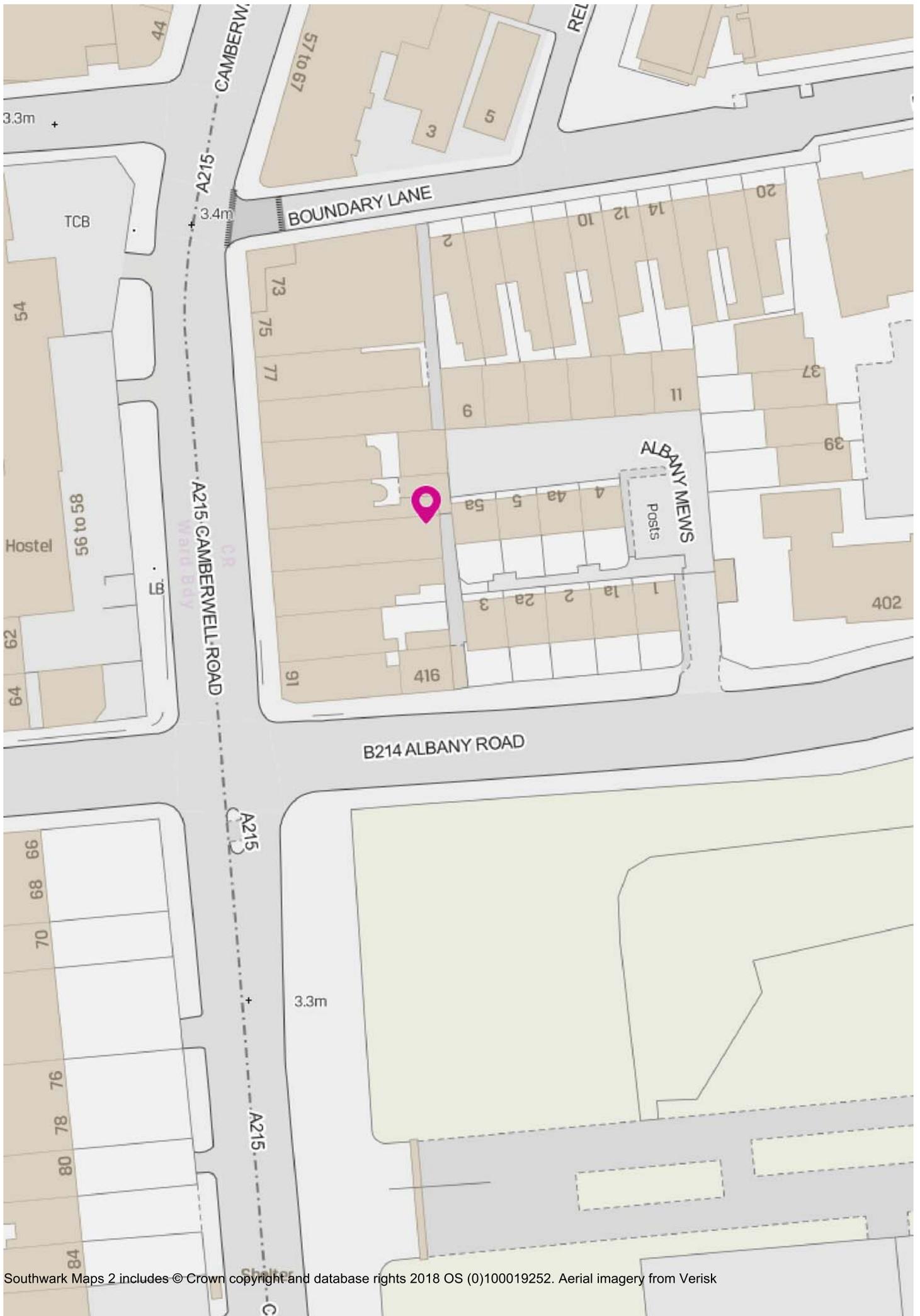
- a) The end of the period for appealing against this decision
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

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.

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

Date: 3 October 2016



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