

Licensing Sub-Committee

Tuesday 27 October 2020
10.00 am

Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online meeting

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Charlie Smith

Reserves

Councillor Margy Newens

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Andrew Weir by email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 19 October 2020



Licensing Sub-Committee

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Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: AFRIKIKO BAR, RESTAURANT AND NIGHTCLUB, 871 OLD KENT ROAD, LONDON SE15 1NX	1 - 102
	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: 19 October 2020

Item No. 5.	Classification: Open	Date: 27 October 2020	Meeting Name Licensing Sub-Committee
Report title:		Licensing Act 2003: Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London SE15 1NX	
Ward(s) or groups affected:		Old Kent Road	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION:

1. That the licensing sub-committee considers an application made under Section 53A of the Licensing Act 2003 by the chief of police for the Metropolitan Police area for the review of the premises licence in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London SE15 1NX.

Notes:

- a) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix A. A map of the local area is attached as Appendix F.
- b) The grounds for the review are stated in paragraphs 13 to 16 of this report. Copies of review application and review certificate are attached as Appendix B.
- c) The review application is supported by representation submitted by this council's health and safety team and trading standards service. Copies of the representations are attached in Appendix C.
- d) Copies of the council's approved procedure for a licensing sub committee hearing in relation to an application made under the Licensing Act 2003 and the hearing regulations have been circulated to all parties prior to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

2. The Licensing Act 2003 (the Act) provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
3. Within Southwark, the licensing responsibility is wholly administered by this council.
4. 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.
5. 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.
6. The summary review powers under sections 53A to 53C of the Act allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

KEY ISSUES FOR CONSIDERATION

The premises licence

7. The premises licence issued in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London, SE15 1NX allows licensable activities as follows:
- Live music, recorded music, performances of dance, entertainment similar to live or recorded music, the sale of alcohol to be consumed on and off the premises:
 - Sunday to Thursday: 11:00 to 00:00 (midnight)
 - Friday and Saturday: 11:00 to 01:30
 - Late night refreshment (indoors):
 - Sunday to Thursday: 23:00 to 00:00
 - Friday and Saturday: 23:00 to 01:30
 - Opening Hours:
 - Sunday to Thursday: 11:00 to 00:30
 - Friday and Saturday: 11:00 to 02:00
8. A copy of the current premises licence is attached as Appendix A.

Designated premises supervisor

9. The designated premises supervisor (DPS) of the premises is Phillip Kwasi Asare.

The review application

10. On 1 October 2020 the Metropolitan Police Service applied to this licensing authority for the summary review of the premises licence issued in respect of the premises known as the Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London SE15 1NX.
11. On 1 October 2020 a Superintendent for the Metropolitan Police Service certified that in the Superintendent's opinion the premises are associated with serious crime, serious disorder or both.
12. In the summary review application the police state the following:

"Following the outbreak of the Covid-19 virus pandemic in the UK, which has to date, led to the deaths of over 40,000 people, the government has announced a series of lockdown measures and restrictions on licensed premises and those that operate in the hospitality industry. These restrictions are primarily contained in the Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 (as amended). Since March there has been a constant in that nightclubs are not permitted to open. This is well known to everyone.

Covid-19 is a potentially fatal infectious disease which is spread as a result of activities carried out by people, and in particular those in close contact.

For this reason it is essential for the regulations to be abided by and social distancing measures to be implemented by licensed operators. A breach of recommended guidelines and regulations risks human health and life and leads to an increased chance of further lockdown measures being imposed in London that may have a catastrophic further impact on the UK economy and legitimate businesses.

If certain premises, such as Afrikiko, chose to operate in deliberate and flagrant breach of regulations and guidelines they imperil others. If this type of behaviour is not deterred by a robust police and Council response then other licensed premises may be tempted to follow suit.

It is the belief of the Metropolitan Police that this premises has knowingly (or at the very least recklessly) decided to ignore not only the Government's advice and legislation regarding the prevention of spreading this infection, but also the efforts of Metropolitan Police Officers that have tried, without success, to positively engage with the premises and provide the operator with warnings to improve.

The operator's actions has put its staff and patrons at risk of contracting and spreading this infection, and increases the risk to London's wider communities.

The above venue has been observed on numerous occasions operating as a prohibited nightclub in contravention of these and other regulation. The premises has also permitted vertical drinking, and allowed and encouraged patrons to dance whilst playing amplified music with a DJ and music decks.

On several of these occasions staff at the venue have been deliberately obstructive by physically preventing officer's entry and intentionally or recklessly creating dangerous conditions whilst officers are investigating potential offences. The venue has shown complete disregard to the above legislation as well as the Licensing Act and Health and Safety at Work Act and its regulations.

The continued association of this premises with serious crime and disorder from 2017 until today justifies the police instigating a summary review.

A Superintendent has certified that this premises is associated with serious crime and/serious disorder.”

13. The police expect to recommend that the licence is revoked at the full review hearing.
14. The licensing sub-committee is not restricted to just considering this step.
15. Copies of the review application, review certificate and the following evidence in support of the review application are attached to this report as Appendix B:
 - Summary review application of 2017
 - Notice of decision relating to the summary review application of 2017
 - Notice of decision relating to a premises licence variation application submitted in 2019
 - A time-line of recent events and actions regarding the operation of the premises
 - Evidential exhibits relating to events outlined in the time-line
16. Any evidence submitted in addition to this report will be made available at the hearing.

Representations from responsible authorities

17. At the time of the writing of this report (the morning of 15 October 2020) two representations have been submitted by responsible authorities (this council's health and safety team and this council's trading standards service). The representations support the review application and are attached to this report as Appendix C. Please note that the consultation period finishes at midnight 15 October 2020. If any further relevant representations are submitted by responsible authorities during the consultation period then the representations will be distributed to the licensing sub-committee and all relevant parties prior to the hearing to determine this review application.

Representations from other persons

18. At the time of the writing of this report (the morning of 15 October 2020) no representations have been submitted by other persons, however the consultation period finishes at midnight 15 October 2020. If any relevant representations are submitted by any other persons during the consultation period then the representations will be distributed to the licensing sub-committee and all relevant parties prior to the hearing to determine this review application.

Operating history

19. A premises licence was issued in respect of the premises on 4 October 2005.
20. Various transfers and / or amendments to the licence have taken place. On 31 August 2011 a further application was submitted to transfer the licence to Afrikiko Limited and an application was also submitted to specify Emmanuel Koku Dodzi Kpakpah as the DPS of the premises. The premises name was also changed on this date to Afrikiko Bar, Restaurant and Nightclub.
21. On 29 June 2012 a licensing inspection of the premises was undertaken. The premises were found to be being operated in breach of licence conditions 289, 308 and 336 of the premises licence issued in respect of the premises. A warning letter was sent to the premises in regards to the breached conditions. On 8 December 2012 a re-visit of the premises was undertaken and the premises were found to be being operated compliantly.
22. On 21 March 2014 a licensing inspection of the premises was undertaken. The premises were found to be being operated in breach of conditions 291 and 303 of the premises licence issued in respect of the premises. A warning letter was sent to the premises in regards to the breached conditions.
23. On 4 October 2015 a licensing inspection of the premises was undertaken. The premises were found to be being operated compliantly.
24. On 27 February 2016 the Metropolitan Police Service visited the premises. As a result of the visit they served a closure notice in regards to the premises under Section 19 of the Criminal and Justice Police Act 2001 in respect of breaches of various conditions of the premises licence issued in respect of the premises.
25. On 30 July 2016 the Metropolitan Police Service visited the premises. As a result of the visit they served a closure notice in regards to the premises under Section 19 of the Criminal and Justice Police Act 2001 in respect of the breach of condition 344 of the premises licence issued in respect of the premises.
26. On 13 August 2016 the Metropolitan Police Service visited the premises. As a result of the visit they served a closure notice in regards to the premises under Section 19 of the Criminal and Justice Police Act 2001 in respect of the breach of condition 291 of the premises licence issued in respect of the premises.
27. On 14 August 2016 the Metropolitan Police Service visited the premises. As a result of the visit they served a closure notice in regards to the premises under s.19 of the Criminal and Justice Police Act 2001 in respect of the breach of conditions 302 and 344 of the premises licence issued in respect of the premises.
28. On 13 December 2016 an application, to have immediate effect, was submitted to transfer the licence to the current licensee – Afrikiko Restaurant and Night Club Limited. The DPS remained Emmanuel Koku Dodzi Kpakpah.
29. On 9 August 2017 the Metropolitan Police Service applied to this licensing authority for a summary review of the premises licence issued in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London SE15 1NX.

30. An expedited review hearing was held on 11 August 2017 to decide whether to implement the interim step suggested by the police in their review application of 9 August 2017. The licensing sub-committee decided to implement the interim step suggested by the police and suspended the premises licence until the full review hearing was to be held on 6 September 2017.
31. Further to the expedited review hearing of 11 August 2017 a full review hearing was held on 6 September 2017. At the full review hearing the licensing sub-committee decided to suspend the premises licence issued in respect of the premises for 9 weeks, to reduce the hours permitted for licensable activities and to add various conditions to the premises licence. A copy of the Notice of Decision pertaining to the full review hearing of 6 September 2017 is attached in Appendix B.
32. On 11 December 2017 an application, to have immediate effect, was submitted to specify Mr Phillip Kwasi Asare as the DPS of the premises. Mr Asare has remained the DPS of the premises since that date.
33. On 30 September 2019 an application to vary the premises licence issued in respect of the premises was submitted. The application sought to extend the hours permitted for licensable activities at the premises. The application was objected to by responsible authorities. Following a licensing sub-committee hearing on 28 November 2019 the council's licensing sub committee granted the application, but with operating hours reduced from those applied for. The premises licence issued subsequent to this application is the current premises licence (licence number 870250). A copy of the notice of decision pertaining to the licensing sub-committee hearing of 28 November 2019 to determine the variation application referred to in this paragraph is attached in Appendix B.
34. Mr Emmanuel Koku Dodzi Kpakpah had an interest in the premises between 2011 (as per paragraph 33 above) until 2 June 2017, when he resigned as a director of the company that holds the premises licence (Afrikiko Bar, Restaurant and Nightclub Limited). It is not known if Mr Kpakpah still has any interest at all in the operation of the premises.
35. The current director of Afrikiko Bar, Restaurant and Nightclub Limited is Zeona Naa Densuah Ankrah. Zeona Ankrah has been the director of Afrikiko Bar, Restaurant and Nightclub Limited since 1 June 2017.
36. On recent visits to the premises council officers have encountered a man named Daniel Dornoo Dornor and who has identified himself variously as the premises manager, business owner or as a director of Afrikiko Bar, Restaurant and Nightclub Limited. Mr Dornor appears to be in charge of the day to day operation of the premises, but is not the premises' DPS and is not a director of Afrikiko Bar, Restaurant and Nightclub Limited. As per council officer notes attached to this report as Appendix D, Mr Dornor has had an interest in the premises since at least 2014.
37. On 1 October 2020 the Metropolitan Police Service applied to this licensing authority for the summary review of the premises licence issued in respect of the premises known as the Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London, SE15 1NX. In the review application the Metropolitan Police

Service recommended that, as an interim step, the premises licence issued in respect of the premises was suspended until the full review hearing of 27 October 2020.

38. On 1 October 2020 a Superintendent for the Metropolitan Police Service certified that in the Superintendent's opinion the premises are associated with serious crime, serious disorder or both.
39. An expedited review hearing was held on 2 October 2020 to decide whether to implement the interim step suggested by the police in their review application of 1 October 2020. The licensing sub-committee decided to implement the interim step suggested by the police and suspended the premises licence until the full review hearing is held on 27 October 2020. A copy of the Notice of Decision pertaining to the expedited review of 2 October 2020 is attached as Appendix D.
40. Details of visits to the premises by council officers are attached as appendix E.

The local area

41. A map showing the location of the premises is attached at Appendix F.

Southwark Council statement of licensing policy

42. Council assembly approved Southwark's statement of licensing policy 2019 - 2021 on 27 March 2019. The policy came into effect on 28 March 2019. 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.
43. 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.
44. The statement of licensing policy states that the premises fall within a residential area. The statement of licensing policy states that the following closing times are recommended as appropriate within residential areas for the categories of premises indicated:
- Restaurants and cafes: 23:00 hours daily
 - Public houses, wine bars or other drinking establishments: 23:00 hours daily
 - Night clubs (with sui generis planning classification) are not considered appropriate for this area

Resource implications

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

Consultation

46. A suitable public notice as required by the Act has been properly displayed at the premises for a period of 28 consecutive days.

Community impact statement

47. 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

48. The sub-committee is asked to consider interim steps following an application to review the premises licence under Section 53 of the licensing act 2003.
49. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

50. The licensing authority must hold a hearing to consider an application for the review of a premises licence where.

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

51. 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.

52. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:

- Modify the conditions of the licence by altering, omitting or adding any condition
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor
- Suspend the premises licence.

53. 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.

54. 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

55. Where the authority takes interim steps an application for review it must notify the determination and reasons why for making it to:

- The holder of the licence
- The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

56. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that

- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
- Members of the authority are free to ask any question of any party or other person appearing at the hearing.

- The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant:
 - To the particular application before the committee
 - To the licensing objectives.
- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

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

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

58. 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.
59. 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.
60. 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.

61. 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.
62. 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.
63. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
64. 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.
65. There is no right of appeal to a Magistrates' Court against the licensing authority's decision regarding the setting of interim steps at this stage.

Guidance

66. 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

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	C/O Southwark Licensing, Community Safety & Enforcement, 3rd Floor Hub C, 160 Tooley Street PO Box 64529 SE1 5LX	Mrs Kirty Read 075255748

APPENDICES

Name	Title
Appendix A	Current premises licence
Appendix B	Review application and evidence in support of the review application
Appendix C	Representations from responsible authorities
Appendix D	Notice of decision from 2 October 2020
Appendix E	Details of visits to the premises by council officers
Appendix F	Map showing the location of the premises

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	13 October 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	16 October 2020	

Licensing Act 2003

Premises Licence



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

Premises licence number

870250

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Afrikiko Restaurant and Night Club 871 Old Kent Road	
Ordnance survey map reference (if applicable): 535176177370	
Post town	Post code
London	SE15 1NX
Telephone number:	

Licensable activities authorised by the licence

Live Music - Indoors
Recorded Music - Indoors
Performance of Dance - Indoors
Entertainment Similar to live/recorded music - Indoors
Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises
Sale by retail of alcohol to be consumed off premises

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

Monday	11:00 - 00:30
Tuesday	11:00 - 00:30
Wednesday	11:00 - 00:30
Thursday	11:00 - 00:30
Friday	11:00 - 02:00
Saturday	11:00 - 02:00
Sunday	11:00 - 00:30

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 of the full premises licence

Live Music - Indoors

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 00:00

Recorded Music - Indoors

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 00:00

Performance of Dance - Indoors

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 00:00

Entertainment Similar to live/recorded music - Indoors

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 00:00

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 00:00

Sale by retail of alcohol to be consumed off premises

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 00:00

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

Afrikiko Restaurant and Night Club Limited
 871 Old Kent Road
 London
 SE15 1NX

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

10510069

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

Phillip Kwasi Asare

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

Licence No.:

Authority:

Licence Issue date: 22/01/2020

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

489 The responsible person shall ensure that -

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

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

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

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

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

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

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

(b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

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

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

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

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be

a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Annex 2 - Conditions consistent with the operating Schedule

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

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

255 That fire extinguishers will be checked annually.

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

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

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

291 That any events operating after 22:00 hours shall have two SIA registered door supervisors, one of whom shall be female, until the terminal hour that the premises are in use under the licence including any temporary event notice. Hand held search wands will be used to assist in searching all persons entering the premises. All persons to include staff, performers, guests and members of the public. Counting devices shall be used to ensure that the accommodation capacity is not exceeded. The number of attendees shall be recorded periodically whilst the premises is in operation. This information will be made available to the Police and officers of the council and any other authorised persons immediately upon request.

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

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

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

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

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

- 310** That doors and windows are to be kept closed except for access and egress.
- 311** That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
- 312** Customers shall use no outside area after 22:00hrs except those who temporarily leave to smoke, with no more than 10 persons at any one time. Those customers shall be identified by a token or some other method with approval of the Police and Local Authority. Customers shall not take drinks outside after 22:00hrs.
- 313** That there shall be no movement of musical or amplification equipment from the premises between the hours of 12 midnight and 08:00am.
- 332** That children under 16 may only be present at the premises between 12 midnight and 04.30am when accompanied by a person aged over 18.
- 336** That a personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.
- 340** That a Personal Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch scheme should there be one in existence for the area in which the premises is located.
- 341** That all children will be supervised.
- 342** That doors and windows are to remain closed during performance.
- 343** That floor speakers are to be mounted on resilient material between floor and speakers to reduce bass transmission.
- 344** An ID scanning system to the reasonable satisfaction of police will be installed and maintained. The system should be capable of sharing information about banned customers with other venues, identify the hologram of an ID and read both passport and ID cards, able to identify fake or forged ID documents.
- 428** That all audio and musical equipment on the premises shall be played through the approved sound limiting/cut out device.
- 345** An ID Scanning system to the reasonable satisfaction of Police be installed and maintained. The system should be capable of sharing information of banned customers with other venues, identify the hologram from a form of ID and read passports and ID cards, and be able to identify fake or forged ID documents. This system is to be used for access to the basement area of the premises only. All members of the public, DJ's and associated staff will have their ID scanned and stored on the system prior to being permitted access to the basement area. The system will be in use at all times after 22:00 and the terminal hour the premises are in use under its licence and when regulated entertainment is being provided in the basement area of the premises.
- 346** All customers entering the basement area will be identified with an ink stamp on initial entry. Persons without the approved ink stamp will not be permitted entry to the basement area via the internal ground floor door and will be required to enter via the external door located in Ilderton Road only. Restaurant users are to access the premises via the entrance on Old Kent Road only. If restaurant users wish to gain access to the basement area, they must conform with the usual security requirements and enter via the entrance on Ilderton Road.

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

840 That all staff are trained in their responsibilities under the Licensing Act 2003 in addition to the terms and conditions of the premises licence in addition to training specific to premises licence terms and conditions and training records should be kept and signed, these records shall be updated every six months and shall, upon request, be made immediately available to officers of the police and the council.

841 That alcohol shall be served ancillary to food, excluding snacks.

842 That there are no externally promoted DJ events at any time, including when the premises operate under a temporary event notice.

843 That the premises licence holder operates according to a comprehensive written dispersal policy and staff training pertaining to it. The dispersal policy must include provisions regarding the car park at the premises (e.g. when the premises are shut that vehicles are made to vacate the car park). The dispersal policy is to be submitted to the licensing authority prior to the premises operating.

844 That all event bookings and full details are to be logged and made known to all staff. The booking log is to be kept at the premises and made available for inspection immediately upon request by police and/or council officers.

845 That when events take place, the premises shall carry out pre-opening security checks of the premises and car park for both drugs and weapons to ensure that these items are not brought inside.

Annex 4 - Plans - Attached

Licence No. 870250

Plan No. N/A

Plan Date 12/06/2009

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Form 693

Form for Applying for a Summary Licence Review

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

Use additional sheets if necessary.

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

Name: **Southwark Licensing Team**

Address:

3rd Floor 160 Tooley Street

Post town: **Southwark**

Post code:

SE1 2QH

Ref. No.:

I **Ian Clements PC2362 AS**

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

1. Premises details

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

Afrikiko Restaurant & Night Club

Post town:

London

Post code:
(if known)

SE15 1NX

2. Premises licence details

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

Afrikiko Restaurant & Nightclub Limited

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

870250

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

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

Please tick the box to confirm:



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

1. In 2017 this premises known as Afrikiko, 871 Old Kent Road, operated as a nightclub on both ground and basement floors. On 8th August 2017, a Superintendent from Southwark Police Station certified that the premises was associated with serious crime and disorder. An application was made by the police licensing unit at Southwark Police Station for a summary review of the premises licence following a murder at the venue.
2. The licence was suspended as an interim measure pending a full summary review hearing. A decision was made at the full hearing not to revoke the premises licence, as the police had proposed, but instead to modify the licence considerably to restrict its use to that of a restaurant. The Council accepted that the premises was associated with serious crime and disorder. This association with serious crime and serious disorder continues until today. The 2017 summary review application and Council's Decision Notice are attached.
3. The current licence was granted following an application to vary the premises licence made in December 2019. Objections to this variation were submitted by the responsible authorities including one from the Metropolitan Police. Despite the concerns of the responsible authorities the variation was granted giving the premises the ability to operate as a nightclub once more in the basement area.
4. Following the outbreak of the Covid-19 virus pandemic in the UK, which has to date, led to the deaths of over 40,000 people, the government has announced a series of lockdown measures and restrictions on licensed premises and those that operate in the hospitality industry. These restrictions are primarily contained in the Health Protection (Coronavirus, Restrictions)(No.2) (England) Regulations 2020 (as amended). Since March there has been a constant in that that nightclubs are not permitted to open. This is well known to everyone.
5. Covid-19 is a potentially fatal infectious disease which is spread as a result of activities carried out by people, and in particular those in close contact.
6. For this reason it is essential for the regulations to be abided by and social-distancing

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measures to be implemented by licensed operators. A breach of recommended guidelines and regulations risks human health and life and leads to an increased chance of further lockdown measures being imposed in London that may have a catastrophic further impact on the UK economy and legitimate businesses.

7. If certain premises, such as Afrikiko, chose to operate in deliberate and flagrant breach of regulations and guidelines they imperil others. If this type of behaviour is not deterred by a robust police and Council response then other licensed premises may be tempted to follow suit.
8. it is the belief of the Metropolitan Police that this premises has knowingly (or at the very least recklessly) decided to ignore not only the Government's advice and legislation regarding the prevention of spreading this infection, but also the efforts of Metropolitan Police Officers that have tried, without success, to positively engage with the premises and provide the operator with warnings to improve.
9. The operator's actions has put its staff and patrons at risk of contracting and spreading this infection, and increases the risk to London's wider communities.
10. The above venue has been observed on numerous occasions operating as a prohibited nightclub in contravention of these and other regulation. The premises has also permitted vertical drinking, and allowed and encouraged patrons to dance whilst playing amplified music with a DJ and music decks.
11. On several of these occasions staff at the venue have been deliberately obstructive by physically preventing officer's entry and intentionally or recklessly creating dangerous conditions whilst officers are investigating potential offences. The venue has shown complete disregard to the above legislation as well as the Licensing Act and Health and Safety at Work Act and its regulations.
12. The continued association of this premises with serious crime and disorder from 2017 until today justifies the police instigating a summary review.
13. A Superintendent has certified that this premises is associated with serious crime and/serious disorder. The certificate is attached.

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Legal Framework

14. Pursuant to section 53A of the Licensing Act 2003 the chief officer of police for the area in which licensed premises are located can apply to the relevant licensing authority for a summary review of such a licence. The application must be supported by a certificate given by a senior member of that police force stating that in his opinion “*the premises are associated with serious crime or serious disorder or both*” (as per s.53A(1)(b)).
15. Pursuant to section 53A(4) of the 2003 Act, “*serious crime*” is defined for these purposes by reference to section 81(3) of RIPA, which provides:
- “(a) that the offence or one of the offences that is or would be constituted by the conduct is an offence for which a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or*
- (b) that the conduct involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.”*
16. The Superintendent’s certificate is signed on the basis that premises is associated with serious crime. These points are relevant:
- a. The murder in 2017 is clearly serious crime and that association has not ended in 2020.
 - b. Knowingly and deliberately putting the public at serious risk of contracting a potentially fatal respiratory illness COVID-19, at a time of a pandemic in the UK, can amount to the criminal offence of causing a public nuisance: *R v Rimmington & Goldstein* [2005] 3 W.L.R. 982
 - c. Public nuisance can include jeopardising public health by increasing the risk of spreading an infectious disease, see: *Vantandillo* (1815) 4 M & S 73 and *R v Henson* (1852) 1 Dears 24
 - d. Causing a public nuisance carries a maximum sentence of life imprisonment. Whilst public nuisance covers a wide scope of acts of varying seriousness, defendants have been sentenced to 3 years or more imprisonment for the offence of causing a public nuisance: eg *R v Harvey* [2003] EWCA Crim 112 (life imprisonment reduced to 3

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years on appeal).

- e. Given the frequency of these events where large amounts of alcohol was being sold the activity at Afrikiko in recent weeks would have resulted in substantial financial gain to the operator.
- f. Given the number of people found on the premises on several occasions the conduct was by a large number of person in pursuit of a common purposes, namely to flout the regulations by attending a prohibited nightclub and not abide by social-distancing requirements.

17. The senior officer's certificate "*of itself has no immediate and direct effect on others ... all the circumstances... can be examined fairly on the merits when the application for summary review is under consideration*" (*R (Lalli) v Commissioner of Police for the Metropolis and Newham London Borough Council* [2015] EWHC 14 (Admin) at [76]). The certificate:

"is merely something that has to be provided to enable an application to be made by the chief officer of police to another body. That application... itself imposes no restriction on the use of the licensed premises. It is that other body, in this case the licensing authority, which has the discretion to determine what steps may be necessary for the promotion of the licensing objectives that may affect the rights of others" (*Lalli* at [69]).

18. Consequently it was held in *Lalli* that the licensing authority "*should be entitled to treat an application for a summary review made by the chief officer of police as valid if it is accompanied by a certificate that apparently meets the requirements of section 53A(1) and has not been quashed*" (*Lalli* at [70], emphasis added).

Timeline

19. Attached is a timeline of incidents that has led to this Summary Review application.

Interim Steps

20. The police invite the Council to suspend the premises licence as an interim step pending the full review application which must be heard within 28 days.

At the full review hearing it is anticipated that the police will invite the Council to permanently revoke the premises licence.

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Signature of applicant			
Signature:	[REDACTED]	Date:	1 st September 2020
Capacity:	Police Licensing Officer		
Contact details for matters concerning this application			
Surname:	Clements	First Names:	Ian
Address:			
Southwark police station, 323 Borough High Street			
Post town:	London	Post code:	SE1 1JL
Tel. No.:	[REDACTED]	Email:	SouthwarkLicensing@met.police.uk

Notes for guidance

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



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

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

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

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

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

Afrikiko Restaurant & Night Club

Post town:

London

Post code:
(if known)

SE15 1NX

Premises licence number (if known):

870250

Name of premises supervisor (if known):

Phillip Kwasi Asare

I am a Superintendent* in the Metropolitan Police Service.

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

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

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

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1. I am satisfied that Afrikiko, is a premises associated with serious crime and serious disorder.
2. Having taken legal advice, considered the police timeline of events, and made my own assessment, these points are relevant to my opinion:
 - a. The murder at the premises in 2017 is clearly serious crime and that association has continued through to September 2020.
 - b. The operator has knowingly and deliberately put the public at serious risk of contracting a potentially fatal respiratory illness COVID-19, at a time of a pandemic in the UK. This can amount to the criminal offence of causing a public nuisance: R v Rimmington & Goldstein [2005] 3 W.L.R. 982
 - c. Public nuisance can include jeopardising public health by increasing the risk of spreading an infectious disease, see: Vantandillo (1815) 4 M & S 73 and R v Henson (1852) 1 Dears 24.
 - d. Causing a public nuisance carries a maximum sentence of life imprisonment. Whilst public nuisance covers a wide scope of acts of varying seriousness, defendants have been sentenced to 3 years or more imprisonment for the offence of causing a public nuisance: eg R v Harvey [2003] EWCA Crim 112 (life imprisonment reduced to 3 years on appeal).
 - e. Given the frequency of these events where large amounts of alcohol was being sold the activity at Afrikiko in recent weeks would have resulted in substantial financial gain to the operator.
 - f. Given the number of people found on the premises on several occasions the conduct was by a large number of person in pursuit of a common purposes, namely to flout the regulations by attending a prohibited nightclub and not abide by social-distancing requirements.
3. Given the urgency of the situation, the inability and unwillingness of the operator to abide by rules and regulations designed to safeguard public health during a pandemic, and the failure of the operator to respond to police warnings, I am of the opinion that the expedited process of a summary review is necessary in order to promote the licensing objectives. Other steps would not achieve the same aim.

PROTECTIVE MARKING

process of a summary review is necessary in order to promote the licensing objectives.
Other steps would not achieve the same aim.

Signature

Signature:



SUT M.P.S.

Date:

1/10/2020

Retention Period: 7 years
MP 147/12


**METROPOLITAN
POLICE**
TOTAL POLICING

Form 693

Form for Applying for a Summary Licence Review

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

Use additional sheets if necessary.

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

Name: London Borough of Southwark

Address:

Floor 3, 160 Tooley Street, London, SE1

Post town: London

Post code:

SE1 2QH

Ref. No.:

I Mark Lynch PC246MD

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

1. Premises details

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

Afrikiko 871 Old Kent Road

Post town: London

Post code:
(if known)

SE15 1NX

2. Premises licence details

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

Afrikiko Bar, Restaurant and Night Club

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

857167

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

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

Please tick the box to confirm:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notes for guidance

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

PROTECTIVE MARKING



**METROPOLITAN
POLICE**

TOTAL POLICING

Form 693A

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

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

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

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

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

Afrikiko

Post town: **London**

Post code:
(if known)

SE15 1NX

Premises licence number (if known):

857167

Name of premises supervisor (if known):

Emmanuel Koku Dodzi Kpakpah

I am a Superintendent * in the Metropolitan Police Service.

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

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

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

PROTECTIVE MARKING

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

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

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

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

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

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

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

Signature

Signature:



Date:

8th August 2017

Retention Period: 7 years
MP 147/12

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 6 SEPTEMBER 2017

LICENSING ACT 2003: AFRIKIKO BAR, RESTAURANT AND NIGHT CLUB 871 OLD KENT ROAD, LONDON, SE15 1NX

1. That the council's licensing sub-committee, having considered an application made under Section 53C of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence issued in respect of the premises known as Afrikiko Bar, Restaurant and Night Club 871 Old Kent Road, London, SE15 1NX, and having had regard to all other relevant representations, has decided that it is appropriate, necessary and proportionate in order to promote the licensing objectives to:
 1. Suspend the licence for a period of 9 weeks.
 2. Modify the conditions of the licence by adding the following conditions:
 - i. That the hours of operation will be:
Sunday to Thursday from 11:00 to 00:00
Friday and Saturday from 11:00 to 01:00
 - ii. That all staff are trained in their responsibilities under the Licensing Act 2003 in addition to the terms and conditions of the premises licence in addition to training specific to premises licence terms and conditions and training records should be kept and signed, these records shall be updated every six months and shall, upon request, be made immediately available to officers of the police and the council.
 - iii. That alcohol shall be served ancillary to food, excluding snacks.
 - iv. That there are no externally promoted DJ events at any time, including when the premises operate under a temporary event notice.
 - v. That the premises licence holder operates according to a comprehensive written dispersal policy and staff training pertaining to it. The dispersal policy must include provisions regarding the car park at the premises (e.g when the premises are shut that vehicles are made to vacate the car park). The dispersal policy is to be submitted to the licensing authority prior to the premises operating.

- vi. That all event bookings and full details are to be logged and made known to all staff. The booking log is to be kept at the premises and made available for inspection immediately upon request by police and/or council officers.
- vii. That when events take place, the premises shall carry out pre-opening security checks of the premises and car park for both drugs and weapons to ensure that these items are not brought inside.
- viii. That condition 291 be amended to read: "Any events operating after 22:00 hours shall have two SIA registered door supervisors, one of whom shall be female, until the terminal hour that the premises are in use under the licence including any temporary event notice. Hand held search wands will be used to assist in searching all persons entering the premises. All persons to include staff, performers, guests and members of the public. Counting devices shall be used to ensure that the accommodation capacity is not exceeded. The number of attendees shall be recorded periodically whilst the premises is in operation. This information will be made available to the Police and officers of the council and any other authorised persons immediately upon request.
- ix. That conditions 347, 348 and 349 be removed from the licence.

2. Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from Metropolitan Police Service, the applicant for the review. They advised that on 9 August 2017 they applied to the licensing authority for a summary review of the premises licence in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London SE15 1NX after a Superintendent for the Metropolitan Police Service certified that in his opinion the premises are associated with serious crime or serious disorder or both.

The application related to a very serious fatal incident that took place on the previous day, Tuesday 8 August 2017 at approximately 02:00 when an emergency call was made to the police reporting that a large fight, including the use of a knife, and involving approximately 34 persons who had previously been in the premises was taking place outside of the premises. Police attended the premises and found a male unresponsive on the floor. A large number of people were still in the vicinity of the premises.

Police officers viewed CCTV of the incident which showed a large group of people outside the premises at 02:00. The closing time of the premises on 8 August 2017 was 01:30. The CCTV showed a fight involving weapons. The victim was stabbed and died as a result of the injuries the victim received.

The police stated, and we accept, that the premises were being operated on 8 August in breach of various conditions on the premises licence, namely condition 303 (completion of Form 696/venue hire agreement), condition 336 (personal licence holder to be on premises when alcohol is supplied) and condition 347 (only over 21s to be admitted to the basement area). They stated further that there was a significant history of non-compliance at the premises with regards to the terms and conditions of the premises licence issued in respect of the premises. They informed the sub-committee that four Section 19 closure notices had been issued and recommended that the premises licence be revoked. In our view the Police acted very properly in instigating this summary review.

The licensing sub-committee heard from the representative for the premises who accepted that there had been failings at the premises in the past. The incident took place some distance from the premises, most of which could not be seen on the CCTV footage as it occurred behind a tree/car.

The licensing sub-committee noted a representation from the other person, a resident, that over the course of the previous 2years, there were often fights outside the premises, loud disturbing music and patrons loitering outside the premises. There was a suggestion that there had been a stabbing outside the premises in November 2015.

The sub-committee considered very carefully whether to revoke the premises licence as requested by the police, particularly in light of the admitted breaches of the licence. Considerable weight was given to the fact that the fatal incident took place some distance away from the premises and after those involved in the violence had already left the premises.

The sub-committee took the view that the appropriate and proportionate steps to be taken should be specifically directed at the cause of the serious incident and should not exceed those steps that were appropriate to promote the licensing objectives.

The sub-committee, on balance, took the view that a significant reduction in operating hours as well as a condition that alcohol must now be provided as ancillary to food, taken together with all the other conditions imposed, was the appropriate and proportionate response on this occasion. These steps were likely to significantly reduce the risk of the licensing objectives being undermined in the future.

Therefore, the sub-committee concluded that revocation of the premises licence was not appropriate at this stage. The premises licence holder is expected to fully comply with all of the imposed conditions without fail. If further breaches occur in the future that have the effect of undermining the licensing objectives then the police would be well within their rights to instigate a further review of the premises licence and, without binding the hands of a future licensing sub-committee, it is likely that more severe action would be taken on that occasion.

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; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

4. **Review of interim steps pending appeal**

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.

At the conclusion of the review hearing the licensing sub-committee reviewed the interim steps to determine which interim steps were appropriate for the promotion of the licensing objectives, pursuant to section 53D of the Licensing Act 2003. The sub-committee concluded that these interim steps were appropriate:

- To suspend the premises licence.

The interim steps is open to appeal by:

- a) The chief officer of police for the police area in which the premises is situated; or
- b) The holder of the premises licence

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.

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

Date: 6 September 2017

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 28 November 2019

LICENSING ACT 2003: AFRIKIKO BAR, RESTAURANT AND NIGHTCLUB, 871 OLD KENT ROAD, LONDON SE15 1NX.

1. Decision

That the application made by Afrikiko Bar, Restaurant and Nightclub Limited for the premises licence to be varied under section 34 of the Licensing Act 2003 in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London SE15 1NX be granted in part as follows:

Live music, recorded music, performances of dance, entertainment similar to live & recorded music and the sale of alcohol to be consumed on or off the premises	Sunday to Thursday from 11:00 to 00:00 Friday and Saturday from 11.00 to 01.30
Late night refreshment	Sunday to Thursday from 11:00 to 00:00 Friday and Saturday from 11.00 to 01.30
Opening Hours	Sunday to Thursday from 11:00 to 00:30 Friday and Saturday from 11.00 to 02.00

2. Reasons

The sub-committee heard from the applicant's representative, who stressed that there have been no problems at the premises for over two years following the previous review and the changes made to the licence as a result. He reminded the sub-committee that each application must be considered on its own merits and submitted that the previous, admittedly serious, incident should not now be used as a stick to beat the applicant with.

The applicant had made demonstrable and significant changes. It was now reasonable to look at the licence again. The proposal was to retain the use of the ground floor as a restaurant, but the applicant wished to extend the use of the basement area, which currently has a lounge bar atmosphere with music and games. The applicant wants to make a better offer to his patrons and attract others, who tend to go out later in the evening and would wish to stay longer. The applicant acknowledged that the premises are in a residential area and currently benefit from longer opening hours than are indicated by the council's statement of licensing policy. However, as the planning officer himself pointed out, the premises are not overlooked, are relatively isolated and the risk of noise nuisance is therefore minor.

In support of the application, a very comprehensive operating schedule was being proposed, with 61 conditions designed to ensure proper management. The proposed capacity was being reduced from 200 to 150 for the whole premises. Alcohol would be ancillary to food on the ground floor (as now) and available at all times in the basement area. The conditions offered included effective soundproofing, ID scanning and a dispersal policy.

Clearly, there is always a risk when the use of premises changes, but that cannot be determinative of the application. The sub-committee must not base its decision on conjecture, but on the evidence of the last two years of effective management.

The sub-committee heard from the representative of the licensing authority, who reminded them that the premises is in a residential area and already benefits from longer than usual opening hours. The proposal now was clearly for a nightclub use, which is unsuitable for a premises in this area. The licensing authority were not reassured by the limited changes and conditions proposed. The reduction in hours and change of use as a result of the review had prevented a repetition of problems at the premises. There were concerns that the applicant had continued trading and ignored warnings after it was discovered that the layout of the premises was inconsistent with the plan attached to the licence. The licensing authority recommended that the application be refused.

The sub-committee heard from the representative of the Metropolitan Police Service, who reiterated that the changes made following the review had successfully prevented incidents of violence at the premises, which were in any event located in an area where nightclubs are discouraged by the licensing policy. He too requested that the application be refused.

The sub-committee heard from the representative of the council's planning department, who referred them to a series of photographs. He observed that the premises did not have large windows offering a good view of what is going on outside. They were not surveilled or closely overlooked. They were not in the town centre, but were relatively isolated. These factors tend to make premises more prone to incidents of anti-social behavior, though he accepted that noise nuisance was less likely to present a problem. He too emphasised that when the premises had been permitted to open later, there had been a problem with crime.

The sub-committee shared the concerns of the responsible authorities that there was a significant risk of further incidents of crime and anti-social behavior if the application was granted. Further, it was clear from the council's own statement of licensing policy that premises in residential areas are considered unsuitable for nightclub use and the longer opening hours sought. However, the sub-committee also acknowledged that the premises has been operating without problems since the review and noted that the applicant's clientele, who are largely from the African or Hispanic community, tend to eat later in the evening. The sub-committee therefore decided that it would be appropriate to grant the application in part, by permitting slightly longer hours for licensable activities on Friday and Saturday, and adding 30 minutes drinking-up time all week.

The sub-committee noted with approval the applicant's willingness actively to promote the use of public transport to and from the premises, to retain the current use of paper straws and to eliminate the use of single-use plastics.

In reaching its decision, the sub-committee had regard both to the revised guidance and to its own statement of licensing policy, and considered that its decision was appropriate and proportionate in order to promote the licensing objectives, in particular the prevention of crime and disorder and the prevention of public nuisance.

3. Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desires to contend:

- a) That the variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

May appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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

Date: 28 November, 2019.

Afrikiko Timeline

31/07/2020 at approximately 23:45

Police from the night time economy team visited the premises due to information that the premises were operating as a night club. The ground floor of the premises was fairly quiet, however loud music could be heard coming from the basement area of the venue, known to operate as a night club.

On entering the basement approximately 20 persons were sitting together, music was being played so loud that officers had to shout to make themselves heard. A DJ was standing behind the DJ booth adjacent to the dancefloor area. Whilst no dancing was witnessed at time of visit, the facilities for dancing were obvious.

On speaking with the manager at the time it was apparent that no Covid risk assessment had been completed. They were advised to correct this matter before reopening to the public. See attached MG11 Ref IJC1

15/08/2020 at approximately 23:00

Police attended the venue it was observed to be operating as a nightclub where patrons were observed standing amongst the tables, dancing to amplified music whilst a DJ was behind the decks playing music. The person in charge was issued with a prohibition notice for this offence on 19/09/2020. An inspection was also conducted and a notification of offences was issued for the following offences: Please see attached document IJC2

Section 57 (4) Failure to secure a premises licence or a certified copy at the premises or to prominently display a summary of the licence.

Section 57(7) Failure to produce a premises licence or a certified copy

And

Contravention of conditions 288 and 289 respectively as outlined below:

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

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

19/08/2020 at approximately 15:38

Police attended the venue to issue the prohibition notice for the offences apparent in the visit on the 15/09/2020. However whilst at the premises Police spoke to a staff member who was not in possession of a premises licence. No DPS or holder of a personal licence was present at the time of our visit. It is a condition of their premises licence that there must be a personal licence holder on premises at all times alcohol is for sale or is exposed for sale. The venue was open with low lighting switched on, alcohol in fridges exposed for sale and clean glassware on the bar for. The premises were issued with a closure notice for:

Carrying on a licensable activity on a premises otherwise in accordance with an authorisation.

And;

Exposing alcohol for retail without an authorisation.

Please see attached document IJC3

29/08/2020 at approximately 01:00

Police attended the venue to conduct an inspection under the licencing act 2003 to confirm compliance with the closure notice Police had issued on the 19/08/2020. Entry was made under s179 of The Licensing Act 2003. Police then attempted to gain access to the downstairs area however they was physically obstructed by staff. The door to the downstairs area being braced from the other side. Prior to Police approaching the door a person was heard calling "████████ SHUT THE DOOR!" Entry was then forced and we found the premise operating as a nightclub. As Police entered they heard an amplified voice stating to the patrons "SIT DOWN, SIT IN YOUR SEATS!" and "NO DANCING...JUST LOOK AT EACH OTHER." As a prohibition notice had already been issued, the issue of a further notice would have served no purpose. Please see attached document IJC4

04/09/2020

Joint visit with Southwark council and Police in regards to reports of operating as a club and no covid restrictions or preventative measures in place. Upon visit basement not in use due to flood damage. Southwark council officers seized some disco lighting equipment and based on CCTV evidence issued a prohibition notice.

Manager Daniel Dormer present and was unable to operate the CCTV, issued with form 694.

05/09/2020 venue attended and two portable storage devices given too Daniel along with a request for CCTV notice

See attached document IJC5&6

27/09/2020

2015 hours:

Attended to obtain CCTV that was requested from venue on 04/09/2020. USB's issued to Daniel Dormer were returned and provided CCTV mg11.

2249 hours:

Police attended the venue to inspect the premises and to check compliance with the new regulations under The Health Protection (Coronavirus, Restrictions)(No.2) (England)(Amendment) (No.5) Regulations 2020 recently bought into force. As Police pulled up there were numerous cars parked in the venues parking space and numerous males and females gathered outside smoking and vaping dressed in evening attire. PC O'Mahoneywitnessed up to 30 patrons inside the address sitting at tables and drinking after the time the venue was meant to be closed. As mandated by:

The Health Protection (Coronavirus, Restrictions)(No.2) (England)(Amendment) (No.5) Regulations 2020 which stipulate:

“ 4A.—(1) A person responsible for carrying on a restricted business or providing a restricted service (“P”) must not carry on that business or provide that service during the emergency period between the hours of 22:00 and 05:00, subject to paragraphs (2), (3) and (4).”

The patrons were then observed to move hurriedly out of sight, the venue took approximately 3 minutes to open the door and allow us entry. Police then asked to check the basement area, this request was refused. Both doors to the basement area were locked. It was then apparent that one door was being held shut from the other side. The cctv camera feeds that covered the downstairs area were cut and showed no footage. When the manager was challenged about this he claimed ignorance stating it must have broken. This is despite officers checking the premises 2 hours before and finding the CCTV in working order.

The manager and other staff refused to open the doors to the basement, claiming that the key was with the cleaner. Police requested more units to assist with gaining entry to the basement area. Once more units were present Police entered other parts of the address to inspect. During that inspection no patrons were present, only staff members.

The male who is believed to be the organiser came out of the basement entrance wearing very smart attire. He was extremely obstructive and refused police entry to the basement. Officers had to resort to reasonable force in order to counter his obstruction. Eventually the front basement door opened and a large number of patrons wearing evening wear holding filled drinks filed out of the venue.

Prior to this the power was cut to the basement and its adjoining stairwell. Requests were made to the manager to re-engage the power however this was refused. This created a dangerous environment for both police and patrons and is believed to have been done on purpose. Downstairs there was no emergency lighting and officers had to rely on torch light. In the basement Police encountered several persons who claimed to be cleaning staff, they were in full evening attire. One of the persons purporting to be staff had a 6 month year old child with toys and activity's strewn about the table. On the tables were discarded paper cups and bottles filled with alcohol and used glassware. The manager and staff were informed that further enforcement action will be considered before leaving the venue.

Please see attached document IJ7&8

WITNESS STATEMENT

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

URN

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Statement of: PS Keith Dempster PS216AS

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

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

Witness Signature: Date: 19/8/2020

I am a Police Officer part of the Night Time Economy Team (NTE), a partnership team based at Southwark police station. As part of my patrol duties, I visit licensed premises on the borough, with the objective of compliance with licensing conditions of venues. In the current period we are also visiting premises to check compliance of Coronavirus legislation and the close of certain businesses under the Act.

On Friday 31 July 2020 I was on duty in full uniform in the company of PC O'MAHONEY 2321AS and PC HOLLEY 1989AS we were on patrol in an unmarked vehicle. There had been reports of a premises with large groups outside and operating as a nightclub. This activity is prohibited under current Coronavirus legislation. A club is permitted to open as a bar or pub, but must not have amplified music and facility for dancing.

At Approximately 2345 hours we attended the premises known as Afrikiko, 581 Old Kent Road SE15. There was about 10 people outside the door on Ilderton Road SE15, and was met by a male I now know to be Daniel Donor. He invited us in to the venue, and took us through the door into the ground floor bar that is a restaurant. This was not busy. I was then alerted by PC O'MAHONEY to the basement area, as she heard music. We entered the door to the basement and could hear loud amplified music. As we entered the basement, I could see approximately 20 people sitting together. The music was loud and I had to shout to be heard. I could see a male in a booth, and was acting as a DJ. In front of the booth was an area that can be described as a dance floor. Due to having amplified music and a DJ with dancing facilities, I considered this to be nightclub.

We returned to the ground floor and PC O'MAHONEY asked about the ID scanner. Daniel asked a door supervisor to show the system, and after a while showed it to be working. I went outside and was joined by Daniel. I asked him if he had completed a Risk Assessment prior to opening the premises to the public. He replied "in the pipeline". I asked what safeguards were in place to protect his staff and his customers. He said he had a thermometer to take peoples temperature. He had not checked anyone that had entered since we had been at the venue. He was asked what else could be put in place, and there was pause. I said hand sanitisers. And he replied, that is all there. I asked how he was keeping social distancing downstairs, and another male, who name I do not have replied one metre, and were operating at reduced capacity there.

Witness Signature:

Signature Witnessed by Signature:

Continuation of Statement of:

I explained that as he had a DJ and dancing facilities he was a nightclub. I advised him that he should put tables and chairs on the dance floor so people would not be tempted to dance. I said he needed to do a risk assessment, and to read the guidance before opening there.

I was then asked to sign to say had visited. We then left the premises to continue our patrols.

On Saturday 15 August 2020, I attended the venue, in company of PC 1989AS HOLLEY and SC SHIRLEY, with another marked police unit. This was as a result of call from Southwark council here was a large group outside the premises.

We arrived at approximately 2300 hours, and PC HOLLEY and SC SHIRLEY entered the premises to do a licensing inspection and I went to park the vehicle, before going to the premises. I spoke briefly to the door supervisor, who explained it was a South American crowd that evening. After a short while I was met by PC HOLLEY and SC SHIRLEY who explained they had been downstairs, but were shown down the back stairs. In entered the venue and went to the basement area. There was loud music that could be heard outside, and about 30 people in the area. I could see the DJ booth with DJ and people dancing on the nearby dancefloor. The lighting was dark with flashing strobe lights. This was a nightclub.

I went back up to the ground floor with other officers, and asked SIA staff who was in charge on the night. She asked someone to find them. I asked if it was Daniel, and the reply was "not Daniel". I could then see a black male, holding a book with PC HOLLEY who appeared to be in charge. I went into the ground floor bar area, and was again met with loud music, and the lighting dark. I spoke to PC HOLLEY and SC SHIRLEY who were still conducting their inspection, when suddenly Daniel appeared and asked "what are you saying". I said I was talking to my colleagues. I explained I had been here two weeks ago, and asked why he was still operating as a nightclub. He denied there was people dancing. I asked how he knew how many people were in the premises, and he said he used the ID scanner. He said that someone had taken the clicker counter system home with them the previous night. After a brief conversation about the dancefloor, I enquired about a risk assessment, and Daniel said he had one, and went to look for it. After some minutes he returned, and showed me the risk assessment. It was a template from guidance from Government website, and was completed and appeared to cover what may be expected. I asked Daniel to speak outside as it was quieter there. I explained to him that he could operate as a bar, but cannot open as a nightclub. He said it wasn't a nightclub. I said we had been to the basement and seen people dancing and there was amplified music there.

I explained everyones health is at risk, and he said he would get security staff to cover the dance floor. We then left the premises to continue patrols in the borough.

Witness Signature:

Signature Witnessed by Signature:.....

Notification of alleged offences under the Licensing Act 2003

Venue Name: APRINTED REF: (CAD/CRIS etc.)

Address: 871 OLD ROAD SE15 1ND

Date: 15/08/2003 Time: 126

Details of person in charge at the relevant time: DANIEL DODD

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

288 no working C690

289 CCR ✓ to be made available to police

P4

Issuing officer: PC HOLLAY Print: DANIEL DODD

I acknowledge receipt of this form: (v)

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001



Police Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: AFRIKANO RESTURANT, MIDKILL REF: (CAD/CRIS etc.)

Address: 871 OLD HENT ROAD SEIS INX

Date: 19/02/20 Time: 18:45

Details of person in charge at the relevant time: REFUSED

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

condition 336 - A personal licence holder should be on premises at ALL times in which liquor is supplied PH

No personal licence holder at time of visit

Issuing officer: PETER HOLLIS M Print: P243227

I acknowledge receipt of this form: (venue) REFUSED

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

52

Date of the Closure Notice: 19/08/2020 Time Served: 1538

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PETER HOLLEY PC

Signature: [Redacted] 1489AS

Name (if applicable) and address of the affected premises: ATRI KIRO RESTAURANT AND NIGHT CLUB, 871 OLD HENT ROAD SE15 1NX

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

SALE OF ALCOHOL WITH NO PERSONAL LICENCE HODER PRESENT CONDITION 336 OF PREM LICENCE

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

ESTABLISHMENT WAS OPEN. NO PERSONAL LICENCE PRODUCED STAFF REFUSED TO GIVE DETAILS

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

HAVE A PERSONAL LICENCE HODER PRESENT WHEN SERVING ALCOHOL

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details):

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name: REFUSED

Signature: REFUSED

Date: 19/08/2020

RESTRICTED (when complete)

MG11

STATEMENT OF WITNESS*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN


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Statement of: Constable Peter Holley

Age if under 18: Over 18


Occupation: Police officer


This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: 

Date: 29 Aug 2020

As I was writing this statement I viewed BWV footage that I recorded during the inspection and entry to the premises. I exhibit this footage titled "Afrikiko Inspection 29/08/2020 " as PWH/7

On SATURDAY 29 AUGUST 2020 at approximately 0100 hours I was on patrol in full uniform attached to AS 49N apart of OP EQUINOX. I attended AFRIKIKO RESTAURANT AND NIGHT CLUB, 871 OLD KENT ROAD SE151NX with a view of conducting an inspection of the premises under the Licencing Act 2003. This was due to our prior attendance on the 19th of AUGUST 2020 in which a s19 closure notice was issued as there was no personal licence holder on premises and was as a result, selling alcohol not in accordance with a premises licence or other authorisation. My attending was also to check if the premises was not operating as a nightclub as on prior occasions the venue was operating as a nightclub with dancing, amplified music and a DJ. This would be a contravention of The Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020. I arrived at the venue and stated to the security staff: "HELLO IM CONDUCTING A LICENCING INSPECTION OF THE PREMISES. WE'RE GOING DOWN INTO THE BASEMENT TO INSPECT THE PREMISES." The security staff stated in words similar OK BUT YOU WILL HAVE TO WAIT FOR MY MANAGER FIRST. s179 of the Licencing Act 2003 confers the power of entry to a constable with a view of inspecting a premises to see if they are carrying out a licensable activity in accordance with an authorisation. The section also permits the use of reasonable force if necessary in order to facilitate a power under that section. I believed that the security staff member asking me to wait was obstructing the inspection and that delaying us entering would frustrate the purpose of the inspection. I then explained to him in words similar: WE ARE CONDUCTING A LICENCING INSPECTION. YOU CANNOT STOP US FROM ENTERING. The security staff member stated: "IM NOT TRYING TO STOP YOU. YOU CAN DO WHAT YOU CAME HERE TO DO. I'LL JUST GET MY MANAGER TO FOLLOW YOU DOWN." I then walked past the security staff member and entered the premises. From prior visits to the venue I was aware that there is a door in front of the rear entrance that leads to a narrow staircase to a basement area where from previous visits to the establishment is a bar, DJ booth, dance floor and an arrangement of tables and chairs. As I waked towards the door leading to the basement I saw a IC3 male approximately 5ft11 slim build wearing a white t-shirt catch sight of me. I then saw this male look to the side and shouted the words: SHUT THE DOOR!  SHUT THE DOOR!" The door then closed in front of me. I tried to push the door but it was being braced from the other side. At that point I believed that the persons behind the door were attempting to obstruct the inspection of the premises. Using s179(3) of the Licencing Act 2003 I then pushed firmly against the door and stated: "HELLO! EXCUSE US WE ARE ENTERING" I then looked to the side and I saw the IC3 MALE in the white T-Shirt behind him was a IC3 female wearing checked shirt and had dreadlock hair. It appeared that the female was bracing herself against the door by placing two hands against and leading on it. She then turned her head and looked towards me. I then asked him "WHY DID YOU HOLD THE DOOR SHUT?" The male exclaimed in a stammering voice words similar to ER...ER... NO ONE WAS HOLDING THE DOOR. YOU JUST PUSHED THE DOOR WHEN SHE

Signature: 

Signature Witnessed by:

RESTRICTED (when complete)

RESTRICTED (when complete)**MG11C**

Continuation of Statement of: Constable Peter Holley

WAS LEANING AGAINST IT. I then walked down into the basement and I saw a large number of IC3 males and females aged between 18-30 all standing around. There were by my rough head count approximately 60 people in the basement area, most of whom were standing up looking confused. As I entered I heard an amplified voice stating to the patrons "SIT DOWN, SIT IN YOUR SEATS!" and "NO DANCING...JUST LOOK AT EACHOTHER." Due to the large number of people standing up, their sudden confusion and the DJ telling the patrons over amplified speakers that they had just been playing amplified music and there was dancing occurring at the venue. I am aware that under condition 428 of there Premises licence that the venue is fitted with a a limiter/cut out device to halt the playing of amplified music or any audio output. I believe that in the time of my entry being obstructed at the entrance and at the door to the basement stairs that they may have activated this in order to conceal the prohibited activity. I then proceeded back up the stairs and saw DANIEL DONOR, a male who I know is a personal licence holder for the venue was present at the time of me inspecting the venue. I then spoke to him whilst I was outside of the venue. I explained to him my observations that the premises was operating as a night club. He then stated that it was not operating as such. I then challenged him about the DJ telling everyone to sit down and not dance. I informed him that I would be reporting my observations to the council and that if they deemed that he was operating a the venue as a nightclub he could be liable to a fine. I then departed the venue in the company of AS49N.

Witness Signature: 

Signature Witnessed by:

RESTRICTED (when complete)



Licensing Authority Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: AFRIWIKO REF: (CAD/CRIS etc.)

Address: 871 OLD KEAT ROAD SEAS INX

Date: 040920 Time: 2110

Details of person in charge at the relevant time: DANIEL DOMER

SOUTHWICK 860602 DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

288 - SCREEN WORKING

289 - DANIEL DOMER + STAFF UNABLE TO OPERATE CCTV SYSTEM. UNABLE TO CHECK CCTV RECORDS /31 DAYS. DANIEL STATES CCTV NEW

298 - NO SIGNAGE RE- DRUG FREE ZONE OR REFUSE SEARCH ON ENTRY.

Issuing officer: Print: MACH 2246AS

I acknowledge receipt of this form: (venue)

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9)

Statement of (full name): Raymond Henry MOORE

Age of witness (if over 18, write "over 18"): Over 18

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

I am employed by the London Borough of Southwark as a Principal Trading Standards Enforcement Officer and as such I am an authorised officer under the relevant provisions of the Public Health (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 and the Licensing Act 2003.

On Friday 4th September 2020 I met up with three colleagues from the London Borough of Southwark, Richard KALU (from the Licensing Team); Farhad CHOWDHURY (from the Health and Safety Team) and Andrew BOLTON (from the Noise Team) close to the premises trading as "Afrikiko" at 871 Old Kent Road, London, SE15 1NX. We also met up with two police officers from the police Night Time Economy Team, PC Mark LYNCH and PC Jonathan DUCKER. We all entered the premises at about 20:00hrs and I introduced myself and asked to speak to the owner. The music was initially quite loud in the ground floor area of the premises. We were visiting the premises after the police had complained about the basement of the premises being used as a very crowded nightclub the week before in contravention of the emergency measures brought in as a result of the COVID-19 pandemic. Under the Public Health (Coronavirus, Restrictions) (No 2) (England) Regulations it is a criminal offence to open as a nightclub at the current time. No music

Signed: **(witness)** **Date:**

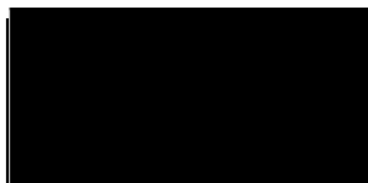
(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it.

Signed: 

Date: 1st October 2020)CL4

and dancing is allowed on commercial premises. I spoke to a man who said he was the owner of the business who gave his name as Daniel DORNOR. He said that he was the director of the company running the business, Afrikiko Nightclub and Restaurant Ltd. It later transpired that this is in fact not the case. Although the premises license is in the name of that company, the sole director is Zeona Naa Densuah ANKRAH (DOB: August 1993). We discussed the allegations that the premises had been used as a nightclub and I asked to be shown the downstairs area. We went down there and it was clear there had been a problem with the sewers earlier in the week which had caused them to back up. The basement area was not at that time usable. There were no decks or amps present as a result of this as they had been removed. Richard Kalu then sat down with him to view the CCTV footage from weekends when it was alleged that the premises had been used as a nightclub. Mr DORNOR did various things with it but claimed he didn't know how to bring up the relevant bits. I then proceeded to seize some of the lights from the basement and two speaker cable and said that the business could have them back at a time when they were once again allowed to operate as a nightclub. These items were seized under powers granted in the Public Health (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020. Richard KALU had identified a number of conditions on the premises license which had not been complied with. These were conditions 255 and 289. I gave notice numbers 1176 and 1177 for the items seized and the breached license conditions. I had a body worn camera on for the full time of the visit which recorded all conversations and actions on the premises. I also issued a prohibition notice under the previously mentioned regulations that stated the premises was not to be used as a nightclub or for music and dancing to take place there. I informed him of the consequences of failing to comply with the prohibition notice.

Signed



RESTRICTED (when complete)

MG11

STATEMENT OF WITNESS*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN

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Statement of: Constable Peter Holley

Age if under 18: Over 18

Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:



Date: 27 Sep 2020

As I was writing this statement I viewed BWV footage of the incident titled: "Afrikiko COVID 19 Regulation breach 26/09/2020" I exhibit this footage as PWH/8.

On SATURDAY 26 SEPTEMBER 2020 at approximately 2249 hours I was on duty in plain clothes alongside PC MARIA O'MAHONEY attached to the NIGHT-TIME ECONOMY TEAM. We were passing AFRIKIKO RESTURANT AND NIGHT CLUB 871 OLD KENT ROAD SE15 1NX. We were attending the premises to check its compliance with the new COVID 19 restrictions that were imposed on 24th SEPTEMBER 2020. The regulations imposed under The Health Protection (Coronavirus, Restrictions)(No.2) (England)(Amendment) (No.5) Regulations 2020 which stipulate:

" 4A.—(1) A person responsible for carrying on a restricted business or providing a restricted service ("P") must not carry on that business or provide that service during the emergency period between the hours of 22:00 and 05:00, subject to paragraphs (2), (3) and (4)."

AFRIKIKO, a bar and restaurant is defined as a restricted business and must comply with section 4A (1). I approached the rear door to the premises where I was spoken too by a very nervous looking IC3 female in a party dress. She asked in a nervous voice why we were attending the venue. I stated that we were there to conduct a licencing inspection. PC O'MAHONEY then along the pavement and looked into the address. The bottom half of the exterior windows are opaque and you cannot see in. However the top half of the exterior windows are transparent and can be seen through if you stand on your toes. As I stood at the rear door, PC O'MAHONEY called to me and stated "THERE ARE PEOPLE IN THERE!". I then moved toward her position and looked in. I asked "WHAT DID YOU SEE?" she replied: "I SAW 20 PEOPLE SAT AT THE TABLES THERE JUST NOW." I then looked in but couldn't see anyone. However I could see a male who I know to be DANIEL DORMER who is the manager for the premises. PC O'MAHONEY then shouted to him words to the effect of: COME OUT WE NEED TO SPEAK TO YOU. Approximately a minute later after knocking on the door. DORMER opened the door, I then showed him my warrant card that was on prominent display around my neck in a MPS blue lanyard. PC O'MAHONEY stated: "WE NEED TO SEE THE DOWNSTAIRS. CAN WE COME IN AND INSPECT THE DOWNSTAIRS AREA?" DORMER AGREED and allowed us inside. As I had reason to believe a licensable activity was being carried on inside the venue. I entered under s179 of The Licencing Act 2003 which allows a constable to enter a venue to inspect it to see if the licensable activity is being carried on in accordance with an authorisation. DORMER then lead us to the bar area, PC O'MAHONEY then asked him again if we could see the downstairs area. DORMER then took us down a staircase behind the bar. This staircase leads to a large dancefloor area that has been populated with tables, chairs, DJ decks. PC O'MAHONEY tried the door but announced "ITS LOCKED" I then went upstairs and spoke to DORMER. I said to him "ARE YOU ABLE TO OPEN THE DOOR FOR US MATE?" DORMER replied: "WHAT IS IT LOCKED?,"

Signature:



Signature Witnessed by:

RESTRICTED (when complete)

RESTRICTED (when complete)

MG11C

Continuation of Statement of: Constable Peter Holley

a unknown male sitting at the bar stated: "I THINK THE KEY IS WITH THE CLEANER AND SHE HAS GONE HOME." I then asked DORMER: "CAN I LOOK AT THE CCTV THERE PLEASE?" I then approached the CCTV area and viewed the multi-feed monitor that was switched on. From my visit approximately 2 hours prior to this attendance, I was able to view the CCTV monitor and I could see the feed from downstairs as well as the feed from the adjoining staircases and lobby areas. However on this occasion I could see that only 6 feeds were active. Camera feed 15 which was the feed to the downstairs area was disabled and showed no footage. I then asked DORMER: WHY IS THERE NO DOWNSTAIRS AREA BEING LOGGED?" DORMER replied: "WE HAVE A PROBLEM WITH HE CCTV!" I replied: "MATE I CAME HERE A FEW HOURS AGO AND THE CCTV WAS WORKING. WHY IS IT NOT WORKING ANYMORE?" DORMER stammered and stated: WA..WHAT DOES IT HAVE TO DO WITH ME?" I stated: "ITS YOUR VENUE..." DORMER then began talking over me. I then stated: "I THINK ITS RATHER ODD THAT YOUR TELLING ME THAT THE DOWNSTAIRS DOESN'T HAVE ANY PEOPLE AND NOW THE FOOTAGE IS GONE." DORMER then reiterated that the cameras were gone already. I then walked back to MARIA to inform her of the development. I believe that DORMER intentionally cut the feed to the downstairs area to obstruct police in our inspection of the premises and to conceal evidence of an offence under The Health Protection (Coronavirus, Restrictions)(No.2) (England)(Amendment) (No.5) Regulations 2020 in that he was harbouring patrons inside the venue past the restricted period. We then went back to the rear door to the downstairs area that was locked too. This continued for approximately 20 minutes all the while DORMER was stating: "THE KEY IS COMING, THE KEY IS COMING." I then came to the conclusion that the door would not be opened voluntarily. I then called for more units and for a Method of Entry (MOE) device. At one point PC O'MAHONEY tried to push open the rear door downstairs. The door opened for a few seconds then slammed shut. It was clear the door was being held from the other side. When more units arrived I asked for assistance in inspecting the upstairs area using s179. No unusual activity was found upstairs. We then proceeded downstairs to try and open the doors once more. As we were trying to push the door open, the lights in the hallway suddenly cut out. Officers tried to flip the light switches but nothing would turn on. It would appear that DORMER had tripped the breaker on the downstairs area lighting in an attempt to obstruct us further and to conceal an offence taking place. We then went to the staircase at the rear of the bar when a IC3 male dressed in DARK BLUE BLAZER, TROUSERS and GREY TURTLE NECK came up the stairs from the basement area. I then explained to him that we needed to check the downstairs area. The male refused to open the door for us stating he wanted to let the people out in the basement. I refused him and stated that I needed to inspect the downstairs area. I then observed him leaning close to the door and called to someone on the other side in a language I did not understand. It became apparent that the male would not open the rear basement door so we moved back to the upstairs area to try and open the door that was being held shut. I considered forcing entry to this door however I was conscious of the fact that if someone was bracing against the door then they could fall down the stairs if the door was forced. I know from previous visits that the patrons have obstructed me by bracing themselves against the door in an attempt to bar entry to the downstairs area. As I believed forcing entry to be too great a risk to the person braced on the other side, I stood with the other PC's now in attendance and attempted to negotiate the opening of the door. The male in the DARK BLUE BLAZER, TROUSERS and GREY TURTLE NECK came behind us and shouted: "YOU ARE NOT BOOTING IN THE DOOR." I then observed him put his hand on a uniformed officer who was close to the door inspecting it. As I believed the male was obstructing the constable in the execution of his lawful duty and fearing that he would assault him. The constable shouted to the male: "DON'T BASH ME LIKE THAT! MOVE OUT OF THE WAY. I pushed the male away from him with my RIGHT ARM and stated firmly: "OUT OF THE WAY, MOVE OUT OF THE WAY NOW! GET BACK OR YOU WILL BE ARRESTED." The door then opened and a long file of patrons in party dresses and evening dress came out towards us. Most if not all were carrying filled cups of alcohol out with them and leaving the venue. I attempted to count the number of patrons leaving but I lost count. I would estimate there were more than 60 people that were downstairs that came upstairs to leave the venue. Once the majority had left there were still some stragglers left downstairs. I then went downstairs with PC O'MAHONEY and officers from ERPT. As the lights were still off and PC O'MAHONEY made several requests to DORMER to turn the lights back on which were ignored. In doing this DORMER made the situation for more dangerous with the intent to obstruct us further. I was apprehensive in entering as it was still very dark and the patrons that remained downstairs refused to leave. We then arrived downstairs and I observed approximately 12 people remaining. There was even one IC3 woman who had a 6 month old child with her. The woman stated she was doing the cleaning at the address.

Witness Signature:



Signature Witnessed by:

RESTRICTED (when complete)

RESTRICTED (when complete)

MG11C

Continuation of Statement of: Constable Peter Holley

However it was worth noting that she had full make up on and in evening dress attire. She informed us that we were disgusting for the fact we were closing the venue. The situation was deteriorating as the shouting from the persons downstairs was increasing as well as threatening language and posturing. Looking around I could see numerous glass bottles and Poole cues within easy reach of the patrons. I believed this to be a volatile situation that thankfully was de-escalated with the assistance of the ERPT officers present in the downstairs area, all of whom had TASERS. When we established that no more patrons remained and only staff were present I, PC O'MAHONEY and the ERPT officers withdrew. Before doing so I went upstairs and informed DORMER we would be reporting to the council to seek a review of his premises licence. I then departed the scene in the company of PC O'MAHONEY.

Two hours prior I visited AFRIKIKO RESTURANT AND NIGHT CLUB 871 OLD KENT ROAD SE15 1NX and observed the downstairs CCTV functioning. I could see there were a few people downstairs walking between the tables and chairs. I exhibit the footage titled "AFRIKIKO Visit 27/09/2020" as PWH/9

I believe that DORMERS and the conduct of the venue was appalling and a blatant violation of The Health Protection (Coronavirus, Restrictions)(No.2) (England)(Amendment) (No.5) Regulations 2020 at a time where cases of COVID 19 and deaths attributed to it are rising exponentially. On top of this he and others in the venue: obstructed police in the execution of their duty, obstructing entry for inspection, concealing offences and deliberately creating a hostile and dangerous environment for officers and patrons attending. This evident when he locked in a large amount of patrons in the downstairs area with no lighting, restricted ventilation and with a 6 month old child effectively trapped downstairs. It is my opinion DORMER is unfit to manage the premises and further to this AFRIKIKO RESTURANT AND NIGHT CLUB 871 OLD KENT ROAD SE15 1NX is a dangerous venue and in clear breach of the licencing objectives under The Licencing Act 2003. I strongly urge a review of their licence be conducted due to the clear concerns regarding public safety and public nuisance.

The Metropolitan Police Service work tirelessly to ensure the prevention of crime and disorder; the prevention of harm; the preservation of life and preserving the peace. When we go into venues like AFRIKIKO who breach the COVID 19 regulations we put our health, our families and friend's health at risk. To ensure compliance and to do our part in stopping the spread of this pandemic and to fulfil our duty in preventing serious illness and death without fear or fervour.

Witness Signature:



Signature Witnessed by:

RESTRICTED (when complete)

WITNESS STATEMENT

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

URN

Statement of: PC Maria O'MAHONEY 2321AS

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Officer

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

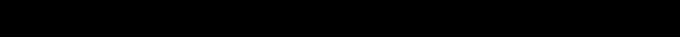
Witness Signature:  2321AS Date: 26/09/2020

Before writing this statement I have viewed my Body Warn Video (BWV) which I exhibit as MVO/1 and MVO/2.

I am a Police Officer attached to Southwark Night Time Economy Team and as part of my duties I visit licenced premises on the borough to check for licensing compliance and also Coronavirus compliance. As of Thursday the 24th September 2020 all pubs and restaurants have to be closed by 22:00 hours to 05:00 hours due to new regulations the Government had brought in to tackle the rise in coronavirus infections. The Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 5) Regulations 2020 amend The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020.

On Saturday the 26th September 2020 I was on duty in plain clothes in the company of PC HOLLEY 1989AS. At approximately 22:55 hours I was driving past Afrikiko Restaurant and Night Club 871 Old Kent Road SE15 1NX when I noticed a group of approximately 10 to 15 people standing outside the back of the premises in the nightclub carpark which was also full to capacity with vehicles. I had visited the premises earlier that evening at approximately 20:00 hours to pick up a USB stick. I had spoken to the manager Daniel DORMER who returned the USB stick stating that he had downloaded the requested CCTV footage. This was from a previous weekend when officers believed that the manager of the premises had not been following the coronavirus regulations and operating as a nightclub. Whilst I was speaking to DORMER I had to ask him to turn down the music as it was so loud and I was unable to hear him and had to shout to get myself heard.

At 22:55 hours we decided to enter the premises to ensure that it was being compliant with the new coronavirus regulations and that it was closed as it was almost one hour after closing time. PC HOLLEY and I knocked on the door several times and shouted loudly can you open up we are police but received no reply. I decided to walk to the front of the club and knock on the window. As I walked past the window to the basement club I could see that the light was on. I looked through the gap in the window and could see that a table had been pushed against the door. I walked to the front of the club and peered in the window where I could see about 15 people sitting and standing with drinks in their hands. I knocked on the window and held up my warrant card and asked that someone open the door. The patrons ignored me and would not make eye contact. I walked back to PC HOLLEY to inform him that there were people at the front of the club. When I returned to the front of the building they had all moved and I could no longer see them. I then knocked on the window very loudly and Daniel DORMER came into my line of vision. I asked him to open the door.

Witness Signature: 

Signature Witnessed by Signature:

Continuation of Statement of:

He nodded that he would so I returned to the back door. I knocked several more times and DORMER failed to open the door. I then called up on my radio for another unit to join me at the venue as DORMER was not allowing me access and I believed that licensable activities were taking place. I then shouted to DORMER that I had called for more units and that if he did not let us in his door was going to be put through. After a few more minutes he finally opened the door. I told DORMER that I wanted to go downstairs. He ignored my request and walked into the restaurant area past the door to the basement. In the restaurant there was about 8 to 10 people with bottles of beer in front of them sitting at different tables still eating and drinking. None of the staff that were working behind the bar had facemasks on. I then proceeded to the staircase that is at the back the club behind the bar that leads to the basement. I tried to open the door and found that it was locked. I asked where the key is and DORMER stated that the cleaner has left and taken the key with her. I pointed out that there are people in the basement and that if there is a fire there is nowhere for them to escape. Whilst waiting for another unit to join us I went back to the entrance and asked them to open the door. DORMER keeps shouting that he wanted the entrance door locked. I tried the door at the front of the club that leads to the basement and it opened slightly. I then felt someone pulling it shut from the other side. I ask DORMER again about who is downstairs and he insisted that there is no one in the basement and that the cleaner is bringing the key back. I then ask DORMER if I can look at the CCTV for the basement and he claimed it was not working. PC HOLLEY viewed the CCTV monitor and found that all the cameras for the basement had been disconnected. When I return to look through the window leading to the basement all the lights have been switched off leaving the basement in complete darkness. I ask DORMER again to open the basement door and he still insisted that the cleaner has gone with the key. Other officers try and reason with him but he still refused to open the doors. We then went upstairs to see if the customers had gone up there to hide but found it was staff cooking in the kitchen. When I went back down I tried the door to the basement again and felt someone pulling against it. I explained to DORMER that I know he has customers in the basement and that the reason he is preventing me from going down is that he knows that he is breaching the coronavirus regulations.

After about 10 minutes of asking and trying to reason with DORMER to unlock the doors to the basement I can hear a bit of a commotion coming from the stair case that is behind the bar. I go over to it and see a male with cornrows on the staircase and with the door partially open I make way down but he closes the door and someone locks it. I explain to him that I need to go in there and check on who is in the basement. The male refuses me entry and says that he will not allow the people to leave the basement until police move away. We then move from the staircase and he still refuses to unlock the door. Fearing for the safety of the people locked in the basement I make my way to the front staircase and start to force the door open whilst PC Holley calls up for an enforcer. As we are forcing the door the male with the cornrows attempts to prevent police from releasing the people being held in the basement. He has to be told to stay back several times and told that if he continues to try and prevent police from opening the door he will be arrested for obstruction.

Suddenly the door opens and people start making their way up the stairs and out of the venue. I counted at least 47 people leave the basement which is in total darkness. As they come up the stairs they all appear very subdued and none of them say anything. I ask DORMER again to turn on the lights for the basement as I feared for the safety of the

Witness Signature: [Redacted Signature]

Signature Witnessed by Signature:

Continuation of Statement of:

customers and also for myself having to go down the stairs and into a basement that is in total darkness. DORMER completely ignored repeated request for the lights and the CCTV to be put on. He then walks away and disappears behind the bar. We use torches and go into the basement. All the tables have shisha pipes on them and are littered with glasses, beer bottles and buckets containing bottles of wine. There are about 10 people still in the basement. Sitting at a table are three females who are still drinking with cups in their hands. One of them then turns round and I am absolutely shocked to see that she is holding a small baby who is approximately six months old. She then proceeds to tell police they are disgusting. When it is pointed out to her the danger she is putting her child in by being in a closed environment without ventilation and containing at least 50 people so that there is no social distancing. The female and her two companions then state that she is the cleaner.

I found as well as the Health and Safety and Coronavirus breaches there was a number of Premise Licence breaches.

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.

I have been unable to ascertain who the DPS is and if he holds a Personal Licence.

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

I found the there was no ventilation in the basement.

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

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

CCTV not recording in the basement. DORMER stated that it was not working.

291 - That any events operating after 22:00 hours shall have two SIA registered door supervisors, one of whom shall be female, until the terminal hour that the premises are in use under the licence including any temporary event notice. Hand held search wands will be used to assist in searching all persons entering the premises. All persons to include staff, performers, guests and members of the public. Counting devices shall be used to ensure that the accommodation capacity is not exceeded. The number of attendees shall be recorded periodically whilst the premises is in operation. This information will be made available to the Police and officers of the council and any other authorised persons immediately upon request.

No SIA door staff.

Witness Signature: [Redacted Signature]

Signature Witnessed by Signature:

Continuation of Statement of:

312 - Customers shall use no outside area after 22:00hrs except those who temporarily leave to smoke, with no more than 10 persons at any one time. Those customers shall be identified by a token or some other method with approval of the Police and Local Authority. Customers shall not take drinks outside after 22:00hrs.

At least 10 people standing outside in the carpark none of whom were smoking.

344 - An ID scanning system to the reasonable satisfaction of police will be installed and maintained. The system should be capable of sharing information about banned customers with other venues, identify the hologram of an ID and read both passport and ID cards, able to identify fake or forged ID documents.

345 - An ID Scanning system to the reasonable satisfaction of Police be installed and maintained. The system should be capable of sharing information of banned customers with other venues, identify the hologram from a form of ID and read passports and ID cards, and be able to identify fake or forged ID documents. This system is to be used for access to the basement area of the premises only. All members of the public, DJs and associated staff will have their ID scanned and stored on the system prior to being permitted access to the basement area. The system will be in use at all times after 22:00 and the terminal hour the premises are in use under its licence and when regulated entertainment is being provided in the basement area of the premises.

ID scan has not been used.

346 - All customers entering the basement area will be identified with an ink stamp on initial entry. Persons without the approved ink stamp will not be permitted entry to the basement area via the internal ground floor door and will be required to enter via the external door located in Ilderton Road only. Restaurant users are to access the premises via the entrance on Old Kent Road only. If restaurant users wish to gain access to the basement area, they must conform with the usual security requirements and enter via the entrance on Ilderton Road.

None of the customers from the basement had an ink stamp.

Having worked as an Officer on Night Time Economy for over three years this is the most dangerous premises I have ever visited. Customers were put at extreme risk by being locked in a basement with no lights or air conditioning. Should a fire break out they've no escape route as the manger had locked both the exit doors and turned the lights out leaving the basement in total darkness. There was at least fifty people in the basement along with a small baby. The manager was obstructive and uncooperative putting both the police and his patrons in hazardous situation. Four more police units had to attend taking a total of 14 officers of the street because the manager was so obstructive.

I do not believe that this establishment should be allowed to continue trading as it is putting people's health and lives at risk.

Witness Signature: [Redacted Signature]

Signature Witnessed by Signature:

Continuation of Statement of:

Witness Signature:

Signature Witnessed by Signature:.....

WITNESS STATEMENT


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

Statement of Mark Lynch 2246AS URN:

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

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

Signature:  Date: 07/10/2020.....

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

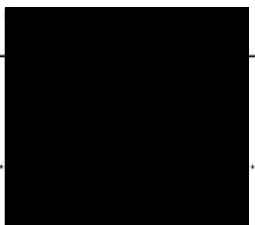
On Thursday 17th September 2020 I was on duty in plain clothes in the company of Pc Ducker 2494AS. We were mobile patrol in a marked Southwark council vehicle. My duties included visiting the venue by the name of Afrikiko 871 Old Kent Road SE15 1NX in order to request cctv footage for a previous incident. The reason for the request was that when officers visited on the 16th August 2020 and 29th August 2020 neither Mr Dormer or any other member of staff could operate the cctv and show officers the footage as per condition 289 of his licence. On the 05TH September 2020 I requested cctv for these dates however footage for the 16th August 2020 was not available due to an alleged cctv upgrade and the footage on the 29th August 2020 was not correct due to the times not being extensive enough. At 1428hrs on the 17th September 2020 I returned to Afrikiko and approached Mr Dormer , I explained that I needed to request an additional piece of cctv for the 29th August 2020 to which Mr Dormer stated that I had given him the dates. Mr Dormer then went on to say why are we picking on him and why do we not visit other venues when they are all packing people in like sardines, I said to Mr Dormer” if you provide me with the names of the venues then I will go there” to which Mr Dormer then said “I’m not giving you the names I’m not a snitch”, I said” your complaining about other venues but you don’t want to actually help?”, Mr Dormer then started to repeat “don’t pick on me , don’t pick on me “. I asked for the new times of the cctv to be recorded and provided a headed letter with the dates and a data dongle No7, during the time I was at the venue Mr Dormer ranted on how he was being picked on and how he did not care that were making a request for the cctv, I attempted to explain why a further request was being made for cctv but Mr Dormer did not want to listen and continued to rant and be obstructive, this is not unusual for Mr Dormer to behave in this way when he wants to distract officers from obtaining evidence that may be negative against him. In view of his behaviour and his refusal to record the cctv i asked if he would like to show me the cctv now, I repeated this and also pointed out that if he did not show the cctv now he would be in breach of licence condition 289-That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of

Signature:  Signature witnessed by:

Continuation of Statement of LANCY

the Police and the Council , Mr Dormer remained silent when asked if he could operate the cctv . It was also explained to him of his responsibility for himself or another staff member on duty to be able to operate the cctv. I left the dongle and headed letter on the bar top in clear view of Mr Dormer and we left the venue.

On the 26thSeptember 2020 PC O'Mahoney attended the venue Afrikiko and collected the date dongle No7 to which Mr Dormer informed her that the requested cctv dates on the 29th August 2020 had been recorded onto the dongle. I was then handed the dongle by Pc O'Mahoney however despite attempts made by myself and other officers using various systems to view the cctv the dongle was showing to be blank and no recordings were made.



Signature: Signature witnessed by:

MEMO: Licensing Unit

To Licensing **Date** 2nd October 2020

Copies Jayne Tear – Responsible Authority
Ian Clements Police

From Farhad Chowdhury **Telephone** 020 7525 0398

Email Farhad.chowdhury@southwark.gov.uk

Subject: Expedited Review of Premises Licence
Afrikiko restaurant and nightclub 871 Old Kent Road SE15 1NX

I write with reference to the recent expedited review application made by PC Ian Clements from the Metropolitan Police regarding an expedited review of the premises licence named Afrikiko Restaurant and nightclub Limited , 871 Old Kent road London SE15 1NX, under The Licensing Act 2003.

I would make the following comments in support of the Police review.

- 1) I visited Afrikiko on several occasions during the coronavirus pandemic and the premises have operated as a nightclub, deliberate and flagrant breach of regulations and Government guidelines and putting the health and safety at risk of members of the public and staff.
- 2) I visited the premises on 4th September 2020 with my colleagues from the Licensing team, Police and Trading Standards and we met Mr Daniel Dornor the Director . Mr Dornor was obstructive and said that he did not have time for officers to show us around the premises and to show his CCTV he said he could not operate his own CCTV system.
- 3) I inspected the basement the premises was partly flooded from the sewage water and I issued an Health and Safety Improvement notice for repairs to be carried out to stop the water leaking into the basement.
- 4) I was concerned that all the fire extinguishers in the premises were out of test date and needed to be serviced again this showed lack of fire safety within the premises.
- 5) I also discovered shisha equipment and pipes in the basement, there was evidence of shisha smoking in the basement of the premises.

- 6) I am concerned for public safety as the Police have discovered on one occasion the basement nightclub was locked from the outside with around 60 people inside including a six months old baby putting all their lives at risk, if there was a fire they would not be able to escape from the basement to a place of safety.

In my opinion Mr Daniel Dorner is not fit and proper persons to hold a premises licence, I therefore fully support the Police Review for revocation of the premises licence on grounds of public safety.

Farhad Chowdhury
Principal Enforcement Officer

MEMO: Licensing Unit

To	Licensing	Date	2 nd October 2020
Copies	Jayne Tear – Responsible Authority Ian Clements Police		
From	Farhad Chowdhury	Telephone	020 7525 0398
Email	Farhad.chowdhury@southwark.gov.uk		

Subject: Expedited Review of Premises Licence
Afrikiko restaurant and nightclub Limited 871 Old Kent Road SE15 1NX

Further to my previous representation dated 2nd October 2020, I write to confirm the following.

I understand that **ANKRAH, Zeona Naa Densuah** is the licensee of the premises, however during the visit Mr Daniel Donor said he was the director of the business and was in charge.

Therefore in my opinion I do not have any confidence in the management of the premises **Ms Zeona Naa Densuah Ankrah**, is not fit and proper persons to hold a premises licence, I therefore fully support the Police Review for revocation of the premises licence on grounds of public safety.

Farhad Chowdhury
Principal Enforcement Officer

From: Moore, Ray

Sent: Thursday, October 15, 2020 10:57 AM

To: Regen, Licensing

Cc: 'Graham.S.White@met.police.uk'; 'Ian Clements'; Tear, Jayne; Deidda, Clizia; Chowdhury, Farhad; Chudasama, Sailesh; Newman, Paul; Gander, Paul; Miller, Justin; McArthur, Wesley; Weir, Andrew; Allday, Debra

Subject: Afrikiko, 871 Old Kent Road, SE15 1NX - premises license review brought by the police and due to be heard 27th October 2020 - premises license number 870250

Further to the police review of the premises license for the above premises, Trading Standards, as a responsible authority would like to make the following comments under the licensing objective the "prevention of crime and disorder"....

I am employed by the London Borough of Southwark as a Principal Trading Standards Enforcement Officer and as such I am an authorised officer under the relevant provisions of the Public Health (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 and the Licensing Act 2003.

On Friday 4th September 2020 I met up with three colleagues from the London Borough of Southwark, Richard KALU (from the Licensing Team); Farhad CHOWDHURY (from the Health and Safety Team) and Andrew BOLTON (from the Noise Team) close to the premises trading as "Afrikiko" at 871 Old Kent Road, London, SE15 1NX. We also met up with two police officers from the police Night Time Economy Team, PC Mark LYNCH and PC Jonathan DUCKER. We all entered the premises at about 20:00hrs and I introduced myself and asked to speak to the owner.

The music was initially quite loud in the ground floor area of the premises. We were visiting the premises after the police had complained about the basement of the premises being used as a very crowded nightclub the week before in contravention of the emergency measures brought in as a result of the COVID-19 pandemic. Under the Public Health (Coronavirus, Restrictions) (No 2) (England) Regulations it is a criminal offence to open as a nightclub at the current time. No music and dancing is allowed on commercial premises. I spoke to a man who said he was the owner of the business who gave his name as Daniel DORNOR. He said that he was the director of the company running the business, Afrikiko Restaurant and Nightclub Ltd (co number 10510069) . It later transpired that this is in fact not the case. Although the premises license is in the name of that company, the sole director is Zeona Naa Densuah ANKRAH (DOB: [REDACTED])

We discussed the allegations that the premises had been used as a nightclub and I asked to be shown the downstairs area. We went down there and it was clear there had been a problem with the sewers earlier in the week which had caused them to back up. The basement area was not at that time usable. There were no decks or amps present as a result of this as they had been removed. Richard Kalu then sat down with him to view the CCTV footage from weekends when it was alleged that the premises had been used as a nightclub. Mr DORNOR did various things with it but claimed he didn't know how to bring up the relevant bits.

I then proceeded to seize some of the lights from the basement and two speaker cables and said that the business could have them back at a time when they were

once again allowed to operate as a nightclub. These items were seized under powers granted in the Public Health (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020. There were no decks or amplifiers down there at the time due to the flooding. Richard KALU had identified a number of conditions on the premises license which had not been complied with. These were conditions 255 and 289. I gave notice numbers 1176 and 1177 for the items seized and the breached license conditions. I had a body worn camera on for the full time of the visit which recorded all conversations and actions on the premises. I also issued a prohibition notice under the previously mentioned regulations that stated the premises was not to be used as a nightclub or for music and dancing to take place there. I informed him of the consequences of failing to comply with the prohibition notice. I also informed him that he should have a risk assessment of how the premises can be operated in a COVID compliant way in order to risk the transmission of COVID-19. He should also record details of customers visiting the premises so that they can be traced should a customer test positive for COVID-19.

On 2nd October 2020 I asked team member Holly Costin to do a land registry search on the premises at 871 Old Kent Road. Neither Mr Daniel Donor nor Ms Zeona ANKRAH appear as leaseholders for the property. It can only be assumed that they have some kind of informal lease agreement for the property that hasn't been registered with the land registry.

I attach a copy of the land registry documents as RAY/A/1 and RAY/A/2. A copy of the body work camera footage can be produced as an exhibit RAY/A 3..A copy of the prohibition notice is produced as an exhibit RAY/A/4 and copies of the notices given with respect to breaches of license conditions and equipment seized in order to try and prevent further contraventions of the Public Health (Coronavirus, Restrictions) (No 2) (England) Regulations 2020 as RAY/A/5. I produce a copy of the Company House details for Afikiko Nightclub and Restaurant Ltd as an exhibit RAY/A/6.

NB: The body worn camera footage is a very large file... so I am unable to email this... I can probably deliver a copy on memory stick if there is someone I can deliver it to... I will be in the office Monday / Tuesday / Thursday / Friday next week if perhaps Andrew Weir is around?

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

Post: 3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

www.southwark.gov.uk/TradingStandards

Need proof of age? Visit www.southwark.gov.uk/pal

Need advice on consumer issues? Visit Citizens Advice via www.direct.gov.uk/consumer

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number SGL66486

Edition date 22.10.2014

- This official copy shows the entries on the register of title on 02 OCT 2020 at 10:37:35.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 02 Oct 2020.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Telford Office.

A: Property Register

This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

SOUTHWARK

- 1 (09.08.1968) The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and being The Canterbury Arms Public House, 871 Old Kent Road, London (SE15 1NX).

NOTE: As to the part numbered 1 on the filed plan only the premises at first floor level and above are included in the title.
- 2 (09.08.1968) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
Date : 24 July 1968
Term : 80 years from 3 July 1967
Rent : A Peppercorn for the first year and £300 thereafter
Parties : (1) Greater London Council
(2) Whitbread And Company Limited
- 3 There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the Lease.
- 4 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.
- 5 (03.10.2007) The landlord's title is registered.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

Title number SGL66486

B: Proprietorship Register continued

- 1 (03.10.2007) PROPRIETOR: MOTHERS LIMITED (Co. Regn. No. 5522264) of 20 The Drive, Edgware, Middlesex HA8 8PT.
- 2 (03.10.2007) The price stated to have been paid on 5 September 2007 was £180,000.
- 3 (03.10.2007) A Transfer of the land in this title dated 5 September 2007 made between (1) Admiral Taverns (780) Limited (Transferor) and (2) Mothers Limited (Transferee) contains purchaser's personal covenant(s) details of which are set out in the schedule of personal covenants hereto.
- 4 (03.10.2007) The covenant implied under section 4(1)(b) of the Law of Property (Miscellaneous Provisions) Act 1994 in the disposition to the proprietor is modified.

Schedule of personal covenants

- 1 (03.10.2007) The following are details of the personal covenants contained in the Transfer dated 5 September 2007 referred to in the Proprietorship Register:-
 - "(c) The Property is transferred subject to but with the benefit of the lease dated 26 April 1999 made between Enterprise Inns PLC (1) and James Drumm (2) ('the Occupational Tenancy')
 - (d) The Transferee covenants with the Transferor that it and its successors in title will:
 - (i) during the term of the Occupational tenancy observe and perform the covenants and other obligations on the part of the landlord contained in the Occupational Tenancy: and to
 - (ii) keep the transferor and its successors in title indemnified against all actions claims demands losses costs damages and liabilities whatsoever by reason of any breach of the covenants and other obligations referred to in the Occupational Tenancy."

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

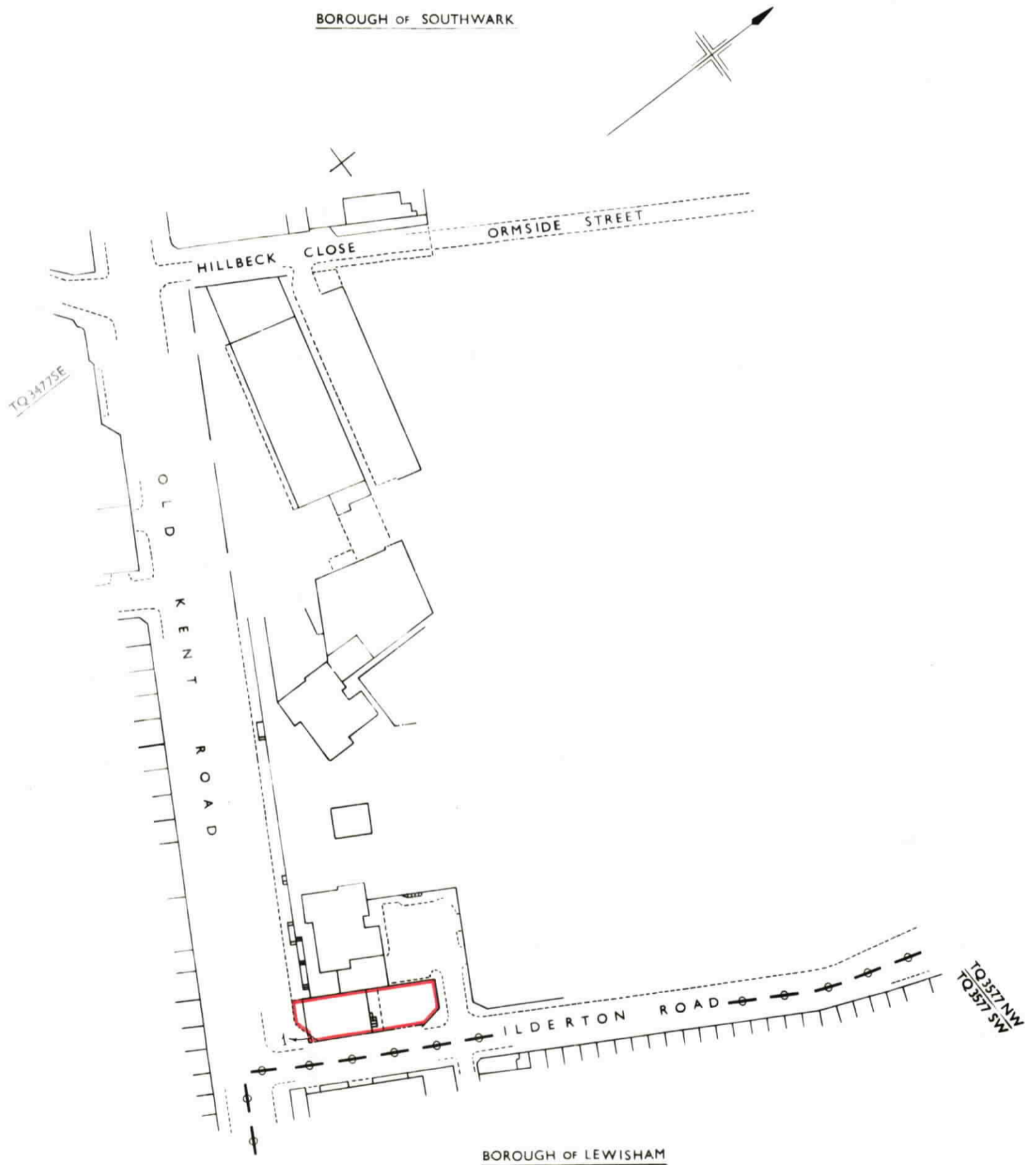
This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 02 October 2020 shows the state of this title plan on 02 October 2020 at 10:37:35. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by the HM Land Registry, Telford Office .

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H.M. LAND REGISTRY		TITLE NUMBER	
		SGL 66486	
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID
	GREATER LONDON		TQ 3577
Scale: 1/1250			SECTION J
			© Crown Copyright 1968.





PROHIBITION NOTICE

The Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 (SI. 2020: No.684)

PART A

To Daniel Durrar LA ref

Trading as Afrikiko Bar Restaurant + Nightclub

At address of 871 Old Kent Road
London SE15 1NX

Company registered office address (if applicable)
Afrikiko Restaurant + Nightclub Ltd

Southwark
Council
southwark.gov.uk
Regulatory Services
tradingstandards@southwark.gov.uk
Contact centre: 020 7525 2000
Notice no. RAY/100 No2
Date & time 4/9/20
Officer name Ray Moore

This Prohibition Notice is served under Regulation 7(2) of the above regulations and has immediate effect.

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence. As an officer designated as a relevant person for the purposes of the Regulations, I have reasonable grounds for believing that you are contravening a requirement in the Regulations as set out in Part B below and that it is necessary and proportionate to issue this Prohibition Notice to prevent continued contravention of the requirement.

PART B - Contravention of the restrictions during the emergency period

Regulation 4(1) - Breach of requirement to close premises and business or to cease carrying on a prescribed business or service provision

Description of the contravention of the restrictions
(the grounds for the reasonable belief that there has been a contravention)

Evidence has been disclosed that the business has been operating as a night club with music and dancing contrary to the businesses subject to closure in Schedule 2 (1) + 2(2) and in breach of regulation 4(1)

PART C - What you must do under as a result of this notice

This Prohibition Notice requires that you immediately cease the activities giving rise to contravention of the Regulations. The activities must not resume before the end of the emergency period. The measures specified below must be taken to prevent continued contravention of the Regulations

This business must cease to operate as a night club with immediate effect - see Trading Standards Notice for steps taken to ensure this happens

Part D - Consequences of non-compliance

Failure to comply with this Prohibition Notice, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court.

Designated Officer's signature:

The authority reserves the right to amend, vary, or revoke this notice. If you wish to challenge or make representations you should do so in writing - guidance on this is detailed in Part E.

Part E - Challenging this Prohibition Notice

There is no statutory right to appeal against this Prohibition Notice.

If you consider that the Notice should not have been issued or that the actions required of you are unreasonable or unjust, you can make representations to the authority that issued it.

For Southwark Council write to the Head of Regulatory Services at the address given outlining your reasons for challenging the Notice, within 14 days of the date on this Notice or use the Council's corporate complaints procedure which can be accessed via www.southwark.gov.uk/complaints.

For Police use the Metropolitan Police complaints procedure accessed via www.met.police.uk

Alternatively, you may challenge this Notice by way of Judicial Review. Should you wish to pursue this option, you may wish to consult a lawyer to obtain independent legal advice.

This Notice remains in force even if you have raised a challenge.

Should the local authority's review of your challenge determine that the Notice should be revoked, you will be notified in writing that the Notice has been revoked.

If you are not sure of your rights or the implications of this Notice, you may want to seek independent legal advice.

Guidance on the regulations

www.southwark.gov.uk/coronavirus-businessclosure

Guidance and sample text for officers on completing Part B

Set out the offence, including sufficient detail to clearly identify the grounds for a reasonable belief that the offence has been committed. For example "Failed, without reasonable excuse, to cease to carry on the business or provide the service of [insert business or service type], listed in paragraph [insert paragraph number] of Schedule 2 to the Regulations, during the emergency period, other than as permitted by Regulation 4(2) or 4(5).

Guidance and sample text for officers on completing Part C

Detail the action(s) that need to be taken to prevent continued contravention of the requirement. For example in relation to a breach of Regulation 4(1) (Business listed in Schedule 2) - actions required:

Cease to carry on the business or provide the service except as permitted by (delete the points below where not relevant):

- Regulation 4(2) (which permits the use of premises and facilities for specified purposes, including by elite sportspersons, professional dancers and choreographers)
- Regulation 4(5) (which permits the business to carry on a business of offering goods for sale or hire in specified circumstances; or to operate a café or restaurant in specified circumstances.)

Document version 1.5 - Last revised 03/07/20

Pers 860602 Southwark



Notice

To Afrikas Restaurant + Night Club LA ref

Address 871 Old Kent Rd, SE15 1NX

Date 4/9/20 Time 20:00 Officer Sam Moore

Person seen Daniel Arnos Position* Director

Trading Standards Call centre - 020 7525 2000 Facsimile - 020 7525 5735

Notice no. N 1177

* If you are an employee you should pass this notice to the business owner(s) or the relevant manager or company director etc.

Reason for notice [x] Items seized [] Receipt for items [] Voluntary surrender / sample [] Other []

Legislation: Licensing Act 2003

Comments / action you need to take now / items received / seized or detained etc;

The following conditions on the premises license are not being complied with:
255 - Fire extinguishers have not been checked to do last 12 months.
289 - CCTV footage could not be made available to myself, the licensing officer or the public.
298 - no signs of entrance of dogs.

Signature / declaration [x] as appropriate

- I acknowledge receipt of this notice
I am the legal owner of the items listed above and voluntarily surrender them to Southwark Council, relinquishing all ownership
I confirm return of the items listed above

Recipient's signature [Redacted]

ray.moore@southwark.gov.uk



Notice

To Afrikilla Restaurant + Night club Ltd LA ref

Address 871 Old Kent Road, London, SE15 1JX

Date Time Officer

Person seen Position*

* If you are an employee you should pass this notice to the business owner(s) or the relevant manager or company director etc.

Trading Standards
Call centre - 020 7525 2000
Facsimile - 020 7525 5735

Notice no. N **1176**

Reason for notice Items seized Receipt for items Voluntary surrender / sample Other

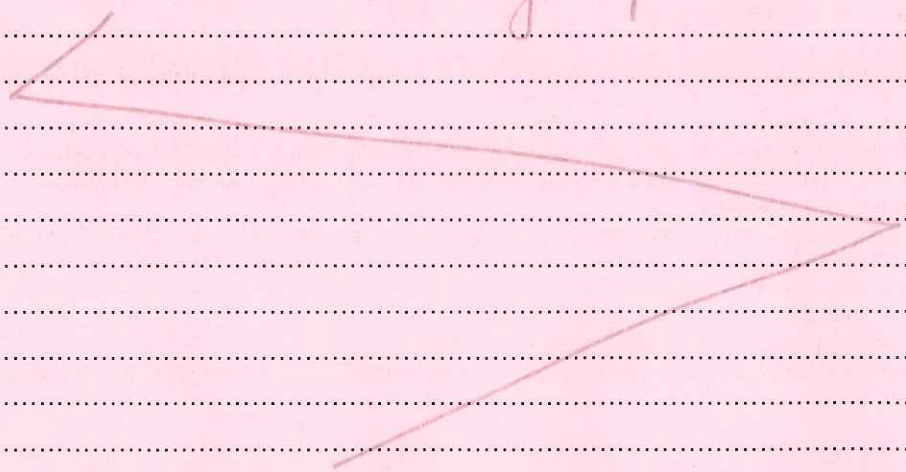
Legislation: Health Protection (Coronavirus, Restrictions) (No2) (England) Regs 2021

Comments / action you need to take now / items received / seized or detained etc;

Items seized under enforcement powers contained in regulation 7 with respect to contravention of regulation 4:-

A previously issued prohibition notice issued by the police has been ignored - it is therefore necessary and appropriate to remove the following items in order to prevent the premises from continuing to be used as a night club with music and dancing in contravention of regulation 4. These items will be returned at a time when the premises is again allowed to operate as a night club.

- 3 x Lighting units
- 2 x cables for speakers



Signature / declaration (input checked as appropriate)

- I acknowledge receipt of this notice
- I am the legal owner of the items listed above and voluntarily surrender them to Southwark Council, relinquishing all ownership
- I confirm return of the items listed above

Recipient's signature

Inspections, officer powers and your rights

Southwark Council endeavours to adopt a positive and proactive approach towards ensuring compliance. We have regard to the Regulators' Code, Code of Practice on Powers of Entry and relevant codes issued under PACE (Police and Criminal Evidence Act). We believe that close partnership between local business and the Council means:

- better consumer and business protection
- fair and consistent regulation
- clarity about what is required and by when
- action required is proportionate to the risks identified

Officers are always pleased to help if you need advice on any of the areas we regulate including; fair trading, price marking, product safety, tobacco control, weights and measures and age verification. Business advice on these subjects and more can be found via the Council's website along with our enforcement policy and service standards. To access the codes mentioned visit the GOV.UK website.

Officer powers

Authorised officers have a legal right to enter and inspect business premises when they are open for business or at any reasonable time. They may give notice of a visit, or make an appointment if appropriate, but often will not, as to do so may defeat the purpose of the inspection or not be practicable. You should ask to see an officer's official credentials or identification before allowing them to proceed. It is good practice to do so as criminals do sometimes pose as bogus officials.

Powers do vary depending on the legislation but in most cases officers will have powers to;

- enter and inspect all parts of the premises
- observe the operation of the business
- interview staff during the inspection
- seize and retain any food, goods, computers or documents that may be required as evidence
- break open containers or vending machines
- enter by using reasonable force with a warrant
- make test purchases, take samples and photographs
- inspect and test any goods, equipment or installations
- seize items that are liable to forfeiture
- access electronic devices to obtain or access information
- require the production and take copies of recordings (including computer records), documents and video recordings associated with the business

It may be an offence to obstruct, fail to comply with a requirement imposed, or fail to give any assistance or information reasonably required by the officer, or to give false or misleading information (this includes providing access to locked or secure areas). On conviction the offence is punishable by fine and/or imprisonment.

Your rights

- When you are required or advised to do something you have the right on request to a written explanation of what you need to do, by when and why, and whether it is a legal requirement or a recommendation of good practice
- When immediate enforcement action is taken you have the right to a written explanation as to why this action was necessary
- When other enforcement action is taken or proposed you have the right to have your point of view heard and for any alternative action (which must be equally effective) to be discussed
- When enforcement action is taken, you have the right to be told of any appeals mechanisms

Follow up inspections are likely if non-compliances have been identified. If you are concerned about the possible implications for your business ask the inspecting officer what happens next.

Seizure of property

- Where property is seized officers should have regard to PACE Code B
- Before items are seized from occupied premises the officer must show the occupier their credentials if reasonably practicable
- The officer will also take reasonable steps to inform the person from whom items have been seized about the seizure and provide a written record of what has been seized
- Items seized will not be retained for longer than three months, unless the goods are reasonably required to be detained for a longer period for a purpose for which they were seized, in which case they will not be detained for longer than required for that purpose. This does not apply to goods seized for testing, that are liable to forfeiture or that are required as evidence
- Appeal rights may exist under the legislation concerned. These generally involve taking action in the Magistrates Court. You should seek independent legal advice if you wish to appeal against any seizure
- Compensation for loss or damage resulting from a seizure of goods may be payable where there has been no infringement or breach of legislation. In the event of dispute such compensation, or right to it, shall be determined by arbitration

Access to seized property

- The occupier or representative can be allowed supervised access to items seized to examine or photograph them, or should be provided with a photograph or copy where possible, in either case within a reasonable time following any request and at their own expense
- Such requests may not be granted if there are reasonable grounds for believing this would prejudice the investigation of any offence or criminal proceedings; lead to the commission of an offence by providing access to unlawful material; or compromise the personal safety of security staff and/or the security of storage facilities

Further information & complaints

Please contact us for further advice and guidance or e-copies of codes mentioned – contact details are shown overleaf.

If you are unhappy with the notice then you can complain using the Council's complaints procedure by writing to the Environmental Health & Trading Standards Manager at the address overleaf or use our corporates complaints and feedback facility at www.southwark.gov.uk/complaints

Companies House

Companies House does not verify the accuracy of the information filed
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#complInfo>)

AFRIKIKO RESTAURANT & NIGHT CLUB LIMITED

Company number **10510069**

Registered office address

871 Old Kent Road, London, United Kingdom, SE15 1NX

Company status

Active

Company type

Private limited Company

Incorporated on

5 December 2016

Accounts

Next accounts made up to **31 December 2019**
due by **31 December 2020**

Last accounts made up to **31 December 2018**

Confirmation statement overdue

Next statement date **14 August 2020**
due by **25 September 2020**

Last statement dated **14 August 2019**

Nature of business (SIC)

- 56101 - Licensed restaurants

Tell us what you think of this service(link opens a new window) (<https://www.research.net/r/S78XJMV>) Is there anything wrong with this page?(link opens a new window) (<https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://find-and-update.company-information.service.gov.uk/company/10510069>)

Companies House

Companies House does not verify the accuracy of the information filed
(<http://resources.companieshouse.gov.uk/serviceinformation.shtml#complInfo>)

AFRIKIKO RESTAURANT & NIGHT CLUB LIMITED

Company number **10510069**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/10510069/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/10510069/persons-with-significant-control)

Filter officers

Current officers

[Apply filter](#)

2 officers / 1 resignation

ANKRAH, Zeona Naa Densuah

Correspondence address **871 Old Kent Road, London, United Kingdom, SE15 1NX**

Role Active **Director**

Date of birth **August 1993**

Appointed on **1 June 2017**

Nationality **British**

Country of residence **England**

Occupation **Director And Company Secretary**

KPAKPAH, Emmanuel

Correspondence address **871 Old Kent Road, London, United Kingdom, SE15 1NX**

Role Resigned **Director**

Date of birth **November 1963**

Appointed on **5 December 2016**

Resigned on **2 June 2017**

Nationality **British**

Companies House

Companies House does not verify the accuracy of the information filed
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#complInfo>)

AFRIKIKO RESTAURANT & NIGHT CLUB LIMITED

Company number **10510069**

- [Officers \(https://beta.companieshouse.gov.uk/company/10510069/officers\)](https://beta.companieshouse.gov.uk/company/10510069/officers)
- [Persons with significant control](#)

1 active person with significant control / 0 active statements

Miss Zeona Naa Ankra Active

Correspondence address **871 Old Kent Road, London, United Kingdom, SE15 1NX**

Notified on **2 June 2017**

Date of birth **August 1993**

Nationality **British**

Nature of control **Ownership of shares – 75% or more**

Country of residence **England**

Mr Emmanuel Kpakpah Ceased

Correspondence address **871 Old Kent Road, London, United Kingdom, SE15 1NX**

Notified on **5 December 2016**

Ceased on **2 June 2017**

Date of birth **November 1963**

Nationality **British**

Nature of control **Ownership of shares – More than 25% but not more than 50%**
Ownership of shares – More than 25% but not more than 50% as a member of a firm
Ownership of voting rights - More than 25% but not more than 50%
Right to appoint and remove directors

Country of residence **United Kingdom**

[Tell us what you think of this service\(link opens a new window\) \(https://www.research.net/r/S78XJMV\)](https://www.research.net/r/S78XJMV) [Is there anything wrong with this page?\(link opens a new window\)](#)

<https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://find-and-update.company-information.service.gov.uk/company/10510069/persons-with-significant-control>



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 2 OCTOBER 2020

SECTION 53A LICENSING ACT 2003: AFRIKIKO BAR, RESTAURANT AND NIGHTCLUB, 871 OLD KENT ROAD, LONDON SE15 1NX

1. Decision

That as an interim step to promote the licensing objectives, pending the determination of the review application in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London, SE15 1NX at the full hearing, to be held on 27 October 2020, the licence be suspended.

2. Reasons

The representative for the police outlined the legal basis of the application to the licensing sub-committee. The police, in considering whether serious crime and/or serious disorder had taken place at the premises, took into account that there had been a murder in 2017. Which demonstrated serious crime. Since the outbreak of the COVID-19 pandemic in March 2020, it has been public knowledge that premises must not operate as nightclubs. Knowingly and deliberately putting the public at serious risk of contracting a potentially fatal respiratory illness COVID-19, at a time of a pandemic in the UK, can amount to the criminal offence of causing a public nuisance, which carries a maximum sentence of life imprisonment (R v Rimmington & Goldstein [2005] 3 W.L.R. 982). A number of examples of this were provided by the police:

- a. On 31 July 2020, at approximately 23:45 hours, the police visited the premises due to information that the premises had loud music coming from the basement area of the venue, which is known to operate as a nightclub. In the basement, approximately 20 persons were sitting together. The music was being played so loudly that officers had to shout to make themselves heard. A DJ was standing behind the DJ booth, adjacent to the dancefloor area. Although no dancing was witnessed, the facilities for dancing were obvious. When the police spoke with the manager at the time they were advised that the premises had not completed a COVID-19 risk assessment.
- b. On 15 August 2020, at approximately 23:00 hours, the police attended the premises and witnessed the premises operating as a nightclub. Patrons were standing amongst the tables, dancing to amplified music. A DJ was behind the decks playing music. Officers also observed breaches of Section 57(4) - failure to secure a premises licence or a certified copy at the premises or to prominently display a summary of the licence, and Section 57(7) - failure to produce a premises licence or

a certified copy the Licensing Act 2003, in addition to conditions 288 and 289 of the premises licence in respect of CCTV.

- c. On 19 August 2020, at approximately 15:38 hours, PC Holley and other officers attended the venue to issue the prohibition notice for offences from the 15 September 2020 visit. Again, breaches of Section 7(4) and Section 57(7) were observed, in addition to breaches of condition 100 (No DPS or holder of a personal licence holder present at the time of visit when alcohol is for sale or is exposed for sale). The premises were subsequently issued with a closure notice.
- d. On 29 August 2020, at approximately 01:00 hours, the police attended the venue to conduct a Licensing Act 2003 inspection and to confirm compliance with the closure notice issued on 19 August 2020. Police attempted to gain access to the basement area but were physically obstructed by staff. The door to the basement was being braced from the other side. A person was heard by police calling "Krissy shut the door!". Entry was forced and officers found the premise operating as a nightclub. An amplified voice was heard, stating to the patrons "Sit down, sit in your seats!" and "no dancing...just look at each other."
- e. On 4 September 2020 officers from Southwark council and the police attended the premises. The basement was not in use due to flood damage. A council officer seized some disco lighting equipment and based on CCTV evidence issued a prohibition notice. The owner, who identified himself as Daniel Dormer was unable to operate the CCTV in breach of condition 289 of the premises licence.
- f. On 27 September 2020 police attended the premises to obtain CCTV. The USB sticks provided by Mr Dormer were returned to the police blank, in breach of condition 289 of the premises licence.
- g. On 27 September 2020, at approximately 22:49 hours, police again attended the venue to inspect the premises and to check compliance with the Health Protection (Coronavirus, Restrictions)(No.2) (England)(Amendment) (No.5) Regulations 2020 that as a restricted business, they must not carry on or provide service between 22:00 and 05:00 hours. Police witnessed numerous cars parked in the venue's parking spaces and numerous people gathered outside smoking and vaping, dressed in evening attire.

PC O'Mahoney witnessed up to 30 patrons inside the premises sitting at tables and drinking after the time the venue should have been closed. Patrons were witnessed to move hurriedly out of sight. The premises took approximately three minutes to open the door and allow police entry. Entry to the basement was refused, doors to the basement area were locked, being held shut from the other side. CCTV camera feeds covering the downstairs area were cut and showed no footage. Mr Dormer claimed the CCTV must have been broken. Both Mr Dormer and other staff refused to open the doors to the basement, claiming the key was with the cleaner. Upon more police attending, the front basement door opened and a large number of patrons wearing evening wear holding filled drinks filed out of the venue.

Prior to this the power was cut to the basement and its adjoining stairwell. Requests made to Mr Dormer to re-engage the power were refused which created a dangerous environment for both police and patrons. Several persons claimed to be cleaning staff, however they were in full evening attire, one with a six month old child. On the tables were discarded paper cups and bottles filled with alcohol and used glassware.

The licensee, Ms Zeona Naa Densuah, addressed the sub-committee. She advised the licensing sub-committee that, on the advice of her solicitor, at this stage she did not want to give any statement to the members, having only received the application the day before and had not had the opportunity to fully digest the content of it.

She did however, respond to the members' questions, saying she was fully aware of the coronavirus regulations and knew that her premises could not operate as a nightclub. She also understood the restrictions on serving alcohol without food. Concerning the police attendance on 27 September, she advised that a family meeting had taken place at the premises as her brother had been stabbed in the chest and the family had met to discuss the event. It was for this reason she had her baby with her in the basement. Finally, she advised that CCTV had specifically been handed over to the police on 16 August 2020 and on 28 August 2020 and in the case of the latter, it had been handed over to PC Lynch.

The licensing sub-committee was sympathetic to the premises licence holder of Afrikiko, insofar as she had only just received the application and bundle of papers in respect of this expedited review the previous day and was without legal representation. However, it was quite apparent from the evidence provided by the police that she had opened the premises as a nightclub on a number of occasions in deliberate and flagrant breaches of regulations and guidelines and endangered others by potentially spreading the virus.

It also appears that the premises also failed to positively engage with the Metropolitan Police officers. On the oral representations from the police, management and staff at Afrikiko have been physically and verbally obstructive to police officers by intentionally or recklessly creating dangerous conditions during the course of their investigations. The premises has shown complete disregard to the above legislation in addition to the Licensing Act and Health and Safety at Work Act and its regulations. In the circumstances, the licensing sub-committee felt that it had no other option but to suspend the premises licence.

Appeal Rights

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

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

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

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

Date: 2 October 2020

APPENDIX E

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

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

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

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

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

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

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

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

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

			inform Police NTE. Arrived at the premises and noted at the entrance of the premises X1 male SIA member of staff and X1 female member of staff. We were not accompanied by NTE police and did not feel due to the activity at the premises we should enter and check club scan
02/10/2016	01:17	Farhad Chowdhury	Seen SIA door staff and some people arriving.
15/10/2016	00:04	Farhad Chowdhury	Open very quiet nobody outside.
12/08/2017	22:54	Andrew Heron	Visit with Police. Premises closed. Blue notice in place.
19/08/2017	23:40	Farhad Chowdhury	CLOSED
23/12/2017	23:57	Farhad Chowdhury	Open tonight seen people inside.
13/01/2018	21:10	Andrew Heron	Visit with Police to check plans. Manager Daniel was not present - spoke to him over the phone. Plans for the Ground Floor are OK, though the CCTV room / storage room have swapped, but no walls removed. Basement plans are incorrect. Bar and DJ booth have moved. Toilets also moved, there is a new seating area in the centre. Minor variation will be required.
10/02/2018	00:50	Richard Kalu	Visit to premises with Farhad Chowdhury to complete a licensing inspection. Premises closed and non – operational ATOV.
25/05/2018	23:30	Andrew Heron	TEN granted - observations. No issues, could not see that there was much activity.
26/05/2018	23:00	Andrew Heron	Observations. Again, very quiet. Can only observe people eating and drinking on ground floor.
05/10/2018	21:00	Andrew Heron	NTE Visit with Food Team - no licensing inspection carried out (have received a lot of attention recently), only kitchen matters.
12/01/2019	00:34	Farhad Chowdhury	Quiet no activity outside.
08/03/2019	22:00	Charlie Jerrom	Visit to premises with Richard Kalu. I and Richard identified ourselves to the manager Daniel Dorner who has lost a copy of the premises licence. Mr Dorner handed over a letter requesting a duplicate licence along with a cheque of £10.50.
16/03/2019	22:05	Farhad Chowdhury	Open all quiet nobody outside.
14/09/2019	00:01	Farhad Chowdhury	Premises appears to be open again lot of people arriving cars parked. Maria will visit with police tomorrow night.
28/09/2019	20:39	Farhad Chowdhury	Revisit owner not in, no works have been done left card to call me back to arrange visit.
21/12/2019	00:45	Richard Kalu	Compliance Visit with John Okeke Uzodinma. Premises closed and non-operational ATOV.
12/01/2020	01:42	Farhad Chowdhury	Open all quiet.
25/07/2020	22:25	Farhad Chowdhury	Very busy open.
08/08/2020	22:56	Charlie Jerrom	As I drove past the premises there was a major issue with social distancing. There was also an issue with cars parked up and more arriving, as I was on my own I did not enter the premises but a follow up visit with police will need to be made.
09/08/2020	00:10	Farhad Chowdhury	Open very busy queues outside approx' 30 people in the queue, no police back up so did not visit
09/08/2020	23:56	Farhad Chowdhury	Open seen two people going in.
30/08/2020	00:15	Farhad Chowdhury	Couple of people outside.
31/08/2020	19:05	Charlie Jerrom	Drove past the premises and noted that it was hosting a birthday party, the car park was full and more cars were arriving and

04/09/2020	19:55	Richard Kalu	<p>parking across the road, called it through to Jayne.</p> <p>Visit to premises to carry out licensing observation of premises in light of government COVID -19 lockdown restrictions being eased. Joint inspection completed with Farhad Chowdhury (Principal Health & Safety Officer) / Ray Moore (Principal Trading Standards Officer) and NTE Police & Noise Officer. Inspection carried out in the presence of the Premises Licence Holder/ personal licence holder Daniel Dornor (Southwark Council Personal Licence No. [REDACTED]). No event taking place in the basement of the premises at the time of the visit. When we entered the basement there was a strong smell of sewage and we were advised that the basement had been flooded. Farhad has advised that an improvement notice will be served on Sunday. X7 patrons within the restaurant at the time of the visit. CCTV could not be operated ATOV to show CCTV footage from selected dates alleged offences are alleged to have taken place. Police have advised that they will drop a USB to management of the premises over the weekend for footage to be downloaded. Licence breaches detailed below; 288 That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing an image of every person who enters the premises. 289 That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the Police and the Council. Trading standards also confiscated lighting equipment from with the premises so as to cause disruption in case they tried to hold a club type event at the premises.</p>
04/09/2020	19:55	Farhad Chowdhury	<p>Joint visit supporting Ray Moore Trading Standards, PC Mark Lynch, Andrew Bolton Noise officer and Richard Kalu. Met manager Daniel Dornor also director of the business cannot show us CCTV. Said new system he cannot show previous recordings, Police believe he has been running the premises as a nightclub contravention of coronavirus regulations. Also said to come back later as he did not have time, I inspected the basement found it was flooded with water in one room Mr Dornor said they had a drain leaking its been repaired but water remained flooding the floor front of DJ area. I advised Mr Dornor to get it repaired and floor dried there was a smell from the stagnant water. I seen the risk assessments for COVID 19 and checked his paperwork, he has been served with two closure notices and a Prohibition notice under the Coronavirus regulations. Found some evidence of E -Shisha on the premises. I checked the Fire extinguishers all were out of test date advised to get it serviced. PC Mark Lynch issues another section 19 Notice. I advised Mr Dornor that I will serve him with a Improvement Notice for the flooding in the basement and will hand deliver it on Sunday evening to him. Ray Moore issued another notice under the Health Protection Coronavirus restrictions (England) Regulations 2020 on Mr Dornor we left at 21:32hrs.</p>
06/09/2020	19:00	Richard Kalu	<p>Visit to premises with Farhad Chowdhury (Principal Health & Safety Officer) X4 patrons within the premises eating. No amplified music. Farhad Chowdhury served improvement notice. Discussed with staff COVID-19 restrictions and gave practicable advice on staying safe when interacting with patrons.</p>
06/09/2020	19:01	Farhad Chowdhury	<p>Hand delivered Improvement notice for flood in basement.</p>
06/09/2020	23:35	Farhad Chowdhury	<p>Open all quiet.</p>

11/09/2020	19:55	Richard Kalu	Visit to premises to carry out licensing observation of premises in light of government COVID -19 lockdown restrictions being eased. No issues noted ATOV.
11/09/2020	22:45	Farhad Chowdhury	Two people outside smoking quiet.
13/09/2020	17:41	Farhad Chowdhury	Open all quiet.
13/09/2020	23:06	Farhad Chowdhury	Open no queues all quiet.
20/09/2020	23:20	Farhad Chowdhury	Open nobody outside all quiet.
25/09/2020	00:00	Charlie Jerrom	Premises appears to be closed ATOV.
25/09/2020	19:45	Farhad Chowdhury	Open all quiet.
25/09/2020	23:02	Farhad Chowdhury	Closed.
26/09/2020	00:18	Farhad Chowdhury	Closed no activity.
26/09/2020	23:30	Farhad Chowdhury	Two police cars outside loads of people standing outside premises still open after 22:00hrs breach of COVID regulations. Police dispersing people, approx. 15 to 20 people leaving now.
27/09/2020	23:46	Farhad Chowdhury	Premises lights on front door locked.
02/10/2020	20:30	Richard Kalu	Visit to premises with Farhad Chowdhury (Principal Licensing Officer)at request of Ray Moore (Principal Trading Standards Officer) to carryout multi agency visit to premises. Premises operational however scheduled routine visit called off at request of Ray Moore (Trading standards Officer). Advised that visit would be carried out later in evening after 22:00hrs.
02/10/2020	23:25	Farhad Chowdhury	Closed no activity.

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Annotations
T 871 Old Kent Road



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Scale = 1 : 4000000

10-Aug-2017



LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2020-21

NOTE: Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

Name	No of copies	Name	No of copies
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Councillor Renata Hamvas (Chair)	1	Debra Allday, legal team	By email
Councillor Sunil Chopra	1	Wesley McArthur, licensing team	By email
Councillor Charlie Smith	1	Farhad Chowdhury, health and safety team	By email
Reserve		Ray Moore, trading standards team	By email
Councillor Margy Newens	1	Ian Clements, Metropolitan Police Service	By email
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