



TOTAL POLICING

Form for Applying for a Summary Licence Review

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

Use additional sheets if necessary.

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

Name: **Southwark Licensing Team**

Address:

3rd Floor 160 Tooley Street

Post town: **Southwark**

Post code: **SE1 2QH**

Ref. No.:

I **Police Constable Ian Clements**

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:

Club 701, 516 Old Kent Road

Post town: **Southwark**

Post code:
(if known)

SE1 5BA

2. Premises licence details

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

Erico Entertainment Limited

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

860699

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

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

Please tick the box to confirm:



PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both

(Please read guidance note 2)

On the 31st August 2019 Police responded to a call to a fight inside club 701, 516 Old Kent Road. On arrival of Police a male victim was found in the smoking area at the rear of the club. He was unconscious and unresponsive and bleeding from the head. LAS arrived on scene and worked on the victim for approximately 45 minutes before putting him in an induced coma and convey him to Kings College Hospital.

I have viewed the CCTV from the smoking area and note that the timing shows the incident taking place at 02:17. This is inconsistent with the timing of the calls to the emergency services. This either means that the premises were open to the public beyond their terminal hour of 03:00 or they waited an hour to call the emergency services.

I made contact with the investigating officer to advise him that the premises should have an ID scan system in operation at all times that the premises are in operation under the premises licence. The investigating officer got in touch with Eric Doe and was told that on the night they discovered a software fault with the ID scan and were unable to get an engineer out to fix it before they opened. This would appear to be in contradiction of the details I have been provided, the fault was first reported Thursday morning, this was confirmed in an email from Mr Doe.

I have an email chain between Mr Doe and ID scan, one of which describes the system to have physical damage and needs replacing. According to ID scan the issues with the system only started Wednesday night, Thursday morning, prior to that they have no issues logged on their system or faults reported.

Condition 373: That customers shall not be permitted to wear hats or hoods whilst inside the venue.

I have viewed the CCTV and note a number involved in the fight either had hoods up or wearing hats.

This incident largely took place in the smoking area in the rear courtyard of the premises. A section of the courtyard is set aside as a covered shisha smoking area. The smoking of Shisha using Cole is prohibited at this venue. I note from the crime report that the use of Coles appears to be taking place. The premises licence holder stated at an earlier hearing that only electronic Shisha devices would be used.

This incident took place in a licensed premises that at the time was operating without the correct authorisation, by way of a premises licence or a temporary event notice. If the premises had have closed on time and had been operating in line with the conditions on the premises licence, I believe this incident could have been avoided.

I have no confidence in the management of this premises, they have a number of control measures on the licence that were breached on the night in question. The addition of further conditions in my opinion is not appropriate on this occasion. I recommend that the licence is suspended pending the outcome of a full review of the premises licence.

Signature of applicant

Signature:



Date:

5th November 2019

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.:

0207 232 6756

Email:

SouthwarkLicensing@met.police.uk

Notes for guidance



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 Serious 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:			
Club 701, 516 Basement & Ground Floor Old Kent Road			
Post town:	Southwark	Post code: (if known)	SE1 5BA
Premises licence number (if known):			
860699			
Name of premises supervisor (if known):			
Mr Alfred Mansaray			

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 Thursday the 31st October at approximately 03:15 Police were called to the above venue following reports of a fight inside the premises.

A male victim was identified in the smoking area at the rear of the club, he was unconscious and bleeding from the head.

On initial investigation it would appear the victim has been attacked by a number of suspects and struck over the head with a metal bar or section of a shisha pipe.

He remained unconscious and was placed in an induced coma before being transferred to Kings College Hospital.

The premises appears to have been operating in breach of their premises licence, no ID scan system was in place when the premises were in operation under the premises licence.

The lack of ID scan has had a detrimental impact on the initial investigation and the timely identification of suspects involved in a serious assault.

It would also appear that the premises were operating beyond the terminal hour for licensable activities.

I am of the opinion that action is required to prevent further crime and disorder and to protect the public, the standard review procedure is not appropriate on this occasion due to the time involved.

Signature

Signature:

SLT
HOLLIS

Date:

5/11/19

WITNESS STATEMENT

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

URN

Statement of: PC Ian Clements 2363AS

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  2362 AS Date: 06/11/2019

I have been a Police constable for over 26 years, I have been in my current role as the Police licensing officer for Southwark for over 9 years.

On the 6th November 2019, as part of my investigation into a serious assault at Club 701, 516 Old Kent Road I viewed the venues CCTV which covers the smoking area, and the body worn video from officers responding to the assault.

At 03:17 the CCTV shows a large disturbance taking place in the smoking area of the venue, the camera shows a large seated area with several red leather sofas, some tables and at least one shisha pipe on its stand. During the fight one of the suspects picks up this Shisha bar and strikes the victim who had been knocked to the floor.

A number of other suspects join in the fight and appear to be attacking the victim, it should be noted a number of the suspects are wearing hoods or hats, making facial recognition very difficult.

Condition 373: That customers shall not be permitted to wear hats or hoods whilst inside the venue.

I am aware of the terminal hours and conditions on the premises licence, the premises should be closed to the public at 0300 and the assault took place at 0318.


With regard to the smoking are and the presence of Shisha. On the 14th October 2017 the premises licence holder submitted an application to vary the premises licence, one of the variation sort was to amend the conditions relating to the consumption of drinks outside in the smoking area. This was to allow for the introduction of a Shisha bar in order to increase revenue.

The responsible authorities objected to this particular variation on the grounds of public safety and the prevention of crime and disorder.

This section of the variation was rejected by the licensing subcommittee and the variation to allow drinks outside was refused.

This is covered by condition 353: That no drinks shall be permitted outside at any time.

In response the representations from the responsible authorities with regard to the introduction of a Shisha Bar the premises licence holder provided the following response.

Witness Signature:  2362 AS

Signature Witnessed by Signature:

Continuation of Statement of:

The smoking of shisha pipes will be of the electronic variety only, akin to e-cigarettes, and so no coal storage will be required. The issue of shisha fumes and their possible inhaling by staff and guests alike, will, accordingly, be made redundant.

The CCTV shows the victim being attacked with what appears to be a free standing Shisha pipe and possibly one that uses Coles to heat. The following is a direct lift from the crime report relating to the assault on Wednesday and is a statement from a member of staff.

He stated that XXXXX was misusing the shisha pipes. XXXXX tried to warn XXXXX about the way he was using it and some of the coal from it fell in front of XXXXX which caused him to become angry and he said that XXXXX didn't care about his life. XXXXX then started to be abusive about XXXXX family and started swearing. XXXXX grabbed the pipe from XXXXX and XXXXX has then put his hand on XXXXX chest.

This statement would appear to support the evidence that despite the promises not to use anything but electronic Shisha the venue have been using the Shisha Coles.

In addition to the CCTV I also viewed the body worn video from one of the police officers on scene and dealing with the victim of the assault. This shows the broken Shisha pipe lying next to the victim along with what appears to be a glass bottle of beer.

Condition 353: No drinks permitted outside at any time.

Condition 347: That all beverages will be served in plastic/polycarbonate receptacles, no glasses or bottles will be permitted in the public area of the venue.

The above footage would appear to contradict these conditions.

All of the above are in my opinion contributory factors that have resulted in a victim being seriously assaulted, in my opinion a situation that could have been avoided if the premises were operating responsibly and within the restrictions of the current premises licence.

Witness Signature:

[Redacted]

2362 175

[Redacted]

Signature Witnessed by Signature:.....

NOTICE OF DECISION

LICENSING SUB-COMMITTEE - 7 November 2019.

LICENSING ACT 2003: SECTION 53A: Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA

This was a hearing to consider if it is appropriate to take interim steps pursuant to section 53B of the Licensing Act 2003, to promote the licensing objectives upon receipt of an application on 5 November 2019 by the Metropolitan Police Service, for a summary review of the premises licence relating to an incident that occurred in the early hours of 31 October 2019.

1. Decision

That the premises licence in respect of Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA be suspended with immediate effect as an interim step to promote the licensing objectives, pending the determination of the review application at a full hearing, to be held on 28 November 2019. The sub-committee urge the parties to investigate and provide evidence at the full hearing of the timings both of the incident and CCTV footage and the operation of the ID scanning system in the days leading up to and following the incident.

2. Reasons

The sub-committee was satisfied on the evidence that a serious assault had taken place on the premises and had been contributed to by multiple breaches of premises licence conditions. In particular, either the premises should have been closed before the incident took place or the police should have been called much earlier, the premises should not have been operating in circumstances where the ID scanner was not working, no drinks or glassware should have been in the area where the incident occurred and no patrons should have been wearing hats or hoods.

The sub-committee considered that the suspension was necessary and proportionate to promote the licensing objective of the prevention of crime and disorder. The sub-committee considered that other measures short of this were insufficient given the seriousness of the incident, the breaches of licence conditions on this occasion, and the previous operating history of the premises.

3. Appeal rights

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

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

The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination

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

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

Date: 7 November 2019

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 28 NOVEMBER 2019

LICENSING ACT 2003: SECTION 53A: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA

1. Decision

That the council's licensing sub-committee, having considered an application made under section 53A of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence in respect of Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA and having had regard to all relevant representations decided to suspend the licence for a period of three months, to remove Alfred Manseray as the designated premises supervisor and to modify the conditions of the licence as follows:

1. That the premises will be closed on Wednesdays.
2. That the measures set out in the licensing compliance plan attached to the premises licence as annex 5 shall be implemented in full prior to the reopening of the premises.
3. That there shall be no shisha smoking equipment on the premises at any time.
4. That all security staff at the premises shall be supplied by an SIA approved contractor.
5. That condition 288 of the licence shall be amended by the addition of the following: "The premises shall not be open at any time when the CCTV is not operating correctly."
6. That condition 342 of the license shall be reworded as follows:

"That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. **The system must be operating correctly at all times when the premises are open** and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and / or if the person's details are already stored on the system and they are identified using a biometric identification system."

7. That Eric Doe shall play no part in the day-to-day management or operation of the premises.

2. Reasons

The licensing sub-committee heard from the representative of the Metropolitan Police Service, the applicant for the review, who referred to his previous representations (considered at the interim steps hearing on 7th November 2019) and to his further witness statement dated 22nd November 2019, in which he exhibits CCTV stills from the night of the incident showing the licence holder Eric Doe behind the bar in the outside shisha area where the assault occurred. In his view, this undermined Mr Doe's assertion that the incident had been the fault of others, in particular the designated premises supervisor, who had let him down. Mr Doe had been in

that area of the premises himself that night, yet had allowed multiple breaches of licence conditions to occur. It was clarified that the CCTV appeared to be 1 hour behind actual time, so that the incident had occurred after 3.00 a.m. by which time the premises should have been closed. In the view of the police, Mr Doe had shown a disregard for the licensing objectives and they had no confidence that he could manage the premises safely in future. The licence should therefore be revoked. If the sub-committee did not agree with that, the licence should be suspended for 3 months, the designated premises supervisor changed and an SIA approved contract team appointed.

The sub-committee heard from the representative of the licensing authority, who referred to written representations submitted on her behalf. These traced the chronology of previous interventions by licensing officers attempting to secure compliance at the premises. It was clear that despite three separate licensing induction visits breaches of licence conditions had continued to occur, eventually leading to police cautions being issued for licensing offences. She urged the sub-committee to revoke the licence or, at the least, suspend the licence for 3 months while all the remedial measures proposed by the licence holder were put in place.

The representative of the licence holder entirely accepted that a serious incident had occurred. However, the sub-committee had to distinguish between a history of long-running minor non-compliance at the premises and this serious incident of violence, which was a one-off and could not in itself justify revocation of the licence, particularly where – as here – it was possible for the premises to be run in future in a compliant way. The proposal was for Mr Doe to play no further part in managing the premises. A new designated premises supervisor had been identified. A comprehensive licensing compliance plan had been devised and would be implemented. The premises could cease trading on a Wednesday, as this had attracted an unfamiliar crowd. There would be no shisha smoking henceforth. The premises would be closed if either the CCTV or ID scanning system were not working. A 6 week suspension was volunteered, which would allow time for the new regime to bed in.

The sub-committee took account of the fact that a serious assault had taken place on the premises which had been caused or contributed to by multiple breaches of premises licence conditions. The premises should have been closed before the incident took place, the ID scanner was not working, no drinks or glassware should have been in the shisha area and no patrons should have been allowed to wear hats or hoods.

Revocation was considered, but on balance the sub-committee took the view that a 3 month suspension of the licence, the removal of the designated premises supervisor and the additional conditions set out above would be sufficient in this case to promote the licensing objectives, in particular the prevention of crime and disorder. The sub-committee considered that other measures short of suspension were insufficient given the seriousness of the incident, the multiple breaches of licence conditions and the previous operating history of the premises.

The sub-committee noted with approval the applicant's willingness to eliminate single-use plastics in glasses and straws.

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.

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

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 are 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 Law and Democracy

Date: 28 November, 2019.