

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 12 APRIL 2016

LICENSING ACT 2003: THE CHARLIE CHAPLIN, 26 NEW KENT ROAD, LONDON SE1 6TJ

1. Decision

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

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

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

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

2 **Reasons for the Decision.**

The reasons for this decision are as follows:

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

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

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

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

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

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

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

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

3 **Appeal rights**

This decision is open to appeal by either:

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

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

This decision does not have effect until either:

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

The interim steps will remain in place until either:

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

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

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

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

Date: 12 April 2016