



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 18 MARCH 2016

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

#### 1. Decision

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

1. That Mr [REDACTED] and Mrs [REDACTED] be excluded from the premises.
2. That a CCTV system be installed at the premises before the full review hearing, scheduled for 12 April 2016. The CCTV system shall be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council

#### 2. Reasons

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

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

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

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

#### 3. Appeal rights

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

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

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

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

Date: 18 March 2016

# APPENDIX B



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 12 APRIL 2016

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

##### 1. Decision

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

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

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

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

## 2 **Reasons for the Decision.**

The reasons for this decision are as follows:

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

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

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

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

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

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

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

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

### 3 **Appeal rights**

This decision is open to appeal by either:

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

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

This decision does not have effect until either:

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

The interim steps will remain in place until either:

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

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

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

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

Date: 12 April 2016

# APPENDIX C



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 22 JUNE 2017

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

##### 1. Decision

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

- The licence be suspended.

##### 2. Reasons

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

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

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

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

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

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

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

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

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

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

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

### **3. Appeal rights**

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

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

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

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

Date: 22 June 2017



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 27 JUNE 2017

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

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

#### 2 **Reasons**

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

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

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

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

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

### 3 **Appeal Rights**

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

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

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

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

Date: 27 June 2017