

**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:



PROTECTIVE MARKING

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

PROTECTIVE MARKING

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.

PROTECTIVE MARKING

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

1. 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.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



**METROPOLITAN
POLICE**

TOTAL POLICING

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)

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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