



APPENDIX C POLICE

The Licensing Unit
Floor 3
160 Tooley Street
London
SE1 2QH

Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/3226/18

Date: 3rd September 2018

Dear Sir/Madam

Re:- Red Sea 85 Camberwell Road SE50EZ

Police are in receipt of an application from the above for a variation to the premises licence.

The applicant seeks to extend the hours for late night refreshment, the supply of alcohol and the time the premises are open to the public.
And to amend condition 851.

The amendments to 851 can be agreed by the Police as It would not impact on the prevention of crime and disorder licensing objective.

The current premises licence 864755 is for what appears to be a restaurant style venue as it includes a condition relating to alcohol consumption and table meals.

Recent visits to the premises would indicate the basement operates more often than not as a night club. This was evident on the 13th August 2018 when Police were called to a fight at the venue.

Police were called at 2am when a male was refused entry to the premises, he went away and later returned armed with a large kitchen knife and allegedly attempted to stab the SIA security officer on duty. The suspect was detained and later arrested for attempted murder.

On examination of CCTV and body worn video from officers the basement of the premises was operating as a night club, with evidence of regulated entertainment, dancing and the supply of alcohol.

The licence on display at the time of the incident was for the sale of alcohol until 11pm and the premises closed to the public at 1am.

The incident occurred at 2am, the CCTV shows the public still in the venue at 3am.

The premises is in a residential area as defined by Southwark's statement of licensing Policy, night club style venue s are not considered as appropriate for the location. The premises currently has a licence for hours that sit outside the policy even for a restaurant style premises.

As can be evidenced from above it is likely any additional hours could have a negative impact on the prevention of crime and disorder licensing objective. The applicant has not addressed or provided evidence of any exceptional circumstances why the committee should deviate from the policy.

Save for the amendments to condition 851 this variation to extend the hours for licensable activities and opening hours should be refused.

Kind Regards

PC Ian Clements 362MD

Licensing Officer

Southwark Police Licensing Unit

0207 232 6756

Heron, Andrew

From: Regen, Licensing
Sent: 01 October 2018 08:17
To: Heron, Andrew
Subject: FW: Red Sea 85 Camberwell Road, London, SE5 0EZ

Kirby Read

Processing Manager
Southwark Council | Licensing | Regulatory Services
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EHTS Helpline: 020 7525 4261 | **Call Centre:** 020 7525 2000
Email: licensing@southwark.gov.uk

In future if you wish to submit an application, a quicker way would be to [apply online](#)

Postal Address:

Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor's Address:

160 Tooley Street | London | SE1 2QH

From: Stanley, Matthew
Sent: Friday, September 28, 2018 7:25 PM
To: Regen, Licensing
Cc: Public Health Licensing; Shapo, Leidon
Subject: Red Sea 85 Camberwell Road, London, SE5 0EZ

To whom it may concern:

Re: Red Sea, 85 Camberwell Road, London, SE5 0EZ

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

This representation is made in respect of the following licensing objective(s):

- Prevention of public nuisance
- The prevention of crime and disorder
- Public safety

General Comments

This premises is located outside the Borough Bankside Cumulative Impact Policy area. It is however located within a residential area. Under the Southwark Statement of Licensing policy 2016-2020, closing time for restaurants and cafes within this area is 23:00 hours daily - takeaways are not considered appropriate for this area.

This application makes the request to extend opening hours to 12:00-02:30 Friday and Saturday, and 12:00 until 01:30 on Sundays. Accordingly, these opening hours contradict the Statement of Licensing Policy. Opening hours of an establishment with music, particularly one that serves alcohol, past this time can cause public nuisance in a residential area. It is noted that the applicant has stated in their application that they will undertake noise control mechanisms to prevent excess nuisance.

The applicant requests a new licence for the sale of late night refreshments between the hours of 23:00 and 02:00 Friday & Saturday and 23:00 and 01:00 on Sundays. Research indicates that late night food takeaways can generate crime and disorder due to large numbers of intoxicated individuals congregating in and around the venue. Research recently undertaken by the public health team; T.Boshari, C.Sharpe (Public Health Policy Officers) and R. Pinder (Consultant in Public Health) indicates that each late night licensed takeaway in Southwark is associated with a 1.3% increase in alcohol-related violence. This research is currently awaiting academic publication. If this establishment were planning on acting as a 'takeaway', it would contradict the Southwark Statement of Licensing Policy 2016-2020 that states that this area is unsuitable for takeaways. This matter would be less of a concern if the establishment were to act as an eat-in restaurant. Regardless, as a late night establishment serving food and alcohol, it risks causing an increase in alcohol-related violence, crime and disorder, due to large congregations of intoxicated individuals in and around the venue. It is noted that the applicant has stated that they will employ security and CCTV in order to minimise the risk of both public nuisance and crime within the local area.

The applicant also makes the request to extend sale of alcohol to 12:00 – 02:00 Friday and Saturday and 12:00 until 01:00 on Sundays. Southwark Statement of Licensing Policy 2016-2020 proposes that closing times for drinking establishments in this area is 23:00 hours. Drinking establishments being open past these hours can encourage increases in public nuisance, due to congregations of intoxicated individuals, increases in violence and cause public nuisance due to uncontrollable noise levels. Accordingly, this would not be viewed to be appropriate in a residential area. It is noted that they plan to undertake a challenge 25 service in order to prevent harm to children through underage drinking.

There are also 3 other eateries and one other drinking establishment within a 100m radius of the proposed site. There is a question to be raised regarding whether it is appropriate within this area for further establishments to be operating in such close proximity.

Recommendations

- I recommend that this unless the applicant should concede on their proposed opening hours to bring them more in line with the Southwark Statement of Licensing policy 2016-2020, regarding opening hours for restaurants and bars, late night refreshment and also the serving of alcohol (typically all limited to 23:00 in normal circumstances).
- The applicant has made it clear that they are willing to install mechanisms to negate the impact on the local community – these may need to be elaborated upon further in order to determine whether they would be able to safely remove any risk to the local community from this establishment operating past 23:00 hours.
- If the above conditions are not satisfactorily met, I would recommend that the license is rejected on the grounds of the application not meeting Southwark Statement of Licensing policy 2016-2020 objectives regarding a licensed premises in a residential area.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely,

Matthew Stanley

on behalf of Professor Kevin Fenton, Director of Health and Wellbeing (incorporating the role of Director of Public Health)

Dr Matthew Stanley

Senior House Officer | Public Health Division

Place and Wellbeing Department | London Borough of Southwark

160 Tooley Street | London SE1P 5LX



Place and wellbeing department

Planning division

5th floor, hub 2

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PLANNING

EH & TS Licensing Unit
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Web Site: <http://www.southwark.gov.uk>

Date: 05/09/2018

Dear Sir/Madam

Premises Licensing re:

85 CAMBERWELL ROAD, LONDON, SE5 0EZ

Summary description: Major variation

Date Received: 05/09/2018

The extension sought will take the restaurant outside the permitted hours of the planning permission. There are residences directly above the restaurant that will suffer nuisance if noise associated with the use continues into the early morning. The hours sought exceed those of a restaurant. The site has been reported as having nightclub style activity taking place in the past, although complaints have not been substantiated. Allowing the premises to open later at night would encourage late night activity likely to harm the licensing objective of preventing nuisance the extension applied for is therefore objected to.

Yours faithfully

Gavin Blackburn

Senior Enforcement Officer

LICENSING

MEMO: Licensing Unit

To	Licensing Unit	Date	3 October 2018
Copies			
From	Jayne Tear	Telephon	020 7525 0396
		e	
Fax			
Email	jayne.tear@southwark.gov.uk		

Subject Re: Red Sea, 85 Camberwell Road, London, SE5 O EZ
- Application to vary the premises licence

I write with regards to the above application to vary the premises licence submitted by Letteberham Abraha Tafla under the Licensing Act 2003 which seeks the following changes to the licensable activities:

- Extend late night refreshment on Friday from 00:00 to 02:00
- To extend the supply of alcohol (to be consumed on the premises) Friday from 00:00 to 02:00 and on Sunday from 23:00 to 01:00
- To extend the opening hours on Sunday from 01:00 to 01:30

The nature of the variation is described within the application as follows:

1. Extension of permitted hours in respect of the sale of alcohol and opening times
2. To amend condition 853 accordingly to new times granted
3. To amend condition 851 to state: "That a personal licence holder shall be on the premises at all times that licensable activities are taking place"

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

The premises is situated in a residential area and under the Southwark Statement of Licensing Policy 2016 - 2020 the appropriate closing times for Restaurants, Public Houses, Wine bars or other drinking establishments in this area is **23:00 daily. Night Clubs (with sui generis planning classification) are not considered appropriate for this area.**

The premises is a '*restaurant and bar*' and currently has generous hours already granted on the current licence which are outside the hours recommended for a residential area within the policy. It would seem that the premises is changing in nature/operating as a night club which under the policy is not considered appropriate for this area.

On Wednesday 5th September 2018 at 18:00 a licensing officer visited the premises to carry out a full premises licence inspection. Letteberhan Abraha Tafla, the premises licence holder

and DPS was present during the inspection and the following breaches of the premises licence conditions were found:

- **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'
- **309** That all amplified recorded and live music be played through the amplification regulated by the sound limiting device.
- **311** That clearly legible notice shall be prominently displayed at each exit at the premises and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
- **320** That a sound limiter be installed in the basement room and be set at a level by the applicants engineer in association with residents of the flats above and immediately adjoining in presence of Environmental Protection Team
- **841** 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.
- **8AB** That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- **8AI** That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

In addition, the officer noted that Condition 341 which states:

- **341** That an entrance lobby be constructed to the ground floor entrance sufficient in size to permit the outer door closing before customer enter the inner door to the ground floor and basement stairway.

There was no entrance lobby to the premises, you enter the premises directly from the street into the ground floor restaurant. However, there is a separate door to the basement that also has a door to street level.

This premises has previously been subject of an expedited review submitted by the Metropolitan Police at the full hearing for the review it was the decision of the licensing sub committee to suspend the licence for 6 weeks and to modify the conditions. I attached a copy of the LSC notice of decision on 3 October 2016 to this representation.

There has been a more recent violent incident at the premises which is currently being investigated and the licensing unit are also considering further enforcement action regarding the above breaches.

Considering the past history and the way that the premises is currently operating I have no confidence in Letteberham Abraha Tafla to promote the licensing objectives or adhere to the conditions on the premises licence. Allowing this application to extend the licensing activities, in particular the sales of alcohol to be consumed on the premises, would have a negative impact upon the prevention of crime and disorder and the prevention of public nuisance licensing objectives, therefore I recommend that the application is refused.

I may submit further supporting information to this representation at a later stage.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:
<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

Jayne Tear
Principal Licensing officer
In the capacity of the Licensing Responsible Authority

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 3 OCTOBER 2016

LICENSING ACT 2003: RED SEA, 85 CAMBERWELL ROAD, LONDON SE5 0EZ

1. Decision

That the council's licensing sub-committee, having considered an application made under Section 53A of the Licensing Act 2003 by the chief of police for the metropolitan police area for a review of the premises licence issued in respect of the premises known as Red Sea, 85 Camberwell Road, London SE5 0EZ and also having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

- a) Suspend the licence for a period of six weeks
- b) Modify the conditions of the licence by removing the following conditions:
 - Conditions 332, 345, 4AA, 4AB, 4AC, 4AI 288, 289, 290, 332 and 340.
- c) Modify the conditions of the licence by adding the following conditions:
 1. 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.
 2. That a member of staff should be on duty 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 removable device on request of Police or council officer.
 3. 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.
 4. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.

5. That two SIA registered door supervisors will be engaged when the premises are in operation on Saturday and will be employed at all times after 22:00 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
6. That all SIA shall sign in to a register which shall include their Name, badge number and telephone number and should include a declaration of expectation from the management in dealing with crime, drunkenness, assisting police and refusing entry to intoxicated people.
7. That the company engaged to provide door supervisors (the 'service provider') shall be subject to independent third party auditing to confirm that it complies with BS 7960:2005 Code of Practice in Door Supervision, including incident record keeping, and cooperation with police and other authorised officers. An instruction to SIA staff to cooperate with investigation of any incident by an authorised officer must be explicit in the assignment instructions for these premises from the service provider to the SIA door supervisors.
8. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.
9. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of two measures per container/glass
10. That after 11 p.m. only polycarbonate or toughened glass drinking vessels shall be available to patrons, and all bottled drinks sold must be decanted into a drinking container before service to the customer, with the exception of bottles of wine served to persons seated in the restaurant, and who are taking or have ordered a table meal.
11. That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
12. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

13. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
 14. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
 15. That no minors, under the age of 18 are allowed on the premise after 23:00 hours.
 16. That all minors under the age of 16 years of age are to be accompanied by a responsible adult at all times.
 17. That at least the designated premises supervisor plus one other personal licence holder shall be on the premises at all times that licensable activities are taking place.
 18. That the designated premises supervisor and all staff are trained by a recognised accredited organisation in their responsibilities under the Licensing Act 2003. All training records shall be kept and updated every six months and shall be on request made immediately available to the officers of the police and the council.
- d) That the times for licensable activities shall be modified as follows: Sunday to Thursday from 12.00 to 23.00, Friday from 12.00 to 00.00 and Saturday from 12.00 to 02.00 (to close 30 minutes later with all customers to have left the premises).
- e) That all regulated entertainment shall be removed from the licence

2 Reasons for the decision

The reasons for this decision are as follows:

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 7 September 2016 they applied to the licensing authority for a summary review in respect of these premises. A senior member of the police force, for the area, certified that in his opinion, the premises were associated with serious crime and/or serious disorder.

The summary review application resulted due to an incident that took place on 4 September 2016 at 02.45. It was alleged that a serious assault occurred at the premises which resulted in the victim receiving injuries consistent with grievous bodily harm. On arrival, the police noted that most of the patrons attending the premises were drunk. They arrested two suspects and when the police attempted to liaise with the SIA staff they were un-cooperative and refused to provide formal witness statements to the police and were reluctant to provide their details or aid in the police's enquiries. Furthermore, CCTV cameras at the premises were obstructed and of no evidential use. The police also advised that there had been previous breaches of the licence on 10 July and 7 August 2016. On 10 July 2016, a Section 19 Closure Notice was served.

The licensing sub-committee heard from licensing as a responsible authority who advised that they supported the police application but were happy to accept the conditions and modifications of the licence agreed between the responsible authorities and the licensee.

The licensing sub-committee heard from the environmental protection officer who supported the review and advised the incident that led to the assault causing wounding, escalated from an incident of harassment of a woman by a male. The officer added that incidents of harassment carry with them the risk that such incidents may be flashpoints for escalation into violent conduct. The officer also referred to the unproven counter-allegation of an assault with a glass bottle. This suggests that the premises was providing alcohol in bottles which could be used as casual weapons. The premises also allowed bottles of spirits being available for sale by patrons, thus allowing the free pouring of spirits by the purchaser, which would inevitably lead to individuals becoming heavily intoxicated. The environmental protection officer recommended that conditions be added to the licence.

The licensing sub-committee heard from the representative from trading standards supporting the review who advised that they had recently objected to the application to vary the licence (to extend hours) under the protection of children from harm licensing objective. The current licence permits children to be on the premise at any opening times but they have to be accompanied by an adult after 23.00 (condition 332). In addition, condition 345 allows 16 and 17 year olds to drink beer, wine or cider with a table meal provided the adult purchases the drink and accompanies them at the table.

The trading standards officer also expressed concern that the premise had received a section 19 notice on 10 July 2016 due to serious breaches of the licence, which were also witnessed on 7 August. Despite advice and guidance being given, the incident of 4 September 2016 still occurred. Trading standards are of the opinion that if the conditions on the licence had been complied with, the serious assault may not have occurred. Trading standards were of the view that the licence should be revoked.

The licensing sub-committee heard from the premises licence holder and her representative who informed the sub-committee that the premises was a restaurant and on Saturday nights there was a "night club" in the basement of the premises where events take place for weddings, christenings etc. They advised that they cooperated with all of the authorities and agreed with the proposed licence conditions set out in a document submitted by the police (further evidence of the police, points 1 to 7). The premises licence holder advised that they planned to change the operation of the premises to a pizzeria. She also proposed having two friends apply for personal licences to assist her in the running of the premises.

Concerning the events of 4 September 2016, the premises licence holder advised that she had been at the premises and called the police when the incident occurred. The premises licence holder recognised that the incident happened as a result of the harassment of a female patron and assured the sub-committee that the premises are signed up to the Southwark Women's Safety Charter.

The sub-committee considered all the written and oral evidence before it and concluded that the six weeks suspension of the premises licence would allow the premises adequate time to change the operation of the premises and make the necessary arrangements for the two proposed personal licence holders to complete their training and to apply for the licenses. The licence has been modified with the agreement of the premises licence holder and will ensure that the four licensing objectives are robustly promoted.

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.

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

Date: 3 October 2016