

APPENDIX E



Hayatt
22 Camberwell Church
Street
London
SE5 8QU

Licensing Unit
Direct Dial - 020 7525 5767
Facsimile - 020 7525 5735
Our Ref: INU: 082837

31 October 2018

Dear Sefatullah Rozikhel

**RE: THE LICENSING ACT 2003 – WARNING LETTER
(Hayatt, 22 Camberwell Church Street, London, SE5 8QU)**

On 27 October 2018 at 23:50 Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

No full licence was available for inspection, neither was there a premises licence summary mounted in the public area available for inspection.

During the inspection, Officer witnessed breaches of the following conditions:

4AB *All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.*

The was no staff training records.

242 *Clear and conspicuous notices will be displayed warning of potential criminal activity, such as theft, that may target customers.*

No such notice was in place.

289 *That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days*

288 *That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times*

Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director Environment & Housing - Deborah Collins

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844 *That a suitable CCTV system shall be installed and be constantly maintained in good working condition. This CCTV system should be capable of storing the recordings for a period of 28 days and should be made immediately available to the police or council officers, upon request.*

Whilst there was CCTV in place, it was inaccessible and you were unable to demonstrate that it was recording at all.

I am also concerned that some of the conditions on your licence are not fit for purpose and should have been removed at your last variation. For example, see condition

305 *That signs shall be displayed at the entrance to the premises that state 'Drug Free Signs' and 'No Search, No Entry. Management reserve the right to Refuse Entry'.*

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003. You must ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters. If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or an unlimited fine.

Finally, it is noted that the restaurant floor has been extended. There is now a room for service beyond the bar area and this also extends out into the garden. Having viewed the plans attached to the premises licence, these additional areas are not licensed. You will therefore need to supply a variation application to amend this.

In addition to the new plans, it is noted that you have the following condition on the licence:

842 *That there shall be an accommodation limit of 36 people, excluding staff, in the premises at any one time.*

At the time of the visit, this number was not in breach, however, it was noted that you have seating inside the premises for 59 persons and an additional 40 seats in the new external area which is being used for smoking shisha under a canopy that it potentially in breach of the health legislation.

In the external area, at the time of visiting, patrons were being served hot drinks (and/or food) and alcohol.

Finally, you stated that you were unaware of who your Designated Premises Supervisor was. He is listed on your licence as Dilwar Hussain, but you stated that you did not know who he is. Therefore, I would advise that as your DPS has gone away, you will need to vary your DPS with immediate effect as a matter of urgency.

I would suggest that you seek independent legal advice at your earliest opportunity.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

Andrew Heron
Principal Licensing Officer
andrew.heron@southwark.gov.uk

Hayatt
22 Camberwell Church
Street
London
SE5 8QU

Licensing Unit
Direct Dial - 020 7525 5767
Facsimile - 020 7525 5735
Our Ref: L1U: 865801

23 January 2019

Dear Sefatullah Rozikhel

RE: THE LICENSING ACT 2003 – WARNING LETTER

On 27 October 2018, your premises was visited, at which point multiple breaches of the premises licence was discovered; further, the plans as submitted with the premises licence remain incorrect. A warning letter dated 31 October was sent to you.

A new premises licence application was then made on 9 November 2019. The application was of notably poor quality, in addition, you failed to advertise the application over a 10week period, despite the consultation being for only 28days. The application was duly rejected. A new application has now been made.

The premises was visited again on 18 January at 20:50. In the external area, you had x17 persons smoking in an enclosed area. Despite being advised that it remained noncompliant with health legislation, you simply gave an excuse that it was 'too clod'. Enforcement action is currently being considered by the Council's Health and Safety Team. Until that matter is concluded, you must not enclose the sides if you wish to use the area to smoke in.

In the middle room, marked on the current plans as the 'kitchen', there were x6 customers, consuming alcohol. This room and the rear garden are still not on the existing plans, though I accept that they are on the plan that has been submitted. In addition, you are reminded that your current licence stipulated a maximum capacity of 36 persons only – though this was not breached at the point of inspection, you have seating for more than double that figure.

No full licence was available for inspection, neither was there a premises licence summary mounted in the public area available for inspection. This is in breach of Sections 57(2) & (3) of the Licensing Act 2003. The only licence available was the previous version.

If you have lost or damaged your Premises Licence you can order a new one by writing to the Licensing Unit at the address given below, and including a cheque

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(made payable to the London Borough of Southwark) or postal order for £10.50, or contact our Admin Team at licensing@stouthwark.gov.uk.

If you have your Premises Licence and Premises Licence Summary (or certified copies) please ensure that you display the summary (or certified copy) at the premises as soon as possible, and that the Premises Licence (or certified copy) is kept at the premises to be made available to authorised officers should they request to see it.

During the inspection, Officer witnessed breaches of the following conditions:

- **289** *That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days*

To access the CCTV, we had to stand on chairs behind the bar in order to inspect. This is not safe; the CCTV needs to be in a place that is easily accessible at all times. It is noted that the system was only recording for 18 days to the 1st January; therefore it is not recording for the full 31 days.

- **342** *Clear and conspicuous notices will be displayed warning of potential criminal activity, such as theft, that may target customers.*

No such signage is in place, though it was noted that there were now adequate signs asking customers to leave quietly.

- **4AB** *All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.*

No training records remain available/

I would advise you that the above constitutes a potential breach under Section 136 (1) (a) of The Licensing Act 2003, which states that:

"A person commits an offence if -

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or*
- (b) knowingly allows a licensable activity to be so carried on.*

You must ensure that the hours listed and the conditions attached to the Operating Schedule of your licence are adhered to. A further visit will be made to check on these matters. If compliance is not achieved the Council may take formal action that may affect your license by leading to review and/or a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or an unlimited fine.

The premises will be visited again. Should the above not be sufficiently rectified, we will have no other option other than to seek enforcement action. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone between the hours of 9:00 and 17:00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

Andrew Heron
Principal Licensing Officer
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