

## APPENDIX F

Date	Time	Officer	Notes
19/05/2018	22:49	Farhad Chowdhury	Closed
25/05/2018	20:55	Andrew Heron	Closed
18/05/2019	19:49	Farhad Chowdhury	Refurbishment works going on inside looks like opening a Chinese restaurant soon.
07/09/2019	22:55	Andrew Heron	<p>1. My name is Andrew HERON and I am employed as Principal Licensing Officer for the London Borough of Southwark.</p> <p>2. On Saturday 07 September 2019, I was working with Ray MOORE, Principal Trading Standards Enforcement Officer and PC Jon DUCKER, Metropolitan Police, Licensing Division.</p> <p>3. At 22:55 we arrived at Viet Quan, a Vietnamese Restaurant at 320-322 Old Kent Road, London, SE1 5UE, formally known as 'Rock Island'. When we arrived I went immediately to the reception desk on the right of the entrance door and was met by an IC5 male behind the counter. I identified myself to the male and showed my warrant, as did Officer MOORE.</p> <p>4. I advised that we were present to carry out a licensing inspection. I asked for a copy of the current licence. We were then introduced to a gentleman identifying himself as the business owner/manager, Mr Bing Van LE, who showed us to a table and produced his UK driving licence which gave his date of birth as [REDACTED], which he confirmed to be correct. He acknowledged that he was the DPS and Director of the premises licence holder, but did not have his personal licence on him.</p> <p>5. I again advised that we were present to carry out a full licensing inspection, as one had not been conducted since the transfer had taken place. On 29 November 2018, a transfer application was made to the name of B &amp; H Property Limited (076405665), the Director being Mr Bing Van LE. On 26 March 2019, a vary DPS application was made into the name of Mr Bing Van LE.</p> <p>6. He advised that he did not have a copy of the licence, nor did he have a summary displayed. I immediately advised that there were no SIA door staff present, contrary to</p>

Condition 851.

7. As this exchange was taking place, I noticed that there were young IC5 males coming up and down the stairs. Mr LE advised that there was an event taking place downstairs. I advised that I did not believe that the basement was licensed, and stood to go down the stairs. Mr LE immediately said something in his own language to a female member of staff who immediately ran down the stairs, so I hurriedly followed her.

8. In the basement, there was a corridor, with closed doors coming off them. I witnessed the female staff member open each door and say something to each of the three rooms. There was an overpoweringly strong smell of cannabis in the corridor.

9. The first room on the left was a brightly-lit karaoke room. The music was immediately turned off and several glass bottles were dropped on the floor. Inside, there were x17 young IC5 males and x1 IC3 male. The males were of mixed age, the majority of which I believe to be aged between 14 and 16. There was smoke in the air and a very strong smell of cannabis.

10. I asked if any of the patrons had ID, none of them advised that they did, but I was clearly understood. Almost all of the males had a bottle of Budweiser beer in their hands, or were putting them on surfaces within the room. They all stood up and gathered their belongings and I counted them as they left. On a table were remnants of cannabis, rolling papers and a grinder, which Officer Moore photographed. There were three boxes of Budweiser bottles, one of which was empty, one full and one half empty. There were multiple bottles scattered across the room and split lager on the floor. Mr Le had joined us and advised that the room was rented for £40 per hour.

11. In the next room on the right was another karaoke room with loud music and a group of IC5 males and females with food and alcohol, though I do not believe any of them were underage.

12. In the third room, on the left, were two IC5 females whom I would describe as being 'heavily made up' with make up and a large IC5 male. I commented to Officer Moore that I felt concerned that the females may be sex workers, to which he agreed he shared my concern.

13. There was then a commotion back in the first room. As I returned down the corridor, one of the young IC5 males had returned and was quickly leaving the room with a large semi-

		<p>transparent bag (about the size of both of my fists) with green contents. I asked him what he had and asked if I should call the Police Officer – he ran up the stairs away from me.</p> <p>14. We returned to the ground floor; some of the young males were still present and talking loudly. We sat back at the table and I advised Mr LE that I was very concerned with what I had seen. I advised that it was clear that patrons were being permitted to smoke on the premises and consume drugs. I advised that I further believed that the majority of the males in the karaoke room were underage and had been supplied with alcohol, which was being openly consumed. I also voiced my concern regarding the females that I thought may be sex workers. I also stated that I believed that Mr LE, whilst being in charge of the business, had knowingly permitted this to take place, to which he did not respond, though he was clearly tearful.</p> <p>15. Further to the inspection, I found breaches of the following licence conditions of premises licence Number: 867491:</p> <ul style="list-style-type: none"> <li>• 341 That a phone number of the premises shall be made available if required.</li> </ul> <p>I could not see a telephone number easily visible.</p> <ul style="list-style-type: none"> <li>• 305 Signs shall be displayed requesting patrons to respect the neighbours and behave in a courteous manner.</li> </ul> <p>There was no signage.</p> <ul style="list-style-type: none"> <li>• 4AA The premises shall operate an agecheck "Challenge 25" policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.</li> </ul> <p>Mr LE did not understand what was meant by "Challenge 25", plus all attending Officers believed that there were children consuming alcohol on the premises.</p> <ul style="list-style-type: none"> <li>• 4AB All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck "Challenge 25" policy. They must obtain a certificate of</li> </ul>
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		<p>competence. 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.</p> <p>Mr LE did not understand "Challenge 25", nor were there staff training records.</p> <ul style="list-style-type: none"> <li>• 4AC Agecheck or "Challenge 25" signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck "Challenge 25" policy applies and proof of age may be required.</li> </ul> <p>There was no signage.</p> <ul style="list-style-type: none"> <li>• 342 All refusals of the sale of alcohol shall be recorded. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.</li> </ul> <p>There was no refusals register.</p> <ul style="list-style-type: none"> <li>• 844 That a written dispersal policy is provided to the licensing authority and shall be kept at the premises and made immediately available for inspection by the police and authorised council officers.</li> </ul> <p>There was no dispersal policy available for inspection.</p> <ul style="list-style-type: none"> <li>• 845 That the premises will install a CCTV system and maintain this system in good working order, the system will be of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered including the bar and smoking areas. All CCTV footage will be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to officers of the police or the council.</li> </ul> <p>Mr LE was able to show me that there was real-time CCTV operating via his mobile phone, but was unable to operate it, or show that it was even recording, for any period of time. He was unaware of how long CCTV recordings were retained.</p> <ul style="list-style-type: none"> <li>• 846 That there shall be at least one member of staff on duty</li> </ul>
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at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the police or other authorised officer.

Mr LE was not able to operate the CCTV, nor were there any persons on the premises that could operate it.

- 848 That all staff concerned in the sale or supply of intoxicating liquor undergoes a training scheme for such duties. Records of such training will be kept and made available for inspection, immediately on request by police or other authorised officer.

There were no training records available for inspection.

- 849 That all incidents of violence and or disorder that result in an injury to another will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection immediately by any authorised officer from the police or council.

There was no incident report book available for inspection.

- 851 That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed Thursday, Friday, Saturday and Sunday after 20:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admission 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.

There were no SIA registered door staff, nor did Mr LE understand that there was a need or requirement for them to be there.

- 852 That SIA when engaged at the premises will be issued mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

There were no SIA staff, let alone 'clickers'.

• 860 That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals and for consumption by such persons as an ancillary to their meal or waiting to be seated for a table meal within the designated bar area with a maximum of 30 persons at any time.

The males in the karaoke room did not have any food, though other diners in the restaurant had meals with their alcohol.

16. As we discussed the breaches, the diners on the ground floor (approximately 25 persons, all IC5 and of varying ages and sexes) departed the premises. Some had food placed into foil containers. I did not see anybody leaving paying for their food or drinks. As some were leaving, some of the males were aggressive and shouting and appeared to be intoxicated as they were supported by companions as they exited.

17. Officer MOORE and I stated to each other that whilst we were talking to Mr LE, that there were two other IC5 males around us, that we suspected may be in charge, rather than Mr LE himself. Mr LE gave his mobile number as [REDACTED] and his email address as [REDACTED]

18. PC DUCKER stated to me that he recognised one of the IC5 males staff members (wearing a maroon polo shirt) from a previous and recent Licensing-led raid that had been carried out on an unlicensed nail bar in Peckham. That he further believed that he had been recognised by this gentleman upon arrival and that he had disappeared from the restaurant floor.

19. Officers and Mr LE were joined at the table by the male that had greeted us at the reception and an older IC5 female, though they did not identify themselves. I commented that I had not witnessed so many potential breaches on any inspection that I had carried out during my career and explained the review process that was inevitably going to follow.

20. I went on to explain that I was concerned that there had been extensive works to the premises and that the plans for the premises were now incorrect. I have since checked the Council database and confirmed that the licensed area is only for the ground floor, not the basement. The current ground floor layout bears no similarity with the current plans lodged with the Authority. No variation has been applied to update this.

			<p>21. PD DUCKER issued a Section 19 Closure Notice to Mr LE.</p> <p>22. We departed the premises at 23:45. As we left, a group of IC5 males were stood at the entrance to the Old Kent Road entrance of Burgess Park, most of which I recognised as those that had been in the basement karaoke room. As we walked past, we were recognised and one of the group marched up to us and said "Hello", but was called back by the group. We returned to the car and decided that we would not continue inspections that night as we wanted to complete witness statements at the earliest opportunity.</p>
21/09/2019	23:00	Charlie Jerron	<p>Visit to the premises with Roy Fielding, Maria O'Mahoney and Jonathan Ducker, police were there to check on conditions previously breached. Corrections have been made for training records; however the CCTV was still not working. When we entered the premises Roy see a young male run downstairs, when we reached the basement all three rooms has people eating and drinking inside. This part of the premises is not on the licensing plan; the manager had been advised that the area was not allowed to be used during the previous visit. Jonathan caught it all on bodycam and will be providing a witness statement. Action: Append to APP.</p>
22/09/2019	01:12	Charlie Jerron	<p>Drove past the premises with Roy Fielding, noticed people inside the premises going downstairs to the basement area. Will pass information onto police and case officer. Action: Append to APP</p>
27/09/2019	00:11	Farhad Chowdhury	<p>Closed.</p>
28/09/2019	23:40	Farhad Chowdhury	<p>Visited met licensee Mr Bing Van Le, he said last Saturday someone visited already checked the items on the letter of 11th September 2019 from Andrew Heron. Majority of the conditions were compliant except they were using the basement rooms for Karaoke entertainment and had alcoholic drinks on the tables.</p> <p>Condition 305 complied  Condition 4AA complied  Condition 4AB complied  Condition 4AC complied  Condition 342 complied  Condition 844 complied  Condition 845 complied  Condition 846 complied  Condition 848 complied  Condition 849 complied  Condition 851 they had one SIA door staff, other staff had gone home said they were closed.</p>

			<p>However premises had lot of customers inside.  Condition 852 complied  Condition 860 complied  CCTV cannot show 31 days footage as they recently updated it only last Sunday and will need to come back in few weeks time.</p>
13/12/2019	22:50	Richard Kalu	<p>Compliance Visit with Kentura Dundas accompanied with the Police and Immigration officers. Premises closed and non-operational ATOV. Entry into the premises could not be achieved as the premises was locked up and closed.</p>
20/12/2019	21:40	Richard Kalu	<p>Visit to premises with John Okeke Uzodinma to complete a blue site notice compliance check. Blue Site Notice on display and compliant.</p>