

MEMO: Licensing Unit

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| To | Licensing Unit | Date | 14 Sept. 2020 |
| From | Jayne Tear | Telephone | 020 7525 0396 |
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Subject Re The George Canning, 123 Grove Lane, London, SE5 8GB

- Application to review the premises licence

I write with regards to the above application to review the premises licence submitted by the Metropolitan Police as a responsible authority under the Licensing Act 2003.

The application is submitted under the prevention of crime and disorder licensing objectives and the grounds for the review are stated in the application as follows:

'On Monday the 31st August 2019 at approximately 02:50 a fight started inside the premises, the victim received a broken Jaw and was stabbed in the stomach. Three suspects have been arrested at the premises shortly after the incident one of the suspects is believed to be a member of staff/manager. The premises should have been closed to the public at 00.30hrs with alcohol ceasing at 00.00hrs. The incident was described as a lock in and a number of people present including witnesses were customers of the premises. It does not appear the Licence holders/management contacted police, but a witness called police stating that there was a fight at the pub. Police attended the original call and spoke to staff at the premises but nothing was disclosed to police on arrival. Just after 03.00hrs the call log was marked as no fight at location. A further call to police was made by a member of the public at 03.04hrs, the victim who had been found lying on the pavement just outside the Lettsom Estate, Camberwell Grove SES. The informant was woken up by victim calling for help shouting he had been stabbed. On arrival of the police and Ambulance, the victim stated that the incident occurred inside The George Canning public house, officers were sent back to the premises. When officers initially attended the premises it was being cleaned up by the management. The victim stated that there were about 4-5 people in the pub at the time of the incident. Police attended the pub and found the manager in an alley next to pub, The Police made a request to view the CCTV of the incident, the manager initially denied being able to show the officers the CCTV but later admitted that he could and led the police to the office so they could view the footage. It should be noted that the manager appeared intoxicated. The Police then obtained the keys to the inside of the licensed area of the pub to examine any potential crime scene. As the officers went into the Kitchen area of the pub they found two suspects hiding in the darkness, both were arrested on suspicion of assault. CCTV was viewed and seized by CID officers, it shows an incident at 02.20hrs, a female (suspect arrested) who is the girlfriend of the victim assaulting him. Then between 02.50hrs & 03.00hrs it shows what is believed to be the victim punching a suspect and then the three including his girlfriend attack him dragging him to ground, described by Police as a melee. The CCTV shows the victim emerging with a blood stained top. The weapon was not located and believed disposed of prior to police arrival. The victim then leaves the premises and is found by a member of the public after hearing his calls for help. A standard review is deemed inappropriate due to serious nature of offence and a member of staff involved and believed breaching licence. When officers attended the premises was being cleaned up. Police have received two previous complaints re the management and running of the premises in 2018 and 2019'.

My representation is submitted under the prevention of crime and disorder and promotion of public safety licensing objectives and has regard to the Southwark Statement of Licensing Policy 2019 – 2021.

The premises is public house/wine bar and the is licensed for the following activities:

- Live Music – Indoors on Monday to Saturday 11:00 - 01:00, Sunday 12:00 - 00:00
- Recorded Music – Indoors on Monday to Saturday 07:00 - 01:00, Sunday 08:00 - 00:00
- Late Night Refreshment – Indoors on Monday to Saturday 23:00 - 01:00, Sunday 23:00 - 00:00
- Sale by retail of alcohol to be consumed on and off the premises on Monday to Saturday 07:00 - 01:00, Sunday 08:00 - 00:00
- Opening Times on Monday to Saturday 07:00 - 01:30, Sunday 08:00 - 00:30

The current licence holder is Donal Ennis the designated premises supervisor (DPS) attached to the licence Brian Coughlan.

Mr Coughlan was previously the DPS at The Charlie Chaplin, 26 New Kent Road, London, SE1 6TJ. Another Mr Ennis, Mr Adrian Ennis was the licensee at the premises and also the DPS on another occasion. The Charlie Chaplin was taken to review on 2 occasions under this management:

- On 21/6/2017 the Metropolitan Police submitted an expedited review. At the time Adrian Ennis was the licensee and Brian Coughlan was the DPS attached to the licence.
- On 17/3/2016 the Metropolitan Police submitted a review. At the time Adrian Ennis was the licensee and DPS.

On both of these occasions violent incidents were involved. I attach a copy of both of the notice of decisions from those LCS Hearings which were held on 18 July 2017 and on 12 April 2016.

Albeit the premises subject to the previous reviews had a different address, the common denominator is the management and it would seem that there is some association with both sets of management (Mr Ennis').

A separate violent incident has now occurred at The George Canning whilst under the management of Brian Coughlan. At the time the premises was in breach of the terms of the licence, as a result someone has been injured at the premises and emergency service were not called, most probably because it was a 'Lock In'.

I have no confidence in Mr Adrian Ennis or Brian Coughlan to uphold the prevention of crime and disorder and the promotion of public safety licensing objectives or to ensure the conditions on the premises licence are being met.

I fully support the Police in submitting this review, the licensee and DPS have not taken their responsibilities to promote the licensing objectives seriously and have a total lack of understanding of what is required to manage licensed premises.

In the interest of promoting all of the licensing objectives it is my recommendation that the licence is revoked.

I may submit further supporting information before the hearing.

Jayne Tear
Principal Licensing Officer
In the capacity of Licensing Authority as a Responsible Authority

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

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 18 JULY 2017

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:

To modify the licence to add the following conditions:

1. That the designated premises supervisor be removed.
2. That at least one SIA registered door supervisor will be engaged when the premises are in operation Friday, Saturday and when operating after 00:15. They will be employed at all times after 21:00 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 to ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.
3. That the operating hours to the premises will be reduced to 00:00 on Sunday to Thursday with all licensable activities ceasing 30 minutes before hand.
4. That all staff including management on duty at the premises shall not consume alcohol or be intoxicated whilst working.
5. That there is at least one member of staff trained in first aid on the premises during opening hours
6. That the CCTV is checked on a daily basis to ensure that it is operational and a log is maintained of the daily checks. These shall be made available to the police and authorised council officers immediately upon request.
7. That the hatch/gate at the bar shall remain closed at all times save for access or ingress.
8. That no fruit knife (or any other knife/weapon) will be allowed within the premises and/or kept behind the bar area.

9. That condition 842 be amended to: That a member of staff, who 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, should be available to attend the premises within two hours when it is open.
10. Pursuant to Section 53D(2)(c) of the Licensing Act 2003, the interim steps imposed on 27 June 2017 are also modified to read the same (as above).

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 conciliated with the premises.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who supported the Metropolitan Police Service's application. They informed the sub-committee that whilst the conditions agreed between the police and the premises supported the licensing objectives, they were only strong if the management implemented them stringently.

The licensing sub-committee noted the written representation from the health and safety officer.

The representative from the premises informed the sub-committee that whilst this was an isolate incident, they recognised that there were aggravating points. They acknowledged that if the CCTV had been operating correctly, the identity of the assailant would have been known far quicker. In response to this, the premises had the CCTV system overhauled to the satisfaction of the police and council. Staff had previously failed to undertake training in respect of dealing with work related violence and aggression. This was completed on 23 June 2017, the day after the suspension was imposed as an interim step. The previously open access to the bar area had now been closed and finally the fruit knife previously stored behind the bar had been removed. There had also been a suggestion that the staff were intoxicated when the police first arrived at the scene.

The representative directed the sub-committee to the statement of one of the officers who first arrived on the scene where they confirmed "I did not consider the bar staff or landlord to be intoxicated or drunk" (page 43 of the agenda).

The representative advised that the conditions agreed with the police would address all of the sub-committee's concerns and promote the licensing objectives.

The licensing sub-committee considered all the written and oral evidence before it and concluded that the incident of 17 June 2017 could have been completely avoided if the management of premises had been more vigilant particularly in allowing customers behind the bar so they could charge their mobile phones and where there was access to a knife. There were also aggravating features in particular the premises failure to implement conditions imposed at the previous review in April 2016 following a serious assault that took place on 16 March 2016. This, the sub-committee find unacceptable.

Whilst the sub-committee accept the conditions as agreed between the Metropolitan Police Service and the premises, should the premises be associated with any further incidents of serious crime and/or serious disorder, a future licensing sub-committee may question the confidence in the management's ability to run the premises and subsequently be inclined to revoke the licence.

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 is open to appeal by:

- a) The chief officer of police for the police area in which the premises is situated; or
- b) The holder of the premises licence

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

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

Date: 18 July 2017