

Pers 860602 Southwark



Notice

To Afikoko Restaurant + Night Club LA ref

Address 871 Old Kent Rd, SE15 1NX

Date 4/9/20 Time 20:00 Officer Sam Moore

Person seen Daniel Arnos Position* Director

Trading Standards Call centre - 020 7525 2000 Facsimile - 020 7525 5735

* If you are an employee you should pass this notice to the business owner(s) or the relevant manager or company director etc.

Notice no. N 1177

Reason for notice [x] Items seized [] Receipt for items [] Voluntary surrender / sample [] Other []

Legislation: Licensing Act 2003

Comments / action you need to take now / items received / seized or detained etc;

The following conditions on the premises license are not being complied with:
255 - Fire extinguishers have not been checked to do last 12 months.
289 - CCTV footage could not be made available to myself, the licensing officer or the public.
298 - no signs of entrance of dogs.

Signature / declaration [x] as appropriate

- I acknowledge receipt of this notice
I am the legal owner of the items listed above and voluntarily surrender them to Southwark Council, relinquishing all ownership
I confirm return of the items listed above

Recipient's signature [Redacted]

ray.moore@southwark.gov.uk

Notice

To Afrikilla Restaurant + Night club Ltd LA ref

Address 871 Old Kent Road, London, SE15 1JX

Date Time Officer

Person seen Position*

* If you are an employee you should pass this notice to the business owner(s) or the relevant manager or company director etc.

Trading Standards
Call centre – 020 7525 2000
Facsimile – 020 7525 5735

Notice no. **N 1176**

Reason for notice Items seized Receipt for items Voluntary surrender / sample Other

Legislation: Health Protection (Coronavirus, Restrictions) (No2) (England) Regs 2021

Comments / action you need to take now / items received / seized or detained etc;

Items seized under enforcement powers contained in regulation 7 with respect to contravention of regulation 4:-

A previously issued prohibition notice issued by the police has been ignored - it is therefore necessary and appropriate to remove the following items in order to prevent the premises from continuing to be used as a night club with music and dancing in contravention of regulation 4. These items will be returned at a time when the premises is again allowed to operate as a night club.

- 3 x Lighting units
- 2 x cables for speakers

Signature / declaration as appropriate)

- I acknowledge receipt of this notice
- I am the legal owner of the items listed above and voluntarily surrender them to Southwark Council, relinquishing all ownership
- I confirm return of the items listed above

Recipient's signature

Inspections, officer powers and your rights

Southwark Council endeavours to adopt a positive and proactive approach towards ensuring compliance. We have regard to the Regulators' Code, Code of Practice on Powers of Entry and relevant codes issued under PACE (Police and Criminal Evidence Act). We believe that close partnership between local business and the Council means:

- better consumer and business protection
- fair and consistent regulation
- clarity about what is required and by when
- action required is proportionate to the risks identified

Officers are always pleased to help if you need advice on any of the areas we regulate including; fair trading, price marking, product safety, tobacco control, weights and measures and age verification. Business advice on these subjects and more can be found via the Council's website along with our enforcement policy and service standards. To access the codes mentioned visit the GOV.UK website.

Officer powers

Authorised officers have a legal right to enter and inspect business premises when they are open for business or at any reasonable time. They may give notice of a visit, or make an appointment if appropriate, but often will not, as to do so may defeat the purpose of the inspection or not be practicable. You should ask to see an officer's official credentials or identification before allowing them to proceed. It is good practice to do so as criminals do sometimes pose as bogus officials.

Powers do vary depending on the legislation but in most cases officers will have powers to;

- enter and inspect all parts of the premises
- observe the operation of the business
- interview staff during the inspection
- seize and retain any food, goods, computers or documents that may be required as evidence
- break open containers or vending machines
- enter by using reasonable force with a warrant
- make test purchases, take samples and photographs
- inspect and test any goods, equipment or installations
- seize items that are liable to forfeiture
- access electronic devices to obtain or access information
- require the production and take copies of recordings (including computer records), documents and video recordings associated with the business

It may be an offence to obstruct, fail to comply with a requirement imposed, or fail to give any assistance or information reasonably required by the officer, or to give false or misleading information (this includes providing access to locked or secure areas). On conviction the offence is punishable by fine and/or imprisonment.

Your rights

- When you are required or advised to do something you have the right on request to a written explanation of what you need to do, by when and why, and whether it is a legal requirement or a recommendation of good practice
- When immediate enforcement action is taken you have the right to a written explanation as to why this action was necessary
- When other enforcement action is taken or proposed you have the right to have your point of view heard and for any alternative action (which must be equally effective) to be discussed
- When enforcement action is taken, you have the right to be told of any appeals mechanisms

Follow up inspections are likely if non-compliances have been identified. If you are concerned about the possible implications for your business ask the inspecting officer what happens next.

Seizure of property

- Where property is seized officers should have regard to PACE Code B
- Before items are seized from occupied premises the officer must show the occupier their credentials if reasonably practicable
- The officer will also take reasonable steps to inform the person from whom items have been seized about the seizure and provide a written record of what has been seized
- Items seized will not be retained for longer than three months, unless the goods are reasonably required to be detained for a longer period for a purpose for which they were seized, in which case they will not be detained for longer than required for that purpose. This does not apply to goods seized for testing, that are liable to forfeiture or that are required as evidence
- Appeal rights may exist under the legislation concerned. These generally involve taking action in the Magistrates Court. You should seek independent legal advice if you wish to appeal against any seizure
- Compensation for loss or damage resulting from a seizure of goods may be payable where there has been no infringement or breach of legislation. In the event of dispute such compensation, or right to it, shall be determined by arbitration

Access to seized property

- The occupier or representative can be allowed supervised access to items seized to examine or photograph them, or should be provided with a photograph or copy where possible, in either case within a reasonable time following any request and at their own expense
- Such requests may not be granted if there are reasonable grounds for believing this would prejudice the investigation of any offence or criminal proceedings; lead to the commission of an offence by providing access to unlawful material; or compromise the personal safety of security staff and/or the security of storage facilities

Further information & complaints

Please contact us for further advice and guidance or e-copies of codes mentioned – contact details are shown overleaf.

If you are unhappy with the notice then you can complain using the Council's complaints procedure by writing to the Environmental Health & Trading Standards Manager at the address overleaf or use our corporates complaints and feedback facility at www.southwark.gov.uk/complaints