

Licensing Sub-Committee

Wednesday 17 March 2010

10.00 am

Town Hall, Peckham Road, London SE5 8UB

Supplemental Agenda

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Contact

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Date: 15 March 2010

Agenda Item 6

Item No: 6	Classification: Open	Date: 17 March 2010	Meeting Name: Licensing Sub-Committee
Report title:		LICENSING ACT 2003 – Review Report Hypnotik 75-79 Norwood Road SE24	
Ward(s) or groups affected:		Premises are within: Village	
From:		Strategic Director of Environment and Housing	

RECOMMENDATION

1. That the licensing sub-committee considers a licence review application made by the metropolitan police licensing service of the premises licence under section 51 Licensing Act 2003 in respect of the premises known as Hypnotik 75-79 Norwood Road, London SE24.
2. **Notes:**
 - a) *The grounds for the review are stated in paragraph 36 to 40 of this report;*
 - b) *A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the Hearing Regulations, has been circulated to all parties to the meeting;*
 - c) *Correspondence has been received in support of the review from a local member of parliament; two local ward councillors; and two local representative bodies.*

BACKGROUND INFORMATION

3. The Licensing Act 2003 came into effect on 25 November 2005. The Act's introduction provided a new licensing regime for the retail sale of alcohol; the provision of regulated entertainment; and the provision of late night refreshment.
4. Under the Act a premises user wishing to provide any of the licensable activities listed in paragraph 3 of this report must secure a premises licence from the local licensing authority for the area in which the business concerned is located. Where the retail sale of alcohol is involved a designated premises supervisor holding a personal licence issued by the local authority for the area in which that individual lives must be named upon the premises licence.
5. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51(1) of the Act it remains open to any responsible authority or interested party to apply to the local licensing authority for a review of the premises licence where there are concerns regarding one or more of the four stated licensing objectives.

MATTERS FOR CONSIDERATION

The premises licence

6. On 1 July 2005, during the transitional period of the implementation of the Act, an application was made under schedule 8 by Mr Lincoln Smith for the conversion of existing justices licence into a premises licence, in respect of the premises known then

as Brockwell's Wine Bar 77/79 Norwood Road, London SE24. The application sought a straight conversion of the existing licence - no variation of the existing licence was sought.

7. The application was duly granted on 5 October 2005. As a result Mr Lincoln Smith held at that stage a premises licence which authorised the retail sale of alcohol for consumption on and off the premises, live music, recorded music, performance of dance, facilities for making music, facilities for dancing, and late night refreshment.
 - i. Monday-Saturday from 09.00 to 02.30
 - ii. Sundays from 09.00 to 00.30
 - iii. Good Friday from 12noon until 10:30pm
 - iv. Christmas Days from 12noon until 3:00pm and 7:00pm until 10:30pm.
8. The designated premises supervisor named on the licence at the time was Mr Satchell Thompson Smith.
9. On the 19 December 2005 an application to vary the premises licence, then known as Brockwells, was received at the licensing unit office. The application sought to vary the licensed hours as stated in the following:
 - a) Sunday to Wednesday from 10:00am until 02:30am, and
 - b) Thursday to Saturday from 10:00am until 04:30am.
10. The application received representations from the responsible authorities – noise & air quality team and representations from interested parties - stradella and springfield residents' association.
11. The variation application was granted by the licensing sub-committee on the 27 March 2005.
12. On Saturday 8 March 2008 the metropolitan police executed two search warrants under the Firearms Act 1968 & Misuse of Drugs Act 1971 as a direct result of intelligence which indicated that firearms and drugs were often used at the premises.
13. On the 11 March 2008 an application requesting an expedited review of the premises licence was received from superintendent Victor Olisa of the metropolitan police. The grounds for the review related to the following licensing objectives and are summarized as follows:-
 - a) Prevention of serious crime and disorder.
14. On the 12 March 2008 a licensing sub-committee hearing was held to hear the evidence from the expedited review application. The sub-committee determined that the premises licence was to be suspended until the 7 April 2008.
15. On the 18 March 2008 a representation against the expedited review decision was received from the applicant's solicitor which then triggered a further expedited review hearing on 20 March 2008. At that hearing the licensing sub-committee determined that the premises licence remain suspended until the review hearing of the 7 April 2008.
16. On the 7 April 2008 a third licensing sub-committee was held to hear the review that was triggered by the expedited review. The committee decided to modify the hours for licensable activities; place additional conditions on the premises licence; and remove the current designated premises supervisor with immediate effect. The modified hours were set as follows:- All licensable activities Monday to Saturday 10:00-01:00 and Sunday 10:00-23:00 hours. Late night refreshment Monday to Saturday 23:00-01:00 and Sunday

23:00-23:30 hours. Opening hours Monday to Saturday 10:00-01:30 and Sunday 10:00-00:00 hours.

17. On the 7 April 2008 an application was received to vary the premises licence to specify Mr Courtney Sebastian Millanaise as the designated premises supervisor.
18. On the 9 April 2009 the licensing police service made a representation against the application. The application was later withdrawn.
19. On the 18 June 2008 an application was received to vary the premises licence to specify Jacqueline Mersadie Thomas as the designated premises supervisor. The application received no representations.
20. Between the October 2008 and April 2009, 14 temporary event notices were submitted and events held at the premises without incident or complaint.
21. On the 21 January 2009 an application was received to vary the premises licence. The nature of the variation was to re-instate later trading hours and remove the standard and embedded conditions present in annex 2 of the operating schedule. In addition the application sought to remove the conditions in annex 3 established by the licensing sub-committee.
22. On the 25 March 2009 the licensing sub-committee partially refused the variation application dated the 21 January 2009. The trading hours for the sale of alcohol, late night refreshment, provision of regulated entertainment on Friday and Saturday were extended but only to 01:30 with the opening hours on Friday and Saturday were extended to 02:00 hours.
23. The decision was appealed by the licensee. On the 28 July 2009 the appeal was heard at Camberwell Green Magistrates Court. The judgement of the court overturned the decision of the licensing sub-committee.
24. Following the said appeal the premises licensed hours are as follows :
25. Opening hours are Monday to Wednesday 10:00-01:30, Thursday to Saturday 10:00-04:00 and on Sunday 10:00-00:30 hours. Regulated entertainment hours are Monday to Wednesday 10:00-01:00, Thursday to Saturday 10:00-03:30 and Sunday 10:00-00:00 hours.
26. A copy of the premises licence is attached the report as appendix B.

Recent operating history

27. On the 14 March 2009 a programmed inspection was conducted at the premises. During the inspection it was found that premises licence summary was not displayed, the fire risk assessment was not available for inspection and the health and safety policy was not available for inspection.
28. On the 15 June 2009 a programmed inspection was conducted at the premises. On this occasion the premises were found to be operating in compliance the premises licence conditions.
29. On the 4 September 2009 at approximately 22:45 hours an inspection was carried out with regard the management of the premises and illegal BBQ's operating outside of the premises. No evidence of poor management was found on this occasion.

30. On the following day the 5 September 2009 at approximately 01:20 hours a visit was carried out to observe the customers queuing and staff management of the premises. No evidence of poor management found and no sign of illegal BBQ's.
31. On the 9 September 2009 licensing officers met with the licensee, Lincoln Smith to discuss a shooting that had taken place outside of the premises on 14 August of 2009 at approximately 02:55 hours. The victim had been on the premises and was aged 19 years old. The premises have a 21 and over policy.
32. On the 6 October 2009 a warning letter was sent to Lincoln Smith and Satchel Thompson-Smith, in regard to the licence condition number 842 concerning ClubScan equipment which was not functioning, and licence condition number 375 no re-admission of the public to the premises after 02:00 hours. By this stage it had become clear that the ClubScan equipment was not working.
33. Copies of the warning letters are attached to the report as Appendix F.
34. On the 24 October 2009 at approximately 22:00 hours a visit was made to Hypnotik where licensing officers spoke with Lincoln Smith with regard to the ClubScan which was still not in place. He stated that he had attempted to repair the equipment and that the company supplying the equipment had promised to repair and deliver the equipment which would be in place within the next month, November 2009.
35. On the 13 February 2010 an inspection was carried out at approximately 00:15 hours. No problems were found on this occasion. Particular attention was paid to the ClubScan equipment which had since been installed and operating on the premises. The officer checked the equipment by placing a driving licence in the scanner. The licence appeared on a screen and appeared to verify the information.

The application for a review of the premises licence.

36. On the 28 January 2010 an application for the review of the premises licence was received from PC Paul Compton of the metropolitan police. The grounds for the review relate to the following licensing objectives and are summarized as follows:-
 - a) the prevention of crime and disorder
 - b) public safety
 - c) the protection of children from harm
37. The police have collated evidence in regard to the use of controlled drugs by customers and staff.
38. The police have concerns in regard to the management of the premises and the implementation of the search procedures.
39. The police are investigating an alleged kidnapping of a 16 year female person from outside the premises.
40. A copy of the review application and supporting papers received within the consultation period is attached the report as Appendix A.

Representations from interested parties

41. Representations have been received from interested parties.
42. A copy of the representations are attached to the report as appendix C.

Representations from Responsible Authorities

43. No representations have been received from either trading standards, environmental protection team or the London fire and emergency planning authority.
44. A copy of the replies are attached the report as appendix D.

Disability discrimination act

45. The Southwark disablement association has no comments regarding this application.

Map of the area

46. A map of the area is attached the report as appendix E.

Other licensed premises

47. No2 Chinese Takeaway, 85 Norwood Road SE15, licensed for; late night refreshment. Opening hours; Monday to Thursday 12:00 to 23:00 hours, Friday to 12:00 to 02:00 hours and Sunday 12:00 to 23:00 hours.
48. Olleys Fish Experience, 65-69 Norwood Road SE24, licensed for late night refreshment, live music, recorded music, and sale and supply of alcohol. Opening hours 10:00 to 01:00 Monday to Sunday.
49. Sebastians 49-51 Norwood Road SE24, licensed for facilities for making music, performance of dance, provision of making music, recorded music, late night refreshment, and sale of alcohol on the premises. Opening hours, 13:00 to 05:30 hours Monday to Sunday.

Southwark council statement of licensing policy

50. Council assembly approved the third revision of Southwark's statement of licensing policy on 5 November 2008. Sections of the statement that are considered to be of particular relevance to this application are
- Section 3 which sets out the purpose and scope of the policy and re-inforces the four licensing objectives
 - Section 5 which sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence
 - Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998
 - Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
 - Section 8 provides general guidance on ensuring public safety including safe capacities
 - Section 9 provides general guidance on the prevention of nuisance
 - Section 10 provides general guidance on the protection of children from harm.
51. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application

on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

RESOURCE IMPLICATIONS

52. No fee is payable in respect of an application for licence review.

CONSULTATIONS

53. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. Notices were placed outside the premises and the town hall for a period of 28 days.

COMMUNITY IMPACT STATEMENT

54. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic director of communities, law and governance

55. The sub-committee is asked to determine, under section 52 of the Licensing Act 2003, an application, made under section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or an interested party may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

Principles for making the determination

56. The principles, which Sub-Committee members must apply, are set out below.

The licensing authority must hold a hearing to consider an application for review of a premises licence where -

- (a) the application is properly made in accordance with Section 51 of the Act.
- (b) the applicant has given notice in accordance with Section 51(3) of the Act.
- (c) the advertising requirements provided for under Section 51(3) of the Act are satisfied.
- (d) the licensing authority has considered the ground(s) of review not to be frivolous, vexatious or repetitious.
- (e) the licensing authority has considered the ground(s) of review to be relevant to one or more of the licensing objectives.

The four licensing objectives are -

- The prevention of crime and disorder.
- The protection of public safety.
- The prevention of nuisance.
- The protection of children from harm.

Each objective must be considered to be of equal importance

The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are to-

- modify the conditions of the licence by altering, omitting or adding any condition.
- exclude a licensable activity from the scope of the licence.
- remove the designated premises supervisor.
- suspend the licence for a period not exceeding three months.
- revoke the licence.

For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which -

- (a) are relevant to one or more of the licensing objectives.
- (b) are made by the holder of the premises licence, a responsible authority or an interested party within the prescribed period
- (c) have not been withdrawn
- (d) if made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.

Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.

The authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.

In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.

It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

57. Where the authority determines an application for review it must notify the determination and reasons for making it to:

- (a) the holder of the licence.
- (b) the applicant
- (c) any person who made relevant representations
- (d) the chief officer of police for the area (or each police area) in which the premises are situated

Lateness and urgency

58. While having due regard to the licensing act process, procedures and timescales the complex nature of the review application and its contents have on this occasion caused a delay which could not be resolved within the given timescales.

Hearing procedures

59. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that

- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations
- Members of the authority are free to ask any question of any party or other person appearing at the hearing
- The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant;
 - to the particular application before the committee, and
 - the licensing objectives.
- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

60. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. regulation 26(1)(a) requires the sub-committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the licensing sub-committee

61. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
62. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
63. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.

64. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, and working or engaged in normal activity in the area concerned.
65. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
66. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
67. Under the Human Rights Act 1998. The sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
68. Interested parties, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

69. Members are required to have regard to the DCMS guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Finance director's concurrent

70. The head of community safety and enforcement has confirmed that the cost of this process is borne by the service.

Background documents

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, The Chaplin Centre, Thurlow Street, London, SE17 2DG	Name: Mrs Kirty Read Phone number: 020 7525 5748

Appendices

No.	Title
Appendix A	The application with supporting statements and letters
Appendix B	The premises licence
Appendix C	Representations from Interested Parties
Appendix D	Replies from Responsible Authorities
Appendix E	Map of the area
Appendix F	Warning letters – licensing unit

Audit trail

Lead Officer	Jonathon Toy, Head of Community Safety and Enforcement	
Report Author	David Swaby, Principal Licensing Officer	
Version	Final	
Dated	17 March 2010	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Executive Member	No	No
Date final report sent to Constitutional Team		15 March 2010

**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

RECEIVED
28 JAN 2010

I The Commissioner of the Metropolis (represented by Paul Compton PC294MD
Southwark Borough Police Licensing Officer.)

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the
review of a club premises certificate under section 87 of the Licensing Act 2003
for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

**Postal address of premises or, if none, ordnance survey map reference or
description**

HYPNOTIC
75-79 Norwood Road

Post town London

Post code (if known) SE24 9AA

**Name of premises licence holder or club holding club premises certificate (if
known)**

Mr Lincoln Smith & Mr Satchell Thompson-Smith

Number of premises licence or club premises certificate (if known)

829065

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Commissiонер Metropolitan Police Paul Compton PC294MD & Ian Clements PC362MD Southwark Borough Police Licensing Officer 12/28 Manor Place Walworth London SE17 3RL
Telephone number (if any) 0207 232 6210
E-mail address (optional) paul.compton@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

1) The Prevention of Crime & Disorder.

Police have collated evidence that customers using the premises openly use controlled drugs without any intervention by the club management and this also includes usage by members of staff.

2) Public Safety.

Police have serious concerns over the laissez-faire attitude to the implementation of the stringent search procedures which pertain to the Premises Licence, which has resulted in illegal controlled drugs being taken into the premises and has hindered the investigation of a serious criminal offence on a minor.

3) Protection of Children From Harm.

Police are investigating an offence of Kidnap of a 16 year old female from the premises and the lack of use of the electronic identification entry system, which is a condition on the Premises Licence, has resulted in the details of potential witnesses and/or suspect were unavailable to that investigation.

Please provide as much information as possible to support the application
(please read guidance note 2)

1) Prevention of Crime & Disorder:

As the result of a complaint received from the mother of a 16 year old female, concerning under age persons gaining access to the premises, Police conducted a number of covert licensing visits which revealed that the premises are not adhering too or operating the stringent security search procedures that were placed on the Premises Licence as the direct result of a previous Premises Licence review in 2008 after serious incidents of crime & disorder involving firearms, knives and drugs.

The covert visits have revealed that the open use of controlled drugs are permitted in the main public areas of the premises and this includes useage by staff whilst on duty. The visits also reveal that the electronic identification entry system is not being used and the details of potential witnessess and/or suspects are not available to assist an investigation. The verification and recording of the details of all that enter the premises would deter an individual from committing an offence as they could always be identified and traced.

2) Public Safety.

Police have serious concerns over the laissez-faire attitude of the club management to the implementation of the stringent search procedures which results in controlled drugs being taken into the premises. Covert visits by Police, along with a statement obtained from the 16 year old victim of a serious crime, reveal that habitually the electronic identification entry system is not used or indeed was not available for use for an extended period and this resulted in Police issuing a Closure Notice under Sec. 19 the Criminal Justice & Police Act 2001 on 13th November 2009. Police are currently investigating the serious offence of kidnap of a 16 year old female from the premises at 02.00am and the investigation has been hindered by the lack of use of the electronic identification entry system as a full list of potential witnessess and/or suspect was not available.

3) Protection of Children from Harm:

As stated above, Police are currently investigating the serious offence of kidnap from the premises. On 31st October 2009 the 16 year old victim attended the club with her 16 year old friend and gained entry without any age checks being conducted. Alcoholic drinks were supplied, again without any age checks being conducted and subsequently a male abducted the young victim as they both left the premises. Thankfully the young victim managed to break free from the suspect whilst close to the premises. The premises was not using the electronic identification entry system and therefore potential witnessess and details of the suspect were not available to the investigation.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

1	1	0	3	2	0	0	8
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If you have made representations before relating to this premises please state what they were and when you made them

Police previously submitted a expedited review application on 11th March 2008 as the premises had been associated with serious crime and disorder in form of gun-enabled crime, violence and drugs, over an extended period.

Police had executed of a search warrant issued under the Misuse of Drugs Act 1971 on 8th March 2008 involving over 100 Police Officers, where serious crime were discovered and a number of serious breaches in the Premises Licence giving rise to concern over public safety were identified.

Found during the search were a self-loading 9mm pistol & ammunition, four lock knives and a significant amount of illegal controlled drugs.

Significant breaches in the Premises Licence were also identified: The capacity limit was set at 100 persons, however 276 customers were found inside the premises. Despite having signage stating "Over 21's Only" the premises contained the following:

One Hundred and Twelve under 21
 Twenty-Three age 20
 Twenty-eight age 19
 Twenty-five age 18
 Twelve age 17
 Fifteen age 16
 Eight age 15
 One age 14

A Police Superintendent considered the level of crime associated with the premises was so serious that the only option was to issue an expedited review of the premises under Section 53A Licensing Act 2003

Please tick yes

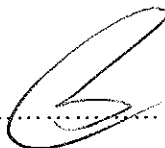
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 29th January 2010

Capacity Police Licensing Officer.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)
As in Section C on page 3 of application.

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Your reference: .



RECEIVED
28 JAN 2010

Our reference: MD/21/2010

Date: 29th January 2010

The Licensing Unit
The Chaplin Centre
Thurlow Street
London
SE17 2DG

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6210 Fax6282

Re: Review of Premises Licence under Section 51 Licensing Act 2003.

HYPNOTIC 75-79 NORWOOD ROAD LONDON SE22 9AA

Dear Sir/Madam

The Metropolitan Police, as a Responsible Authority under the Licensing Act 2003, hereby give notice that we are applying for a review of the Premises Licence currently held by the above premises under Section 51 Licensing Act 2003.

Enclosed are the Review Application Forms detailing the reasons behind the application. Police are in the process of obtaining a number of statements and these will be served to all concerned parties in due course.

Please do not hesitate to contact me at the address shown above if you have any questions in respect of this application.

Please note that I will be unavailable between 2nd & 19th April 2010.

Paul Compton PC294MD
Licensing Officer (Southwark North)

Working for a safer Southwark

 Phone: 0207 232 6210
 Mobile: 07990901483
 Fax: 0207 232 6282
 E-mail: paul.compton@met.police.uk
 Mail: Licensing Office, Walworth Police Station,
12/28 Manor Place Walworth London
SE17 3RL

Your reference:



Our reference: MD/2009

Date: 5th October 2009

Mr Lincoln Smith
Hypnotic
74/79 Norwood Road
London
SE24 9AA

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6210 Fax6282

Re; Hypnotic 75-79 Norwood Road SE24 9AA

Dear Mr Lincoln Smith

I wrote to you and your business partners in a letter dated 21st September 2009 highlighting the concerns of Police at how Hypnotic Club was been operated and suggested what actions would need to be taken to address those concerns. However it would appear from subsequent visits that the advice of Police has not been acted upon.

On Sunday 4th October 2009 I made a series of visits to your premises between 00.00hrs and 04.00am, speaking to door staff and to Mr Satchel Thompson Smith. Regrettably I discovered that the premises were operating other than in accordance with the current Premises' Licence in the following areas:

- The electronic identification entry system was not being used and not in working order in contravention of Condition 842.
- Customers were being granted entry to the premises at 03.30am in contravention of condition 375.
- Licensable Activities (Recorded Music) was being provided at 03.40am when the Premises Licence stipulates that the terminal hour is 03.30am

Should the premises continue to operate other than in accordance with the Premises Licence, consideration would be given to using powers requiring the premises to close, as afforded under the Licensing Act 2003 & Criminal Justice & Police Act 2001. It is vital for well-run premises to adhere to the conditions listed on the Premises Licence and the responsibility lies with the Designated Premises Supervisor and the Premises Licence holder to ensure compliance.

If you require further information then please contact me at the number shown above.

Paul Compton PC294MD

Licensing Officer (Southwark North)

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 Mobile: 07595011458

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12/28 Manor Place Walworth London
SE17 3RL

Your reference:



Our reference: MD/2009

Date: 5th October 2009

Mr Satchel Thompson-Smith
Hypnotic
74/79 Norwood Road
London
SE24 9AA

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6210 Fax6282

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12/28 Manor Place Walworth London
SE17 3RL

Your reference:



Our reference: MD/2009

Date: 5th October 2009

Ms J M Thomas
Hypnotic
74/79 Norwood Road
London
SE24 9AA

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6210 Fax6282

Re; Hypnotic 75-79 Norwood Road SE24 9AA

Dear Ms Thomas

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On Sunday 4th October 2009 I made a series of visits to your premises between 00.00hrs and 04.00am, speaking to door staff and to Mr Satchel Thompson Smith. Regrettably I discovered that the premises were operating other than in accordance with the current Premises' Licence in the following areas:

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 Mail: Licensing Office, Walworth Police Station,
12/28 Manor Place Walworth London
SE17 3RL

Your reference:



Our reference: MD/2009

Date: 21st September 2009

Mr Lincoln Smith
Hypnotic
74/79 Norwood Road
London
SE24 9AA

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6210 Fax6282

Re; Hypnotic 75-79 Norwood Road SE24 9AA

Dear Mr Smith

It has come to my attention that there is considerable concern amongst local residents and businesses, that premises that operate in the "Night Time Economy" are having a disproportionate and detrimental effect upon the Herne Hill in terms of crime & disorder, anti-social behaviour, noise pollution and litter. Police would expect that those employed in managerial roles of premises that operate in the night-time economy would ensure that the premises are operated wholly in accordance with the existing premises licence.

I visited your premises on Saturday 19th September 2009 at 0025am and spoke with Mr Satchel Thompson-Smith, who informed me that the Electronic ID Entry System was not in operation and had not been for about the previous two weeks. Condition 842. The system had been made a condition on the premises licence at the review hearing the previous year and had been upheld at the recent court proceedings. It is vital that the system is fully operational prior to the premises opening up to members of the public and to remain open without the system working would be a breach of your current premises licence.

I made a further visit at 02.50am and found that there was a queue of 7 customers who were awaiting entry to the premises. Your premises licence, Condition 375, stipulates that there can be no new entries after 02,00am.

It is vital for well-run premises to adhere to the conditions listed on the Premises Licence and the responsibility lies with the Designated Premises Supervisor and the Premises Licence holder to ensure compliance.

If you require further information then please contact me at the number shown above.

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Your reference: .



Our reference: MD/2009

Date: 21st September 2009

Ms J M Thomas
Hypnotic
74/79 Norwood Road
London
SE24 9AA

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6210 Fax6282

Re; Hypnotic 75-79 Norwood Road SE24 9AA

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It is vital for well-run premises to adhere to the conditions listed on the Premises Licence and the responsibility lies with the Designated Premises Supervisor and the Premises Licence holder to ensure compliance.


If you require further information then please contact me at the number shown above.


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 Mail: Licensing Office, Walworth Police Station,
12/28 Manor Place Walworth London
SE17 3RL

Your reference: .



Our reference: MD/2009

Date: 21st September 2009

Mr Satchel Thompson-Smith
Hypnotic
74/79 Norwood Road
London
SE24 9AA

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6210 Fax6282

Re; Hypnotic 75-79 Norwood Road SE24 9AA

Dear Mr Satchel Thompson-Smith

As you are aware, we have recently discussed that there is considerable concern amongst local residents and businesses, that premises that operate in the “Night Time Economy” are having a disproportionate and detrimental effect upon the Herne Hill in terms of crime & disorder, anti-social behaviour, noise pollution and litter. Police would expect that those employed in managerial roles of premises that operate in the night-time economy would ensure that the premises are operated wholly in accordance with the existing premises licence.

I visited your premises on Saturday 19th September 2009 at 0025am and spoke with you, at which time you informed me that the Electronic ID Entry System was not in operation and had not been for about the previous two weeks. Condition 842. The system had been made a condition on the premises licence at the review hearing the previous year and had been upheld at the recent court proceedings. It is vital that the system is fully operational prior to the premises opening up to members of the public and to remain open without the system working would be a breach of your current premises licence.

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CLOSURE NOTICE (UNLICENSED PREMISES)

(Section 19 of the Criminal Justice and Police Act 2001 as amended by Sections 126 & 127 of Schedule 6 of Licensing Act 2003)

**Details of Notice Service and Premises:**

Date of the Closure Notice: 13/09

Time Served 23.50

Police Force : Metropolitan

Person making the Notice: Paul Compton PC294MD

Signature:

Name (if applicable) & address of the affected Premises:
Hypnotic 75-79 Norwood Road London SE24 9AA

Details of alleged unauthorised use of the Premises [Section 20(6)(a)]:

The grounds for this notice are that the above premises are being used, or that within the last 24 hrs of service of this notice premises were undertaking a licensable activity otherwise than in accordance with a licence and there is a reasonable likelihood that the premises will be so used again in the future.

The specific alleged use of the premises to which these grounds apply (details of use, sales and likelihood of further use):

Knowingly allowing or carrying on an unauthorised licensable activity, contrary to Sec 136 Licensing Act, 2003. Cond 397: "The premises licence stipulates that an Identification Recognition System shall be installed & maintained in working order at all times. Every person, including staff & agents, entering the premises during opening hours shall be required to submit their details to the system prior to entry being granted."
The premises currently has no working system and there all licensable activities should cease until this is rectified.

Effect of Section 20(6)(b) of the Act (see overleaf for full details):

Under Sec 20 of the Act, an application for a Sec 21 Closure Order *may* be made to

Camberwell Green

Magistrate's Court,

unless the above use of the above premises has ceased and there is no reasonable likelihood that it will be so used in the future. Steps that may be taken to ensure this are suggested below.

Steps which may be taken to end the alleged unauthorised use of the premises, or prevent it from re-occurring [Section 20(6)(c)]:

The premises should be shut until such time as a Premises Licence or Temporary Event Notice is granted. There must not be any sales of alcoholic drinks or other licensable activities until this is complied with.

The Person (if applicable) on whom the Closure Notice has been served:

Name:

Signature:

Notes Accompanying This Closure Notice

1. A Police Officer, or an authorised officer from the Local Authority, has decided to issue this Closure Notice under the terms of Section 19 of the Criminal Justice and Police Act 2001 (CJPA). The Notice alleges that the said premises has been operating illegally without the authorisation to sell alcohol in compliance with the Licensing Act 2003 ('the Act'), being a licensable activity within the meaning of Sec. 14 of the Act. It also mentions the actions which may be taken by the owner or manager of the premises to end the unauthorised sale of alcohol, or to prevent it from re-occurring.

Section 20 of the 2001 Act – Closure Orders

2. Your attention is drawn to Section 20 of the 2001 Act. This provides that the Police, or as the case may be the Local Authority, can take action against the said premises by applying to a Justice of the Peace at the local Magistrates' Court for a Closure Order if the unauthorised sale of alcohol (as alleged in this Closure Notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future. The application for a Closure Order must be made not less than **7 days**, and not more than **6 months**, after the date on which this Closure Notice was served.
3. After an application for a Closure Order is made, the Justice of the Peace may issue a summons requiring the applicant, and also the person or persons on whom the Closure Notice was served, to attend a hearing at the Court on a specified date and time. At the hearing the Court will consider the applicant's complaint against the said premises and decide whether a Closure Order should or should not be made.
4. In accordance with the Magistrates' Court Act 1980, and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the Court before any decision is taken.

Appeals – Section 24 of the 2001 Act

5. An appeal against a decision by the Magistrates' Court to grant a Closure Order, or a decision to refuse an application for a Closure Order, can be made by an affected person to the Crown Court within **21 days**.

Enforcement Powers and Offences – Section 25 of the 2001 Act

6. It is an offence for a person, without reasonable excuse, to permit a premises to be open in contravention of a Closure Order made by the Magistrates' Court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.
7. It is also an offence for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both.
8. Police Officers and authorised officers from the Local Authority have the power to enter the said premises at 'any reasonable time', and do anything reasonably necessary to secure compliance with the Closure Order (for example, to board up the premises). However, when exercising this power, the Constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or person in charge of the premises).
9. It is an offence for a person to intentionally obstruct Police Officers or authorised Local Authority officers from exercising these powers. Any person convicted of obstructing an authorised Local Authority officer is liable to a fine not exceeding £5,000.

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Paul Compton PC294MD/176623** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Staff**

This statement (consisting of: **4** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: **Paul Compton** Date: **1st February 2010**.....

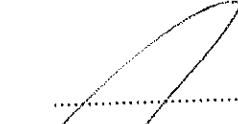
Tick if witness evidence is visually recorded (supply witness details on rear)

I am Paul Compton PC294MD/176623 and currently posted to the Police Licensing Office at Walworth Police Station, 12/28 Manor Place, Walworth, London, SE17 3RL. I am authorised to represent the Metropolitan Police in all issues connected with Licensed Premises located within the London Borough of Southwark.

On 29th January 2010 I submitted a review of the Premises Licence held by Mr Lincoln Smith and Mr Satchell Thompson-Smith in respect of a premises known as Hypnotic (formerly Brockwells) 75-79 Norwood Road, London, SE24 9AA, which is operated as a night club. The grounds for the submission of the review are 1) The Prevention of Crime & Disorder 2) Public Safety 3) Protection of Children From Harm.

Southwark Council, as the local authority and Police have received a considerable number of complaints from local residents and businesses in respect of a number of licensed premises, including Hypnotic, in the Herne Hill area, particularly premises that operate in the night time economy. The complaints concern issues of crime and disorder, anti-social behaviour and noise and has resulted in joint enforcement visits with colleagues from Southwark Licensing & Safer Neighbourhood Officers along with officers from the neighbouring borough of Lambeth. A number of public meeting have been held where the local residents have voiced their concerns, however many of the complainants feel too intimidated to submit representations in their own name and therefore I have been requested to act as a conduit.

I visited Hypnotic Night Club on Saturday 19th September 2009 at 00.25am where I discovered that the premises were not operating in accordance with the conditions as stipulated on the premises licence. The club did not have a functioning Electronic Identification Entry System and on speaking with Mr Satchell Thompson Smith, the club manager, had not had a functioning system for the previous two weeks. This particular condition was placed on the premises licence as the result of Police submitting a previous premises licence review which was heard by the

Signature:  Signature witnessed by:

Continuation of Statement of Paul Compton PC294MD/176623

Licensing Sub-Committee on 7th April 2008. I will detail the previous review grounds later in this statement. I left the premises and returned at 02.50am and found customers still being permitted entry with 7 customers in the queue at the main front entrance. I sent the entire management team a letter dated 21st September 2009 detailing my visit and suggesting that the management should adhere to the conditions as stipulated on the premises licence.

On 4th October 2009 I made a series of licensing visits to Hypnotic Night Club between 00.00hrs and 04.00am and again spoke with Mr Satchel Thompson-Smith where I identified that the premises was operating other than in accordance with the premises licence:

- The Electronic Identification Entry System was not being used and was not in working order.
- New Customers were being granted entry to the premises at 03.30am.
- Licensable activities (Recorded music) was being provided at 03.40am when the premises licence stipulates that the terminal hour is 03.30am.

I wrote to the entire management team in a letter dated 5th October 2009 detailing my visits and suggesting what actions need to be taken and what were the possible consequences should the operation of the premises not improve.

On Friday 13th November 2009 I made a further licensing visit to the premises at 23.50pm and spoke with Mr Satchell Thompson-Smith. Again I found that the premises had no functioning Electronic Identification Entry System, and Mr Satchell Thompson-Smith informed me the system was away for repair. I issued Mr Satchell Thompson-Smith with a Closure Notice under Section 19 Criminal Justice & Police Act 2001 and explained the consequences should the premises remain open without adhering to all the premises licence conditions. I made enquiries with the company who had supplied the Electronic Identification Entry System, ID Scan, and was informed that the system had been with them for repair for a number of weeks. I was also informed that Mr Lincoln Smith had attended the offices of ID Scan at 08.00am the following Saturday morning after the issue of the Closure Notice and obtained a replacement system and therefore this negated the need for any further police action at this juncture.

On 2nd November 2009 I received a call from the mother of a 16 year old female who had been in the premises with her 16 year old girlfriend on 31st October 2009 between 02.00am and 03.30am. During the time her daughter was in the club she was supplied with intoxicating liquor and subsequently was the victim to a kidnapping and assault which is being investigated by DC Keen from Walworth Police Station. Cris 3037087/09 refers. As part of the investigation a statement from obtained from the victim, [REDACTED] and a

Signature:

Signature witnessed by:

Continuation of Statement of **Paul Compton PC294MD/176623**

copy included with this application. Mark Antill, Operation Superintendent at Walworth Police Station authorised a covert licensing visit. Two covert visits were conducted by experienced officers on 12th December 2009 and 16th January 2010. I will not detail the officer's findings as copies of their statements have been included with this application. However in précis: the officers found that little of no searching was being conducted at point of entry and there was no Electronic Entry System being used and identification was not asked for by door staff. Once in the premises officers witnessed the open use of illegal controlled drugs, cannabis in all public areas of the premises and on one occasion noticed that a member of the door staff was openly smoking a cannabis cigarette whilst working as a door operative on the main entrance to the club.

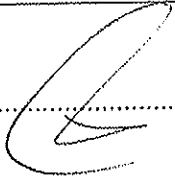
As previously stated, Police submitted a previous review of the Premises Licence which was heard by the Licensing Sub-Committee on 7th April 2008. The grounds for that review were serious incidents of Crime and Disorder associated with the premises and resulted in a search warrant under the Misuse of Drugs Act 1971 being obtained and executed 8th March 2008 and involved over 200 police officers, during which a viable firearm and live ammunition, 4 lock knives and a quantity of illegal drugs were found.

More applicable to this particular application was the breakdown in terms of age of customers inside the premises at the time of the execution of the search warrant on 8th March 2008: 276 customers inside the premises; 112 were under 21 years of age; 23 were 20 years old; 28 were 19 years old; 25 were 18 years old and more disturbingly 12 were 17 years old; 15 were 16 years old; 8 were 15 years old and one 14 year old. The Licensing Sub-Committee did not revoke the premises licence as requested by Police, but added a number of additional control measures to the Premises Licence and reduced the hours of operation. This did result in a drastic decrease in crime and disorder associated with the premises. However over the following months the management of the premises successfully obtained the return of extended hours through the Magistrates Court on 28th July 2009. Very soon after obtaining extended hours, on 14th August 2008 at 02.55am a male customer was shot in the leg by a suspect who discharged five more rounds as he left the premises. The investigation could not obtain details of potential witnesses as the Electronic Entry Identification System was not in operation. However the victim of this crime was 19 years of age, which is above the legal age of 18, but at the Licensing Committee Hearing and subsequent appeal hearing Mr Lincoln Smith, Premises Licence Holder, gave live evidence to the court that those over 23 years of age would be prevented from entering the premises. Clearly this undertaking has not been honoured.

(Copy of appeal notice included in papers)

I am aware that the premise does not have the required planning permission to operate as a nightclub and this matter is currently being proceeded with by officers from Southwarks Planning Department. I realise that planning is not a concern under the Licensing Act 2003, but it is further evidence that the management have little or no regard for the relevant legislation.

Signature:

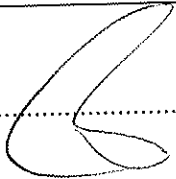


Signature witnessed by:

Continuation of Statement of **Paul Compton PC294MD/176623**

Regretably it would appear that the management have little regard for the existing conditions imposed on the current Premises Licence as it has continuously operated the premises other than in accordance with the premises licence. Police have engaged with the management, with the exception of the Designated Premises Supervisor Ms Jacqueline Thomas who has never been seen in attendance at the premises and has only been contacted by letter. Therefore the only conclusion that can be made is that there are no additional conditions that could be imposed upon the Premises Licence that would prevent the premises being associated with serious crime and the only option, given that the safety of the public is paramount and particularly young persons, is that the Premises Licence should be revoked.

Signature:



Signature witnessed by:

WITNESS STATEMENT

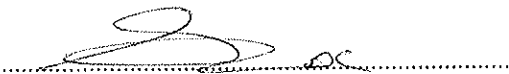
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **DC Wilkinson** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer**

This statement (consisting of: **4** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: **18th January 2010**

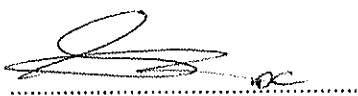
Tick if witness evidence is visually recorded (*supply witness details on rear*)

On **SATURDAY 16TH JANUARY 2010**, PC **395GD CHAPMAN** and I were on duty in plain clothes and engaged on Covert Licensing visits with a purpose to observe and ascertain whether any licensing laws are being committed.

At about 11.00 pm we received a briefing from PC **WATERMAN** with regards to **HYPNOTIK Wine Bar** (formally known as **BROCKWELLS Wine Bar**) situated at **75-79 NORWOOD ROAD, HERNE HILL, SE24**.

At approximately midnight, PC **CHAPMAN** and I attended **HYPNOTIK Wine Bar**. On arrival at the venue there were no customers queuing to gain entry into the venue. There was no activity outside the venue concerning the wine bar. At the entrance door to the wine bar which was cordoned off by a rope, there was one black female licensed person displaying her Security Industry Authority (SIA) Identification badge which she wore around her neck. The black female was then joined by a black male who was also displaying his SIA Identification badge which he also wore around his neck. Neither the black female nor the male wore high visibility reflective garments to indicate that both were door supervisors. (Same door supervisors as statement dated 16/12/2009). I will describe the door supervisors towards the end of my statement.

Prior to entering the wine bar, I noticed there was a visible poster on the entrance door headed 'Dress Code dress smartly, no hoodies, no hats, jeans or trainers'. The same black female door supervisor then asked PC **CHAPMAN** and I to open our clutch bags, she quickly glanced inside and proceeded to shine a small torch in our bags respectively. She did not search our bags. The female door supervisor did not body search us, nor did they give us a pat down search. Metal weapon detectors or wands were not seen or used. There was no club scan machine seen or used, however there could possibly have been a search arch on the inside the entrance door. This came to our attention due to the red and green lights flashing every so often on the inside of the entrance door, although when the red light flashed, no one was challenged by door staff.

Signature:  Signature witnessed by:

Continuation of Statement of DC ██████████ Wilkinson

We were then directed by the female door staff to enter the wine bar and pointed to a cubicle to the right by the entrance door that also appeared to be a cloakroom where I noticed a female member of staff sitting down accepting payment from patrons. I will describe this black female later in my statement.

I asked the black female how much it was to enter, she stated to me that it was £5.00 per person. We were not asked for identification. The female accepted £10.00 from PC CHAPMAN for both of us. The male door supervisor then directed PC CHAPMAN and I to hand our coats over to the same female inside the cubicle for a fee of £1.00 per coat

Our hands were not marked with a red marker to indicate that we had paid to enter the venue.

Opening hours are between 6.00 pm and 4.00 am.

(Please refer to my statement dated 16th December 2009 for a detailed description of club layout).

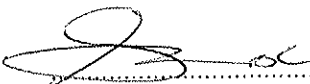
There are two fire exits in the venue, one at the entrance which was clearly sign posted 'Fire Exit' and the other one near to the ladies and gents toilets which was not blocked or obstructed in anyway. The only exit visible was the entrance.

Near the ladies and gents toilets PC CHAPMAN and I noticed there were signs on the door headed 'NO DRUGS', 'NO SMOKING' and that there was 'CCTV in operation', however apart from the 'No Smoking' sign, the other signs do not appear to be displayed anywhere else around the venue. There appears to be a CCTV camera in the bar area. I saw what I would describe as a dome camera situated on the ceiling which appeared to be pointing towards the bar staff working behind the bar and the till area.

At about 12.30 am a group of ladies and gentlemen entered the location and were not searched or asked for identification. There were approximately over 60 people on the dance floor (an equal ratio).

PC CHAPMAN and I then realised that there was also a private birthday party being held at the Wine bar (for a lady who we now know as Sam who was 41 years old).

At approximately 12.45 am, we noticed that the black female security staff came inside the location with a cake along with members of Sam's family and friends and at this point the security staff left the entrance door unattended.

Signature: 

Signature witnessed by:

Continuation of Statement of DC ██████████ Wilkinson

Upon going to the ladies toilets, there were 3 cubicles, one of them was not in use and had a handwritten note on the door displaying 'Out of Order' and the other two were in use, but had no locks on the door, nor was there a toilet attendant present in the bathroom. Both fire exits were clearly displayed by signs and were not blocked/obstructed. There was seating available inside, but this was very minimal. The second bar area to the left of the entrance was open to patrons who were dancing in that area but the actual bar itself was closed and not staffed at any point.

At the bar to the right, the staff were serving drinks in bottles and glasses and it did not appear that drinking water was not readily available and this bar was staffed by three black males.

The lighting in the premise was lit by ultra violet lighting. Also there was one black male who walking around freely with camera taking photos of patrons,

The clientele was 98% black and 2% white - of that it was equal ration of men to women. The age group ranged from 18 years to about 45 years, although the age limit for the location is 21 years old. Although the dress policy was "dress smartly, no hoodies, no jeans or trainers" there was clearly people, predominately black males breaching this policy and were dressed in contravention to the dress code. In particular, one black male put his hood up, but was not challenged in anyway.

The music being played at the location was a mixture of funky house, old skool, bashment and R 'n' B and Rare Grooves.

Although alcohol was consumed freely, there was one black light skinned lady who did show signs of drunkenness and possibly under the influence of drugs. The bar staff continued to serve her even though it was clear that she had had too much to drink. She was never refused alcohol nor was she escorted off the premises. The black light skinned lady was lifting her dress up and staff and patrons could clearly see her underwear. Some of the patrons were laughing, the expressions on the faces on some of the patrons showed that they were clearly surprised and shocked.

Furthermore, staff was allowing people to go on the dance floor with bottles and glasses.

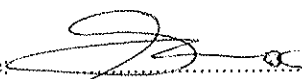
At 1.08 am, we saw that patrons were being let in the venue without being searched by security staff, paying an entrance fee, or handing their coats in at the cloakroom.

At about 1.24 am, there were now two black females in the cubicle by the entrance door.

At about 1.26 am, security staff at regular intervals patrolled the wine bar. The female security staff entered the female toilets several times during the night.

After about 2.00 am, the smell of cannabis could be smelt near to the entrance.

At 2.42 am, we saw that people were being let inside the location and were not being searched by the security staff and the smell of cannabis could still be smelt, and the staff appeared to be happy in letting people go outside with their drinks and bottles.

Signature: 

Signature witnessed by:

Continuation of Statement of DC [REDACTED] Wilkinson

I can describe the door staff as follows:-

A black dark skinned female, aged about 40 years old, F5.5 in height, small build, wearing a long puffa jacket, black trousers with her SIA badge clearly visible around her neck and navy beanie hat which covered her short plaits.

A black dark skinned male, aged about 35 years old, F5'9 in height, athletic build, with moustache, wearing black jacket, black trousers, black beanie hat with his SIA badge clearly visible around his neck.

I can describe the 1st female in the cubicle near the entrance of the venue as being a black brown skinned female with long hair in a pony tail, dressed in black, about 30 years old, (not sure of her height due to her sitting down on a chair).

I can describe the 2nd female that joined the 1st female in the cubicle as a black dark skinned female, slim build, black wavy hair, wearing black top and black trousers, about 23 years old, (not sure of her height due to her sitting down on a chair).

I can describe the 1st barman as a black dark skinned male, athletic build, F5.8 in height, late 20s in age, black cane row hair, wearing black shirt and black trousers.

I can describe the 2nd barman as a black dark skinned male, medium build, F5.9 in height, early 20s in age, low no1 hair cut, wearing black top and black trousers.

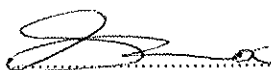
I can describe the 3rd barman as a black dark skinned male, athletic build, F5.8 in height, about 30 years in age, short plaits, wearing black shirt, black trousers and when leaving the bar area he was wearing a dark grey puffa with hood.

When leaving the location, the amount of patrons who were at the location on the dance floor and by the bar areas were approximately over 200. There were patrons outside the location smoking cannabis and drinking from bottles. Door staff did not challenge those patrons.

During the evening PC CHAPMAN and I purchased alcoholic beverages and soft drinks. We only partly consumed the contents of each bottle and glasses then discarded discreetly around the venue.

PC CHAPMAN and I left the wine bar at about 3.15 am and made our way back to the safety vehicle staffed by PC WATERMAN who in turn drove us to the local police station where a de-brief was then given of the night's events.

Signature:



Signature witnessed by:

WITNESS STATEMENT

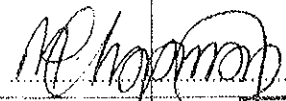
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC CHAPMAN GD** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Constable**

This statement (consisting of: 4 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

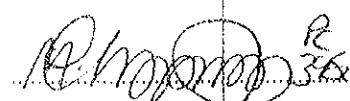
Signature:  PC 30563 Date: 19/1/2010

Tick if witness evidence is visually recorded (supply witness details on rear)

Original notes were discreetly made on my mobile phone (which is my own personal phone and not issued to me by the Metropolitan Police Service) during the course of the evening and later copied and saved in a word document, which myself and which myself I can refer.

On SATURDAY 16TH JANUARY 2010, I was on duty in plain clothes in company of DC WILKINSON as part of a Covert Licensing visits. The reason for this was to ascertain whether any licensing laws were being adhered to. At approximately 22:30 hours we received a briefing from PC WATERMAN of CO14 with regards to a wine bar called HYPNOTIK. This wine bar was formally known as BROCKWELLS Wine Bar and is situated at 75-79 NORWOOD ROAD, HERNE HILL, SE24.

On SUNDAY 17TH JANUARY 2010, just after midnight, DC WILKINSON and I attended HYPNOTIK Wine Bar. The wine bar is situated near to SEBASTIANS nightclub, which is near residential properties. The entrance is one door, which is managed by door staff. On this occasion, there was one female and one male security were on the door and there was no queue to get in. Both of the security staff was standing in area, which was cordoned off by a rope. In addition to this, they were displaying their SIA badges around their necks and were not wearing any hi-viz jackets. The female security shone a torch very briefly through our bags, but she did not in anyway go through our bags herself. We were not searched by any wands, nor did they seem to have them on their person, and no one was patted-down for an extra security measure. There were no club scans. However, there could possibly be an arch to the entrance of the door. This was brought to our attention due to the red and green lights flashing around the inside of the door, although when the red light flashed, door staff challenged no one.

Signature:  Signature witnessed by:

Continuation of Statement of PC CHAPMAN GD

There was a cubicle to the right, which was manned by one female sitting down, and this appeared to be a cloakroom as well. There was an entrance fee of £5.00 per person and on this occasion we were not asked for any identification. I then gave the female £10.00 for the admission for of both us and our hands were not marked by any security staff with red marker, as done on our previous visit to indicate we had paid to get inside. The male door staff asked us to hand our coats over to the lady in the cubicle by the entrance door to which we did at a charge of £1.00 per coat.

At about 0030 hours a group of ladies and gentlemen entered the location and were not searched or asked for identification in anyway by the security on the door. Upon our entry, there were approximately over 60 people on the dance floor. DC WILKINSON and I then realised that there was also a private party being held at the Wine bar (for a lady who we now know as Sam who is 41 years old today). At approximately 1245 hours, we noticed that the female security staff came inside the location with a cake along with members of Sam's family and friends and at this point the security staff left the entrance door unattended for approximately 10 minutes.

A detailed description and layout of the premises is in our statement dated 16th December 2009.

Upon going to the toilets, there were 3 cubicles, one of them was not in use and the other two were in use, but had no locks on the doors, furthermore there was no toilet attendant present in the bathroom. Both fire exits were clearly displayed by signs and were not blocked/obstructed in anyway. There was seating available inside, but this was very minimal and limited. The second bar area was open to the left but the actual bar itself was closed and not staffed at any point.

The bar to the right, the staff was serving drinks in bottles and glasses and it did not appear that tap water was not readily available and this bar was staffed by THREE (3) IC3 males. The lighting in the premise was lit by ultra violet lighting. I noticed one IC3 male who walking around freely with camera taking photos of patrons,

The clientele was 98% IC3 and 2% was IC1 - of that it was equal ration of men to women. The age group ranged from 18 years to about 45 years, although the age limit for the location is 21 years old. Although the dress policy was "dress smartly, no hoodies, no jeans or trainers" there was a few people, predominately IC3 males breaching this policy and were wearing the above. In particular, one IC3 male put his hood up, but was not challenged in anyway. The music being played at the location was a mixture of funky house, old skool, bashment and R 'n' B.

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Signature witnessed by:

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Continuation of Statement of PC CHAPMAN GD

Although alcohol was consumed freely, there was one IC3 light skinned lady who did show signs of drunkenness and possibly under the influence of drugs. The bar staff continued to serve her alcohol even though it was clear that she had had too much to drink, and she was not refused alcohol or was she escorted off the premises. Furthermore, staff was allowing people to go on the dance floor with bottles and glasses.

At 0108 hours, we saw that people were being let in the venue without being searched by security staff, paying an entrance fee, or handing their coats in at the cloakroom, unlike we were told when we first arrived. At about 0124 hours, I noticed that there were TWO (2) IC3 females in the cubicle by the entrance door. At approximately 0126 hours, the security staff which were on the entrance, were coming inside the venue at regular intervals to patrol the wine bar and the female security staff, also entered the female toilets approximately several times during the night.

After about 0200 hours, the smell of cannabis could be smelt near to the entrance of the venue, but I could not physically see anybody smoking near the entrance. At 0242 hours, we could see that people were still being let inside the location without pay or being searched by the security staff and they appeared to be happy in letting people go outside with their drinks and bottles.

I will now describe the security staff that was manning the entrance door they are as follows:

There was an IC3 dark skinned female, aged about 40 years old, F5.5 in height, small build, wearing a long puffer jacket, black trousers with her SIA badge clearly visible around her neck and navy beanie hat which covered her short plaits.

Also there was a IC3 dark skinned male, aged about 35 years old, F509 in height, athletic build, with moustache, wearing black jacket, black trousers, black beanie hat with his SIA badge clearly visible around his neck.

The 1st female in the cubicle near the entrance of the venue as being a IC3 brown skinned female with long hair in a pony tail, dressed in black, about 30 years old, (not sure of her height due to her sitting down on a chair).

The 2nd female that joined the 1st female in the cubicle was a IC3 dark skinned female, slim build, black wavy hair, wearing black top and black trousers, approximately 23 years old. I am unable to give an approximation of her height due to the female sitting down on a chair.

Signature:



Signature witnessed by:

Continuation of Statement of PC CHAPMAN GD.....

I can describe the 1st barman as a IC3 dark skinned male, athletic build, F508 in height, late 20s in age, black cane row hair, wearing black shirt and black trousers.

I can describe the 2nd barman as a IC3 dark skinned male, medium build, F509 in height, early 20s in age, low no1 hair cut, wearing black top and black trousers.

I can describe the 3rd barman as a IC3 dark skinned male, athletic build, F508 in height, about 30 years in age, short plaits, wearing black shirt, black trousers and when leaving the bar area he was wearing a dark grey puffa with hood.

When leaving the location, I would say there was approximately 200 people on the dance floor and by the bar areas. Outside the location, there were approximately 6 people either smoking cannabis or drinking alcohol from bottles and the security staff did not challenge these people in anyway. We left the venue at approximately 0315 hours and made their way to a location where the safety vehicle was waiting, staffed by PC WATERMAN.

Signature:



Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **DC [redacted] Wilkinson** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer**

This statement (consisting of: ... **5** ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: **16th December 2009**

Tick if witness evidence is visually recorded (supply witness details on rear)

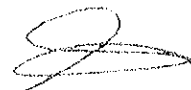
Original notes were discreetly made on my mobile phone (issued to me by the Metropolitan Police Service) during the course of the evening and later copied and saved in a word document, which PC CHAPMAN and I can refer.

On SATURDAY 12TH DECEMBER 2009, PC CHAPMAN and I were on duty in plain clothes and engaged on Covert Licensing visits with a purpose to observe and ascertain whether any licensing laws are being committed. At about 10.30 pm we received a briefing from PC WATERMAN with regards to HYPNOTIK Wine bar (formally known as BROCKWELLS Wine bar) situated at 75-79 NORWOOD ROAD, HERNE HILL, SE24.

At approximately 12.30 am PC CHAPMAN and I attended HYPNOTIK Wine bar. On arrival at the venue there were no customers queuing to gain entry into the venue. The entrance is one door. There was no activity outside the venue.

A dark skinned black male, approximately 30 years old, F6'0 in height, medium build, wearing dark clothing and a dark skinned black female, approximately 35 years old, F5'4 in height, heavy build, wearing black long coat with fur around the hood area, both were standing in an area which was cordoned off by a rope. They identified themselves as door staff and were both displaying their Security Industry Authority (SIA) Identification Badges which they wore around their necks.

No high visibility reflective garments to indicate that both were door supervisors were worn at all. Both security door staff worked on the front entrance and at certain intervals both of them entered and exited the club.

Signature:  Signature witnessed by:

Continuation of Statement of DC ~~XXXX~~ Wilkinson

On the entrance door and on the glass front of the venue PC CHAPMAN and I noticed that there was a visible poster headed 'Dress Code'. dress smartly, no hoodies, no hats, jeans or trainers.

The female door supervisor asked PC CHAPMAN and I to open our handbags, she quickly glanced inside and proceeded to shine a small torch in our bags respectively. She did not physically search our bags. The female door supervisor did not body search us, nor did they give us a pat down search. Metal detectors or wands were not seen or used.

There was no search arch in operation, nor was a club scan machine seen or used.

As we entered the wine bar there were two black female staff inside a cubicle to the right hand side where they were accepting payment from patrons, this also appeared to be a cloakroom area too.

On approaching the cubicle, I asked one of the black female staff how much it was to enter, she asked me for identification, I replied that I had no identification, and PC CHAPMAN was next to me and also stated she had no identification either to which the black female staff replied that was fine and then stated that it was £10.00 per person to enter. I gave her £20.00 for PC CHAPMAN and myself.

A dark skinned black man dressed in dark clothing that appeared to be security staff (but not displaying SIA Identification) then marked one of our hands each with a red marker to indicate that we had paid.

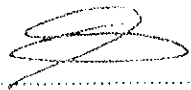
PC CHAPMAN and I stood by the entrance once we had paid and noticed throughout the night that other persons entering the wine bar were neither searched nor did it appear that they were asked for identification in anyway.

Opening hours are between 6.00pm and 4.00am.

On entering the wine bar via the entrance door the venue is on one floor, there was minimal seating available, with a two bars in the venue, the first bar situated to the right side of the dance floor as you enter the venue, the second bar to the left of the dance floor, with seating available and tables, which appeared to be closed /sectioned off with heavy duty rope, although whilst this section was closed PC CHAPMAN and myself noticed the odd person (that did not appear to be staff) entering this section.

In relation to the venues dress code, although there was a sign outside the venue dictating a strict dress policy, this was clearly not being adhered to as the vast majority of males wore denim jeans, trainers and hooded jumpers. Most of the females were smartly dressed. In particular, one male put his hood up inside the venue, but was not challenged by staff in anyway.

As we entered the venue the Disc Jockey (DJ) booth was positioned to the far end of the dance floor with

Signature: 

Signature witnessed by:

Continuation of Statement of DC ~~XXXXX~~ Wilkinson

speakers attached to the walls and on the left side of the DJ booth were the ladies and gents toilets and on the right side of the DJ booth was a black door marked 'STAFF ONLY'. The door marked 'STAFF ONLY' appeared to lead to access to the kitchen area as well as the bar to the right.

The venue was lit by ultra violet lighting.

There are two fire exits in the venue, one at the entrance which was clearly sign posted and the other one near to the ladies and gents toilets which was not blocked or obstructed in anyway. The only exit visible was the entrance.

In my opinion the approximate age group of clientele was from 20 - 55 years old. The ethnic group was predominately black females and black males, however there were a number of white people both female and male present. The clientele was made up of approximately 98% black females and males, 2% white females and white males.

Near the ladies and gents toilets PC CHAPMAN and I noticed there were signs on the door headed 'NO DRUGS', 'NO SMOKING' and that there was 'CCTV in operation', however apart from the 'No Smoking' sign, the other signs do not appear to be displayed anywhere else around the venue.

At about 12.45 am there was a mixture of approximately 100 men and women on the dance floor.

PC CHAPMAN and I entered the ladies toilets and noticed that there were 3 cubicles and 3 wash basins. Two of the toilets were not in use. One of the toilets not in use had its lid cello taped to the base. There were no locks on the doors to the toilets, nor was there a toilet attendant present in the ladies toilets.

At 1.45 am PC CHAPMAN and I noticed that the female security member entered the venue and went inside the females toilets and checked each cubicle.

The music being played by about 3- 4 different DJs at the venue was a mixture of funky house, old skool, Reggae, Bashment and R'n'B. The vast majority of males and females were drinking and chatting whilst standing and seated.

PC CHAPMAN and I noticed that there were two black males who were walking around freely with video camcorders, videoing patrons on the dance floor and there were another two black males taking photos of patrons.

Signature: 

Signature witnessed by:

Continuation of Statement of DC ~~XXXXX~~ Wilkinson

It appeared that they had consent from the management.

The bar contained alcohol and soft drinks in fridges.

The two bar staff who I can describe as both dark skinned black males served alcohol in bottles and glasses at the bar situated on the right. It did not appear that drinking water was readily available at either of the bars.

No alcohol was seen sold to persons believed to be under the age of 18.

There were no visible licenses displayed in the venue.

At about 2.30 am the second bar that was originally closed/sectioned off was now open and was only selling bottles of spirits and champagne and was staffed by 2 black females.

There was no evidence of any alcohol being served to persons believed to be under the age of 18 throughout the whole evening.

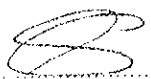
Although alcohol was consumed freely, there were no apparent signs of drunkenness by those persons inside the venue. Staff were allowing people inside the venue to go on the dance floor with bottles and glasses which were not being collected as often as they should be, causing them to mount up.

At about 2.42 am we noticed that people were being let inside the venue and were not being searched by the security staff and the smell of cannabis was very prevalent. The staff appeared to be happy letting people go outside to smoke carrying their drinks in glasses and bottles.

Both males and females inside the venue appeared to be freely smoking cannabis within the venue, and at one point the DJ announced over the microphone for patrons to stop smoking inside the venue and if they wished to smoke they should do so outside.

Outside the venue clientele was freely smoking cannabis, not being challenged by the door team, and at one point PC CHAPMAN and myself witnessed one member of the security team which was a black dark skinned male I previously described in my statement also smoking cannabis.

As we were about to leave the venue there were approximately 150 persons inside.

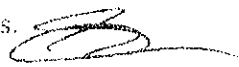
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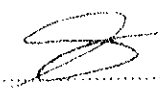
Continuation of Statement of DC ~~██████~~ Wilkinson

During the evening PC CHAPMAN and I purchased alcoholic beverages and soft drinks. We only partly consumed the contents of each bottle and glasses then discarded discreetly around the venue.

PC CHAPMAN and I left the wine bar at about 3.00 am and made our way back to the safety vehicle staffed by PC WATERMAN who in turn drove us to the local police station where a de-brief was given of the night's events.



Signature:



Signature witnessed by:

WITNESS STATEMENT


CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of PC CHAPMAN 395GD..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: ... **4** ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: **23/12/09**.....

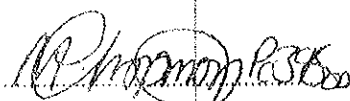
Tick if witness evidence is visually recorded (supply witness details on rear)

Original notes were discreetly made on my mobile phone (which is my own personal phone and not issued to me by the Metropolitan Police Service) during the course of the evening and later copied and saved in a word document, which myself and DC WILKINSON I can refer.

On SATURDAY 12TH DECEMBER 2009, I was on duty in plain clothes in company of DC WILKINSON as part of a Covert Licensing visits. The reason for this was to ascertain whether any licensing laws were being adhered to. At approximately 22:30 hours we received a briefing from PC WATERMAN of CO14 with regards to a wine bar called HYPNOTIK. This wine bar was formally known as BROCKWELLS Wine Bar and is situated at 75-79 NORWOOD ROAD, HERNE HILL, SE24.

At approximately 00:30 hours, DC WILKINSON and I attended HYPNOTIK Wine Bar. When we arrived at the venue there were no customers outside queuing to gain entry into the location. There were TWO (2) people by the entry of the door and they appeared to be staff from the premises. One of them was a dark skinned black male, approximately 30 years old, F6'0 in height, medium build, wearing dark clothing and a dark skinned black female, approximately 35 years old, F5'4 in height, heavy build, wearing black long coat with fur around the hood area, both were standing in an area which was cordoned off by a rope.

They identified themselves as door staff and were both displaying their Security Industry Authority (SIA) Identification Badges which they wore around their necks. However both individuals were not wearing high visibility reflective garments to indicate that both were door supervisors were worn at all. Both security door staff worked on the front entrance and at certain intervals both of them entered and exited the club.

Signature:  Signature witnessed by:

Continuation of Statement of Pc CHAPMAN 31560

On the entrance door and on the glass front of the venue, I noticed there was a poster stating the dress code for the venue. The poster said "Dress Code", dress smartly, no hoodies, no hats, jeans or trainers." The female door staff then asked me and DC WILKINSON to open our bags, which we did. She then hastily looked inside our bags doing so with a torch. At no point did she place her hands inside our bags to physically search them nor did she body search us. I noticed at this point there were no metal detectors or wands which I would normally associate with door staff when entering a premises like this. Furthermore, there was no search arch in operation or a club scan machine seen or used.

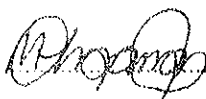
Upon entering the location, there were TWO (2) black female staff in a cubicle to the right hand side where they were they were accepting payments customers. This cubicle also appeared to be a cloakroom area as well. DC WILKINSON asked one of the black female how much entry was. At this point she asked her for identification, which DC WILKINSON replied that she did not have any on her person. She then asked me the same and I also stated that I had none on me either. The black female said it was fine and stated that it was £10.00 per person to gain entry to the wine bar. DC WILKINSON gave her £20.00 for both of us. Just as we were about to enter and black male dressed in black who appeared to be some sort of security staff, however not displaying SIA Identification marked one of our hands each with a red indelible marker to show we had paid our entry fee.

DC WILKINSON and I positioned ourselves by the entrance once we had paid. We could still see the security staff by the door and noticed that throughout the night, other people who were entering the location were not being searched by them nor were they being asked for identification by the two black females in the cubicle.

The layout of the wine bar by means of the entrance door to the venue is on one floor. There was very minimal seating at the venue and there were two bars at the location with the dance floor in the middle of both. The first bar was to the right of the dance floor as you enter and the other bar was to the left. This had seating available and table, however it appeared to be closed as it was sectioned off by a rope. Although both DC WILKINSON and myself noticed a few people entering this section and they did not appear to be staff.

With regards to the venues dress code even though the sign clearly stated it had a strict dress policy; this was not being followed by a majority of those inside the venue. By this most of the males were wearing denim jeans, trainers and hooded tops, but the females were dressed tidily. There was one particular black male who put his hood up on his top, but was not challenged or spoken to by any of the staff at the venue.

Signature:

 Pc 31560

Signature witnessed by:

Continuation of Statement of Pc CHARMAN 395

The DJ was positioned at the far end of the dance floor with the speakers attached to the walls and on the left side of the DJ both where there were the male and female toilets (females on the left and males on the right). Beside the males toilets there was a black door which had a sign on the door saying "STAFF ONLY." This seemed to lead to access to the kitchen area as well as the bar to the right. There were two fire exits at the location, one being the entrance which was clearly sign posted and the other being near to where the toilets were. Both of these exits were not blocked or obstructed in anyway.

In my view the age group of those inside the location was from 20-55 years old. The ethnic group was predominately black females and black males, although there were a few white people both male and females. In percentage wise, the ratio was approximately 98 % black females and males and 2% white females and white males.

On the fire exit door at the rear, there was a sign on the door stating "No Drugs, No Smoking" and that there was also CCTV present and in operation. This appeared to be the only sign stating this and was the only one that was displayed in the venue. At approximately 00:45 hours there was approximately 100 men and women on the dance floor, but nobody in the roped off area to the bar area on the left.

When I and DC WILKINSON entered the toilets, there were 3 cubicles and 3 wash basin. Two of the toilets were not in use and one of them had sellotape over seat. In addition to this there were no locks of the toilet door and there was not toilet attendant present in the ladies toilets. At approximately 01:45 hours, we noticed that the female security staff that was on the entrance door of the venue came inside the female toilets and checked each cubicle. The music that was being played at the location was being played by 3- 4 different DJ's one going by the name of DRAMA. The music was a mixture of funky house, old skool, bashment, Reggae and R'n'B.

We noticed that there were two black males who were walking around free with video camcorders, who were recording people who were on the dancefloor. Furthermore there were two black males taking photos of people throughout the club, and at no point were challenged in anyway which led me to believe they had consent from the management.

Both bars contained alcohol and soft beverages in the fridge. There was two black male bar staff to the right, and they were serving alcohol in bottles and glasses. However drinking water did not appear to be readily available at either of the bars and at no point did I see alcohol being sold to persons believed to be under the age of 18 years old nor did we see visible licences displayed in the venue.

Signature:



Pc 395

Signature witnessed by:

Continuation of Statement of PC CHOPMAN 395ca

At approximately 02:30 hours, the other bar to right of the dancefloor which was originally closed/sectioned off was now opened and only selling bottles of alcohol. This bar was being manned by two black females. Again there was no evidence of under age selling of alcohol in this bar or the other bar throughout the night.

Even though alcohol was being consumed liberally, there was no evidence of drunkenness by the clientele inside the venue. In addition to this, staff was not stopping people in anyway going on the dancefloor with bottles and glasses, which in turn led to glasses not being collected as often as they have been and them mounting up around the dancefloor.

At approximately 0242 hours, we noticed that more people were arriving at the venue and were not being searched by the security staff and the smell of cannabis had become very strong. The security staff appeared to be content in letting people leave the location to go outside to smoke with their drinks in glasses and bottles.

Due to the strong smell of cannabis, at one point the DJ made announcement over the music requesting that people inside the venue were not to smoke inside and were to go outside if they wished to do so. I could see outside that people were unreservedly smoking cannabis and not being challenged by the door security staff and at one point both myself and DC WILKINSON witnessed one of the member of security team which was a black dark skinned male who I had saw earlier on and described also smoking cannabis.

As we were about to leave the location, I would say there was approximately 150 people inside. During the course of the evening DC WILKINSON and I purchased alcoholic and soft beverages. However we only partially consumed each bottle and glass and the rest was discarded inconspicuously around the location.

DC WILKINSON and I left the location at approximately 0300 hours and made our way back to the safety vehicle staffed by PC WATERMAN who picked us up at a location nearby and drove us to the local police station where a debrief was given of the nights events.

Signature: PC Chopman 395ca Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN [] [] [] [] [] [] [] [] [] []

Statement of: [REDACTED]

Age if under 18: 16 (if over 18 insert 'over 18') Occupation: STUDENT

This statement (consisting of 6 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [REDACTED] / [REDACTED] Date: 5/11/2009

Tick if witness evidence is visually recorded (supply witness details on rear)

I wish to record details of an incident which occurred on 31st October 2009 outside HYPNOTIC NIGHT CLUB, NORWOOD ROAD, PECKHAM. I am 16 years old and was born on [REDACTED]

As a result of this statement I will be referring to the following location HYPNOTIC NIGHT CLUB which is situated along NORWOOD ROAD in PECKHAM.

NORWOOD ROAD is a two way road with cars parked on either side, there was street lamps along the road also. On the left as you exit the club there is a set of traffic lights for a crossing and then further on there was a road on the left hand side with a railway bridge over the top.

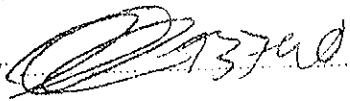
During this statement I will be referring to the following people [REDACTED] aged around 16

Signature: [REDACTED] Signature witnessed by [Signature]

Continuation of Statement of: ~~XXXXXXXXXXXXXXXXXXXX~~

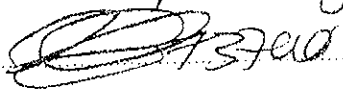
Who is my Friends I have known for about 9 months. I will also be referring to a Black Male, Pale Skin colour, cleanly shaven, Slim build, 5^{FT}10^{IN}, CAUSE rolls in his hair down to the bottom of his ears at the back. This male had a teardrop tattoo under one of his eyes wearing a black belted mac, plain jeans and white AIR FORCE trainers. I would estimate the male as being 26/27 years old. I will refer to this male as male (1) I will also be referring to another black male, 5^{FT}10^{IN} Slim build, aged about 24, short platted hair, wearing a red top with jeans and black AIR MAX 90'S. I will refer to this male as male (2)

On 31st October 2009 at 2.00 am approximately, I got to HYPNOTIC NIGHT CLUB. My person was not searched, only my bag I had with me. I was not asked to show any ID to anybody and I could not see any ID scanners being used for any other ID's from others. Whilst

Signature: ~~XXXXXXXXXXXX~~Signature witnessed by: 

Continuation of Statement of ~~XXXXXXXXXX~~

In the club with ~~XXXXXXXXXX~~ I bought one glass of BAILEYS and was not asked for ID. This was the only drink I had this night. I was at no point asked for ID whilst inside the club. I left the club with ~~XXXXXXXXXX~~ at 4.00am when the club closed. ~~XXXXXXXXXX~~ was walking just in front of me. ~~XXXXXXXXXX~~ got into the front seat of our friends 2 door car which was parked outside of the club to pick me and ~~XXXXXXXXXX~~ up. ~~XXXXXXXXXX~~ shut the door and left me standing on the pavement. MACE ① then grabbed my left wrist from behind with his left hand and pulled me round saying "WHERE'S YOUR FRIENDS?" MACE ① then pulled me away from the curb. ~~and~~ At this time I was trying to pull his hand off my wrist and was digging my heels in trying to pull away. MACE ① then pulled me away from the entrance and about 5/6 metres towards the junction which had a railway bridge

Signature ~~XXXXXXXXXX~~Signature witnessed by: 

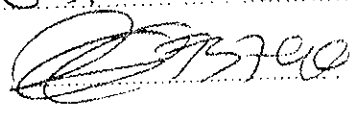
RESTRICTED (when complete)


MG11(CONT)

Page No 4 of 6


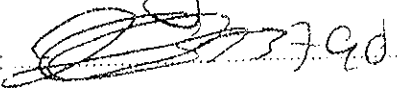
Continuation of Statement of: ~~XXXXXXXXXXXXXXXXXXXX~~

over it. Male (1) then said "I'm GONNA KILL YOU" then "YOU THINK I WON'T SHOOT YOU". He then dragged me by my wrist along the road and around the corner into the road with the railway bridge over it and under the railway bridge. Male (1) then said "CALL YOUR FRIEND" and gave me his phone and said "YOU BETTER KNOW HIS NUMBER OR I'M GONNA KILL YOU". I then called ~~XXXXXXXXXXXX~~ and then he snatched the phone off me and started to threaten my friend. At this time I noticed male (2) near to our place. I tried to calm Male (1) down so he would let go of my arm. Just after this Male (2) then took keys out of his pocket and got in a black "05" plate car which I believe to be either a VW GOLF or VW Polo. Male (2) then turned the car around so that it was on the same side of the road as us and pointing away from NORWOOD ROAD. Male (1) then said "GET IN THE CAR" and got

Signature: ~~XXXXXXXXXXXX~~Signature witnessed by: 

Continuation of Statement of 

At the same time Male (2) went to the back of his car, opened the boot and I saw a blanket in the back. Male (2) then moved the blanket and I could clearly see a black handgun under the blanket. Male (2) then shut the boot quickly afterwards and got into his drivers seat and drove off away from NORWOOD ROAD. Male (1) was still threatening me saying "I'M GONNA KILL YOU, I'M GONNA CLAP YOU, GONNA SHOOT YOU" no longer than a minute later Male (1) punched me with his right hand clenched in a fist which hit me on my left cheek. He was still holding my ~~eye~~ wrist as I began crying and about 8 seconds later Male (1) hit me again in the face on my left side with a clenched right fist again. This time I fell to the floor and hit my head. Male (1) then let go of my wrist. I then remember feeling my purse hit me in my face and then being kicked

Signature Signature witnessed by: 

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Stephen McNALLY** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **PC 396RG**

This statement (consisting of: **1**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Licensing Officer and, prior to my transfer to the London Borough of Greenwich, was one of two Police Officers responsible for all liquor-licensed premises within the London Borough of Southwark. Whilst in that role on 4th February 2009 I received an application from Lincoln Smith to vary the Premises Licence at Hypnotik, 75-79 Norwood Road, SE24 9AA. These premises had been subject to a Licence Review in 2008 the result of which was that the permitted hours for the licensable activities at the premises had been reduced. I replied to Mr Smith's legal representative - Tammi Stewart - on 15th February 2009 suggesting various conditions that Police would be seeking to be added to any variation that may be granted by Southwark Council's Licensing Committee. Mrs Stewart replied on 18th March 2009 agreeing to all of the requested conditions. As the matter had, from a Police perspective, therefore been conciliated I subsequently withdrew the Police representation to the variation application on 20th March 2009. Since the initial review hearing and the reduction in hours it imposed a large amount of crime and disorder that had been previously associated with the premises had ceased and it appeared that the reduced operating times were not attractive to those intent on causing such problems at or around at the premises.

Signature: Signature witnessed by:

Witness contact details

Home address: **Eltham Police Station, 20 Well Hall Road, London**

Postcode: **SE9 6SF**

Home telephone number Work telephone number **020 8284 5682**

Mobile/pager number Email address: **stephen.mcnally@met.pnn.police.uk**

Preferred means of contact: **Licensing Office**

Male / Female-(delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on **MG6**.
What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- I consent to police having access to my medical record(s) in relation to this matter: Yes No N/A
(obtained in accordance with local practice)
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 396RG 179822 Stephen McNALLY** Station: **Eltham**

Time and place statement taken:

IN THE CAMBERWELL GREEN MAGISTRATES COURT

HYPNOTIK BAR & RESTAURANT (APPELLANT)

-v-


LONDON BOROUGH OF SOUTHWARK (RESPONDENT)

**ATTENDANCE NOTE
JUDGEMENT
28TH July 2009**

Coram: District Judge Zani

Contra: Mr. Lopez

1. In delivering judgement, District Judge Zani ruled in favour of the Appellant and the appeal was allowed.
2. A copy of the handwritten judgement is enclosed. Given the evidence before the Court, the judgement is unsurprising and entirely logical if disappointing for local residents.
3. The Appellant seeks costs. The District Judge acknowledged the Appellant had a right to apply but commented that in his experience, costs were not pursued. The Judge requested the Respondent Solicitor liaise with the Solicitor for the Appellant. The Appellant's costs schedule is enclosed. Should it not be possible to reach agreement, the matter should return to court having been reserved to District Judge Zani.
4. Should you require further assistance please do not hesitate to contact me.



Laban Leake
Furnival Chambers

28th July 2009

in re: Hypnotic Bar & Restaurant v. The London Borough of Southwark

BETWEEN

HYPNOTIC BAR & RESTAURANT

Appellant

v.
The London Borough of Southwark

Respondent

1. This is an Appeal by Hypnotic Bar & Restaurant ("the Appellant") against the decision of the Licensing Sub-Committee of the London Borough of Southwark ("the Respondent") to refuse in part an application under the provisions of s.34 of the Licensing Act 2003 ("the Act") for a variation of the Appellant's Premises Licence. The said decision was made on 25th March 2009 and the Appeal was served on 1st April 2009.

1.1) The variation sought was:

- (i) To extend licensable hours on Sundays until midnight
- (ii) on Thursdays, Fridays and

Saturdays until 03.30 hours

(III) To extend the hours of opening for 30 minutes following the end of the latest licensable hours on Thursdays, Fridays, Saturdays and Sundays.

(IV) To extend the hours for the sale of alcohol by retail until 04.30 hours
 (a) Where Sunday follows a Bank Holiday Monday

(b) Christmas Eve, Christmas Day, Boxing Day, New Year's Eve & New Year's Day

(c) Thursdays immediately preceding Good Friday, Good Friday

(d) Sunday preceding a Bank Holiday Monday and

(e) St Patrick's Day and St David's Day.

(V) The decision of the Licensing Sub-Committee was:

- That the application to extend the hours of operation on Sundays and Thursdays is refused.
- That the hours for the sale of alcohol, late night refreshment and provision of regulated 2

entertainment on Thursdays and Fridays are extended to 1:30 am and the opening hours on Friday and Saturdays are extended to 2:00 am

- That the application to extend the hours for non standard timings is refused save for New Years Eve
- That the application to remove conditions is granted except for conditions 342 and 344 as specified:
 - ① 342. That a sign shall be prominently displayed at the entrance to the premises stating "No search, No Entry",
 - ② 344. That a notice be displayed stating "Any vehicle causing an obstruction to the emergency escape provision off these premises will be removed"
- The operation of the premises under the licence is subject to compliance with the operation schedule as highlighted.

3.

(i) The Tribunal is a hearing. The proceedings are neither criminal nor civil: this Court is exercising an administrative function. There is no burden of proof, as such. This Court has received a considerable body of evidence, both orally and in writing and the conclusion that I have reached has been finely balanced as there have been compelling but competing points ably made by both parties.

VII) s. 52(4) of the Act requires this Court to take such steps as it considers necessary for the promotion of the 4 Licensing objectives.

VIII) The relevant Licensing objective which is the focus of this appeal is the prevention of Public Nuisance.

IX) There is no Police objection to the hours of opening sought by the Appellant. There is also no objection from the Environmental Health Department of the Local Authority.

X) Lincoln Smith, the Premises licensee gave live evidence to the effect that since March 2008 he has carried out extensive renovations to the premises including installation of CCTV, live scan and other security measures. He has also changed the name from Brockwell⁸ to Hypnotik. He is taking a much more "hands-on" approach to the running of the business and he is consciously endeavouring to attract an older clientele: those under 23 years of age will be prevented from entering and the age group currently attending is between 23 and 45 years whereas previously it was 18 to 20 mainly. The Disc Jockey makes announcements for those patrons leaving to do so in an orderly and quiet manner.

X1111r Smith added that any patron who parks in Crooked Road will not be allowed access to his venue. How practical and successful such a limitation will have is, in my view, open to question as much of Crooked Road is out of sight of the door personnel. It is, however, a statement of intent from Mr Smith who impressed me as a credible witness who appears to have understood the need for him to adopt the "hands-on" approach that he professes and the need to be aware of the rights and reasonable needs of the residents in the "vicinity" a straightforward word that has given rise to much debate during the course of this well-argued appeal... well-argued by both sides.

6.

Mr. Miller stated that currently he is not making a profit and the increased opening hours sought are necessary to make the business a viable proposition and become a successful venture. He has installed a new Designated Premises Supervisor who has satisfied both the local authority and the police. He is unaware of any complaints regarding noise nuisance since the premises re-opened in about June 2008. He does not accept that the venue is predominately drinks led and maintains that albeit profit from food sales is limited, the provision of food is an integral part of what he offers patrons. He has an effective and efficient arrangement with two local mini cab firms who are allowed to advertise within the venue.

XIII) Mr Franklin from the licensing department of the Local Authority confirmed that there have been no complaints regarding public nuisance directly attributable to the venue since its reopening in July 2008.

7.

he professed assistance to Mr Smith to help him put forward acceptable proposals. This venue is in a parade of shops including a wine bar - restaurant "Sebastians" which has longer opening hours than Mr Smith's venue albeit Sebastians is a much smaller establishment.

XIV) Mr Hill, Chairman of the Stradella and Springfield Residents Association expressed concern, on behalf of his members, that if the appeal were allowed the former problems prevalent when the venue operated as Brookwell's would return. Local residents had been awoken by rowdy customers in the early hours of the morning shouting, revving car engines, banging car doors and generally making a great deal of noise. He is against the area developing into part of the late night economy.

XV) Dr Brunton, vice-chair of the Home Hill Society also gave evidence on behalf of his members. He confirmed Mr Hill's evidence that there had been many complaints regarding patrons of Brookwell's which complaints have effectively ceased

8.

Since its closure and albeit he cannot specify any subsequent complaints as being patrons of Hypnotik his concern is that either the former clientele will return, or others likely to act in an antisocial fashion will be attracted to the venue once the word gets around that the opening hours have increased.

xvi) This Court has to balance the competing interests of those working and those residing in the area.

xvii) The narrow issue in this appeal is whether the noise by people parking and/or leaving the venue where Hypnotik will be such as to create unacceptable noise nuisance for those living in the area.

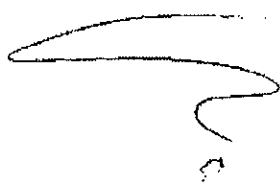
xviii) Having heard from the live witnesses and having distilled their evidence alongside the written documents placed before me I am of the view that, albeit Mr Smith can have no control of his patrons once they have exited the premises, there is insufficient evidence and/or information before me to satisfy me that there is a probability that the

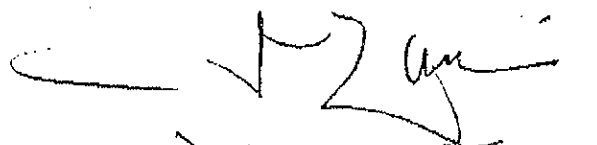
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Patrons of Brookwalks will return or that the public nuisance previously, but not currently, suffered by those persons living locally will be repeated.

xix) Mr Smith has satisfied me that he is alert to the obligations of his patrons. But simply if the previous problems do recur I would expect the Local Authority or the Police to take appropriate enforcement action without delay. If that were to happen Mr Smith could then have no complaints.

xx) This Appeal is allowed in full and the extended hours previously sought by Mr Smith on behalf of Hypnotik are allowed.




District Judge
28 July 11.11.
2009

Licensing Act 2003 Premises Licence



Environmental Health & Trading Standards
Licensing Unit
Chaplin Centre
Thurlow Street
London SE17 2DG

Premises licence number

829065

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Hypnotic 75-79 Norwood Road London SE24 9AA	
Ordnance survey map reference (if applicable), 174131532087	
Post town London	Post code SE24 9AA
Telephone number 020 8771 2046	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Live Music - Indoors
Recorded Music - Indoors
Performance of Dance - Indoors
Entertainment Similar to live/recorded music - Indoors
Facilities for Making Music - Indoors
Facilities for Dancing - Indoors
Provisions Similar to making music and dancing - indoors
Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises
Sale by retail of alcohol to be consumed off premises

The opening hours of the premises

For any non standard timings see Annex 2

Monday	10:00 - 01:30
Tuesday	10:00 - 01:30
Wednesday	10:00 - 01:30
Thursday	10:00 - 04:00
Friday	10:00 - 04:00
Saturday	10:00 - 04:00
Sunday	10:00 - 00:30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Sale by retail of alcohol to be consumed on premises

Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2 of the full premises licence

Live Music - Indoors

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 03:30
Friday	10:00 - 03:30
Saturday	10:00 - 03:30
Sunday	10:00 - 00:00

Recorded Music - Indoors

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 03:30
Friday	10:00 - 03:30
Saturday	10:00 - 03:30
Sunday	10:00 - 00:00

Performance of Dance - Indoors

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 03:30
Friday	10:00 - 03:30
Saturday	10:00 - 03:30
Sunday	10:00 - 00:00

Entertainment Similar to live/recorded music - Indoors

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 03:30
Friday	10:00 - 03:30
Saturday	10:00 - 03:30
Sunday	10:00 - 00:00

Facilities for Making Music - Indoors

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 03:30
Friday	10:00 - 03:30
Saturday	10:00 - 03:30
Sunday	10:00 - 00:00

Facilities for Dancing - Indoors

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 03:30
Friday	10:00 - 03:30
Saturday	10:00 - 03:30
Sunday	10:00 - 00:00

Provisions Similar to making music and dancing - indoors

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 03:30
Friday	10:00 - 03:30
Saturday	10:00 - 03:30
Sunday	10:00 - 00:00

Late Night Refreshment - Indoors

Monday	23:00 - 01:00
Tuesday	23:00 - 01:00
Wednesday	23:00 - 01:00
Thursday	23:00 - 03:30
Friday	23:00 - 03:30
Saturday	23:00 - 03:30
Sunday	23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 03:30
Friday	10:00 - 03:30
Saturday	10:00 - 03:30
Sunday	10:00 - 00:00

Sale by retail of alcohol to be consumed off premises

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 03:30
Friday	10:00 - 03:30
Saturday	10:00 - 03:30
Sunday	10:00 - 00:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Lincoln Smith

Mr Satchell Thompson-Smith

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Jacqueline Mersadie Thomas

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No. 825051

Authority London Borough of Southwark

Licence Issue date 26/08/2009

.....
 Community Safety Enforcement
 Business Unit Manger
 Chaplin Centre
 Thurlow Street
 London SE17 2DG
 020 7525 5748
 licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

107 Any individual carrying out security activities at the premises must be licensed by the Security Industry Authority. This does not apply where the premises are being used primarily as a Qualifying Club under a Club Premises Certificate, under a Temporary Event Notice, or primarily as a cinema, restaurant or theatre.

Annex 2 - Conditions consistent with the operating Schedule

110 No statutory regulations for music and dancing shall apply so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, or of public entertainment by way of music and singing only which is produced solely by the reproduction of recorded sound is permitted.

111 This licence provides for the provision of private music and dancing entertainment that is promoted for private gain;

203 The Licensee shall not permit conduct on the premises that is likely to cause disorder or a breach of the peace or drug misuse. In particular the licensee shall ensure that none of the following shall take place

- a) indecent behaviour, including sexual intercourse, except as permitted by the Theatres Act 1968;
- b) the offer of any sexual or other indecent service for reward;
- c) acts of violence against person or property and / or the attempt or threat of such acts; and
- d) unlawful possession and / or supply of drugs controlled by the Misuse of Drugs Act 1971.

289 That the CCTV cameras installed both inside and outside of the premises shall be maintained fully operational and be continually recording at all times that the premises are in use; and that a thirty one (31) day video library shall be kept and made available to the Police and Officers of the Council upon request.

299 SIA Door Supervisors shall be sited at the entrance to the premises when public entertainment is in progress and then from 2200 hours

304 That the telephone number of the premises is displayed so it is clearly visible from the exterior of the premises

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309 That all musicians and DJs must play electrically amplified music/audio/PA through a sound cut out device. The cut-out device shall be maintained at levels set to the satisfaction of the Council's Noise Team

- 311** That announcements are made and notices displayed requesting that customers leave the premises in a quiet and orderly manner
- 312** That no parts of the outside curtilage, including the patio area, shall be used for the purpose of entertainment
- 313** That there shall be no movement of musical or amplification equipment, to or from the premises, between 0000 and 0800 hours
- 331** That signs shall be displayed stating "Over 21's Only".
- 341** That all external doors/fire doors shall be kept closed, except any that have to be kept locked open and allowing for access and egress, whilst entertainment is being provided
- 343** That an anti-drugs statement shall be displayed prominently at the entrance to the premises
- 345** That a SIA registered door supervisor shall be employed, with a counting device, to ensure that the accommodation limit is not exceeded and to supervise admissions to and departures from the premises.
- 347** The appointed manager shall be suitably qualified and hold the approved training qualification.
- 348** The Licensee / Duty Manager shall ensure that he has sufficient trained staff on duty to ensure the safe evacuation of the premises in an emergency. Such staff shall have been specifically instructed on their duties in the event of an emergency by the Licensee or by a person nominated by him. The instruction given to staff shall include training on the safe and efficient running of the premises and the safe evacuation of the premises.
- 349** The licence holder or person authorized by the will check the premises prior to opening to the public in order to ensure there are no risks to patrons of all abilities and that all safety precautions are in place. An authorized person shall make entries in the fire logbook that may be subject to inspection.
- 350** Notices shall detail Emergency action that will include procedural actions in the event of a fire.
- 351** Notices at the rear of the premises for emergency access for emergency vehicles. All emergency doors shall be kept closed but not locked at all times during opening hours to which this licence applies except for emergency egress.
- 352** All safety certificates and inspection reports will be kept on site and made available to inspection to relevant officers.

353 Entertainment control system shall be monitored by way of a limiter device, checked and calibrated as necessary so that approved levels set to the satisfaction of the council and these levels are not exceeded.

354 Doors shall be kept closed at all times when regulated entertainment is in progress save for access or egress.

355 The contact number of the duty manager shall be displayed on the premises or immediately outside the premises such that is clearly visible from the outside without the need to enter the premises.

356 Non- alcoholic beverages including free drinking water shall always be available for consumption during opening hours of the premises.

357 In the absence of the personal licence holder, written authorization shall be kept on the premises and shall be readily available for inspection by an authorized officer or a police officer on request.

358 The authorised person shall have undertaken approved qualification and be able to demonstrate their knowledge and experience.

359 A register shall be maintained by way of club scanner/or similar device of checks and details of the number of patrons/customers present these are to include numbers and members of staff and performers, details are to be made available for inspection upon request by an authorized officer or the police.

360 There shall be no new admission or re-admission to the public after 2.00AM on Thursday -Saturday apart from those customers admitted and who have entered the designated smoking area, the designated area shall be supervised at all times, (a) by timing customers this shall not to exceed 15mins (b) by the number of customers shall not exceed 6. Customers are then subject to be researched on entry.

361 The Licensee / Duty Manager shall ensure that reasonable access provisions are available to persons with disabilities, adequate arrangements shall be made to enable the safe evacuation in the event of an emergency and that they are made aware of those arrangements.

362 An adequate and appropriate supply of First Aid equipment and materials shall be kept on site and made available for inspection.

363 The licensee/Duty Manager shall ensure Staff training in the social and legal obligation and their responsibilities regarding the sale of alcohol.

364 The licensee /premises licence holder shall ensure approved

arrangements shall be made to maintain portable equipment including heating and electrical appliances are to be kept in good condition and full working condition.

365 The licensee shall ensure upholstered seating/materials and or temporary decorations shall be maintained and meet the required criteria of fire-retarded.

366 The SIA door supervisor one of whom shall be female, shall be employed at all times the premises are operating entertainment (at 10.00PM) on Thursday, Friday & Saturday. Appropriate search procedures of all patrons shall be complied with and approved by the Metropolitan Police.

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381 The SIA door supervisor one of whom shall be female, shall be employed at all times the premises are operating entertainment (at 10.00PM) on Thursday, Friday & Saturday. Appropriate search procedures of all patrons shall be complied with and approved by the Metropolitan Police.

382 That an arrangement shall be established with a local mini-cab operator to provide cars for customers who will call within the premises to collect their fares and not sound their car horns in the street.

383 The telephone number of local taxi operators and prominently display at the premises for the benefit of customers.

384 That suitable notice's shall be displayed stating "No Search, No Entry" and anti drug statement shall be displayed prominently at the entrances to the premises.

385 Clear and prominent notices must be displayed requesting all customers to respect the needs of local residents and to leave the premises quietly.

386 An incident log shall be maintained within which details of

occurrences of disorder and refusal of entry or also refused sales at the premises must be recorded. The incident book shall be kept on the premises and will be made available for inspection by authorized persons.

387 The fire brigade shall be called at once to any outbreak or suspected outbreak of fire, however, slight, and the details recorded in the fire.

388 The Licensee shall cause a Fire logbook to be kept. Any authorized officer shall be entitled to obtain a photocopy of any page(s) of the logbook.

389 Consideration will be given to setting capacity limits to prevent overcrowding which could lead to crime and disorder, The capacity figures will be based on advice from the fire authorities.

390 CCTV installed shall be maintained to the satisfaction of the police and local authority, recordings shall be maintained for a period of 31 days and shall be made available to relevant parties upon request.

391 The premises will have installed Club Scanner and Search Arch and have in place an amnesty box.

392 An age restriction policy is implemented.

393 Regular staff training awareness of potential under aged customers.

394 In the event of children are on the premises they must be accompanied by either parents, guardian or a responsible adult until 21.00 hours, representation to relevant parties for special exemptions.

395 Every person including staff and agents entering the premises during opening hours must be subject to a supplementary search by means of a metal detecting wand/arch after 10.00pm when public entertainment is in progress.

396 That one CCTV camera shall be installed in such a position as to enable a clear facial image of every person passing through the security arch to be recorded and shall be maintained in working order at all times.

397 That an identification Recognition System (ClubScan or similar) shall be installed and maintained in working order at all times. Every person, including staff and agents, entering the premises during opening hours shall be required to submit their details to the system prior to entry being granted.

398 That SIA registered door supervisors - at least one of whom must be a

female - shall be employed at the premises and be provided with: (1) a hand held metal detection unit to ensure that all persons entering the premises are subject to the Premises' Search Policy; and (2) a mechanical counting device in order to supervise admissions to and departures from the premises and to ensure that the premises maximum accommodation limit is not exceeded.

399 That the Licensee / Duty manager shall maintain a register indicating the numbers of staff, including any Door Supervisors and all performers, who are present when the public are present. This register shall be produced immediately on the request of an Authorised Officer.

336 That a Personal Licence holder be on the premises at all times that intoxicating liquor is sold or supplied

293 That all staff concerned with the sale or supply of alcohol undergo a recognised Training scheme for such duties. Records of such training should be kept and made available for inspection, on request, by any relevant Police or Council Officer.

112 This licence allows for the premises to remain open for non standard timings as stated on the days below.

Sunday that are immediately followed by a Bank Holiday Monday to remain open until 04:03.

To remain open for an additional hour on the Thursday immediately preceeding Good Friday, Good Friday and Easter Sunday and on the morning that clocks go forward (start of BST), St Patrick's Day and St David's Day.

To remain open from the finish time on New Years Eve to the start of opening hours on New Years Day.

113 This licence allows for the for the sale or supply of alcohol for non standard timings as stated below on the following days:

Sunday that are immediately followed by a Bank Holiday Monday to remain open until 04:30.

To remain open for an additional hour on the Thursday immediately preceeding Good Friday, Good Friday and Easter Sunday and on the morning that clocks go forward (start of BST), St Patrick's Day and St David's Day.

To remain open from the finish time on New Years Eve to the start of opening hours on New Years Day.

114 This licence allows for the premises to extend the following

licensable activities for non standard timings as stated below on the following days: Provision of regulated entertainment Plays, Live Music, Recorded Music, Performances of Dance, Anything of a similar discription. Provision of Entertainment Facilities Making Music, Dancing, Entertainment of a Similar Discription.

Sunday that are immediatly followed by a Bank Holiday Monday to remain open until 04:30.

To remain open for an additional hour on the Thursday immediatly preceeding Good Friday, Good Friday and Easter Sunday and on the morning that clocks go forward (start of BST), St Patrick's Day and St David's Day.

To remain open from the finish time on New Years Eve to the start of opening hours on New Years Day.

115 This licence allows for the premises for the provision of late night refresment for non standard timings stated below on the following days:

Sunday that are immediatly followed by a Bank Holiday Monday to remain open until 04:30.

To remain open for an additional hour on the Thursday immediatly preceeding Good Friday, Good Friday and Easter Sunday and on the morning that clocks go forward (start of BST), St Patrick's Day and St David's Day.

To remain open from the finish time on New Years Eve to the start of opening hours on New Years Day.

Annex 3 - Conditions attached after a hearing by the licensing authority

840 That there shall be installation of signage displayed prominently around the exit doors to advise customers of the need to leave quietly to avoid causing disturbance to neighbours

841 That in respect of the off-premises alcohol sales, there shall be no open-end containers to be taken off the premises by patrons

842 An identification Recognition System (ClubScan or similar) as approved by the Metropolitan Police shall be installed and maintained in working order at all times. Every person, including staff and agents, entering the premises during opening hours shall be required to submit their details to the system.

843 A security arch as approved by the Metropolitan Police shall be installed at the entrance to the premises and maintained in working order at all times. Every person, including staff and agents, entering the premises during opening hours shall be required to pass through the security arch

844 A CCTV camera shall be installed in such a position as approved by the Metropolitan Police to enable a clear facial image of every person passing through the security arch to be recorded and shall be maintained in working order at all times.

845 All CCTV recordings shall be retained and made available to the Metropolitan Police and London Borough of Southwark on request.

847 A Health & Safety Policy is to be agreed with the London Borough of Southwark and is to be adhered to at all times.

849 One personal licence holder shall be on the premises at times during opening hours.

850 A weapons and drugs box shall be in place and supervised at all times during opening hours.

851 The premises licence holder shall ensure that the premises comply with the Metropolitan Police "Safe & Sound" policy.

852 A duty roster must be maintained for all SIA staff and shall be made available to the Metropolitan Police on request.

856 A CCTV system approved by the Metropolitan Police and providing a 360 degree view of the interior of the premises is to be installed and maintained in full working order at all times. The CCTV recordings are to be maintained and made available to the Metropolitan Police and London Borough of Southwark Council on request.

857 The premises must participate in the Pubwatch Scheme, where it exists in the area the premises is situated.

859 Zero Tolerance signs relating to drugs and weapons use must be affixed to and maintained at all times in clean and legible condition on the entrance to the premises, the bar areas and the toilets.

860 Venue Hire Agreements must use at all times.

861 All emergency exits must be alarmed and the alarms maintained in working order at all times



18 February 2010

HOUSE OF COMMONS

Our Ref: 01100662

LONDON SW1A 0AA

Tel: [REDACTED] Fax: [REDACTED]
Email: [REDACTED] Website: www.tessajowell.net

Mr David Swaby
Southwark Licensing Team
Chaplin Centre
Thurlon Street
London
SE17 2DG

RECEIVED
24 FEB 2010

Dear Mr Swaby,

Mr Peter Hore, [REDACTED]
Ms Mary Hill, [REDACTED]
Mr Robert Holden, [REDACTED]

Licensing Ref: 831362
Application Type: Premises (Review)
Hypnotic
75-79 Norwood Road
SE24 9AA

I have been contacted by my above named constituents who wish to write in support of the review for the above licensing application.

My constituents have expressed to me their concerns about crime and disorder problems related to the 'Hypnotic' bar & club in Norwood Road (formerly 'Brockwells'). I share their concerns about these premises and have outlined their position below. Following a number of serious criminal incidents late last year, I understand that the police have applied for a review of the licence and there will be a licensing hearing on 25 March. Please note that I have also been in contact with other local residents who are very concerned about incidents on these premises but who fear making their support for this review public because of reported intimidation from those associated with the club. I have spoken to the Police Licensing Unit who have reiterated to me their concerns about these premises.

1) The Prevention of Crime & Disorder.

My constituents understand that the police are investigating the attempted kidnap of a 16-year-old girl from the club, as well as the open use of drugs on the premises. They are very concerned that police have collated evidence that customers using the premises openly use controlled drugs without any intervention by the club management and this also includes usage by members of staff. They are also very concerned to learn that *'the premises are not adhering to or operating the stringent security search procedures that were placed on the Premises Licence as the direct result of a previous Premises Licence review in 2008 after serious incidents of crime & disorder involving firearms, knives and drugs'*.



2) Public Safety.

Local residents are concerned that the premises appear to have been very slack in their implementation of strict procedures to control drugs being taken into the premises. They understand that this is having a detrimental impact upon the the police's investigations into the attempted kidnapping referred to above.

3) Protection of Children From Harm.

The attempted kidnapping clearly also has implications under this category. I understand that the victim attended the club with a friend, also aged 16, without aged checks being conducted and that alcohol was supplied to them without any enquiry as to their age. I understand from the Police that the premises were not using the electronic identification entry system and therefore potential witnessess and details of the suspect were not available.

I trust the above concerns will be given due consideration when it comes to assessing this application for review. It would appear to me that there are clearly well founded fears and concerns that this club, should it be allowed to retain its licence, will continue to represent a severe and present risk to the well being of the local community.

Yours sincerely,

Tessa Jowell

Rt. Hon. Tessa Jowell MP

Swaby, David

From: Parkins, Richard
Sent: 15 February 2010 17:21
To: Swaby, David; Tear, Jayne
Cc: Franklin, David
Subject: FW: Hypnotik Licence Review

Hi both

Please see below.

Richard

From: Eckersley, Toby
Sent: 15 February 2010 17:01
To: Parkins, Richard
Cc: Sheila Northover; Simon Taylor; 'john brunton'; Crookshank Hilton, Robin; Vineall, Nick;
[REDACTED]
Subject: RE: Hypnotik Licence Review

Richard:

Please regard this message as formal support, in my capacity as one of the councillors in the ward in which the premises are located, for the police application to review the licence in respect of the premises known as Hypnotic in Norwood Rd SE24; in particular in support of the representations made by the Herne Hill Society dated 11 February 2010. This message should also be regarded as an objection to any application for extension of hours of operation and/or opening of the aforementioned premises.

If I have to complete any further formalities in order to ensure that my support is conveyed to the Licensing Committee or Sub-Committee, please advise.

Toby Eckersley

From: john brunton [mailto:[REDACTED]]
Sent: 11 February 2010 12:05
To: Crookshank Hilton, Robin; Eckersley, Toby; Vineall, Nick
Cc: Sheila Northover; Simon Taylor
Subject: Hypnotik Licence Review

Dear Councillors

I am attaching the Herne Hill Society's response to this review, sent today to Southwark Licensing.

I understand that past restrictions on Councillors' ability to intervene in licensing cases have recently been eased. I therefore do hope that you will feel able to make your views known and reinforce to the Licensing Committee local residents' concerns about activities at this club.

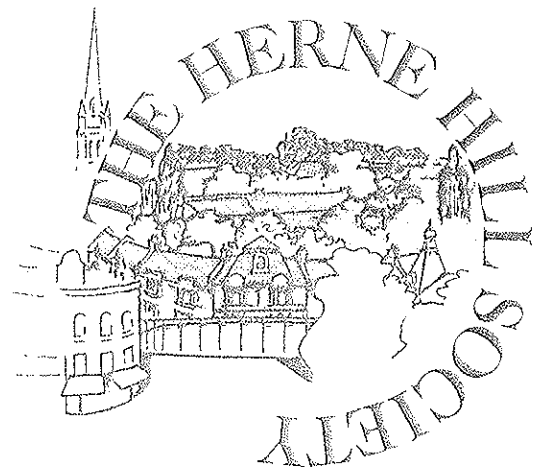
Yours

John

John Brunton
Vice-Chair
The Herne Hill Society

15/02/2010

The Licensing Service
 c/o Southwark Community Safety Enforcement
 The Chaplin Centre
 Thurlow Street
 London SE17 2DG



Registered with the Charity Commission on 14th February 2010

Dear Sirs

License Review: Hypnotik, 75-79 Norwood Road, SE24 9AA

I am writing on behalf of the Herne Hill Society to comment on the current review of the Hypnotik's licence and to recommend that the current licence should be withdrawn.

We are the local amenity society for Herne Hill, covering mainly the London SE24 postal district. Founded in 1982, we are a Registered Charity, governed by a constitution and with policies and activities determined by a Committee elected by members. The Society works to enhance and maintain the quality of the amenities, facilities and environment of the Herne Hill area for the benefit of residents, visitors and trades-people.

There is a history of inappropriate behaviour associated with these premises since the establishment then known as 'Brockwell's' opened in 2004, operating mainly as a night club in a building formally used as a restaurant. Following a police raid in 2008 at which a number of breaches of licence conditions and evidence of criminal behaviour were discovered, the name was changed to 'Hypnotik'. It was permitted to continue to operate, but with severely reduced hours, although under the same management and licence holders.

Until 'Brockwell's' opened, the Herne Hill Society received no complaints about late night disturbances in the surrounding area. After 2004, people living locally began reporting problems of disturbances arising from late night noise, shouting in the streets, revving car engines, car doors banging, litter, vomit, urination in gardens etc. Also the scenes outside Brockwell's late at night were very intimidating for people passing by, with loud music, large volumes of traffic, illegal barbecues and people congregating outside.

Immediately after the police raid on 11th March 2008 and the closure of the premises, the noise and other disturbances stopped. However, since the premises were permitted to resume late-night operations, still as Hypnotik, following an appeal to Southwark Magistrates in August 2009, there have been further reports from local residents of loud drunk voices, car doors slamming, loud car radios in the early hours of the morning and evidence of quantities of litter deposited during the night both around the premises and in surrounding gardens.

RECEIVED

15 FEB 2010

Continued

The success of the licence holders' appeal to the Magistrates' Court in August 2009 to allow a return to late night opening caused considerable astonishment amongst members of the local community, many of whom had been affected by customers' anti-social behaviour. That surprise was compounded by the reports of criminal behaviour and the extent of the evidence of a failure on the part of the management and licence holders to conform to the licence conditions and to the objectives of the 2003 Licensing Act. This evidence was available to the Magistrate at the time of the appeal. However, the appellants reportedly made a number of commitments at the appeal hearing relating to an obligation to adhere to the licence conditions and, by ensuring that no one under 27 or 28 years of age was permitted on the premises, to attract a more mature and better behaved clientele. Such commitments may well have strongly influenced the Magistrate in his decision to allow late night opening to resume.

The recent evidence from the police and from other sources indicates that these commitments have not been honoured and that serious breaches of the licence conditions and evidence of criminal behaviour have reoccurred. As this Society pointed out in its evidence submitted to the March 2009 Southwark Licence Committee hearing at which reinstatement of the premises' licence was considered, behavioural research suggests that the best measure of how an individual will perform in a given situation is how they acted in a similar situation, and in similar circumstances, in the past. This research conclusion is borne out by the particular facts in this case where, despite assurances to the contrary, the applicants are reported once again to have permitted illegal activities and breaches of their licence. The matters raised in the review application by the police do not relate to trivial breaches. They are concerned with extremely serious issues, namely the prevention of crime and disorder, public safety and the protection of children. The applicants have been given ample opportunity to regulate the premises in a proper manner. They have failed to do so. There are no reasonable grounds for thinking that this will change in the future.

The question must also be asked "How can a further license be once again be considered where the applicant has so clearly flouted assurances given to magistrates in order to secure their previous license?"

In view of the above and to help meet the objectives of the 2003 Licensing Act, in particular to prevent further incidents of crime and disorder and to protect children from harm, as well as to preserve the right of local residents to the peaceful and safe enjoyment of their community, the Herne Hill Society urges that the current licence for 'Hypnotik' be withheld.

I would be grateful if you could let us know the results of this review, when a decision has been made.

Yours sincerely



Dr John Brunton
Vice-Chair

Correspondence Address:

[REDACTED]
 Fax: [REDACTED]
 e-mail: [REDACTED]

STRADELLA AND SPRINGFIELD RESIDENTS' ASSOCIATION

COMMITTEE:

Adrian Hill, Chairman
 Glyn Abbott, Treasurer
 Alison Eyet, Secretary
 Ian Bristow
 Jan Coughtrie
 Sue Gallagher
 Barry Holden
 Catherine Holmes
 Laurie Johnston
 Mark Russell

Mr David Swaby
 Southwark Licensing Unit
 Chaplin Centre
 Thurlow Street
 London SE17 2DG

24 February 2010

RECEIVED

25 FEB 2010

Dear Mr Swaby

Licensing Act 2003

**Application for Review of Premises Licence No. 829065, under s. 51 Licensing Act 2003
 Hypnotik Bar, 75-79 Norwood Road, SE24**

The Stradella and Springfield Residents' Association represents nearly 200 households in Stradella, Winterbrook and Burbage Roads and Half Moon Lane, SE24, in the vicinity of the above bar or club.

On behalf of these residents we write in support of the review of the above premises licence initiated by the Metropolitan Police.

By letter dated 14 February 2009 we opposed the application by these premises in January 2009 to vary their premises licence to extend substantially their operating hours after they had been reduced following a police raid, as we considered that this would lead to an increase in crime and disorder in a predominately residential area and was contrary to the promotion of public safety, the prevention of public nuisance and the protection of children from harm. We were gratified that the Southwark licensing Sub-Committee appeared to accept our arguments and varied the licence so as to permit an extension of only 30 minutes on Fridays and Saturdays. Unfortunately this decision of the Sub-Committee was successfully appealed. We appeared as witnesses at this appeal supporting the Sub-Committee's decision, but to no avail. The result was that the normal

operating hours of the Hypnotik following the appeal were until 4 am on Thursdays through Saturdays, until 1.30 am on Mondays, Tuesdays and Wednesdays and 0.30 on Sundays.

We consider that our fears expressed in our opposition referred to above to the application to vary and in the appeal have been vindicated by the grounds for review set out in the Metropolitan Police's application. In the matter of **Prevention of Crime and Disorder** the police state that they are investigating the attempted kidnap from the club of a 16 year old girl on 31 October 2009 and that they have collated evidence, from covert visits, that customers at the premises and members of the staff are openly using controlled drugs without any intervention by the club management.

On **Public Safety** the Police have serious concerns over the club's laissez-faire attitude to the implementation of the stringent search procedures, including failure to use the electronic identification entry system, which are conditions of the premises licence, and that this has resulted in illegal controlled drugs being taken into the premises.

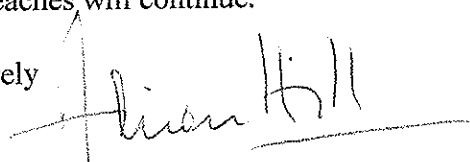
The attempted kidnap of the 16 year old from the premises shows that minors are being admitted contrary to the licensing objective of **Protecting Children from Harm**. The Police application further contends that the investigation into this crime has been hindered and that details of potential witnesses and/or suspects are unavailable as a result of the lax operation of the required entry search and identification procedures

Local residents continue to suffer **public nuisance** in the early hours of the morning arising from club and bar premises on their leaving such premises to collect their cars parked in local residential streets, with loud voices, slamming of car doors and the revving of engines.

At the appeal against the Licensing Sub-Committee's decision of 25 March 2009, the proprietor gave assurances to the Magistrate that he was changing the age profile of his customers and in future would not admit anyone under the age of 23. The Magistrate accepted this assurance and indicated in his judgment that this was one of the factors on which he allowed the appeal. This assurance has clearly been broken as shown, inter alia, by the fact that, shortly after the implementation of the extended hours permitted by the appeal, a 21 year old man was shot in the street after leaving the Hypnotik and by the attempted kidnap of a 16 year old on the premises.

For the reasons set out above, we believe that if on the review of the premises licence of the Hypnotik Bar it is permitted to continue with its present operating hours it will continue to present a serious threat to law and order, public safety, protection of children and the well-being of the local community. In our view its closing time should not be later than midnight on any day, and that indeed there is a strong case for revoking the licence altogether in view of the history of repeated breaches of its licence conditions in recent years, and the likelihood on past form that breaches will continue.

Yours sincerely



Adrian Hill Chairman SSRA



Members' Room
 Southwark Town Hall
 Peckham Road
 London SE5 8UB

The Licensing Service
 c/o Southwark Community Safety Enforcement,
 The Chaplin Centre,
 Thurlow Street
 London SE17 2DG

RECEIVED
 23 FEB 2010

February 22, 2010

Dear Sirs,

**Review of Premises Licence Under Section 51 Licensing Act 2003: Hypnotic, 75-79
 Norwood Road, London SE24 9AA**

I am writing as a ward councillor for Village Ward in the London Borough of Southwark, where Hypnotic (also known as Hypnotik) is located, to support the Metropolitan Police's application (829065) for a review of Hypnotik's premises licence. In addition to the police's evidence of Hypnotik's breaches under the 2003 Licensing Act regarding the Prevention of Crime and Disorder, Public Safety, and the Protection of Children from Harm, I would also like to address the fourth licensing objective of the Prevention of Public Nuisance.

I have been dealing with complaints from the community regarding Hypnotik (which is in the location of the establishment formerly known as Brockwell's) and other late night venues on Norwood Road for three years now in my capacity as a ward councillor. I also sit on the Herne Hill Working Group, a community liaison committee set up to address local community concerns in tandem with council officers and police from both Southwark and Lambeth after the shooting incident on Norwood Road in August 2009.

Furthermore, I have also worked directly with Mr Lincoln Smith (who is cited in the police application) in a genuine attempt to resolve the issues between all parties in a fair manner. To this end I have formally visited the premises with former Superintendent Olisa in the past and had numerous telephone conversations with Mr Smith as well as informal talks in situ, as I am often in the area.

In addition to my regular dealings with the community on the increasing incidents of violent crime as cited by the police, and the peripheral nuisance caused by ongoing allegations of casual drug dealing, anti-social behaviour, and the presence of illegal barbecues (about which there have been complaints to me concerning damage to the pavement and other shops in the parade) around the premises, I have also been dealing

with specific complaints by residents of noise nuisance due to the high volume of the music generated within Hypnotik itself.

During this time, it appears that specific noise complaints by affected local residents have been extremely difficult to properly log due to an apparent misallocation in Southwark's Environmental Services computer database, which appears to have led our Customer Service operatives to believe that Hypnotik is actually located in Lambeth and not in Southwark.

From frequent discussions with residents it appears that this misunderstanding has not only been responsible for a lack of officially logged complaints, which I am concerned has in turn affected the statistics that are influencing decisions by council officers, but it has also led to a high degree of frustration within the community resulting in a reluctance to formally log complaints (which, in turn perpetuates the low statistics).

For example, an email exchange dated from September 1 to September 3, 2009, between a local resident in a flat in the block at [REDACTED] and Southwark's Environmental Customer Services demonstrates the misallocation of the location of Hypnotik as the Environmental Services operator clearly states that, "Unfortunately, the Hypnotik Club is situated in Lambeth, therefore you will need to contact them with any queries relating to noise". Two days later, the operative confirms, "I have checked and this club is not on our systems".

In despair, the resident persists, quoting internet urls from Southwark's own Licensing website in order to convince our Environmental team that Hypnotik is indeed located in Southwark, with the additional comment, "How it [Hypnotik] even has been granted a late night licence for essentially a non purpose built (i.e. it's a shop front) venue with no soundproofing on a residential street is remarkable??".

Additionally, I have also personally had internal email exchanges with council officers as recently as November 13, 2009, which indicate that our side of Norwood Road – and, by default, Hypnotik - was still allocated in our computer database as being in Lambeth.

Therefore I am concerned that there is no way of identifying just how many attempted noise complaints have been lost during the three year period that I have been dealing with the late-night licensing issues on Norwood Road, and specifically with Hypnotik.

Another unlogged casualty of noise nuisance that I am aware of is the resident at [REDACTED]. As this flat is located above the shop immediately next to Hypnotik and shares a party wall with the club, the tenant tried to take matters into his own hands and negotiate directly with the club over the past year.

In an email to me dated May 7, 2009, the resident's sample log contains an entry for 25/04/2009 stating, "Room shaking, went down at about 0330 to ask when they were closing and point out the fact that my room was shaking, bouncer said she'd ask the bass to be turned down but no discernible change when I got back to my room."

In a recent telephone conversation, the resident told me that he has now given up and will be moving out of his flat on March 23. He doesn't think that the landlady will ever be able to rent out the flat with a nightclub next door, due to the high volume of noise from the premises.

In summary, initial observations concerning aspects of Hypnotik's location can be misleading. Norwood Road is not only a boundary road between Southwark and a troubled part of Lambeth, but it also forms part of the A215 route from Southwark's crime hotspots of Walworth and Camberwell out of the borough towards Croydon. Being at the crossroads of three wards (Village, Herne Hill, and Thurlow Park) within two boroughs it is outside of the usual police crime hotspot patrol circuit, with no CCTV coverage, and is therefore conducive to a variety of activities which can be conducted under the radar, so to speak.

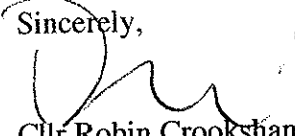
On the other hand, the premises is located in a Victorian-style shopping parade surrounded by a residential area, with a park across the street – a location which is considered by the residents to be unsuitable for late-night nightclub activities in general.

From my ongoing experience of these issues as ward councillor, I believe that the inherent physical location of this premises places an inordinate amount of long term responsibility upon any management in order to address the ongoing security logistics associated with a late night licence.

Furthermore, I believe that the cost of resolving the internal noise issues would be prohibitively expensive, as the only sure way of successfully guaranteeing that local residents aren't disturbed by high volumes of bass frequency noise leakage would be to install a completely acoustically isolated internal structure of the type used in recording studios.

I would therefore request the Licensing Sub-Committee to revoke Hypnotik's licence based on the Metropolitan Police's evidence relating to breaches of the three 2003 Licensing Act objectives of the Prevention of Crime and Disorder, Public Safety, and Protection of Children from Harm. I also hope that my representation has adequately demonstrated that the fourth Licensing Act objective of the Prevention of Public Nuisance has been additionally breached.

Sincerely,



Cllr Robin Crookshank Hilton
Conservative Member for Village Ward

Crookshank Hilton, Robin

From: Edward Saunders [REDACTED]
Sent: 07 May 2009 16:14
To: Crookshank Hilton, Robin
Subject: Noisy club on Norwood Road
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Club Log.xls

Hi Robin,

I got your email address from my landlady, Stella (sorry, her surname escapes me right now - it starts with a 'G'...). I've been having problems with the bar/club next to my flat and she spoke to you on Tuesday morning I believe. I live at [REDACTED] and the club is called Hypnotik. I've attached a log of the recent issues I've been having.

I haven't had any problems for the last two nights, but I'm expecting them to have a big night tonight and over the weekend (as they had a busy night last Thursday and the Saturday before they were open till past 0430). I suppose the summary is that in the 9 nights I've slept there (only one of those being a Saturday), I've gone down to ask them to turn the music down 3 times, and slept in the living room twice. I purposely avoided sleeping in the flat last weekend because my girlfriend was visiting (she lives in Edinburgh) and I didn't want my weekend disrupted - especially seeing as on the Thursday AND the Monday we slept in the living room because of the noise.

I'll call the number Stella gave me for the noise team (020 7525 5777) if the music is too loud tonight or over the weekend, but thought I should email you this before I did. If there's anything I can do to help out this process then let me know - my mobile's [REDACTED]. We don't have the internet set up at our flat yet so I'll only get emails during the day while I'm at work.

Thanks very much,

Ed

Date	Day	Music Switched off (whichever came first)	Sleep	Notes
25/04/2009	Saturday	2330	0430	Room shaking, went down at about 0330 to ask when they were closing and point out the fact my room was shaking, bouncer said she'd ask the bass to be turned down but no discernible change when I got back to my room. Fell asleep through exhaustion - had been trying for an hour, music was still going when I finally did.
26/04/2009	Sunday	2330		
27/04/2009	Monday	2330		
28/04/2009	Tuesday	0030		Turned off when I went down and asked it to be turned down - only manager, dj and one woman sitting at the bar in the club
29/04/2009	Wednesday	2300		Stella (landlady) spoke to Lee (club owner) during the day, he said he'd turn down the music at 2300 and turn a speaker on an adjoining wall off, if it was ever still too loud he said I should come down and ask them to turn it down and they would.
30/04/2009	Thursday	-	0200	Slept in living room - went down to ask them to turn it off at 0010, bouncer went into club and said it had been but no noticeable difference
01/05/2009	Friday	-	-	Away visiting girlfriend's parents anyway
02/05/2009	Saturday	-	-	Avoided flat on Saturday night and slept at my parents (girlfriend down from Edinburgh, wanted quiet, thought to leave aggravation until next week)
03/05/2009	Sunday	-	-	Avoided flat on Sunday night for same as above - night advertised on poster in club window: paid entry before 0030, "more" after At 2340, music was turned up - able to feel it through the floor in the living room, slept in living room as still better than my bedroom. Didn't see any use in asking for music to be turned down as it was a very busy night - fully expected to be ignored as before (plus I was exhausted and not feeling like confronting an entire club!)
04/05/2009	Monday	-	0130	No noise - I think the club was closed. Stella again talked to Lee and he said he hadn't been told about my previous complaints about the noise (apart from on 28/04 when it was him I spoke to)
05/05/2009	Tuesday	-	-	A very small amount of noise, (even at about 0130) but not sure if this was from club downstairs or down the road. Either way, wasn't disturbed by it so if this was from the club downstairs I'm fine with the noise being at this level
06/05/2009	Wednesday	-	-	

Crookshank Hilton, Robin

From: Edward Saunders [REDACTED]
Sent: 07 May 2009 18:38
To: Crookshank Hilton, Robin
Subject: Hypnotik licensing hours

Hi Robin,

For what it's worth, I did a little digging:

<http://licensing.southwarksites.com/LicPremisesAppliedDetails.asp?systemkey=829065>

It doesn't say anything on the site about whether this was approved or not, but I assume it was. If so, they've clearly broken their licensing terms twice in the times I've been there, but with a license till 3.30 on Thursdays, Fridays and Saturdays, I'm not sure what we're going to do - before we moved in Stella told us that the club was only open late twice a week, Sundays and Thursdays, and then only till 1 in the morning (which is clearly incorrect). Can you confirm for me that those licensing hours are correct?

Thanks,

Ed

Crookshank Hilton, Robin

From: Crookshank Hilton, Robin
Sent: 30 September 2009 13:35
To: Franklin, David; 'Paul.Compton@met.pnn.police.uk'
Cc: Dickinson, Tracy; 'Jeff.Jenkinson2@met.pnn.police.uk'; Toy, Jonathon
Subject: FW: Noise/licence complaint - Hypnotik Club

FYI... here is another complaint about Hypnotik that has come to me from a Lambeth resident. Can you guys check to make sure that it shows up in our system?

What's worrying me is that our Southwark noise team are STILL telling residents that Hypnotik is in Lambeth – you can see the exchange below.

How can we get this sorted out?? Everyone keeps telling us that our stats are low, but residents are STILL having problems logging complaints!

----- Forwarded by Christina Bell/O&M EAME/OMG on 30/09/2009 11:22 -----

From: "Ben Perry" [redacted]
To: "Christina Bell" [redacted]; "Frances Pierce" [redacted]
Date: 29/09/2009 14:37
Subject: Fw: Noise/licence complaint - Hypnotik Club

not sure if this is a proper reference number on the noise complaint front

From: Environmental Customer Services
Sent: Thursday, September 03, 2009 10:45 AM
To: Ben Perry
Subject: RE: Noise/licence complaint - Hypnotik Club

Yes

Sorry Ben

We have it on our system as a wine bar and not at all on the other system.

I have logged a request to the noise team to investigate and they will be out within the next 3 working days.

Your reference number for this request is 8004194176.

Please accept my apologies for any inconvenience.

Yours sincerely

Debbie

Environment Services
 Environment@southwark.gov.uk
 020 7525 2000

From: Ben Perry [mailto:[redacted]]

15/02/2010

Sent: Thu 03/09/2009 10:05
To: Environmental Customer Services
Cc: Regen, Licensing
Subject: RE: Noise/licence complaint - Hypnotik Club

Debbie

Please can you check again as I have found it in your systems:

Hypnotik, 75-79, Norwood Road, LONDON, SE24 9AA

According to your Licensing site <http://licensing.southwarksites.com/its> Licence Number is 829065
<http://licensing.southwarksites.com/LicPremisesGrantedDetails.asp?systemkey=829065>

This venue is authorised to play music until 1am on Monday however was doing so until 4am the Monday just past. How it even has been granted a late licence for essentially a non purpose built (i.e. it's a shop front) venue with no sound proofing on a residential street is remarkable??

Aside from an illegal breach in their licenced hours and the questionable nature of granting this venue a licence in the first place from a quick look at the conditions of their licence they appear in breach of a number of these. In addition to reporting the ongoing associated environmental disturbance of the operation I suggest an investigation and review from your officers of the licence granted to this venue. Please keep me informed of the findings.

Regards

Ben Perry

Subject: RE: Noise/licence complaint - Hypnotik Club
Date: Thu, 3 Sep 2009 08:06:47 +0100
From: EnvironmentalCustomerServices@southwark.gov.uk
To: [REDACTED]

Dear Ben

I have checked and this club is not on our systems. Can you please provide the full address and postcode of the club, as this will make it easier to locate definitively.

Yours sincerely

Debbie

Environment Services
Environment@southwark.gov.uk
020 7525 2000

From: Ben Perry [mailto:[REDACTED]]
Sent: Wed 02/09/2009 21:43
To: Environmental Customer Services
Subject: Re: Noise/licence complaint - Hypnotik Club

Debbie,

Can you please check on that as Lambeth tell me it's in Southwark, as I thought the top of Norwood Road was.

Regards

15/02/2010

Ben

From: Environmental Customer Services
Sent: Tuesday, September 01, 2009 11:47 AM
To: Ben Perry
Subject: RE: Noise/licence complaint - Hypnotik Club

Dear Mr Perry


Thank you for your email.

Unfortunately, the Hypnotik Club is situated in Lambeth, therefore you will need to contact them with any queries relating to noise.

Yours sincerely

Debbie

Environment Services
Environment@southwark.gov.uk
020 7525 2000

From: Ben Perry [mailto:
Sent: Tue 01/09/2009 04:12
To: Environmental Customer Services
Cc: noise@lambeth.gov.uk
Subject: Noise/licence complaint - Hypnotik Club

I would like to record a persistent noise complaint against the Hypnotik nightclub on Norwood Road.

It's currently nearly 4am on a Monday night and I have again been disturbed from sleep in my flat by the bass music from the club, loud conversation on the street outside the club as well the disturbance from car stereos, horns (illegal in itself at this time), whistling, shouting and door slamming as cars and minicabs for the club park all down both sides of Norwood Road between Herne Hill Junction and Rosendale Road - including outside my flat.

I am particularly surprised that this club should have such a late licence when it's a working day the next morning, however even on weekends it is clearly an anti-social nuisance to be woken at 3-4am as patrons leave the club and then to be kept awake by its bass music. Sleeping with windows open has become an impossibility making life further uncomfortable during the summer months.

Whilst I am a Lambeth resident this noise is occurring from Southwark, please file a complaint to firstly report/question the late licence of this club (now past 4am and still loud music) with a preference to revoke this club's late licence from persistently disturbing what is otherwise a pleasant residential area.

Ben Perry


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15/02/2010

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105
 Internal email
 exchange

Crookshank Hilton, Robin

From: Crookshank Hilton, Robin
Sent: 16 November 2009 13:16
To: Gentry, Ian; Dickinson, Tracy
Cc: 'Jeff.Jenkinson2@met.pnn.police.uk'; 'Paul.Compton@met.pnn.police.uk';
 'Tom.Cornish@met.pnn.police.uk'; Keeley, Paul
Subject: RE: Norwood Temporary CCTV Science Experiment

Hi Ian,

Thanks so much for this... I'm sorry to be such a pain in the bottom, as I know how much you have already bent over backwards repeatedly to help me over the past two years, but I think it's best that the communication loop between all parties is maintained so that these things don't fall between the cracks. So, from that point of view, this was a successful Science Experiment, as we managed to flush out some basic logistical flaws.

The method to my madness is this:-

- 1) I am concerned that our stats are artificially low because our computer records on multiple levels have maintained that Norwood Road is in Lambeth. Therefore complaints are rebuffed which in turn leads to reluctance on the part of residents and traders to complain, thereby exacerbating the low stats and the accompanying high whinge factor.
- 2) I am concerned that your brilliant concept of installing a mast on the corner of Norwood and Croxted may be rejected due to revenue issues with the electrical supply. In actual fact, the traders have asked for a Norwood 'lighting feature' extravaganza for the Norwood ILRE which will probably need a separate EDF supply anyway, so I was planning that we could hook the mast into that... but if this isn't feasible, then we absolutely, positively need to be assured that a redeployable camera located on a suitable lighting column would be capable of filming BOTH the entrances to the nightclubs AND the reg numbers of the cars going south on the A215. It would be useful to monitor the entrance to the arches, but we could compromise on that as long as the first two objectives are achieved.
- 3) When we get our ILRE system we also need to ensure that the police have a completely independent system of being able to download the data so that we don't have to go through this saga everytime there is an incident.

In the meantime, can you please confirm that a strategically positioned camera will indeed be able to monitor BOTH the front of the shops/nightclubs AND the reg numbers of the cars on Norwood, as this will put my mind at rest.

And can someone also please ensure that every single computer data base in Southwark Council lists Norwood Road as being in Southwark?!

Thanks again...

R

From: Gentry, Ian
Sent: 16 November 2009 10:19
To: Crookshank Hilton, Robin; Dickinson, Tracy
Cc: 'Jeff.Jenkinson2@met.pnn.police.uk'; 'Paul.Compton@met.pnn.police.uk';
 'Tom.Cornish@met.pnn.police.uk'; Keeley, Paul
Subject: RE: Norwood Temporary CCTV Science Experiment

Dear Robin,

I'm disappointed that you didn't get the response you should have expected. I have spoken to Paul, our Technical Supervisor and he has assured me that all the Duty Supervisors were sent an email when the camera was deployed. I have asked him to look into why Pawel was not aware that this camera had been deployed and to ensure that this doesn't happen again.

22/02/2010

Regarding the download of data, after speaking with PC Bush, Paul has scheduled a visit to retrieve any evidence we may have and pass on.

Apologies once again that you didn't get the correct response Robin. After Paul has read the riot act to the Duty Supervisors, this shouldn't happen again.

Regards,

Ian

From: Crookshank Hilton, Robin
Sent: 13 November 2009 13:28
To: Gentry, Ian; Dickinson, Tracy
Cc: 'Jeff.Jenkinson2@met.pnn.police.uk'; 'Paul.Compton@met.pnn.police.uk';
'Tom.Cornish@met.pnn.police.uk'
Subject: Norwood Temporary CCTV Science Experiment

Dear Ian,

The good news is that traders and residents confirm that the signage displaying the CCTV Control Room number relating to the temporary CCTV camera on Norwood is indeed up now.

But, as I hadn't heard anything back from you about the retrieval of footage to use as evidence for the Half Moon Pub attack, I thought I would try phoning the Control Room myself to see how I would go about accessing this...

To my dismay, not only did the Control Room NOT even know that a temporary camera had been installed there since August, but they insisted that Norwood Road was in Lambeth and therefore had nothing to do with them (AGAIN!).

I asked to speak to the supervisor, called Pavel, who suggested that I should email you so that you can tell them that there is a temporary CCTV camera on Norwood and that they may get calls from residents noting incidents for them to log for later retrieval.

In fact, you might get a frantic phone call from him directly because I think I may have freaked him out...

In the meantime, I guess it's too late for us to obtain the footage relating to the Half Moon Pub attack now??

R

p.s. I'm home with food poisoning today, which is really boring, so I thought I'd phone the nice DS in the Drug Squad that Richard Noble recommended and ask him to teach me how to do drug surveillance. Will let you know how I get on...

22/02/2010

MEMO: Environmental Protection Team

To	Regen,licensing	Date	01 February 2010	
Copies	Environmental Enforcement & Creative Design			
From	Alan P. Blissett	Telephone	020 7525 5766	Fax 020 7525 5768
Email	Alan.Blissett@southwark.gov.uk			

Subject HYPNOTIC 75-79 Norwood Road SE24 9AA

I have received an application dated 29th January 2010 for review of premises license at the above premises by Metropolitan Police.

I have reviewed our database for records relating to Noise and Public Nuisance attributable directly to the premises or the street outside.

The premises were subject of a warning letter sent on 8th May 2009 following statutory noise nuisance being substantiated [in flat above] at 1.18 am. This has not been subsequently witnessed to be breached.

One other complaint made subsequent to an event in September 2009 could not be witnessed.

I therefore have inadequate evidence for me to support a review on Public Nuisance grounds.

Alan Blissett

Principal Environmental Protection Officer



LONDON FIRE
AND EMERGENCY
PLANNING AUTHORITY

Fire Safety Regulation: South East Area 3
169 Union Street London SE1 0LL
T 020 8555 1200 x36500
F 020 8536 5924
Minicom 020 7960 3629
www.london-fire.gov.uk

Southwark Council
Licensing Section
EH & TS
Chaplin Centre
Thurlow Street
London SE17

RECEIVED
17 FEB 2010

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 9 February 2010
Our Ref 91/8425

Dear Sir/Madam

LICENSING ACT 2003

Premises: Hypnotic, 75-79 Norwood Road, London SE22 9AA

With reference to the premises licence review notification received from Metropolitan Police Service on 29th January 2010, concerning the above premises, **the Fire Authority does not propose to make any representation** to the Licensing Authority or attend the hearing.

Any queries regarding this letter should be addressed to the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours faithfully,

for Assistant Commissioner (Fire Safety Regulation)

Fire and Community Safety Directorate
firesafetyregulationSE@london-fire.gov.uk

Reply to Raymond Goodman
Direct T 020 8555 1200 x57284
Direct F 020 8536 5924

Swaby, David

From: Omojomolo, Alex
Sent: 10 February 2010 13:02
To: Swaby, David
Cc: Tear, Jayne
Subject: FW: Review of Licence - Hypnotic

-----Original Message-----

From: Jeffrey, Andy (Env+Lei)
Sent: 10 February 2010 11:33
To: Regen, Licensing
Subject: Review of Licence - Hypnotic

We do not have any representations to be made to the review of the premise licence for Hypnotic 75-79 Norwood Road, London, SE22 9AA.

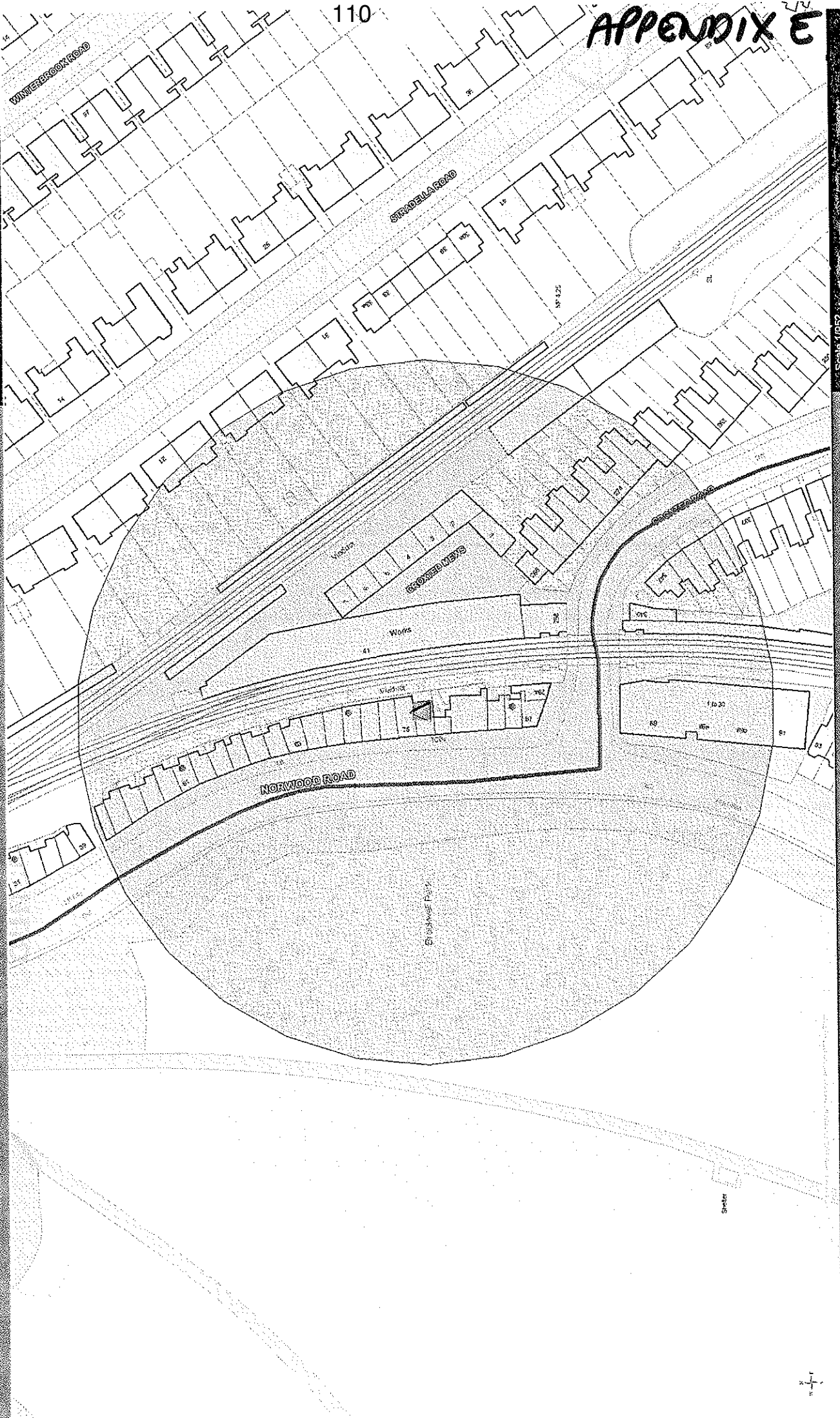
Regards

Andy Jeffrey

*Andy Jeffrey
Principal Enforcement Officer
Trading Standards Service*

020 7525 2958
andy.jeffrey@southwark.gov.uk

Hypnotik Bar Restaurant



Distribution List Open Licensing Sub-Committee - Supplemental	MUNICIPAL YEAR 2009-10 Date of Meeting: 17 March 2010 Time: 10.00am
Note: Original held in Constitutional Team; all amendments/queries to Sean Usher, Constitutional Team, Tel: 020-7525-7222.	
Councillors (1 Copy Each)	Applicants and Interested Parties
<p>Councillor David Hubber (Chair) Councillor Abdul Mohamed Councillor Althea Smith Councillor Wilma Nelson (Reserve)</p> <p>Officers</p> <p>Felix Rechtman, Legal Services, Tooley Street Sean Usher, Tooley Street (Hub 4) x 2 Dave Franklin , Licensing Unit Dave Swaby, Licensing Unit</p> <p>Ward Councillors (Notified by Email)</p> <p>Village</p> <p>Press Office – By email</p>	<p>PC Paul Compton Licensing Office, Walworth Police Station, 12/28 Manor Place London SE17 3BB</p> <p>Mr Lincoln Smith C/O Hypnotik, 75-79 Norwood Road London SE24</p> <p>Tammy Stewart, Licensing Agent – By email</p> <p>Local residents/Interested Parties</p> <p>Dr John Brunton, The Herne Hill Society, PO Box 27845, London SE24 9AX</p> <p>Mr Peter Hore – By email</p> <p>Tessa Jowell MP – By email</p> <p>Stradella Residents Association – By email</p>
Total Copies to be printed: 17 <u>PLEASE BRING YOUR PAPERS TO THE MEETING.</u>	Total copies to be circulated: 12 All spares to be delivered to Sean Usher, Room 216, Town Hall Day of Despatch: 15 March 2010