

Licensing Sub-Committee

Wednesday 12 August 2015

10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Supplemental Agenda No.1

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Contact

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Date: 5 August 2015

Item No:	Classification: Open	Date: 12 August 2015	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Tasty Spice – 207 Rye Lane, SE15 4TP	
Ward(s) or groups affected		The Lane	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the sub-committee decide whether or not to issue a counter notice in respect of a temporary event notice (TEN) served by Ms Vancia Baker, in regards to an event to be held at Tasty Spice, 207 Rye Lane, SE15 4TP between 23:00 on 14 August 2015 and 05:30 on 15 August 2015.

BACKGROUND INFORMATION

The Licensing Act 2003

2. On 24 November 2005, the Licensing Act 2003 came into effect establishing a new licensing regime for the following licensable activities:
 - a) The retail sale of alcohol
 - b) The supply of alcohol to club members or on behalf of a club
 - c) The provision of regulated entertainment
 - d) The provision of late night refreshments.
3. The Act establishes a process for the giving of “temporary event notices” (TENs).
4. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.
5. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
6. A person holding a personal license issued under the Act may serve up to 50 TENs in a calendar year. Non personal licence holders may serve up to 5 TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.
7. No premises may be used for temporary events that are less than 24 hours apart.
8. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.
9. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.

10. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
11. The police or environmental health may contact the premises user to discuss their objections and attempt to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.
12. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

KEY ISSUES FOR CONSIDERATION

The temporary event notice

13. On 30 July 2015, a TEN was served by Ms Vancia Baker, in regards to an event to be held at Tasty Spice, 207 Rye Lane, SE15 4TP between 23:00 on 14 August 2015 and 05:30 on 15 August 2015. A copy of the TEN is attached to this report as Appendix A.
14. The TEN is summarised as follows:

To permit the sale of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club, and the provision of regulated entertainment between 23:00 on 14 August 2015 and 05:30 on 15 August 2015. The maximum number of people expected at any one time at the premises is 90. Licensable activities are to take place on the premises only.

The objection notice

15. On 3 August 2015 Southwark Police Licensing Unit (SPLU) served an objection notice in respect of the above TEN. The SPLU objection relates to the prevention of crime and disorder. SPLU state that during an attempted inspection of the premises, they encountered an aggressive response to their presence and also breaches of conditions of the premises licence that undermine crime prevention. The police state that allowing the event to proceed would undermine the prevention of crime and disorder licensing objective. Copies of the objection notice and evidence in support of the objection notice are attached to this report as Appendix B.

TENs History

16. Below is the history of TENs in respect of the premises.

No.	Premises user	Date of event	Time of event	Maximum no. of persons expected	Activities permitted Sale of Alcohol (A), Provision of regulated entertainment (E) Provision of late night refreshment (LNR)	Objection notice served?	Counter notice served?
1	Vancia Baker	27-07-14	23:00 to 05:00	60	A, E,	No (n)	n
2	Vancia Baker	30-08-14	23:00 to 05:30	70	A, E,	n	n
3	Vancia Baker	27-09-14	23:00 to 06:00	75	A, E,	n	n
4	Vancia Baker	22-11-14	22:00 to 05:30	75	A, E,	n	n
5	Vancia Baker	29-11-14	23:00 to 05:30	75	A, E,	n	n
6	Vancia Baker	13-12-14	23:00 to 06:00	76	A, E,	n	n
7	Vancia Baker	20-12-14	23:30 to 06:00	70	A, E, LNR	n	n
8	Vancia Baker	11-04-15	23:30 to 05:00	60	A, LNR	n	n
9	Vancia Baker	18-04-15	23:30 to 05:30	70	A, E, LNR	n	n
10	Vancia Baker	06-06-15	23:00 to 05:00	75	A, E, LNR	n	n
11	Vancia Baker	13-06-15	23:00 to 06:00	77	A, E, LNR	n	n
12	Vancia Baker	14-08-15 16-08-15	00:00 to 05:30	90	A, E, LNR	Y	n

Premises history

17. A premises licence was granted for this premises on 4 August 2010. During the consultation period, the Police made representations and suggested conditions were agreed between the applicant and the Police. The premises operates as a Caribbean bakery during the day and operates as a club at weekends. The licence is attached as Appendix C. The premises is named as Tasty Spice on the premises licence but has signage on the front of the shop showing its name as Tasty Bakery Ltd. This information has been included in the report to reduce any confusion between the report documentation and the Police evidence. A photo showing the front of the premises is attached as Appendix D.

NTE inspection history

18. A list of NTE visits is attached as Appendix E.

Map

19. A map of the area is attached to this report as Appendix F. The premises are identified by a diamond at the centre of the map. The following licensed premises are also shown on the map and are licensed as stated:

T & S AFRO COSMETICS AND FOOD AND WINE

213A Rye Lane SE15 4TP
 Monday 06:00 to 05:00
 Tuesday 06:00 to 05:00
 Wednesday 06:00 to 05:00
 Thursday 06:00 to 05:00
 Friday 06:00 to 05:00
 Saturday 06:00 to 05:00
 Sunday 06:00 to 01:00

STELLA'S AFRICAN FOOD

154 Rye Lane SE15 4NB
 Monday 09:00 to 22:00
 Tuesday 09:00 to 22:00
 Wednesday 09:00 to 22:00
 Thursday 09:00 to 22:00
 Friday 09:00 to 22:00
 Saturday 09:00 to 22:00
 Sunday 09:00 to 22:00

RYE LANE NEWS AND OFF LICENCE

164 Rye Lane SE15 4NB
 Sale by retail of alcohol to be consumed off premises
 Monday 08:00 to 23:00
 Tuesday 08:00 to 23:00
 Wednesday 08:00 to 23:00
 Thursday 08:00 to 23:00
 Friday 08:00 to 23:00
 Saturday 08:00 to 23:00
 Sunday 10:00 to 22:30

ASDA STORES LTD

174 Rye Lane SE15 4NB
 Monday 08:00 to 23:00
 Tuesday 08:00 to 23:00
 Wednesday 08:00 to 23:00
 Thursday 08:00 to 23:00
 Friday 08:00 to 23:00
 Saturday 08:00 to 23:00
 Sunday 10:00 to 22:30

ROOSTERS SPOT

177-179 Rye Lane SE15 4TP
 Monday 09:00 to 02:00
 Tuesday 09:00 to 02:00
 Wednesday 09:00 to 02:00
 Thursday 09:00 to 02:00
 Friday 09:00 to 03:00
 Saturday 09:00 to 03:00
 Sunday 09:00 to 02:00

THE NAGS HEAD

231-235 Rye Lane SE15 4TP
 Monday 09:00 to 01:30
 Tuesday 09:00 to 01:30
 Wednesday 09:00 to 01:30
 Thursday 09:00 to 01:30
 Friday 09:00 to 01:30
 Saturday 09:00 to 01:30
 Sunday 09:00 to 01:30

Canavans Peckham Pool Club

188 Rye Lane SE15 4NF
 Monday 10:00 to 04:00
 Tuesday 10:00 to 04:00
 Wednesday 10:00 to 04:00
 Thursday 10:00 to 04:00
 Friday 10:00 to 04:00
 Saturday 10:00 to 04:00
 Sunday 10:00 to 04:00

Policy considerations

20. Section 4 of the Southwark statement of licensing policy on “administration, exercise and delegation of function” deals with the parameters under which TENS may be considered.

Consideration by the sub-committee

21. At the time of writing this report it has not been possible to reach a negotiated outcome in regards to this matter and therefore the sub-committee is asked to consider whether the issue of a counter notice is necessary for the promotion of the prevention of crime and disorder licensing objective.

Community impact statement

22. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.
23. In considering the TEN in terms of community impact the sub-committee must restrict its considerations to this matter.

Resource implications

24. A fee of £21.00 has been paid by the applicant in respect of the TEN, this being the statutory fee payable.

Consultation

25. The Act provides for no consultations to take place other than the process outlined in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

26. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act
27. The principles which sub-committee members must apply are set out below.

Principles for making the determination

28. The general principle is that temporary event notices must be accepted unless a relevant objection is received from the police. This is subject to the proviso that the premises user has complied with regulations and submitted the notice within a prescribed time.
29. A relevant objection is that which:
 - Is about the likely effect of the TEN on the promotion of the crime prevention of the licensing objectives
 - Is made by the metropolitan police
 - Has not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
30. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is necessary for the promotion of the prevention of crime prevention and the prevention of public nuisance licensing objectives of the Licensing Act to:
 - Issue a counter notice by adding to, omit, and/or alter the conditions of the licence or

- Reject the whole or part of the application for TEN.

Conditions

31. The sub-committee may attach conditions on the carrying on of permitted licensable activities. The sub-committee's function is to determine whether a counter notice should be issued
32. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

33. The sub-committee must give reasons for its decision to issue or not to issue a counter notice.

Hearing Procedures

34. 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 objection.
 - 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 submission.
 - The committee shall disregard any information given by a party which is not relevant:
 - To the particular submission before the committee
 - To the licensing objectives prevention of crime and disorder.
 - 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 the objection and notice the authority may take into account documentary or other information produced by a party in support of their objection or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

35. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) (c) requires the sub-committee to make its determination at the conclusion of the hearing.
36. 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.
37. As a quasi-judicial body, the licensing sub-committee is required to consider the temporary event notice 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 the police objection.
38. 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.
39. Under the Human Rights Act 1998 the sub committee needs to consider the balance between the rights of the applicant and those making the objection 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.
40. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the chief officer of police may appeal against that decision. The appeal must be made 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. No appeal may be brought later than five working days before the day on which the event begins.

Guidance

41. 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.

REASONS FOR URGENCY

42. The TENs process is time limited, and due to legislative time constraints it would not be possible to wait for a further meeting to be held to consider this report.

REASONS FOR LATENESS

43. This report was not available for circulation within five clear days before the meeting due to legislative time constraints.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read (020 7525 5748)

APPENDICES

No.	Title
Appendix A	Copy of the TEN
Appendix B	Copy of the SPLU objection notice & supporting evidence
Appendix C	Copy of premises licence
Appendix D	Photo of front of premises displaying business name
Appendix E	List of NTE visits to premises
Appendix F	Map of local area

AUDIT TRAIL

Lead Officer	Strategic Director of Environment and Leisure	
Report Author	Mark Orton, Licensing Enforcement Officer	
Version	DRAFT	
Dated	5 August 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		5 August 2015

869273

RECEIVED
20 JUL 2015

Temporary Event Notice

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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	BAKER
Forenames	VANCIA
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[Redacted]	
Post town	[Redacted]
7. Other contact details	
Telephone numbers	[Redacted]
Daytime	[Redacted]
Evening (optional)	[Redacted]
Mobile (optional)	[Redacted]
Fax number (optional)	[Redacted]
E-Mail Address (if available)	[Redacted]
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
[Redacted]	

Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
207 RYE LANE PECKHAM SE15 4TP	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	83 2212
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
LICENCE PREMISES	
Please describe the nature of the premises below. (Please read note 4)	
RESTAURANT AND WINE BAR + BAKERY	
Please describe the nature of the event below. (Please read note 5)	
Party with one live DJ and one hour MC on the microphone at 00:30am. PARTY	

3. The licensable activities

The supply of alcohol by or on behalf of a club ¹² , or to the order of, a member of the club	<input checked="" type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	

14 and 15 ⁰⁸ - 08.15

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

23:00 PM - 5:30 AM

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

90

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box) (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 12)

Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	
Licence number	20102281
Date of issue	06 July 2010
Date of expiry	06 July 2020
Any further relevant details	


Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>

If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input type="checkbox"/>
Sign the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	26.07.15
Name of Person signing	VANCIA BAKER

For completion by the licensing authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	



The Licensing Unit
Floor 3
160 Tooley Street
London
SE1 2QH

Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ /14

Date: 3rd August 2015

Re:- Tasty Spice, 207 Rye Lane, London SE15 4TP

Dear Sir/Madam

Police are in receipt of an application from the above for a Temporary Event Notice (TEN) to be granted for the 14th to 16th August 2015 between 23.00hrs & 05.30hrs referenced by you under reference 815468

The Police object to the granting of the Notices on the grounds that they would undermine the crime and disorder objective of the Licensing Act 2003.

The grounds for the objection are as follows.

On Friday the 31st July 2015 at about 21.30hrs officers from the Police night Time economy team attended the venue to carry out a licensing inspection. On arrival customers and the partner of the applicant became immediately aggressive towards the officers who had to call for assistance from other officers to ensure their safety. This happened whilst children were apparently inside the premises with one male being so aggressive he turned a table over which had drinks on. One officer described the situation inside the premises as Chaos making it difficult to carry out an inspection.

Two statements are attached regarding the visit which includes a number of breaches of the premises licence.

- No id scan installed at the premises which has been a condition for a considerable time.
- CCTV not in operation and was turned off by the applicant
- No SIA security present.

PC Wythe issued a Section 19 closure notice (copy attached) to the applicant and further action is pending regarding this matter.

Police object to the granting of the temporary event notice on the grounds that the applicant is unable to comply with current conditions placed on the licence or control the customers and her partner's behaviour whilst operating the premises.

The conditions breached were all placed on the licence to control crime and disorder and the applicant has shown a disregard to these conditions for some considerable time and as such the police licensing unit has no faith in the management and the ability to run the event safely and without incident. The granting of this notice could have an adverse effect on the Licensing objectives and possibly have violent consequences.

Yours Sincerely

PC Graham White 288MD

Southwark Police Licensing Unit

Tel: 0207 232 66756

Continuation of Statement of **Stuart Wythe PC 393MD**

were inside were now outside, I could hear loud voices & shouting; I went in & could not see Mr Angus. A female whom I know now as Vancia Baker approached me asking if she could help. I ascertained her details, asking for her personal & premises licence; she immediately produced the premises licence, saying she had to go to her bag for her personal licence. I started completing the form 695, inspecting the premises. People stood nearby & at the bar repeatedly, constantly asked me why I was closing the premises etc, I explained I wasn't. Mr Angus came to the bar area shouting about how he was closing & wanted us out, PC Garvey was stood next to me at the time, explained I needed to complete the inspection, Mr Angus kept on shouting about how he wanted us out. I had not ascertained Mr Angus' status at the premises. Ms Baker returned stating her licence must be at home & apologised.

I asked what Me Angus' role at the premises was; she explained he was her partner. I explained that his behaviour & that of customers was inappropriate & had caused the situation that we now faced. She agreed & apologised. The situation, the noise, the shouting, the general chaos, made it very hard to conduct a proper inspection. I asked Ms Baker where her 'drugs free zone' sign was, as per paragraph 298 of the premises licence. Ms Baker showed me to a separate entrance corridor, off the main area where entrance & exit was facilitated, a sign was in this corridor. To my mind this sign was not visible, the reason for its requirement. Paragraphs 288, 289, 290, 299 & 301 state that there should be SIA, CCTV & a computer based identification system at the premises. Ms Baker stated that she'd turned the CCTV off, had no SIA on the door & no identification system as she was not running as a club & that she's spoken to Mr Clements about this, that the licence was wrong. I explained that music was blaring out on to the street, significantly above that of background music, with people therein drinking alcoholic beverages & that in any case as the regulations were on the licence I considered these to be breaches. I completed a section 19 criminal justice & police act 2001 closure notice & issued it to Ms

Baker. We left the premises.

4:51 PM 1 AUG 15 STD

Signature: Signature witnessed by:

Witness Statement

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

Statement of **Connor HUNWICK**

Age if under 18 'over 18' (if over 18 insert 'over 18') Occupation **POLICE OFFICER**

This statement (Consisting of: One (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 which I know to be false or do not believe to be true.

Dated: 01/08/2015

015 91.9047 45 05:47

Signature: Connor HUNWICK SC5355MD

On FRIDAY 31ST JULY 2015, I was on duty in full uniform in a marked police vehicle, call sign MD49N, as a rear passenger, with SC McCARTHY 5335MD and PC WYTHER 353MD. We were carrying out licensing visits on premises in SOUTHWARK. At approximately 2135 we arrived at THE TASETY BAKERY, 207 PECKHAM RYE SE15, to carry out a licensing check. We could hear music blaring out of the premises, way above background noise. I got out of the van, and went to speak to SIA door staff, which there was none. We spoke to a male on the door and asked if he was door staff in which he replied "no I'm not" and we asked him and refused to give details. We then asked if we could speak to the manager. The male went inside and then came back out a few minutes later with another male, who I now know to be LEROY ANGUS, and another male who refused to give any details, but was distinctive by having gold teeth. We told MR ANGUS that we were carrying out some licensing checks and asked if he was the manager but he would not answer. He didn't answer and he asked why we were here. We mentioned to MR ANGUS that we noticed that he did not have any SIA door staff. MR ANGUS and PC WYTHER started talking and I noticed that MR ANGUS started becoming more and more irate and started yelling, saying he was fed up of police coming every week and that we were racist towards PC WYTHER. He started to become even more aggressive and so went back inside the premises. While inside the premises, he became aggressive yet again by pushing tables over and yelling and swearing. He had to be held back by other people. This led to more units being called by PC WYTHER. I started to fear that he wanted to cause harm to myself and my colleagues. Also because there was a large crowd forming around us, videoing us, I felt that the large crowd could end up turning against us physically due to how MR ANGUS was behaving. MR ANGUS was pushing and throwing furniture inside the premises, upturning a table full of drinks on it. People then started coming out from THE TASETY BAKERY coming up to us and asking why we were there and what we were doing. Another male came up to me, an IC3 male in a white top and a goat-tee beard asking what we were doing, so I explained to him. He accused me of being racist as police are always attending the premises, and why we weren't going over the road to CANAVANS, the PECKHAM POOL CLUB as they operate without a license. I explained that they do have a licence, but explained that we were doing checks on THE TASTEY BAKERY. As we went to enter the premises, a male then stopped us going in and SC McCARTHY explained that we could enter the premises under the licensing act 2002, in which we have the power to enter any premises in which we believe that licensed activity is taking place, in which he told us to "fuck off". We entered the premises where we went up to the counter and spoke to the designated premises supervisor inside the premises, who I now know to be VANCIA BAKER, where we asked her some questions and PC WYTHER went through the TASTEY BAKERY licence and explained that they were missing

Signature: Connor HUNWICK SC5355MD

Signature Witnessed by:

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Continuation Statement Of *Lanor HUNWICK SCS3SSMD*

certain things, an ID scanner, no door staff, and incorrect signage and that CCTV was not on. While PC WYTHE was explaining to the designated premises supervisor, the male with the gold teeth started writing down all our names and shoulder names and said to me "you're our problem now". Throughout the time we were there, I did not see one piece of food being sold, only alcohol, until the last few minutes we were there, where one piece of pastry was put into a white bag and handed to a customer. We eventually found out from the designated premises supervisor that the male who became aggressive with us outside was her husband.

Lanor HUNWICK SCS3SSMD

015 97.9087 85 194

Signature: *Lanor HUNWICK*
SCS3SSMD

Signature Witnessed by:

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 21/7/15 Time Served: 22.5

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC JOJO MO WITHE

Signature: [Signature]

Name (if applicable) and address of the affected premises: TAKY BARNEY 0207 232 6035

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

NO SALES OF ALCOHOL 'DURING THE' PERIOD IN WHICH
COPIED

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

WITNESSED BY UNIT

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

COPIED WITH EVIDENCE

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details) NO

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name VANGLIA BAKER 079 835 4643

Signature + V. Baker

Date 21/7/15

Licensing Act 2003 Premises Licence

22



Environmental Health & Trading
Standards
Licensing Unit
Chaplin Centre
Thurlow Street

Premises licence number

832212

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Tasty Spice 207 Rye Lane London SE15 4TP	
Ordnance survey map reference (if applicable), 176073534393	
Post town London	Post code SE15 4TP
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Recorded Music - Indoors
Performance of Dance - Indoors
Facilities for Dancing - Indoors
Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises

The opening hours of the premises

For any non standard timings see **Annex 2**

Monday	07:00 - 01:00
Tuesday	07:00 - 01:00
Wednesday	07:00 - 01:00
Thursday	07:00 - 02:30
Friday	07:00 - 04:30
Saturday	07:00 - 04:30
Sunday	07:00 - 01:00

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

The times the licence authorises the carrying out of licensable activities

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

Recorded Music - Indoors

Monday	21:00 - 00:00
Tuesday	21:00 - 00:00
Wednesday	21:00 - 00:00
Thursday	21:00 - 02:00
Friday	21:00 - 03:30
Saturday	21:00 - 03:30
Sunday	21:00 - 00:00

Performance of Dance - Indoors

Thursday	21:00 - 02:00
Friday	21:00 - 03:30
Saturday	21:00 - 03:30
Sunday	21:00 - 00:00

Facilities for Dancing - Indoors

Thursday	21:00 - 02:00
Friday	21:00 - 03:30
Saturday	21:00 - 03:30
Sunday	21:00 - 00:00

Late Night Refreshment - Indoors

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 02:00
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	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 02:00
Friday	11:00 - 03:30
Saturday	11:00 - 03:30
Sunday	11:00 - 00:00

Part 2

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

Vancia Baker

[REDACTED]

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

Vancia Baker

[REDACTED]

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. [REDACTED]

Authority L.B [REDACTED]

Licence Issue date 04/08/2010

.....
Environmental Health & Trading
Standards Business Unit Manager
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

485 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process; or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters

or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

486 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where disability).

487 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2). The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) Beer or cider: ½ pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) Still wine in a glass: 125 ml; and

(b) Customers are made aware of the availability of these measures

Annex 2 - Conditions consistent with the operating Schedule

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

On each Bank Holiday Sunday till 04.30 the day following.

On days when Xmas and New Years Eve fall on Monday - Wed till 04.30 the day following

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

On each Bank Holiday Sunday till 04.30 the day following.

On days when Xmas and New Years Eve fall on Monday - Wed till 04.30 the day following

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, Recorded Music, Performances of Dance, Dancing:

On each Bank Holiday Sunday till 04.30 the day following.

On days when Xmas and New Years Eve fall on Monday - Wed till 04.30 the day following

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

On each Bank Holiday Sunday till 04.30 the day following.

On days when Xmas and New Years Eve fall on Monday - Wed till 04.30 the day following

162 A security search of the premises is conducted prior to opening to the public and a record kept of who conducted the search

226 That smokers shall not be permitted to take drinks off the premises

280 No children to be permitted on the premises after 22.00hrs

288 That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.

289 That all CCTV footage shall be kept for a period of thirty one (31)days and shall, upon request, be made immediately available to Officers of the Police and the Council.

290 That SIA registered Door Supervisor, one of whom shall be a female, shall be employed at all times when the premises is being used for regulated entertainment and remain until the terminal hour that the premises are in use under this licence..

298 That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry, Management reserve the right to refuse entry'

299 SIA Door Supervisors shall be sited at the entrance to the premises and provided with search wands and a thorough search policy of all patrons shall be operated.

301 That the premises install a computer based identification entry system and that details of all persons, including staff are passed through the system prior to being permitted entry to the premises.

303 That you shall require any regular and external promoters hiring the premises to complete the 'Venue Hire Agreement' and once completed, you shall ensure that a copy of the agreement is provided to the Police and Licensing Unit a minimum of fourteen days prior to the date of hire.

308 That no entry or re entry to be allowed after 3am unless for those that leave the premises temporarily for the purpose of a cigarette. Those leaving the premises under such circumstances shall be subject of a new search prior to re entry

311 Those suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents

312 That customer shall use no outside area after 22.00 hours other than those who temporarily leave the premises to smoke a cigarette. Those leaving the premises should not be permitted to consume drinks whilst outside. Those who do temporarily leave for this reason shall be the subjected to the requirement of a further search

326 That all staff shall be trained and have a sound knowledge of challenge 21.

327 That signs shall be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age identification will be required

332 All children on the premises under 18 will be accompanied by a parent or responsible adult at all times

336 That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.

340 All SIA Staff are required to record their details, including SIA Badge number, in a booking on/off register

341 That there shall be a cooling of period each night with the premises closing 30 minutes after the cessation of all licensable activities

342 Security staff shall be supplied with Hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants. Mechanical counting devices will be used to ensure that the maximum accommodation limit of the premises is not exceeded.

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

Annex 4 - Plans - Attached

Licence No.	832212
Plan No.	N/A
Plan Date	June 2006

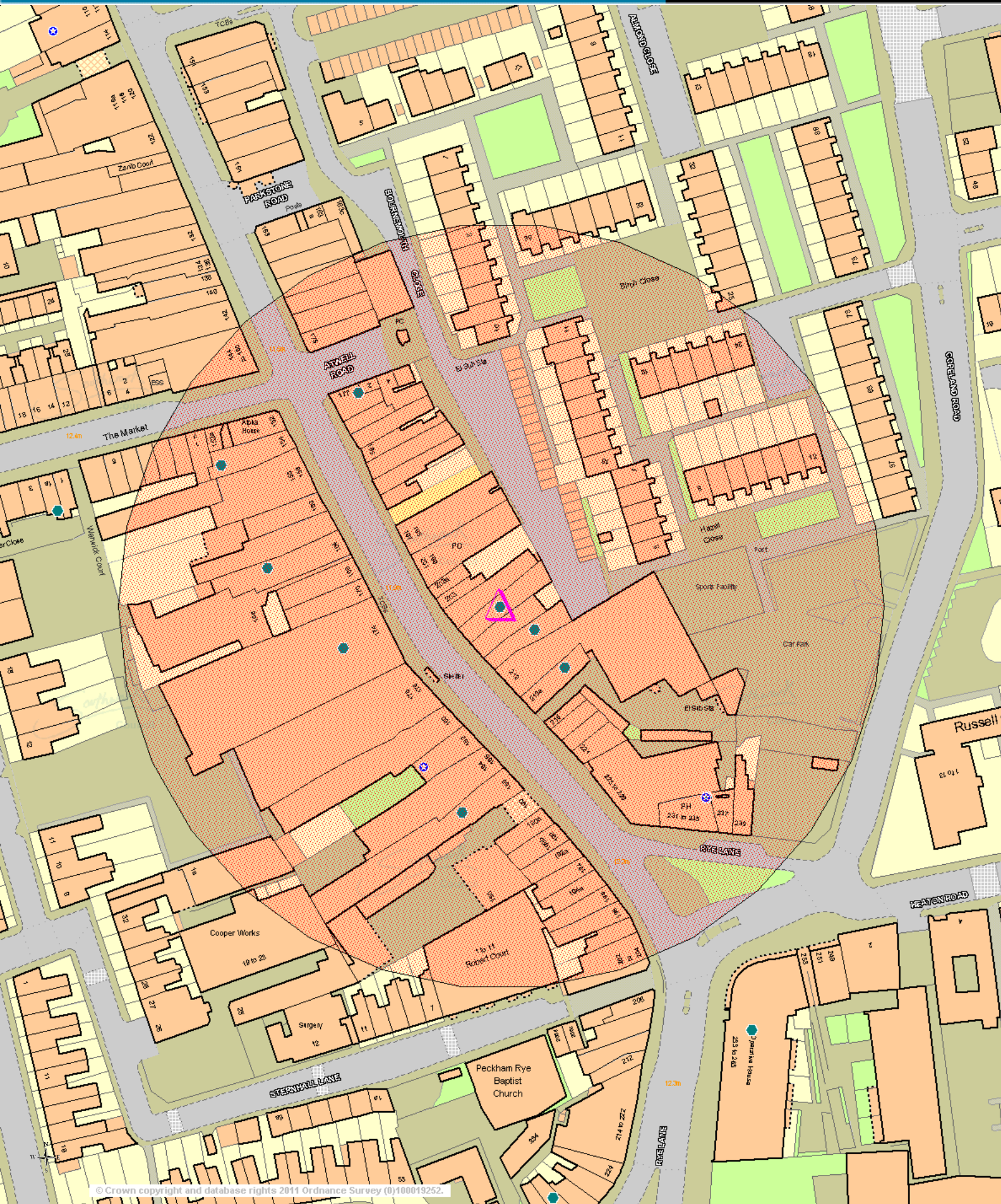
APPENDIX D



Date of visit	Time	Officer	Notes of attending officer
17/11/2012	03:00- NTE Visit	Jayne Tear	17/11/2012 03:00 JMT & COT Visited premises at above times NTET SHIFT - Premises closed EARLY
08/12/2012	19:50 NTE Visit	Roy Fielding	Visited premises and spoke to licence holders husband who explained that he was closing. He informed us that he no longer operates the club side of the business as he is not able to make money on it because of the requirement for club scan and SIA. He did however mention that he is keeping the licence running and does not intend to surrender it.
19/07/2014	00:35 NTE Visit	Kristie Ashenden	Walked past with planning officers who could see it was being used as a nightclub. Requires a change of use, they will issue a planning control notice.
26/07/2014	00:51 NTE Visit	Kristie Ashenden	premises closed
27/07/2014	03:10 NTE Visit	Mark Orton	Whole are o/s premises very busy, people drinking from cans and bottles, music noise evident, bottles and cans and broken glass littering the street. We witness NTE Police approach the premises and request that the manager speaks to them. The whole situation becomes inflamed, Specials are ordered to film the crowd with their mobile phones, the crowd begins to film the police with their mobile phones. Some of the crowd begin to question us as to why we are there and also if we're the police. Some in the crowd appear to be trying to get more involved with the police attention. KD, FS and I decide to retreat to another premises as we began to feel at risk. PC TL is heard shouting, "we going to close you down", and states that he is going to serve a S19 on the premises. We leave the area and enter Canavans Club. We are there for approximately 10 minutes and then return to the car. There is still a disturbance o/s Tasty and a very vocal crowd.
02/08/2014	02:39 NTE Visit	Kristie Ashenden	closed
16/08/2014	01:45 NTE Visit	Mark Orton	Premises closed atov. The area is quieter than previous visit, but still cans and bottles littering the area. One food stall selling hotdogs operating from a shop opposite CLF.
31/08/2014	01:10 NTE Visit	Jayne Tear	31/ 8/2014 01:10 JMT & EEM01:10 TEN taking place. Visited spoke to Vancia the licensee (and her partner) re noise issues that could arise. A couple of people were standing outside the premises smoking. There were 2 door supervisors at the door, 1 male and 1 female. The female door supervisor did not have her badge visible and it was tucked inside her coat. I identified myself and asked to see her badge and she pulled it out of her coat, it was attached around her neck. I explained that it needed to be visible whilst she was on duty. I asked her if she could call Vancia to the door. Vancia came out to see me. I said that there was a slight noise escape from both of the doors being open at the same time and suggested to keep the inside door closed until people wanted to enter. The other option was to reduce the level of the music. Vancia went inside and asked the DJ to lower the level. I explained to Vancia that she needed to keep checking that the noise level did not rise as if a SNN was to be witnessed by the NT that any future TENS might ay receive an objection from EPT. I took Vancia to the pavement opposite the venue and said that if you can hear your Music over here then it is too loud and you should go and reduce it. I said that she could self monitor this whilst the premises was open late at night to avoid receiving any noise complaint. Vancia's partner came out and was extremely hyped up and angry. He told me that they were being persecuted by the police and that eventually he would have to closed down as the rent was really expensive and he was not able to operate. He told me that a few weeks back the police came and were shouting and saying that they were going to take his licence away. He said that the police

were taking photographs of his customers and that some of his customers left the premises because of it. He said that he had also taken photographs of what the police were doing. He said that there is a condition on his licence concerning club scan and that he had not operated lately as he had not installed the club scan. He said that he did not think he should have to use the club scan if he was not open late and that if he closed at 11pm to midnight and was only using the restaurant side of his business the club scan was unnecessary. I said that because there was a condition on the licence that he would be in breach by not having the clubscan. Unless like tonight when he had a TENS in operation. He went onto say that when the police came before they told him that Ian Clements had sent them there. He told me that he was writing down every time he was harassed with a view to getting some legal advice. I advised that he could try to submit a variation with regards to the condition for club scan, but that if was opening late that the police would probably not agree for the condition to be removed, however, he could try to compromise and amend the condition to something that both parties may agree too that would still address the 'crime and disorder objective'. I suggested that he and Vancia contact Ian Clements to discuss this. He said that he already had and that 'Ian was not having any of it'. I said that I would try to speak to Ian next week to see what might be done. Also gave advice with regards to the FIA and how to go about submitting a request to the council and the police.

11/10/2014	02:11 NTE Visit	Kristie Ashenden	closed
25/01/2015	02:13 NTE Visit	Kristie Ashenden	premises closed



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LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN)**MUNICIPAL YEAR 2015-16**

NOTE: Original held by Constitutional Team; all amendments/queries to
Andrew Weir Tel: 020 7525 7222

Name	No of copies	Name	No of copies
Members		Officers	
Councillor Renata Hamvas	1	Debra Allday, Legal team	1
Councillor Eliza Mann	1	David Franklin, Licensing team	1
Councillor Adele Morris	1	Dorcas Mills, Licensing team	1
		Mark Orton, Licensing team	1
Electronic version (No hard copy)		Farhad Chowdhury, Enforcement team	1
Reserve		Mark Prickett, Enforcement team	1
Councillor David Hubber		Bill Masini, Trading standards team	1
		Others by email/post	(20)
		Andrew Weir	10
		Total: 20	
		Dated: 4 August 2015	