

Licensing Sub-Committee

Friday 18 March 2016

10.00 am

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

Supplemental Agenda No.2

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Contact

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Date: 18 March 2016

Item No. 9.	Classification: Open	Date: 18 March 2016	Meeting Name Licensing Sub-Committee
Report title:		Licensing Act 2003:The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ	
Ward(s) or groups affected:		East Walworth	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATIONS

1. That the licensing sub-committee considers whether it is appropriate to take interim steps pending the determination of an application made under Section 53A of the Licensing Act 2003 by the chief of police for the metropolitan police area for a summary review of the premises licences in respect of the premises known The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ.
2. **Notes:**
 - a) Under section 53A(2) of the licensing act 2003 the licensing authority must consider interim steps following the submission of an application under Section 53A of the licensing act 2003.
 - b) A copy of the full application and certificate is attached as Appendix A.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy

- The application, including the operating schedule submitted as part of the application
 - Relevant representations.
7. The summary review powers under sections 53A to 53C of the Act allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

KEY ISSUES FOR CONSIDERATION

The premises licence

8. The premises in respect of the premises licence consists of a public house on the ground floor called the Charlie Chaplin and a nightclub on the first floor called the CC Lounge.
9. The premises licence was carried over from the justices licence in the 2005 transition and varied to extend the hours.
10. The premises licence was transferred to the current premises licence holder Adrian Ennis in September 2010.
11. The details of the current premises licence that applies to both areas are:
- Opening Hours:
Mon to Sat 11:00 to 01:30
Sunday 11:00 to 23:30
 - Live music and recorded music:
Mon to Sat 11:00 to 01:30
Thurs to Sunday 11:00 to 23:30
 - Late night refreshment:
Mon to Sat 23:00 to 01:30
 - Sale of alcohol for consumption on and off the premises
Mon to Sat 11:00 to 01:00
Sunday 11:00 to 23:00.
12. A copy of both current premises licence is attached as Appendix B.

Designated premises supervisor

13. The designated premises supervisor (DPS) is Adrian Ennis who has been DPS since July 2010 and holds a personal licence issued by the London Borough of Newham.

The review application and certificate

14. On 17 March 2016 the Metropolitan Police applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ.

15. A representative for the Chief Officer of the Metropolitan Police force has certified that in his opinion the premises are associated with serious crime or serious disorder or both.
16. The application is concerned with a serious incident that took place on 16 March 2016 at approximately 22:50. It is alleged that a patron, described as extremely intoxicated, became aggressive when last orders was called and left the premises, then smashed a window of the premises with a phone. Another patron then left the premises and assaulted the victim causing significant facial injuries consistent with grievous bodily harm.
17. Staff at the venue were unable to assist as to the identity of the suspect and the CCTV system was not working.
18. The police request that following interim steps are taken to prevent further incidents from occurring:
 - The licence is suspended until such time as the full hearing is determined
19. The licensing sub-committee is not restricted to just considering this step.
20. A copy of the application and certificate are attached to this report as Appendix A.

The review procedure

21. The current hearing is for the purpose of considering if interim steps are needed as a result of the police review and information submitted pending the full review hearing that will be held on 12 April 2016.
22. The licensing sub-committee is not obliged to hear evidence from other parties at this stage of the procedure. However the premises licence holder and DPS have been invited to attend the hearing.
23. The review is currently being consulted on and is advertised at the premises for 10 days. Responsible authorities and any other persons may make representations that will then be considered at the full hearing of the licensing sub-committee.
24. Any interim steps made by the licensing sub-committee at this hearing will cease to have effect once the review has been determined.

Operating History

25. Four full premises inspections were made under the Licensing Act 2003, the first conducted on 5 August 2011 at 23:07 hours, the premises was found to be in breach of six conditions of the premises licence, additionally there was no fire risk assessment in place. A warning letter was sent on 8 August 2011.
26. A revisit on 30 September 2011 found the premises compliant and a fire risk assessment in place.
27. The second conducted on 13 April 2012 at 23:26, found the premises to be in breach of one condition of the premises licence, additionally there was another 9 items of concern. A warning letter was sent on 8 May 2012.

28. A revisit on 17 December 2012 found the premises compliant and a fire risk assessment in place.
29. On 1 March 2014 at 21:06 an inspection found the premises to be fully compliant with the premises licence.
30. On 7 March 2015 at 21:00 hours an inspection found the premises to be fully compliant with the premises licence.
31. An inspection conducted on 20 March 2015 at 21:49 , the premises was found to be in breach of one condition of the premises licence, additionally the premises licence and summary were unavailable. A warning letter was sent on 23 March 2015.
32. A revisit on 17 April 2015 found the premises compliant and a fire risk assessment in place.
33. Further visits by council licensing officers working on the night-time economy have been made and details of these visits are provided in Appendix C.

The local area

34. A map of the local area is attached at Appendix D.

Southwark Council statement of licensing policy

35. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 - Purpose and Scope of the Policy – Which reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
 - Section 5 – Determining Applications for Premises Licences and Club Premises certificates - Which explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local Cumulative Impact Policies – Which sets out this Authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
 - Section 7 – Hours of Operation – Which provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification..
 - Section 8 – The Prevention of Crime and Disorder – Which provides general guidance on the promotion of the first licensing objective
 - Section 9 – Public Safety – Which provides general guidance on the promotion of the second licensing objective

- Section 10 – The Prevention of Nuisance – Which provides general guidance on the promotion of the third licensing objective
 - Section 11 – The Protection of Children from Harm – Which provides general guidance on the promotion of the fourth licensing objective.
36. 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

37. There is no fee associated with this type of application.

Consultation

38. The premises licence holder has been informed of the application for review and of the details of the interim hearing, they have indicated that they will attend the hearing.
39. The premises licence holder’s representative has submitted a 696 promotion event risk assessment form for the event submitted to the police central licensing promoters desk, the event was classified as low risk by the police in an email dated 27 October 2015. An after event assessment by the club is also submitted. Copies of these documents are in Appendix E.

Community impact statement

40. 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

Director of Law and Democracy

41. The sub-committee is asked to consider interim steps following an application to review the premises licence under Section 53A of the licensing act 2003.
42. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

43. The licensing authority must hold a hearing to consider interim steps within 48 hours of receiving an application for review of a premises licence where.
- The application is properly made in accordance with Section 53A of the Act.
 - The licensing authority has considered the ground(s) of review to be relevant to the licensing objective for prevention of crime and disorder.
44. 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.
45. 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 appropriate 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 premises licence
46. The steps will remain in place until the review application is determined at a full hearing of the licensing sub-committee.
47. The authority may decide to take no action if it finds no interim steps are appropriate to promote the licensing objectives.
48. 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 appropriate and proportionate response.
49. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

50. Where the authority takes interim steps an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
 - The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

51. 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
 - To 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.
52. This matter relates to the review of the premises licence under section 53A of the Licensing Act 2003.

Council's multiple roles and the role of the Licensing Sub-Committee

53. 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.
54. 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.
55. 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.
56. 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, working or engaged in normal activity in the area concerned.

57. 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.
58. 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.
59. 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.
60. There is no right of appeal to a magistrates' court against the licensing authority's decision regarding the setting of interim steps at this Stage.

Guidance

61. Members are required to have regard to the Department for Culture, Media and Sport 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 LATENESS

62. The reasons for lateness are that when an application for an expedited summary review is received from the Police under section 53a of the Licensing Act 2003 the Council's licensing authority has a statutory duty hold a hearing within 48 hours from receipt of the application to consider interim steps that may be placed on the premises licence until such time as the application can be fully determined.

REASONS FOR URGENCY

63. The Council has a statutory duty under section 53a to hold an interim hearing within 48 hours of receipt of a summary review.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	C/O Southwark Licensing, Community Safety & Enforcement, 3rd Floor Hub C, 160 Tooley Street PO Box 64529 SE1 5LX	Mrs Kirty Read Tel:02075255748

APPENDICES

Name	Title
Appendix A	Copy of review application and certificate
Appendix B	Copy of the existing premises licences
Appendix C	Council night time economy visits
Appendix D	Map of local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	David Franklin, Team Leader Licensing	
Version	Final	
Dated	18 March 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		18 March 2016

**METROPOLITAN
POLICE****TOTAL POLICING**

Form 693

Form for Applying for a Summary Licence Review**Application for the review of a premises licence under section 53A of the Licensing Act 2003**
(premises associated with serious crime, serious disorder or both)**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 the 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.

Insert name and address of relevant licensing authority and its reference number:

Name: London Borough Of Southwark

Address:

Licensing Team 3rd Floor 160 Tooley Street

Post town: Southwark

Post code:

SE1 5LX

Ref. No.:

I Ian Clements PC362MD

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

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

The Charlie Chaplin 26 New Kent Road

Post town:

Southwark

Post code:
(if known)

SE1 6TJ

2. Premises licence details

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

Adrian Ennis

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

833045

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:



PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both

(Please read guidance note 2)

Details Of incident

On Wednesday the 16th March 2016 at 22:50 the premises were in the process of calling last orders. A patron whom had been drinking inside the venue apparently took exception to this and became aggressive.

This patron then left the premises and according to witnesses used his mobile phone to bang on the window causing it to smash.

Another patron has then left the premises and assaulted the victim causing him significant facial injuries consistent with grievous bodily harm.

Staff at the venue were unable to assist as to the identity of the suspect and the CCTV system was not working.

Police on scene have described the victim as extremely intoxicated and uncooperative. The victim was arrested for assault on the Ambulance staff and for the criminal damage to the window.

At this stage the identity of the suspect to the assault is unknown.

Concerns / Observations

My immediate concerns are with regard to levels of intoxication involved and the premises not promoting the prevention of crime and disorder licensing objective.

Although there is no requirement for CCTV as per the current licence, it appears that the premises does have CCTV but that it was not working at the time of the assault.

This incident has already involved the use of significant resources from the Police, London ambulance service and medical staff at the hospital.

The Victim was himself heavily intoxicated, he has vomited whilst inside the Ambulance, and assaulted a member of LAS staff by hitting them and spitting blood and vomit over their clothing.

Considerations

This is not the first incident involving high levels of intoxication of patrons drinking inside the venue. The premises have failed to promote the licensing objectives by not maintaining their CCTV system.

This incident in my opinion was entirely preventable had the premises stopped serving this male intoxicating liquor at an earlier stage.

His levels of intoxication were so high that he has no recollection of this incident and no memory of how his serious injuries were caused.

Recommendations

That the premises licence is suspended pending a full review.

Signature of applicant

Signature:

Date:

Capacity:

Contact details for matters concerning this application

Surname:

First Names:

Address:

PROTECTIVE MARKING

Post town:		Post code:	
Tel. No.:		Email:	

Notes for guidance

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
 Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
 Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years
 MP 146/12



**METROPOLITAN
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TOTAL POLICING

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with:
Serious Crime

Premises (Include business name and address and any other relevant identifying details):

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

THE CHARLIE CHAPLIN, 26 New Kent Road

Post town:

London

Post code:
(if known)

SE1 6TJ

Premises licence number (if known):

833045

Name of premises supervisor (if known):

Adrian Ennis

PROTECTIVE MARKING

I am a Superintendent* in the Metropolitan Police Service.

*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

On Wednesday the 16th March 2016 at 22:50 the premises were in the process of calling last orders. A patron whom had been drinking inside the venue apparently took exception to this and became aggressive.

This patron then left the premises and according to witnesses used his mobile phone to bang on the window causing it to smash.

Another patron has then left the premises and assaulted the victim causing him significant facial injuries consistent with grievous bodily harm.

Staff at the venue were unable to assist as to the identity of the suspect and the CCTV system was not working.

Police on scene have described the victim as extremely intoxicated and uncooperative. The victim was arrested for the assault on Ambulance staff and for the criminal damage to the window.

At this stage the identity of the suspect to the assault is unknown.

I have considered the use of other procedures under the licensing act including a standard review. However because of the nature of the serious injuries to the victim and the very high levels of intoxication involved, I am of the opinion the this matter should be dealt with expeditiously.

There have been at least two other serious incidents at the premises in the last six months that have involved high levels of intoxication, I recommend the immediate suspension of the premises.

Signature

Signature:

Date:

17.03.2016

Licensing Act 2003 Premises Licence



Environmental Health & Trading
Standards
Licensing Unit
Chaplin Centre
Thurlow Street

Premises licence number

833045

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
THE CHARLIE CHAPLIN 26 New Kent Road London SE1 6TJ Ordnance survey map reference (if applicable), 179013532051	
Post town London	Post code SE1 6TJ
Telephone number 020 7703 6117	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Live Music - Indoors
 Recorded Music - Indoors
 Facilities for 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	11:00 - 01:30
Tuesday	11:00 - 01:30
Wednesday	11:00 - 01:30
Thursday	11:00 - 01:30
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 23:30

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	21:00 - 01:30
Tuesday	21:00 - 01:30
Wednesday	21:00 - 01:30
Thursday	21:00 - 01:30
Friday	21:00 - 01:30
Saturday	21:00 - 01:30

Recorded Music - Indoors

Monday	21:00 - 01:30
Tuesday	21:00 - 01:30
Wednesday	21:00 - 01:30
Thursday	21:00 - 01:30
Friday	21:00 - 01:30
Saturday	21:00 - 01:30

Facilities for Dancing - Indoors

Monday	21:00 - 01:30
Tuesday	21:00 - 01:30
Wednesday	21:00 - 01:30
Thursday	21:00 - 01:30
Friday	21:00 - 01:30
Saturday	21:00 - 01:30

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 01:00
Saturday	11:00 - 01:00
Sunday	11:00 - 23:00

Sale by retail of alcohol to be consumed off premises

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 01:00
Saturday	11:00 - 01:00
Sunday	11:00 - 23:00

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Adrian Ennis
 26 New Kent Road
 London
 SE1 6TJ
 07802 558 487

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**

Adrian Ennis
 26 New Kent Road
 London
 SE1 6TJ

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. 05/01113/LAPER
 Authority L B Newham

Licence Issue date 17/09/2010

.....
 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 that person is unable to drink without assistance by reason of a 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

109 Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means the hours stated elsewhere on this licence and:

a. On Good Friday, 1200 to 2230 hours

b. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit;

i) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

ii) The sale of alcohol to a trader or club for the purposes of the trade or club;

iii) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

iv) The taking of alcohol from the premises by a person residing there; or

v) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or

vi) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises

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;

122 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies

a. He is the child of the holder of the premises licence

b. He resides in the premises, but is not employed there

c. He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to and from which there is no other convenient means of access or egress

d. The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bonafide for any purpose to which the holding of the licence is ancillary. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it

is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as ancillary to their table meals.

127 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;

b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;

c. To a canteen or mess.

298 That suitable notices shall be displayed stating "No Drugs".

310 That all doors and windows excepting any that may be required to be locked open for the purposes of means of escape, shall be kept closed whenever public entertainment is being provided upon the premises to prevent noise escaping

311 That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner. Staff are to check the outside area regularly and disperse any customers who may gather outside

324 That a notice be displayed at the premises giving the telephone numbers of local mini-cab firm. Where possible staff will phone a taxi for people who need one and will give directions to people using public transport

325 That after 2100 hours children shall not be admitted in any area where alcohol is sold and consumed

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 will be accompanied by a parent or responsible adult at all times

334 That an age identification scheme shall be established and maintained. The scheme shall Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

340 Our staff will refuse to serve a person who appears to be intoxicated. They will additionally discourage binge drinking and remove anyone behaving badly from the premises

342 Staff will be trained to react quickly and effectively in evacuating the premises in case of fire

343 The volume on music provided will be reduced half an hour before the premises closes

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

Annex 4 - Plans - Attached

Licence No.	833045
Plan No.	1233801/237
Plan Date	5 October 2004

Council NTE visits to THE CHARLIE CHAPLIN 26 New Kent Road, London, SE1 6TJ

adate	desc	officer	adtext
01/03/2014	21:06 NTE Visit	WM	<p>1/ 3/2014 21:06 WJM Full inspection of the premises with KVD. I also undertook an induction with the premises manager. ATOV I spoke to a man who identified himself as Mr. Tarek Sidki (TS) and who stated that he was the manager of the premises. TS stated that the previous manager, Wayne Kidman, had now left the premises and confirmed that Adrian Ennis is still the DPS of the premises. TS stated that he had been working at the premises for a few months. The premises were compliant but the following issues were noted:</p> <ol style="list-style-type: none"> 1. It was not possible to ascertain if a fire risk assessment or general health and safety risk assessment had been devised in regards to the premises. TS stated that the unit housing the premises forms part of the shopping centre and to his knowledge the shopping centre management are responsible for all risk assessments in regards to the premises. I advised TS to find out whether this is the case or not ASAP, and to arrange to have a FRA undertaken if required. I also explained that a FRA was required under fire safety legislation. I advised TS that an H&S RA is required under H&S legislation and to arrange to have an H&S RA undertaken ASAP if required. 2. Some fire extinguishers at the premises had not been inspected for over 12 months. I advised TS to remove these extinguishers from service or to have them inspected. Some fire extinguishers were not in easily accessible locations. I recommended to TS that extinguishers should be wall mounted in easily accessible areas and maintained free from obstruction at all times. I also advised that staff should be made aware of where all the extinguishers in the premises are located, be trained in how to use them and be trained as to what types of flammable material(s) the extinguishers can be used on. 3. Various fire action notices at the premises had not been completed. TS stated that new fire action notices were going to be given to him by the shopping centre management and that he would ensure that the new notices are completed. 4. The fire exit to the r/o the stage on the first floor was locked. On looking between the gap between the fire exit doors it was observed that the doors were significantly obstructed on the other side by a goods trolley. I advised TS that all emergency exits must be kept unlocked and maintained free from obstruction at all times that the premises are in operation. 5. There were unpackaged (and therefore non sterile) materials in the first aid box. I advised TS that all materials in the first aid box should be kept in unopened packaging, and that any materials in opened packaging should be removed from the first aid box. 6. There was evidence of staff training in regards to the sale of alcohol, but I will send the Trading Standards age restricted sales pack in regards to alcohol to TS.
04/07/2014	21:35 NTE Visit	KA	Premises at capacity, audience appear to be well behaved
19/10/2014	02:16 NTE Visit	KA	premises closed

25/10/2014	01:55 NTE Visit	RK	Visited the premises and noted that there were 6 IC3 males located at the front of the premises talking. Looked up from street level through the windows and it did not appear that there was any activity upstairs although the lights were on. I attempted to gain entry into the premises however all doors of the premises was closed. Whilst myself and AB were standing at the front of the premises a IC3 male walked out the premises and I asked him how was it is "was the place still open". The IC3 male stated no "they shut long time" and walked off. I approached another IC3 male outside the front of the premises and he also confirmed that the place was closed that I had missed out on a good night.
23/11/2014	00:30 NTE	MO	Visited first floor of premises, private booking for birthday party. SIA on the door, entry by invitation only. No issues, all appeared in good spirits.
13/02/2015	20:45 NTE Visit AB & MB	MO	Rockingham St issues letter delivered and signed for. Bar staff weren't happy regarding meeting, will follow up.
20/03/2015	21:49 NTE Visit	KA	spoke to Craig Morrison who said he was in charge. DPS (also holder) not available. Craig said the upstairs bar is sublet to Gabriel & operates on Fri & Sat nights. There was an ashtray in the vestibule, advised to remove and to ensure that customers do not smoke in there. Should have some 'no smoking' signs on display. There is one premises licence being used for the ground floor pub and the upstairs CC Lounge, which is a bar. Craig said CCTV isn't functioning. Old licence and summary on the premises (licence number 832464). Breach of condition 298 – no signs stating 'No Drugs'. No fire risk assessment available. Breach of condition 310 – both premises have doors open and entertainment. Advised to close doors. Gabriel is in charge upstairs-discussed with both Craig and Gabriel the issue of having one licence to cover 2 premises. Both insisted that they are all working together and they are not separate premises. Warning letter to be sent.
04/04/2015	02:32 NTE Visit	RK	Visited the premises with Sarah Newman. TEN in place premises compliant. Entrance doors closed and x2 SIA staff at the front of the premises. No noise breakout from premises. Myself and Sarah discussed submissions of TENS with the operator of the premises. Query on submission how many days a TEN could cover resolved with operator.
17/04/2015	22:27 NTE Visit	WM	17/ 4/2015 22:27 WJM Licensing revisit with Farhad Chowdhury (FC). I entered the premises and ID'd myself to an IC1 barman and asked to speak to the manager. The barman left the bar and came back with an IC1 male who identified himself as Craig Morrison (CM) and who identified himself as the manager of the premises. I asked CM if Mr. Ennis (the licensee stated on the premises licence issued in respect of the premises) still had an interest in the premises. CM stated that Mr. Ennis operated the CC Lounge. I asked CM if the CC Lounge was the 1st floor of the premises and CM stated that it was. CM stated that the ground floor and the 1st floor operated as two separate premises. I explained that the current premises licence had been issued in regards to the entire premises and that the licence conditions apply to the entire premises. I conducted the revisit. The premises were complaint. On our way out of the premises I noted that an IC3 D/S was controlling entries to the CC Lounge via the separate entrance to the 1st floor of the premises. I ID'd myself to the D/S and asked to see his SIA badge. The badge was valid. Compliance letter to follow.

24/04/2015	20:55 NTE Visit	JT	20:55 24/4/2015 JMT & TMM THE CHARLIE CHAPLIN, 26 New Kent Road, SE1 6TJ- Visited the premises and spoke to the person in charge Shamus Love. Explained about the meeting re the ' Business Action Group' to be held at the Coronet on 12 May 2015 at 18:00hrs and gave him a copy of the invite letter. I asked him to please give a copy to the licensee who was upstairs having a break and ask him to call RAP on the number at the top of the letter to confirm attendance
06/06/2015	21:52 NTE Visit	KA	With Sue Hunter. Drove by to see if doorman was wearing E&C shopping centre hi vis. Doorman was there but not wearing hi vis from E&C.
19/09/2015	20:45 NTE Visit	RK	Visited the premises and discussed fight at the premises and why the temp personal licence holder at the premises was intoxicated. Spoke with the manager of the premises initially in the presence of Mr Love (temp personal licence holder at premises). Manager of Charlie Chaplin was not aware or should I say he had not been advised by Mr Love what had happened. I do not think Mr Love was expecting us and certainly did not envisage a conversation with his boss about this while he was stood there. I pulled the manager aside and advised him this is not what we expected from a licensed premises. I think he was genuinely taken aback and was genuinely not aware of what had happened at the premises as he was not there when this fight had occurred. He was also taken aback that one of his members of staff was 'allegedly' drunk while in charge of his premises. He has asked for some time to discuss with Mr Love to get an understanding of what has actually happened so a response can be provided. The DPS on the licence is working at the premises intermittently and it's my understanding that there may be an imminent change of DPS as a result of my visit. No lead time could be provided in relation to when we can expect the DPS to be a 'constant' at the premises. Management appear to be trying out staff possibly with a view to finding the right fit and then applying for a change of DPS. I have advised the Charlie Chaplin manager Craig Morrison -07951229121 that an officer would contact him to discuss the matter further. No compliance issues noted ATOV. No SIA staff were wearing Elephant & Castle high visibility.
24/01/2016	01:20 NTE Visit MAD & JU	MO	Met with Police at CC Lounge at 01:20 following flyer advertising hours beyond currently permitted. Spoke with manager of CC Lounge Izzy Orlukwu who stated he wasn't aware of the flyer and had planned to close at the usual time. The flyer wasn't something that the premises had approved. KD and I spoke with IO of the conditions currently in place for the CC Lounge and suggested that he submit a minor variation to add conditions to the first floor of the premises as it currently has conditions more suited to a pub and not what it currently operates as. IO stated he would liaise with the Police on this.
30/01/2016	02:04 NTE Visit	JT	02:04 on 30/01/2016 JMT & COT and PC MARK LYNCH CC LOUNGE 26 New Kent Road, London, SE16TJ – Premises closed ATOV
31/01/2016	01:58 NTE Visit	JT	01:58 on 31/01/2016 JMT & KMA at CC LOUNGE 26 New Kent Road, London, SE16TJ – Checked premises not open past its hours. Premises was closed atov.

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