

Licensing Sub-Committee

Wednesday 26 May 2021

10.00 am

Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online meeting

Supplemental Agenda No.1

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Contact

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Date: 20 May 2021

Item No. 6.	Classification: Open	Date: 26 May 2021	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Euro Traveller Hotel, 18 Amelia Street SE17 3PY – Temporary Event Notice	
Ward(s) or groups affected:		North Walworth Ward	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee decide whether or not to issue a counter notice in respect of temporary event notice (TENs) 874778, served by Mr Jonathan Giraldo, with regards to event to be held at Euro Traveller Hotel, 18 Amelia Street London, SE17 3PY on 29 May from 12:00 to 23:30 and 30 May 2021 from 12:00 to 23:30.

BACKGROUND INFORMATION

The Licensing Act 2003

2. On 24 November 2005 the Licensing Act 2003 came into effect establishing a 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 established 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

five 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 13 May 2021 a TEN was served by Mr Jonathan Giraldo in respect of an event intended to be held at Euro Traveller 18 Amelia Street London, SE17 3PY 29 May 2021 between 12:00 to 23:30 and 30 May 2021 between 12:00

to 23:30. A copy of the TEN application is attached to this report as Appendix A.

14. The TEN is summarised as follows:

- To permit the sale of alcohol, regulated entertainment and late night refreshment on 29 May 2021 to 30 May 2021 between 11:00 to 23:30 daily. The maximum number of people expected at any one time at the premises is 39. The supply of alcohol is in respect of consumption on the premises only.

The objection notice

15. On 14 May 2021 the Metropolitan Police Service served an objection in respect of the TEN on the grounds of the prevention of crime and disorder.
16. The police state that the premises were the subject of a premises licence review submitted by Southwark's trading standards team on 15 January 2021.
17. The review was submitted on the grounds of prevention of crime and disorder, public nuisance and public safety. In summary the premises were found on a number of occasions to be operating in contravention of the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 (SI 2020 No 1104).
18. The basement of the hotel was being run as a nightclub by a male by the name of Rajal Valencia, another person present at the time of the contravention was a male by the name of Jonathan Giraldo, the applicant for this TEN.
19. Through lengthy discussions, the application for the review of the premises licence was conciliated. It was agreed by the premises licence holder that the above two named persons would no longer be running events in the basement and that they would be removed. One of those individuals is the applicant for the TENs Mr Jonathan Giraldo. It was also agreed that the basement would not be used for such events, a condition was added to the premises licence that the basement would be for hotel guests and for restaurant purposes only.
20. A Copy of the police objection is attached to this report in Appendix B.

TENs History

21. Below is the history of TENs for the last year in respect of the premises.

Applicant	Date of event	Time of event and activities	Counter Notice Issued?
Jonathan Giraldo	26/08/2019 – 26/08/2019	Sale of alcohol on the premises, Regulated Entertainment & Late Night Refreshment between 00:01 – 06:30	No
Jonathan Giraldo	22/09/2019 – 22/09/2019	Sale of alcohol on the premises, Regulated Entertainment & Late Night Refreshment between 00:01 – 06:30	No
Jonathan Giraldo	20/10/2019 – 20/10/2019	Sale of alcohol on the premises, Regulated Entertainment & Late Night Refreshment between 00:01 – 06:30	No
Jonathan Giraldo	03/11/2019 – 03/11/2019	Sale of alcohol on the premises, Regulated Entertainment & Late Night Refreshment between 00:01 – 06:30	No
Jonathan Giraldo	17/11/2019 – 17/11/2019	Sale of alcohol on the premises, Regulated Entertainment & Late Night Refreshment between 00:01 – 06:30	No
Jonathan Giraldo	07/12/2019 – 08/12/2019	Sale of alcohol on the premises, Regulated Entertainment & Late Night Refreshment between 00:01 – 06:30 and 00:01-06:30	No
Jonathan Giraldo	15/02/2020 – 16/02/2020	Sale of alcohol on the premises, Regulated Entertainment & Late Night Refreshment between 00:01 – 06:30 and 00:01- 06:30	No

Premises history

22. A premises licence was issued in respect of the premises on the 31 July 2005. Mr Jayesh Patel is the licence holder and DPS. Please see Appendix C.
23. On 16 October 2020, following complaints received that a nightclub was operating at the basement of Euro traveller 18 Amelia Street SE17 3PY, officers from trading standards and the Metropolitan Police Service night time economy team attended the premises.
24. At the time of the visit regulations relating to restrictions during the Coronavirus pandemic was in force. There was a restriction on licensed premises as they were not permitted to be open after 10pm and licensed premises were not allowed to operate as nightclubs. During this visit, at 22:02, the officers witnessed a few people leaving the premises. The officers entered the premises and witnessed that the basement room was packed with people who were not seated but up and dancing.
25. On Saturday 17 October 2020, the officer from trading standards and a police officer returned to the premises at 20:45 hours and gained access to the basement club. During the course of the visit the officers witnessed that the premises was packed, contrary to the Covid regulations. A seated service and a Covid risk assessment should have been in place. The trading standards officer counted 48 people in the premises. A prohibition notice was served on Mr Rajal Valencia.
26. On Friday 23 October 2020 the trading standards officer, accompanied by a police officer from the night time economy team and a health and safety officer attended the premises. During the course of the visit it was witnessed that the music emitting from the premises was loud. At the time of the visit music and dancing was prohibited under the Health Protection (Coronavirus, Local Covid-19 Alert Level)(High) (England) Regulations 2020.
27. On 15 January 2021 a premises licensing review was submitted by the trading standards officer following the breaches that were witnessed during the previous visits.
28. The review was submitted on the grounds of the prevention of crime and disorder, public nuisance and public safety. In summary the premises were found on a number of occasions to be operating in contravention of the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 (SI 2020 No 1104). The premises licence review was withdrawn following conciliation between the police, trading

standards and the premises licence holder. The licensing review application is attached as Appendix D.

Premises licence

29. Details of current premises licence:

- Entertainment Similar to live/recorded music - Indoors:

- Monday: 17:00 - 01:00
- Tuesday: 17:00 - 01:00
- Wednesday 17:00 - 01:00
- Thursday 17:00 - 01:30
- Friday 16:00 - 02:30
- Saturday 16:00 - 02:30
- Sunday 15:00 - 01:00

- Recorded Music – Indoors:

- Monday 12:00 - 01:30
- Tuesday 12:00 - 01:30
- Wednesday 12:00 - 01:30
- Thursday 12:00 - 01:30
- Friday 12:00 - 03:00
- Saturday 12:00 - 03:00
- Sunday 12:00 - 01:00

- Facilities for Dancing – Indoors:

- Monday 12:00 - 01:00
- Tuesday 12:00 - 01:00
- Wednesday 12:00 - 01:00
- Thursday 12:00 - 01:00
- Friday 12:00 - 03:00
- Saturday 12:00 - 03:00
- Sunday 12:00 - 01:00

- Late Night Refreshment – Indoors:

- Monday 23:00 - 01:00
- Tuesday 23:00 - 01:00
- Wednesday 23:00 - 01:00
- Thursday 23:00 - 01:00
- Friday 23:00 - 02:30
- Saturday 23:00 - 02:30

- Sunday 23:00 - 01:00
- Sale by retail of alcohol to be consumed on premises:
 - Monday 12:00 - 01:00
 - Tuesday 12:00 - 01:00
 - Wednesday 12:00 - 01:00
 - Thursday 12:00 - 01:00
 - Friday 12:00 - 03:00
 - Saturday 12:00 - 03:00
 - Sunday 11:00 - 01:30

30. The current premises licence is attached as Appendix E.

Licensing visit history

31. Four night time economy (NTE) team visits have been made since 25 January 2019. One of the visits was following the Covid contraventions that was witnessed that the premises. The dates of the visits were 25 January 2019, 7 June 2019, 23 October 2020 and 12 February 2021.

The local area

32. A map of the local area is attached as Appendix F. There are other licensed premises in the immediate vicinity:

Policy considerations

33. 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

34. The sub-committee is asked to consider whether then issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

Community impact statement

35. 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.

36. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

Resource implications

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

Consultation

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

39. 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
40. The principles which sub-committee members must apply are set out below.

Principles for making the determination

41. 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.
42. 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.
43. 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

44. The sub-committee may only attach conditions on the carrying on of permitted licensable activities on TENs where they premises is already in subject to a premises licence and the conditions are carried over from that premises licence. The sub-committee's function is to determine whether a counter notice should be issued

Reasons

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

Hearing procedures

46. 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.
47. 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.
 48. 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.
 49. 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.
 50. 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.
 51. 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.
 52. 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

53. Members are required to have regard to the Home Office revised 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.

Strategic Director of Finance and Governance

54. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

REASONS FOR URGENCY

55. 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

56. Due to the time limited nature of TENs there was not sufficient time to prepare and clear the report in time for the main agenda dispatch.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office revised 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	Temporary events notice
Appendix B	Police objection to temporary events notice
Appendix C	Original Premises licence
Appendix D	Application to review premises licence
Appendix E	Current Premises licence
Appendix F	Map

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Justin Williams, Licensing Enforcement Officer	
Version	Final	
Dated	19 May 2021	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		20 May 2021

13/05/2021

Business - Temporary events notices

Ref No. 1674242

Before completing this notice, please read the guidance notes. You should keep a copy of the completed application for your records. After completing the form, it will automatically be forwarded to police and environmental health. If there is any representation then we will inform you of the outcome within the 3 day consultation period. You can view this information on our website.

The premises user must ensure either:

- 1) that a copy of the temporary event notice is prominently displayed at the premises, or
 - 2) that the temporary event notice is kept at the premises in the premises users' custody or in the custody of a person who is present and working at the premises you have nominated and, where the temporary event notice is in the custody of a person so nominated, ensure that a notice specifying the notice is held by a nominated person and the position held at the premises by that person is prominently displayed at the premises.
- A constable or authorised officer may require the premises user, or nominated person, to produce the temporary event notice for examination.

The premises user commits an offence if he fails, without reasonable excuse, to comply with any of the above instructions.

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. Your name

Title	Mr
If other, Please state	
Surname	Giraldo
First name(s)	Jonathan

2. Previous names (Please enter details of any previous names or maiden names)

Title	
If other, Please state	Greater London
Surname	Giraldo
First name(s)	Javier

3. Your date of birth

	██████████
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4. Your place of birth

	London
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5. National Insurance Number

	██████████
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6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box on the next page)

Address Line 1	█
Address Line 2	██████████
Town	LONDON
County	
Post code	██████

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

7. Other contact details

Daytime	██████████
Evening (optional)	
Mobile (optional)	
Email	██████████████████

8. Alternative address for correspondence

Address Line 1	
Address Line 2	
Town	
County	
Post code	

9. Alternative contact details (if applicable)

Daytime	
Evening (optional)	
Mobile (optional)	
Email	

Please do not apply to us if your premises is not in Southwark. See link find local council
If your premises is not situated in Southwark then DO NOT proceed

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)

Address Line 1	18 AMELIA STREET
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Address Line 2	
Town	LONDON
County	
Post code	SE17 3PY

Ordnance Survey grid reference

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If there is no recognised postcode or the location is a park, please enter details i.e name of park

Details (MUST be in Southwark)	
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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	874443
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)

	Only the basement area of the premises will be used with a one way entrance and egress system implemented.
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Please describe the nature of the premises below. (Please read note 4) *

	The basement area of a hotel including a sit down dining area, kitchen, WCs and Fire exit.
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Please describe the nature of the event below. (Please read note 5)

	Cultural event uniting people of the local community to celebrate Mother's Day in France and several Latin American countries the weekend following Pentecost in a Covid-safe manner, following government regulations. There will be table only service of hot food, drink and alcoholic beverages, with the rule of six, 2 metres apart. There will be sit down entertainment in the form of a folk duo live instrumental music with light amplification as well as recorded music.
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If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	Risk-assessment-13.05.21.docx
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Document 2	
Document 3	
Document 4	
Document 5	

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Do you currently hold a valid personal licence?

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

Issuing licensing authority	Lambeth council
Licence number	██████████
Date of issue	██████████

Any further relevant details	
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Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Please state the licensable activities that you intend to carry on at the premises (please tick next to the licensable activities you intend to carry on). (Please read note 6)

	<input type="checkbox"/> The sale by retail of alcohol <input type="checkbox"/> The provision of regulated entertainment (Please read note 7) <input type="checkbox"/> The provision of late night refreshment
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Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

Start date (DD/MM/YYYY)	29/05/2021
End date (DD/MM/YYYY)	30/05/2021

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock e.g. 23:00). (Please read note 10)

	<input type="checkbox"/> 29/05 - 12:00 - 23:30 <input type="checkbox"/> 30/05 - 12:00 - 23:30
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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 11)

	39
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If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)

	<input checked="" type="checkbox"/> On the premises only
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Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;

- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

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?

	No
--	----

If answering yes, please state the number of temporary event notices (including the number of late temporary events notices, if any) 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 hrs or less before; or b) begins 24 hrs or less after the event period proposed in this notice?

a) ends 24 hrs or less before	No
b) begins 24 hrs or less after	No

Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 16 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 16 below sets out the definition of an “associate”.

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?

	No
--	----

If answering yes, please state the total number of temporary event notices (including the number of late temporary events notices, if any) your associate(s) have given for events in the same calendar year

--	--

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	No
b) begins 24 hours or less after	No

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?

	No
--	----

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	No
b) begins 24 hours or less after	No

Note 16

An “associate” of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

I shall

	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 If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police 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
--	--

Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (not including the date that the form is submitted and the date of the Event) (or five working days for a late notice) (not including the date that the form is submitted and the date of the Event)before the commencement of the proposed licensable activities.

The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary.

Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

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

I agree to the above statement

	I agree
PaymentDescription	18 AMELIA STREET , SE17 3PY
PaymentAmountInMinorUnits	██████
AuthCode	██████
LicenceReference	██████████████

PaymentContactEmail	[REDACTED]
---------------------	------------

Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.



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/21/120/21

Date: 14th May 2021

Dear Sir/Madam

Re:- Mr Jonathan Giraldo, Euro Traveller Hotel, 18 Amelia Street SE17 3PY

Police are in possession of a temporary event notice from Mr Jonathan Giraldo in relation to an event at the Euro Traveller Hotel, 18 Amelia Street. The event is to be held on the 29th & 30th May 2021 between 1200 & 2330 on both days.

This premises has a current premises licence in the name of Mr Jayesh Patel, the premises were the subject of a premises licence review submitted by Mr Ray Moore from Southwark's Trading Standards team on the 15th January 2021.

The review was submitted on the grounds of the prevention of crime and disorder, public nuisance and public safety. In summary the premises were found on a number of occasions to be operating in contravention of the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 (SI 2020 No 1104).

The basement of the hotel was being run as a nightclub by a male by the name of Rajal Valencia, other persons present at the time of the contraventions includes a male by the name of Jonathan Giraldo, the applicant for this TEN.

Through lengthy discussions, the application for the review of the premises licence was conciliated. It was agreed by the premises licence holder that the above two named persons would no longer be running events in the basement and that they has been removed. It was also agreed that the basement would not be used for such events, a condition was added to the premises licence that the basement would be for hotel guests and for restaurant purposes only.

I object to this Temporary Event Notice on the grounds of the prevention of crime and disorder, public nuisance and public safety.

The applicant took a leading role in the running of events in contravention of the Health Protection coronavirus regulations, putting the safety and health of the staff and members of the public at significant risk.

Submitted for consideration.

Yours Sincerely

PC Ian Clements 2362AS

Southwark Police Licensing Unit

Tel: 0207 232 6756

Licensing Act 2003 Premises Licence

25

APPENDIX C

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

Premises licence number

6399

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Eurotraveller Hotel 18 Amelia Street London SE17 3PY	
Ordnance survey map reference (if applicable), 178498 532154	
Post town London	Post code SE17 3PY
Telephone number 020 7358 4898	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence LR Late Night Refreshment RA Sale by retail of alcohol to be consumed on premises
--

The opening hours of the premises For any non standard timings see Annex 2
--

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

The times the licence authorises the carrying out of licensable activities For any non standard timings see Annex 2			
Late Night Refreshment	Monday	23:00	00:30
Late Night Refreshment	Tuesday	23:00	00:30
Late Night Refreshment	Wednesday	23:00	00:30
Late Night Refreshment	Thursday	23:00	00:30
Late Night Refreshment	Friday	23:00	00:30
Late Night Refreshment	Saturday	23:00	00:30
Late Night Refreshment	Sunday	23:00	00:00

Sale by retail of alcohol to be consumed on premises	Monday	11:00	00:00
Sale by retail of alcohol to be consumed on premises	Tuesday	11:00	00:00
Sale by retail of alcohol to be consumed on premises	Wednesday	11:00	00:00
Sale by retail of alcohol to be consumed on premises	Thursday	11:00	00:00
Sale by retail of alcohol to be consumed on premises	Friday	11:00	00:00
Sale by retail of alcohol to be consumed on premises	Saturday	11:00	00:00
Sale by retail of alcohol to be consumed on premises	Sunday	12:00	23:30

Part 2

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

Jayesh Patel
Eurotraveller Hotel
18 Amelia Street
London
SE17 3PY
020 7358 4898

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

JAYESH PATEL
[REDACTED]
[REDACTED]
London
[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 code [REDACTED] Authority L B Southwark

Licence Issue date 31 July 2005

.....
Environmental Health and
Trading Standards Manager
Chaplin Centre
Thurlow Street
London SE17 2DG
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

1000 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.

1001 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

Annex 2 - Conditions consistent with the operating Schedule

2000 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 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

2001 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.

2002 This licence provides for the provision of private music and dancing entertainment that is promoted for private gain

2500 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 bona fide 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

2800 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.

3400 Alcohol may be sold or supplied:

a.On weekdays, other than Christmas day, Good Friday or New Year's Eve from 1100 to 0000 hours

b.On Sundays, other than Christmas Day or New Year's eve, and on Good Friday: 1200 to 2330 hours

c.On Christmas day: 1200 to 2330 hours

d.On New Year's eve, except on a Sunday, 1100 to 0000 hours

e.On New Year's Eve on a Sunday, 1200 to 2330 hours

f.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)

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

Annex 4 - Plans

As attached

[Insert details including name and address of licensing authority and application reference if any (optional)]

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Ray Moore (On behalf of Trading Standards)

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Mr Jayesh PATEL (Premises License Holder and Designated Premises Supervisor) Eurotraveller Hotel 18 Amelia Street	
Post town London	Post code (if known) SE17 3PY

Name of premises licence holder or club holding club premises certificate (if known) Mr Jayesh PATEL
--

Number of premises licence or club premises certificate (if known) 10858
--

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Southwark Council – Trading Standards

Ray MOORE
 Principal Trading Standards Enforcement Officer
 Regulatory Services
 3rd Floor Hub 1
 PO Box 64529
 London SE1P 5LX

Telephone number (if any)

0207 525 0816 / [REDACTED]

E-mail address (optional)

Ray.moore@southwark.gov.uk

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

Please tick one or more boxes

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

Please state the ground(s) for review (please read guidance note 1)**Prevention of Crime and disorder / Public Safety / Prevention of Public Nuisance :-**

As a responsible authority under the provisions of the Licensing Act 2003 Trading Standards has applied for a review of this license under the above licensing objectives. These matter concerns activities taking place at licensed premises operated by the Premises License Holder and Designated Premises Supervisor for this premises, Mr Jayesh PATEL.

Mr Jayesh PATEL owns the Eurotraveller Hotel in the London Borough of Southwark at 18 Amelia Street, London, SE17 3PY. On Friday 16th October 2020 Ray MOORE was working PC Mark Lynch from the Police Night-time economy Team. The police had received complaints that a nightclub was operating in the basement of the Eurotraveller Hotel at 18 Amelia Street, SE17 3PY. At this time, under the then regulations relating to restrictions during the Coronavirus pandemic licensed premises were not allowed to open after 10pm and nightclubs, music and dancing etc. was also prohibited. The regulations in force at the time relating to these matters

were the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 (SI 2020 No 1104). Several visits had been made previously after 10pm but although the lights appeared to be on down the stairs the doors were locked. On this occasion at 22:02hrs the doors were opened and a couple of people left. At this point Ray MOORE and PC Mark LYNCH took the opportunity to enter the premises showing their officers authority to the door person as they entered and went down the stairs. Once down the stairs the very small basement room was packed with people who were not seated but up and dancing. Mr MOORE asked the owner of the nightclub business, Mr Rajal VALENCIA, to get security to ask people to leave which he did. The premises license is in the name of the owner of the hotel, Mr Jayesh PATEL. The following night, Saturday 17th October 2020 Ray MOORE and PC mark LYNCH returned at 20:45 hours and gained access to the basement club. Once again it was packed contrary to the then grounds for which the premises was operating...i.e. as a seated service with a suitable COVID risk assessment in place. Mr MOORE counted 48 people in the premises. The premises license, under normal times when operating as a venue for music and dance is restricted to a maximum of 50 people. Mr MOORE and PC Lynch went into a small kitchen area with Rajal VALENCIA and he told him that he was going to issue him with a Prohibition Notice to close the premises given the breaches of the then regulations relating to business closures and restrictions. Mr MOORE asked him about his COVID risk assessment which he said he had started but not completed. Within 10 minutes security had cleared the premises. Mr MOORE gave him prohibition notice number RAY/110 and asked that he engage with the Health and Safety team to ensure the venue was run in a COVID compliant manner. The following week on Friday 23rd October 2020 Ray MOORE returned with PC Maria O'MAHONEY and a Health and Safety Officer, Mr FARHAD CHOUDARY. Some tables had been removed but the music was still quite loud.

It was then an offence under Regulation 15(1) to operate after 10pm under the provisions of the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020. It is worth noting that music and dancing was prohibited under those regulations at the time. The CCTV had not been working at the time of these visits. Mr Rajal VALENCIA said they had re-opened 4 weeks earlier but there was not CCTV available for this period contrary to license conditions 288 and 289 although at this time these conditions had been dis applied for a period. These matters could amount to contraventions of the licensing objectives relating to both Public Safety and Public Nuisance.

On Friday 18th December 2020 Ray MOORE from the Trading Standards Team at the London Borough of Southwark and Charlie JERROM from the Licensing Team at the London Borough of Southwark went to the premises trading as Eurotraveller Hotel at 194-202 Old Kent Road, London, SE1 5TY. Mr JERROM had asked to meet the Premises License Holder, Mr Jayesh PATEL, in relation to an incident he had witnessed there on Saturday 28th November 2020. This was during the period that has been commonly referred to as the “second lockdown” during the Coronavirus Pandemic. At the time the emergency legislation relating to business closures was the Health Protection (Coronavirus, Restrictions) (No 4) (England) Regulations 2020 (SI 2020 No 1200). On that date Mr JERROM had visited the premises accompanied by two members of the Police Night Time Economy Team, PC Jonathan DUCKER and PC Mark LYNCH. They had become aware of activity happening within the hotel and upon entering discovered an illegal casino being operated with customers consuming drinks on the premises contrary to these regulations. Consumption of drinks on the premises was an offence at the time under Regulation 15(1). It is also worth noting that casinos were also required to be closed at this time by virtue of Regulation 16(1). Furthermore this casino operation was not licensed under the provisions of the Gambling Act 2005. It should be noted that this illegal casino was operating within the bar area of a Chinese restaurant run within Mr PATEL’s licensed premises. It should be noted that at the time of the visit made on 28th November 2020 the CCTV system required under conditions 288 and 289 on the license had been removed. Although at this point in time the Government had suspended the application of conditions on premises licenses for a period, the removal of the CCTV system could impact on issues of public safety and public nuisance relating to the premises.

Mr JERROM and Mr MOORE had arranged to meet Mr PATEL at 17:00 Hours. They asked that he step out into the street owing to the fact that virus levels were high in the London area at the time and they didn’t want to enter premises unnecessarily. In the street Mr JERROM handed Mr PATEL both a Prohibition Notice and a Fixed Penalty Notice for the drinking on the premises on 28th November 2020. This £1000 Fixed Penalty Notice was paid for by Mr PATEL on 24th December 2020. There was also potential for breaches of the licensing objectives “Public Safety” and “Public Nuisance” with the running of a business of this nature from a licensed premises.

As a Premises license Holder for the premises Eurotraveller Hotel at 18 Amelia Street, Se17 3PY Mr PATEL does not appear to have undertaken the responsibilities for

running these premises licenses seriously and this authority is therefore asking the licensing panel to revoke the premises license.

Supporting papers to be submitted.

Please tick yesHave you made an application for review relating to this premises before

If yes please state the date of that application

If you have made representations before relating to this premises please state what they were and when you made them

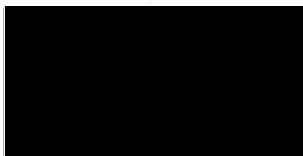
Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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



Signature

.....

Date 15th January 2021

.....

Capacity Trading Standards Officer acting on behalf of Southwark Council

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

Licensing Act 2003 Premises Licence



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

874443

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Eurotraveller Hotel 18 Amelia Street London SE17 3PY	
Ordnance survey map reference (if applicable), 532154178498	
Post town London	Post code SE17 3PY
Telephone number 020 7358 4898	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Entertainment Similar to live/recorded music - Indoors Recorded Music - 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 12:00 - 02:00
Tuesday 12:00 - 02:00
Wednesday 12:00 - 02:00
Thursday 12:00 - 02:00
Friday 12:00 - 04:00
Saturday 12:00 - 04:00
Sunday 12:00 - 02:00

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

Entertainment Similar to live/recorded music - Indoors

Monday	17:00 - 01:00
Tuesday	17:00 - 01:00
Wednesday	17:00 - 01:00
Thursday	17:00 - 01:30
Friday	16:00 - 02:30
Saturday	16:00 - 02:30
Sunday	15:00 - 01:00

Recorded Music - Indoors

Monday	12:00 - 01:30
Tuesday	12:00 - 01:30
Wednesday	12:00 - 01:30
Thursday	12:00 - 01:30
Friday	12:00 - 03:00
Saturday	12:00 - 03:00
Sunday	12:00 - 01:00

Facilities for Dancing - Indoors

Monday	12:00 - 01:00
Tuesday	12:00 - 01:00
Wednesday	12:00 - 01:00
Thursday	12:00 - 01:00
Friday	12:00 - 03:00
Saturday	12:00 - 03:00
Sunday	12:00 - 01:00

Late Night Refreshment - Indoors

Monday	23:00 - 01:00
Tuesday	23:00 - 01:00
Wednesday	23:00 - 01:00
Thursday	23:00 - 01:00
Friday	23:00 - 02:30
Saturday	23:00 - 02:30
Sunday	23:00 - 01:00

Sale by retail of alcohol to be consumed on premises

Monday	12:00 - 01:00
Tuesday	12:00 - 01:00
Wednesday	12:00 - 01:00
Thursday	12:00 - 01:00
Friday	12:00 - 03:00
Saturday	12:00 - 03:00
Sunday	11:00 - 01:30

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

Jayesh Patel
18 Amelia Street
London, SE17 3PY
020 7358 4898
eurotravellerhotel@gmail.com

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**

Jayesh Patel
[REDACTED]
London, [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. London Borough of Southwark

Licence Issue date 09/04/2021

[REDACTED]
Head of Regulatory Services
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX
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 must 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 –

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster 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; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

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: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence:

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

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

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.

134 Alcohol may be sold or supplied:

- a. On Good Friday: 1200 to 2330 hours
- b. On Christmas day: 1200 to 2330 hours
- c. 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)

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 Christmas Day, 1200 to 1500 hours, and 1900 to 2230 hours
- c. 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;

- iv) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- vi) The sale of alcohol to a trader or club for the purposes of the trade or club;
- vii) 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;
- viii) The taking of alcohol from the premises by a person residing there; or
- ix) 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

x)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

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, fit ted and intended to be used bona fide 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 tablemeals and alcohol is only sold or supplied to persons as ancillary to their table meals

344 There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

345 A CCTV system be installed at the premises and maintained in good working order and to continually record at all times the premises are in use under the licence;

346 All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to Officers of the Police and the Council;

347 A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view images. The images will be downloaded to a removable device on request of Police or Council Officer as soon as reasonably possible / within 24hrs;

348 All residents and bona fide guests must enter and exit via the main front entrance into reception except for egress in an emergency;

349 The basement area shall only be used by residents of the hotel and their bona fide guests;

350 The basement area shall not be hired by any third party and/or promotor(s);

351 There shall be no provision of regulated entertainment in the basement area;

352 The purchase of alcohol shall be made to those who produce a room key/keycard.

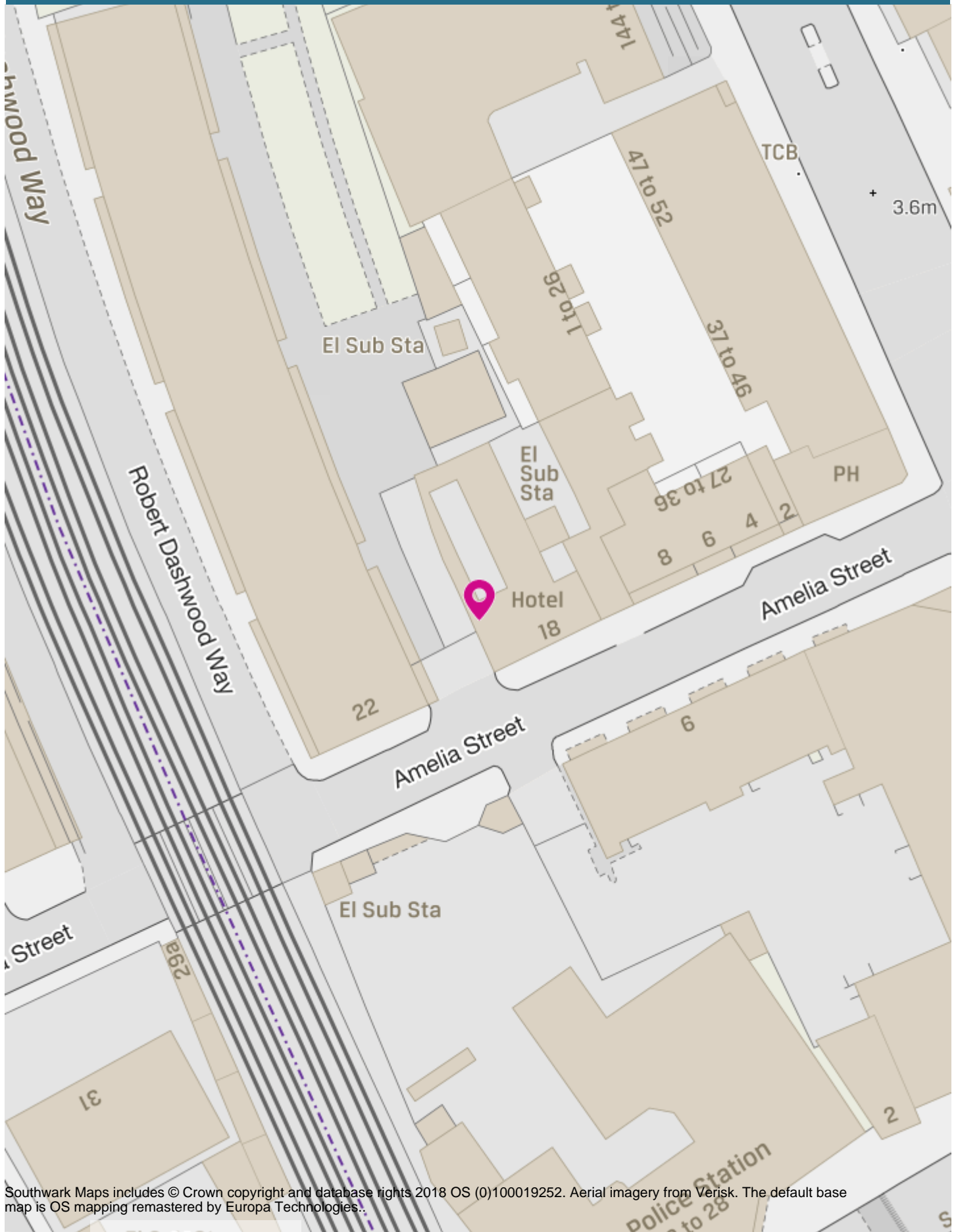
Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans - Attached

Licence No. 874443

Plan No. N/A

Plan Date 22 Nov 2006



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