Open Agenda

Licensing Sub-Committee

Thursday 10 April 2014
10.00 am
Ground Floor Meeting Room G01A - 160 Tooley Street,
London SE1 2QH

Supplemental Agenda No.1

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Contact

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Date: 9 April 2014

Agenda Item 5

Item No. 5.	Classification: Open	Date: 10 April 2014	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Expedited Review - Club Favour, (Ground Floor) 512 -516 Old Kent Road, London SE1 5BA	
Ward(s) or groups affected:		East Walworth	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

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 licence in respect of the premises known Club Favour, (Ground Floor) 512 - 516 Old Kent Road, London SE1 5BA.

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 summary of the application under consideration by the sub-committee is included. A copy of the full application is attached as Appendix B.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received Royal Assent on 10 July 2003. The Act provides a new 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 current premises licence

8. The original licence in respect of the premises known as Club Favour (Ground Floor), 512-516 Old Kent Road London SE1 5BA was issued to Sky Vibes Limited on 5 September 2012. It allows the following licensable activities:

- Films
  Monday and Tuesday from 09.00 to 23.00
  Wednesday and Thursday from 09.00 to 04.00
  Friday and Saturday from 09.00 to 06.00
  Sunday from 09.00 to 04.00

- Live music:
  Monday and Tuesday from 09.00 to 23.00
  Wednesday and Thursday from 09.00 to 04.00
  Friday and Saturday from 09.00 to 06.00
  Sunday from 09.00 to 04.00

- Recorded Music:
  Monday and Tuesday from 09.00 to 23.00
  Wednesday and Thursday from 09.00 to 04.00
  Friday and Saturday from 09.00 to 06.00
  Sunday from 09.00 to 04.00

- Performance of dance:
  Monday and Tuesday from 09.00 to 23.00
  Wednesday and Thursday from 09.00 to 04.00
  Friday and Saturday from 09.00 to 06.00
  Sunday from 09.00 to 04.00

- Facilities for making music:
  Monday and Tuesday from 09.00 to 23.00
  Wednesday and Thursday from 09.00 to 04.00
  Friday and Saturday from 09.00 to 06.00
  Sunday from 09.00 to 04.00

- Facilities for dancing:
  Monday and Tuesday from 09.00 to 23.00
  Wednesday and Thursday from 09.00 to 04.00
  Friday and Saturday from 09.00 to 06.00
  Sunday from 09.00 to 04.00

- Late night refreshments:
  Monday and Tuesday from 09.00 to 23.00
  Wednesday and Thursday from 09.00 to 04.00
  Friday and Saturday from 09.00 to 06.00
  Sunday from 09.00 to 04.00

- Sale and Supply of alcohol on and off the premises:
  Monday and Tuesday from 09.00 to 23.00
  Wednesday and Thursday from 09.00 to 04.00
  Friday and Saturday from 09.00 to 06.00
  Sunday from 09.00 to 04.00

- Operating hours of premises
  Monday and Tuesday from 09.00 to 23.30
  Wednesday and Thursday from 09.00 to 04.30
  Friday and Saturday from 09.00 to 06.30
  Sunday from 09.00 to 04.30.

9. A copy of the current premises licence is attached as Appendix A.

Designated premises supervisor

10. The designated premises supervisor under the existing premises licence is Emeka Ifeanyi Osisioma who holds a personal licence issued by the London Borough of Southwark.

The review application and certificate

11. On 8 April 2014 the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known Club Favour, 512 – 516 Old Kent Road London SE1 5BA and a senior member of the police force for the area has certified that in his opinion the premises are associated with serious crime or serious disorder or both.

12. The application is concerned with an incident that occurred on 5 April 2014 which amounted to a grievous bodily harm at the premises. This is not the first instance of serious violence associated with the premises. In the past six months there have been a number of serious incidents associated with the premises and the police request that following interim steps are taken:

    - The licence is suspended until such time as the full hearing is determined

13. The licensing sub-committee is not restricted to just considering these steps.

14. A copy of the application and certificate are attached to this report as Appendix B. Additional evidence supplied by the police will be available at the hearing due to the data it contains.

15. Section 51(4) of the Act allows the licensing authority to reject review applications, however if the ground is a matter of repetition it does not apply to responsible authorities.

The review procedure

16. 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 2 May 2014.

17. The licensing sub-committee is not obliged to hear evidence from other parties at this stage of the procedure.

18. The review is currently being consulted on and is advertised at the premises for 10 working days. Responsible authorities and any other persons may make representations that will then be considered at the full hearing of the licensing sub-committee.

19. Any interim steps made by the licensing sub-committee at this hearing will cease to have effect once the review has been determined.

The local area

20. A map of the local area is attached at Appendix C.

Southwark Council statement of licensing policy

21. Council assembly approved Southwark's statement of licensing policy 2011-14 on 12 October 2011. Sections of the statement that are considered to be of particular relevance to this application are:

    - Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives

    - Section 5 which sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence

    - Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998

    - Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours

    - Section 8 provides general guidance on ensuring public safety including safe capacities

    - Section 9 provides general guidance on the prevention of nuisance

    - Section 10 provides general guidance on the protection of children from harm.

22. 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

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

Consultations

24. The premises licence holder has been informed of the application for review and of the details of the interim hearing.

Community impact statement

25. 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 Legal Services

26. 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.

27. The principles which the sub-committee members must apply are set out below.

Principles for making the determination

28. 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.

29. 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.

30. 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.

31. The steps will remain in place until the review application is determined at a full hearing of the licensing sub-committee.

32. The authority may decide to take no action is if it finds no interim steps are appropriate to promote the licensing objectives.

33. 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.

34. 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

35. 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

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

    - The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.

    - Members of the authority are free to ask any question of any party or other person appearing at the hearing.

    - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:

        - Address the authority
        - If given permission by the committee, question any other party.
        - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.

    - The committee shall disregard any information given by a party which is not relevant:

        - To the particular application before the committee, and
        - The licensing objectives.

    - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing

so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.

- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

37. 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

38. 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.

39. 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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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

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

REASONS FOR URGENCY

47. Applications for interim steps pending the determination of a summary review made under section 53(A) of the Licensing Act 2003 must be determined within 48 hours of being received by the licensing authority.

REASONS FOR LATENESS

48. Due to these legislative time constraints it was not possible to submit all documents within the normal required time frame of five clear working days.

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:020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of review application and certificate
Appendix C	Map of local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	9 April 2014	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	**Comments sought**	**Comments included**
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		9 April 2014

APPENDIX A

Licensing Act 2003
Premises Licence

Southwark Council

Environmental Health & Trading Standards
Licensing Unit
Hub 2, Floor 3
160 Tooley Street
London SE1 2QH

Premises licence number 838852

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Club Favour Ground Floor 512-516 Old Kent Road London SE1 5BA Ordnance survey map reference (if applicable), 177965534197	
Post town London	**Post code** SE1 5BA
Telephone number 020 7703 1042	

Where the licence is time limited the dates

Licensable activities authorised by the licence

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

The opening hours of the premises

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

Monday	09:00 - 23:30
Tuesday	09:00 - 23:30
Wednesday	09:00 - 04:30
Thursday	09:00 - 04:30
Friday	09:00 - 06:30
Saturday	09:00 - 06:30
Sunday	09:00 - 04:30

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

The times the licence authorises the carrying out of licensable activities
For any non standard timings see Annex 2 of the full premises licence

Films - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 04:00

Live Music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 04:00

Recorded Music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 04:00

Performance of Dance - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 04:00

Entertainment Similar to live/recorded music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 04:00

Facilities for Making Music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 04:00

Facilities for Dancing - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 04:00

Provisions Similar to making music and dancing - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 04:00

Late Night Refreshment - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 04:00

Sale by retail of alcohol to be consumed on premises

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 04:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence
Sky Vibes Ltd
516 Old Kent Road,
London,
SE1 5BA
020 7064 0407
clubfavour@hotmail.co.uk

Registered number of holder, for example company number, charity number (where applicable)
7816400

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

Emeka Ifeanyi Osisioma
[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. 10529
Authority L.B Southwark

Licence Issue date 05/09/2012

.....
Community Safety Enforcement
Business Unit Manger
Hub 2, Floor 3
160 Tooley Street
London SE1 2QH
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
102 The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself
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: 1/2 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

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

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

290 That SIA registered Door Supervisors, at least one of whom shall be a female, shall be employed at all times after 22.00hrs and the terminal hour that the premises are in use under this licence and provided with Hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded

293 That all staff concerned in the sale or supply of intoxicating liquor undergoes a recognised training scheme for such duties. Records of such training should be kept and made available for inspection, on request by Police or other authorised officer.

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

302 That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs

303 That you shall require any regular and external promoters or any other 3rd parties hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Police Licensing unit and, once completed, you shall ensure that a copy of the agreement is provided to the Police Licensing Unit a minimum of fourteen days prior to the date of hire.

308 There shall be no new entry or re-entry to the premises after 02.00am on the days following Wednesday, Thursday, Friday, Saturday and Sunday. Other than those who leave the premises for the purpose of smoking a cigarette, those persons shall be subject to a further search on re-entry to the premises.

309 That the sound limiting device shall be set at an appropriate level to prevent statutory nuisance due to noise by officers of the Southwark Environmental Protection Team.

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

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

340 An ID scanning system to the reasonable satisfaction of Police be installed and maintained. The system should be capable of sharing information about banned customers with other venues, identify the hologram of an ID and read both passports and ID cards, able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times the premises are in operation under the premises licence.

341 At all times the premises is in operation under the premises licence there will be at least one member of staff trained to a satisfactory standard able to operate the ID scan system and able to retrieve data from the system on request of the Police or other authorised officer.

342 That all beverages will be decanted and or served in plastic/polycarbonate receptacles.

343 That all equipment for amplified sound on the premises, or brought onto the premises for the purpose of regulated entertainment, shall be routed through the electrical circuits that have the sound limiting device installed.

344 That no persons under the age of 18 shall be permitted on the premises when used under the licence.

4AA The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

4AB All staff involved in the sale of alcohol shall be trained in the agecheck 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

4AC Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.

4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

4AK That the Premises Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch Scheme should there be one in existence for the area in which the premises is located.

112 This licence allows for the premises to remain open for non standard timings as stated on the days below. Bank Holiday Monday, Christmas Eve, Christmas Day and New Years Eve extend till 05:00 hours. New Years Day till 09:00 hours.

113 This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following days: Bank Holiday Monday, Christmas Eve, Christmas Day and New Years Eve extend till 05:00 hours. New Years Day till 09:00 hours.

114 This licence allows for the premises to extend the following licensable activities for non standard timings as stated below on the following days: Provision of regulated entertainment, Films, Live Music, Recorded Music, Performances of Dance, Anything of a similar discription. Provision of Entertainment Facilities Making Music, Dancing, Entertainment of a Similar Discription. Bank Holiday Monday, Christmas Eve, Christmas Day and New Years Eve extend till 05:00 hours. New Years Day till 09:00 hours.

115 This licence allows for the premises for the provision of late night refresment for non standard timings stated below on the following days: Bank Holiday Monday, Christmas Eve, Christmas Day and New Years

Eve extend till 05:00 hours. New Years Day till 09:00 hours.

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

Annex 4 - Plans - Attached

Licence No.	838852
Plan No.	Y2K9/MG/ARO 1
Plan Date	October 09

APPENDIX B

PROTECTIVE MARKING

Form 693

METROPOLITAN POLICE TOTAL POLICING

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:	
Floor 3, 160 Tooley Street, London, SE1	
Post town: London	**Post code:** SE1 2QH
Ref. No.:	

I _____

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:

Club Favour, Ground Floor, 516 Old Kent Road

Post town: London **Post code:** (If known) SE1 5BA

2. Premises licence details

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

Sky Vibes Ltd

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

Emeka Ifeanyi Osisioma

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)

On Saturday the 5th April 2014 at about 02.30hrs a male was seriously assaulted amounting to Grevious bodily Harm (GBH) Injuries Cris 3009373/14 refers.

This happened in the smoking area within the premises boundery. This area should have been sterile and weapons free, as all customers should have passed through the search procedure as per Condition 290 on the Licence.

A fight started within this area between unknown parties and during the fight the victim believed he had been punched but had sustained a stab wound to the rib and a knife was seen during the altercation on the floor by the victim this subsequently disapeared. The victim then saw blood on his T-shirt, he went to the toilets within the club and cleaned the wound. He then left the club and went home and subseqently made his own way to Croydon hospital.

Police have no recored of being called to investigate the incident until the hospital contacts us at 06.11hrs. When police attended the venue to forensically examine the scene it had already been cleared up possible losing vital forensic evidence in a serious assault. When Police attended the venue a member of staff confirmed that he was aware of the incident. This offence consitutes serious violence and disorder occuring withion the premises and they have failed to call police, preserve the crime scene or take any basic actions that a responsible operator would be expected to do.

This is not the first incident of serious violence associted with the premises. In the last six months the premises has been associated with Three (3) GBH allegations and Five (5) Actual Bodily Harm (ABH) allegations.

Police are seeking a suspension of the licence till a full review hearing due to the serious nature of the allegations and failures in security at the premises and possible breach of the licence.

On Sunday the 1st July 2012 Police attended Club Favour (copy of Statement Attached) and observed people entering the premises with out being searched a serious breach of security. A Section 19 closure notice was issued (copy attached) and later warning letter was issued (copy attached)

In early 2013 Police Licensing arranged for an Officer from the tridents gang command to attend the premises and compltete a Club Industry minimum Operating Standards report on the premises. (Copy Attached) This was issued to the premises in February 2013. It should be noted in that report Section 47 - 50 relates to Crime scene preservation which was not complied with after this incident. Section 90 - 114 relates to searching, security and the smoking area. Which it apears from the report has not been fully implimented and customers in the smoking area could have direct contact with people outside the search area.

On the 17th February 2014 Insp Landers attended the premises and again warned the premises re security problems (report attached) and that if it was not sorted out he would consider closing them under section 161 as he believed it to be that serious.

The police have no confidence in the management or the security and that any further conditions, restrictions or interim steps placed on the premises would not guarantee that another similier or even more serious incident would not occur within the premises as such Police seek an immediate suspension of the Licence.

Signature of applicant

Signature:  **Date:** 08/04/2014

Capacity: Metropolitan Police Licensing Officer

Contact details for matters concerning this application

Surname: White **First Names:** Graham

Address:

Southwark Police station, 323 Borough High Street,

Post town: London **Post code:** SE1 1jl

Tel. No.: 0207 232 6756 **Email:** Graham.S.White@met.police.uk

Notes for guidance

PROTECTIVE MARKING

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

PROTECTIVE MARKING

METROPOLITAN POLICE

TOTAL POLICING

Form 693A

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: both serious crime and serious disorder

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:

Club Favour, Ground Floor, 516 Old Kent Road,

Post town:	London	**Post code:** (if known)	SE1 5BA

Premises licence number (if known):

838852

Name of premises supervisor (if known):

Emeka Ifeanyi Osisioma

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 Saturday the 5th April 2014 at about 02.30hrs a male was in the smoking area within the premises boundery when a fight started. During the fight the victim sustained a stab wound to the rib and a knife was seen during the altercation. This consitutes serious violence and disorder. Police were not informed of the incident until the victim attended Croydon Hospital. When police attended the premises the scene had been cleared up yet a staff member was clearly aware what had taken place. This has seriously hindered the investigation. It is also apparent that search procedures have failed allowing weapons into the premises. Police believe that a expidited review is required for a suspension of the licence until a full hearing due to the serious failures in management of the premises.

Signature

Signature: [redacted] **Date:** 07/04/2014

Retention Period: 7 years
MP 147/12

club favour 512-516 old kent road. SE1

Southwark Council

Date 8/4/2014



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APPENDIX C

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LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) **MUNICIPAL YEAR 2013-14**

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

Name	No of copies	Name	No of copies
Members		**Officers**	
Councillor Renata Hamvas	1	Debra Allday, Legal team	1
Councillor David Hubber	1	Dorcas Mills, Licensing team	1
Councillor The Right Reverend Emmanuel Oyewole	1	David Franklin, Licensing team	1
Reserve			
Councillor Lorraine Lauder MBE	1	Andrew Weir, Constitutional team	8
		Total: 15	
		Dated: 8 April 2014	