

Licensing Sub-Committee

August 19 2009

10.00 am

Town Hall, Peckham Road, London SE5 8UB

Membership

Councillor David Hubber
Councillor Jelil Ladipo
Councillor Wilma Nelson

Reserves

Councillor Dora Dixon-Fyle

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Contact

Sean Usher on 0207 525 7222 or email: sean.usher@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: August 11 2009



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Licensing Sub-Committee

Wednesday August 19 2009
10.00 am
Town Hall, Peckham Road, London SE5 8UB

Order of Business

Item No.	Title	Page No.
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PART A - OPEN BUSINESS

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

A representative of each political group will confirm the voting members of the committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.

5. LICENSING ACT 2003 - REVIEW REPORT. RNB CLUB, 12A STATION WAY SE15 5RX 1 - 53

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: August 11 2009

Item No. 5	Classification: Open	Date: 19 August 2009	MEETING NAME Licensing Sub-Committee
Report title:		LICENSING ACT 2003 – REVIEW REPORT. RnB Club, 12a Station Way SE15 5RX	
Ward(s) or groups affected:		The Lane	
From:		Director of Environment & Housing Department	

RECOMMENDATION

1. That the Sub-Committee consider the application made under Section 53(a) of the Licensing Act 2003 by the metropolitan police for a full summary review of the premises licence issued to Fredrick Gayle and Valentine Ohagwa in respect of the premises known as the RnB Club at 12a Station Way, SE15 5RX
2. Notes
 - *The grounds for the review are stated in paragraph 12 – 20 of this report.*
 - *A copy of the Council's approved procedure for hearings of the Sub-Committee in relation to an application made under the Licensing Act 2003, along with a copy of the Hearing Regulations, has been circulated to all parties prior to the meeting.*

BACKGROUND INFORMATION

3. Section 53(a) of the Licensing Act 2003 provides facility
 - For 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 and / or serious disorder; and
 - The licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.
4. In summary, the process is:
 - A local chief officer of police may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his / her opinion the premises are associated with serious crime or disorder (or both);
 - On receipt of the application and certificate the licensing authority must within 48 hours consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days of receipt of the application;
5. The range of options open to the licensing authority at the interim steps stage are
 - Modification of the conditions of the premises licence;
 - The exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - Removal of the designated premises supervisor from the licence; and
 - Suspension of the licence.

6. Following the full licence review the licensing authority may

- Take any of the above option or
- Revoke the licence.

KEY ISSUES FOR CONSIDERATION

The premises licence

7. On 05 August 2005, during the transitional period of the implementation of the Act, an application was made under Schedule 8 by Mr Frederick A Gayle and Valentine Ohagwa for the conversion of existing Justices Licence and entertainment licence into a Premises Licence, in respect of the premises known as RnB Club at 12a Station Way, SE15 5RX. The application sought a conversion and the variation of the existing licence.
8. The application was initially opposed by the Police and the Council's Noise Team, the applicant agreed to further conditions and the representations were withdrawn and the licence granted on 04 October 2005
9. The premises is currently licensed under the Licensing Act 2003 for:
 - The retail sale of alcohol;
 - The provision of a range of regulated entertainments; and
 - The provision of late night refreshments
10. The premises licence is held jointly by Frederick Gayle and Valentine Ohagwa. Mr Gayle is also as being the designated premises supervisor for the premises.
11. A copy of the premises licence is attached to this report as appendix A. The licence document provides the full range of licensed activities; days and times of operation and licence conditions.

The application

12. On 29 July 2009 the licensing service received a certificate under section 53a(1)(b) of the 2003 Licensing Act, signed by a senior officer of the metropolitan police service, stating that he is of the opinion that the premises known as the RnB Club at 12a Station Way, SE15, are associated with serious crime and serious disorder and requesting that the licensing authority suspend the relevant premises licence, with immediate effect, pending a full review of the licence. The certificate was accompanied by an application for a review of the premises licence under section 53a and other background information. A copy of the full set of documents is attached to this report at appendix B.
13. On receipt of the application and the certificate the licensing authority must within 48 hours consider whether it is necessary to take interim steps pending determination of the review of the premises licence. On 31 July 2009 the application was brought to the sub-committee for consideration as to whether it is necessary to take any interim steps in advance of the full review hearing scheduled for 19 August 2009.
14. This meeting was not a formal hearing and the licence holders did not need to be present at this stage of the consideration. However, one of the licensees Mr Gale did attend and was given the opportunity to address the Sub-Committee but chose not to.

It was decided to initiate the interim step to suspend the premises licence until the full review hearing, scheduled for 19 August 2009, has been determined, a copy of that decision is attached as appendix C

Representations from Responsible authorities

15. No other relevant representations have been received.
16. The Planning Authority have commented on the planning enforcement notice and appeal contained in the Police evidence to summarise the current planning situation as follows:
- The current use of the premises as a night club is unauthorised. An Enforcement Notice was served on the premises requiring the cessation of the use of the premises as a night club. This notice was subsequently appealed by Mr Gayle. The Planning Inspectorate dismissed Mr Gayle's appeal and upheld the Enforcement Notice. As determined by the Planning Inspectorate, Mr Gayle is required to carry out the following actions before the 9th September 2009:
 - Cease the use of 12A Station Way, London, SE15 4RX as a night club and remove from the site all fixtures, fittings, equipment and machines that primarily relate to the use of the premises as a nightclub.
 - The Planning Enforcement section will be carrying out a site visit after 9th September 2009 to assess whether the requirements of the Enforcement Notice have been complied with.

Interested parties

17. There have been no representations received by interested parties.

The local vicinity

18. A map of the local vicinity is attached as appendix D.

Southwark statement of licensing policy

19. The Southwark Statement of Licensing Policy 2008-2011 revision was approved by council assembly in November 2008. Sections of the Statement that are considered to be of particular relevance to this application are
- Section 3 which sets out the purpose and scope of the policy and re-inforces the four licensing objectives;
 - Section 4 which sets out the arrangements for the administration, exercise and delegation of functions;
 - 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; and
 - Section 10 provides general guidance on the protection of children from harm.

20. 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

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

CONSULTATIONS

22. Consultation undertaken upon this application has been carried out in accordance with the provisions of the Licensing Act 2003. The application was advertised for seven consecutive days near to the premises and the posters were checked and in place at the end of the period. The application was also advertised on the Council's website. Responses are detailed elsewhere in this report.

Equal opportunities implications

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

SUPPLEMENTAL ADVICE FROM OTHER OFFICERS

Concurrent Report by the Strategic Director of Communities, Law & Governance

24. The licensing authority must hold a hearing to consider the application for the review under section 53A of the Licensing Act 2003 and any relevant representations.
25. The Sub-Committee is asked to determine the review under section 53A(2)(b) in accordance with Section 53C of the Act. The Sub-Committee must take steps it considers to be necessary for the promotion of the licensing objectives. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance; and
 - The protection of children from harm
26. The Sub-Committee must consider what steps (if any) should be taken to secure the promotion of the licensing objectives. The steps that may be taken by the Sub-Committee are:
- Modification of the conditions of the premises licence;
 - Exclusion of a licensable activity from the licence;
 - Removal of the designated premises supervisor;
 - Suspension of the licence for a maximum period of three months; or
 - Revocation of the licence.
27. Members should note that the modification of conditions and exclusions of licensable activities may be imposed on either a permanent basis, or for a temporary specified period which must not exceed 3 months.

28. Where the authority determines an application for review it must notify the determination and reasons for making it to –
- the holder of the premises licence;
 - any person who made relevant representations; and
 - the chief officer of police for the area (or each police area) in which the premises are situated.
29. The Chief Officer of Police, the premises licence holder and any other person who made relevant representations have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against
30. The Sub-Committee's decision will not have effect until either the end of the 21 day period given for appealing against the decision, or if the decision is appealed against, the time the appeal is disposed of.
31. Members should note that the interim steps taken shall remain in force until such time as either the appeal period has expired or the appeal has been disposed of.

Hearing procedure

32. 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.

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

33. 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.

34. 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.
35. The Sub-Committee can only consider matters during the hearing 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.
36. 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.

Guidance

37. 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.

Background information

Background Papers	Held At	Contact
Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) DCMS Guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	The Chaplin Centre, Thurlow Street, SE17 2DG	Mrs Kirty Read at the Chaplin Centre Telephone 0207 525 5748

Audit trail

Lead Officer	Gill Davies, Strategic Director	
Report Author	David Franklin Team Leader	
Version	Final	
Dated	05 August 2009	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	Yes
Executive Member	No	No
Date final report sent to Constitutional Support Services	10 August 2009	

Licensing Act 2003 Premises Licence



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

Premises licence number

8162

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
R N B Nightclub 12a Station Way London SE15 4RX Ordnance survey map reference (if applicable), 176330 534224	
Post town	Post code
London	SE15 4RX
Telephone number	
0207 635 7299/07956957574	

Where the licence is time limited the dates
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Licensable activities authorised by the licence
EE Live Music EF Recorded Music EG Performance Of Dance EH Entertainment Similar to EE, EF,EG EI Facilities for Making Music EJ Facilities for Dancing EK Entertainment Similar to EI,EJ LR Late Night Refreshment RA Sale by retail of alcohol to be consumed on premises RB Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Wednesday 20:00 00:00
Thursday 21:00 02:00
Friday 22:00 05:00
Saturday 22:00 05:00
Sunday 20:00 02:00

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

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2

Live Music	Wednesday	20:00	00:00
Live Music	Thursday	21:00	02:00
Live Music	Friday	22:00	05:00
Live Music	Saturday	22:00	05:00
Live Music	Sunday	20:00	02:00
Recorded Music	Wednesday	20:00	00:00
Recorded Music	Thursday	23:00	02:00
Recorded Music	Friday	23:00	05:00
Recorded Music	Saturday	23:00	05:00
Recorded Music	Sunday	23:00	02:00
Performance Of Dance	Wednesday	20:00	00:00
Performance Of Dance	Thursday	21:00	02:00
Performance Of Dance	Friday	22:00	05:00
Performance Of Dance	Saturday	22:00	05:00
Performance Of Dance	Sunday	20:00	02:00
Entertainment Similar to EE, EF,EG	Wednesday	20:00	00:00
Entertainment Similar to EE, EF,EG	Thursday	21:00	02:00
Entertainment Similar to EE, EF,EG	Friday	22:00	05:00
Entertainment Similar to EE, EF,EG	Saturday	22:00	05:00
Facilities for Making Music	Wednesday	20:00	00:00
Facilities for Making Music	Thursday	21:00	02:00
Facilities for Making Music	Friday	22:00	05:00
Facilities for Making Music	Saturday	22:00	05:00
Facilities for Making Music	Sunday	20:00	02:00
Facilities for Dancing	Wednesday	20:00	00:00
Facilities for Dancing	Thursday	21:00	02:00
Facilities for Dancing	Friday	22:00	05:00
Facilities for Dancing	Saturday	22:00	05:00
Facilities for Dancing	Sunday	20:00	02:00
Entertainment Similar to EI,EJ	Wednesday	20:00	00:00
Entertainment Similar to EI,EJ	Thursday	21:00	02:00
Entertainment Similar to EI,EJ	Friday	22:00	05:00
Entertainment Similar to EI,EJ	Saturday	22:00	05:00
Entertainment Similar to EI,EJ	Sunday	20:00	02:00
Late Night Refreshment	Wednesday	23:00	00:00
Late Night Refreshment	Thursday	23:00	02:00
Late Night Refreshment	Friday	23:00	05:00
Late Night Refreshment	Saturday	23:00	05:00
Late Night Refreshment	Sunday	23:00	02:00
Sale by retail of alcohol to be consumed on premises	Wednesday	20:00	00:00
Sale by retail of alcohol to be consumed on premises	Thursday	21:00	02:00
Sale by retail of alcohol to be consumed on premises	Friday	22:00	05:00
Sale by retail of alcohol to be consumed on premises	Saturday	22:00	05:00
Sale by retail of alcohol to be consumed on premises	Sunday	20:00	02:00
Sale by retail of alcohol to be consumed off premises	Wednesday	20:00	00:00
Sale by retail of alcohol to be consumed off premises	Thursday	21:00	02:00
Sale by retail of alcohol to be consumed off premises	Friday	22:00	05:00
Sale by retail of alcohol to be consumed off premises	Saturday	22:00	05:00
Sale by retail of alcohol to be consumed off premises	Sunday	20:00	02:00

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

Mr Frederick A Gayle	Valentine Ohagwa
63 Chadwick Road	Flat 20, Quadrant House
London	15 Burrell Street
SE15 4PU	London
	SE1 0UW

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**

FREDERICK ALEXANDER GAYLE
63 Chadwick Road
London
SE15 4PU

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. 8152
Authority code 00BE Authority L B Southwark 8152

Licence Issue date 4 October 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.

1201 Any individual carrying out security activities at the premises must be licensed by the Security Industry Authority. This does not apply where the premises are being used primarily as a Qualifying Club under a Club Premises Certificate, under a Temporary Event Notice, or primarily as a cinema, restaurant or theatre.

Annex 2 - Conditions consistent with the operating Schedule

2000 Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours also means

c. On Good Friday, 12 noon to 10.30.p.m.

d. On Christmas Day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.

e. On New Year's Eve, except on a Sunday, 10.00.a.m. to 11.00.p.m.

f. On New Year's Eve on a Sunday, 12 noon to 10.30.p.m.

g. 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) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;

ii) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

iii) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

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;

v) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;

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.

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.

2300 e. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

4003 Authorised officers who carry written authorizations and proof of identity, which they will produce on request, shall be admitted immediately to all parts of the premises at all reasonable times.

4012 a. The Licensee shall not permit the use of special effects, except with consent.

b. The Licensee shall give to the Council at least 10 days notice in writing of any proposal to use special effects. The notice shall include, save in exceptional circumstances, exact details of the proposal including the date and time when the special effects can be demonstrated.

4013 Compressed or liquefied gases shall not be used except with consent. At least 10 days notice in writing shall be given to the Council of any proposal to bring storage cylinders into the premises

4014 a. The Licensee shall ensure that the premises continue to comply with the Council's Technical Regulations.

b. No alterations shall be made to the approved arrangements without consent.

c. The Licensee shall, except with consent, retain control over all parts of the premises.

d. Either the licensee or the Duty Manager shall be in charge of and within the premises whenever the public are present. However, the Licensee remains responsible for the observance of all licensing conditions.

4021 a. The Licensee / Duty Manager shall ensure that no nuisance is caused by noise

emanating from the premises or by vibration transmitted through the structure of the premises.

b. If required, legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

4029 The Licensee / Duty manager shall ensure that the accommodation limit(s) specified on the licence are not exceeded and shall be aware of the number of the public on the premises. This information shall be provided to any authorized officer immediately on request.

4033 Refuse receptacles shall be emptied regularly.

4035 a. The Licensee / Duty Manager shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises.

b. If required, at least one suitably trained first aider shall be on duty when the public are present. If more than one suitably trained first-aider is present, each person's responsibilities shall be clearly identified.

4037 Where free drinking water is provided for the public, it shall, except with the consent of the Council, only be provided in a supervised area.

4039 If required, a competent person shall be in charge of the electrical or other installation.

4041 a. The emergency lighting battery shall be fully charged before the admission of the public.

b. The emergency lighting battery shall be fully charged before the admission of the public

c. In the event of failure of the normal lighting

(i) If the emergency lighting battery has a one hour capacity the public shall leave the premises within 20 minutes unless within that time the normal lighting has been restored and the battery is being re-charged; or

(ii) If the emergency lighting battery has a 3 hour capacity the public shall leave the premises within one hour unless within that time the normal lighting has been restored and the battery is being re-charged.

d. The public shall not be re-admitted to the premises until the normal lighting has been fully restored and the battery fully recharged except

(i) Where the emergency lighting battery has a one hour capacity and if the failure of the normal lighting was fully rectified within 20 minutes of failure and the battery is being re-charged; or

(ii) Where the emergency lighting battery has a 3 hour capacity and if the failure of the normal lighting was fully rectified within one hour of failure and the battery is being re-charged.

4043 a. The premises shall be effectively ventilated.

b. Where the ventilation system is designed to maintain a positive air pressure within that part of the premises, that pressure shall be maintained whenever the public are present in that part of the premises.

4045 a) The following certificates shall be submitted to the Council at least once a year unless stated otherwise below. Note: Where a certificate covers a period of more than one year it will be sufficient to submit a photocopy of the certificate each year that the certificate remains valid.

i) Battery - The emergency lighting battery (including any self contained units) and associated control equipment. The inspection of the battery and control equipment shall be in accordance with BS 5266-1. The certificate shall be signed by a Corporate Member of the Institution of Electrical Engineers or a member of the Electrical Contractors Association or by a contractor enrolled with the National Inspection Council for Electrical Installation Contracting or, with consent, another competent person.

ii) Electrical installation - The entire electrical installation (including the emergency lighting installation but excluding any battery). The inspection shall be in accordance with Guidance Note 3 to BS 7671. In large or complex premises the electrical installation shall be visually inspected once a year and at least 20% of the installation tested in accordance with a programme approved by the Council such that the whole installation is tested every 5 years. The certificate shall be signed by a Corporate Member of the Institution of Electrical Engineers or a member of the Electrical Contractors Association or by a contractor enrolled with the National Inspection Council for Electrical Installation Contracting or, with consent, another competent person.

iii) Boilers and calorifiers - Any steam boiler, any electrode boiler working on a closed water system or any calorifier incorporating a steam receiver. A boiler insurance company shall issue the certificate of thorough examination and test;

iv) Fire alarm warning system - Confirmation from a fire alarm company or, with consent, another competent person that the fire alarm warning system continues to satisfy the requirements of BS 5839;

v) Fire fighting equipment - All portable fire-fighting equipment together with any hose reels or sprinklers in accordance with BS 5306;

vi) Mechanical installations - Any passenger lifts or escalators. All lifting equipment and permanently suspended equipment (These certificates should be copies of the records of examination provided under the Lifting Operations and Lifting Equipment Regulations 1998. Any permanently suspended loads, such as permanently installed stage lighting luminaires or loudspeakers or flown cinema screens, shall be treated as forming part of the lifting equipment installation and be examined by the competent person making the examination). The safety curtain, its operating gear and controls, the smoke ventilators and drencher. Any other mechanical installation (for example, stage, orchestra or organ lifts, revolving or moving platforms) if

required.

vii) Lasers - Any permanently installed lasers, other than Class 1 and Class 2 lasers;

viii) Special effects - Permanently installed smoke machines, fog generators and strobe lighting;

ix) Ceilings - Ceilings and ornamental plaster; and

x) Gas installation - Any gas installation and gas appliances, if required. A member of the Council for registered Gas installers (CORGI) shall complete the certificate.

4300 The Licensee shall not permit conduct on the premises that is likely to cause disorder or a breach of the peace or drug misuse. In particular the licensee shall ensure that none of the following shall take place

a) indecent behaviour, including sexual intercourse, except as permitted by the Theatres Act 1968;

b) the offer of any sexual or other indecent service for reward;

c) acts of violence against person or property and / or the attempt or threat of such acts; and

d) unlawful possession and / or supply of drugs controlled by the Misuse of Drugs Act 1971.

6011 That two Security Industry Authority licensed Door Supervisors shall be employed with a counting device to control admissions to and departures from the premises when entertainment is provided on the premises.

6019 That a minimum of two Southwark Council registered door supervisors shall be employed at all times the premises are in use under the licence and provided with: -

a) 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 or their assistants; and

b) Mechanical counting devices to ensure that the maximum limit on the number of persons permitted in the premises are not exceeded;

6000 That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times

6017 That an agreement shall be established with the police over the emptying and collection of the drugs and weapons from the box;

2003 This licence allows for the premises to be open for non standard timings the times stated on:

On days preceeding Bank Holddays Extension to 5am on the day following.

Christmas Eve

Christmas Day

Boxing Day

Sundays Before Bank Holiday Monday

And on Bank Holiday Mondays to 2am on the day following

2005 This licence allows for the premises for the licensable activities and for non standard timings stated below on the following days:

Provision of regulated entertainment - Live Music, Recorded Music, Performances of Dance, Anything of a similar description.

Provision of Entertainment Facilities - Making Music, Dancing, Entertainment of a Similar Discription.

On days preceeding Bank Holddays Extension to 5am on the day following.

Christmas Eve

Christmas Day

Boxing Day

Sundays Before Bank Holiday Monday

And Bank Holiday Mondays to 2am on the day following

4004 The Licensee shall not permit any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. This condition does not apply to exhibitions given under the provisions of Section 2(1a) and 5 of the Hypnotism Act 1952.

4011 a. The Licensee shall not permit an entertainment that involves special risks except with consent.

b. The Licensee shall not permit any performances especially for children except with consent.

c. The licensee shall not permit explosives or highly flammable substances to be brought onto the premises except with consent.

4015 The Licensee may authorize in writing a Duty Manager, who shall be at least 18 years old, to deputise for him. This written authorization shall be kept on the premises and shall be readily available for examination by any Authorised Officer. The Licensee must be satisfied that anyone appointed as a Duty Manager understands the need to comply with the conditions of the licence and is competent to perform the functions of Duty Manager.

4016 The Licensee (if an individual) and any Duty Manager shall

a. Have undertaken an approved training course leading to the possession of the BIIAAB Level 2 National Certificate for Entertainment Licensees, or

b. Possess an equivalent qualification, for example for concert halls, the National Vocational Qualification in Cultural Venue Administration (Level 3) or

c. Be able to demonstrate to the satisfaction of the Council that he possess all relevant knowledge and experience

4017 a. The Licensee / Duty Manager shall ensure that he has sufficient trained staff on duty to ensure the safe evacuation of the premises in an emergency. Such staff shall have been specifically instructed on their duties in the event of an emergency by the Licensee or by a person nominated by him. The instruction given to staff shall include training on the safe and efficient running of the premises and the safe evacuation of the premises.

b. A nominated member of staff in addition to the Duty Manager shall have responsibility for fire prevention measures and for ensuring that all escape routes including exit doors are fully available.

c. No Door Supervisor shall be employed at premises outside London except with consent. Any employment shall be in accordance with additional conditions set by the Council.

d. Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role. The Licensee / Duty manager shall, once he is satisfied as to the competence of each member of staff, record this in the Fire log book.

4018 a. The Licensee shall cause a Fire log-book to be kept.

b. Any authorized officer shall be entitled to obtain a photocopy of any page(s) of the log-book.

4019 The Licensee / Duty manager shall maintain a register indicating the numbers of staff, including any Door Supervisors and all performers, who are present when the public are present. This register shall be produced immediately on the request of an Authorised Officer. This Condition does not apply to any premises that are being used for a closely seated audience.

4020 Dancing shall be restricted to the areas designated by the Council.

4022 1. The approved arrangements shall be maintained in good condition and in full working order. Fire fighting equipment, the fire alarm warning system and any smoke ventilators shall be maintained as follows:-

i) Fire Fighting Equipment.

- a) The approved fire-fighting equipment shall be kept in the approved positions and be maintained in satisfactory working order, unobstructed and available for immediate use;
- b) All fire fighting equipment shall be checked weekly. Note: The Council may consent to the variation of the frequency of checks where the premises are used infrequently and this will not endanger safety;
- c) Portable fire-fighting equipment shall be inspected at least once a year in accordance with BS 5306-3 and recharged where necessary in compliance with the manufacturer's instructions. The date of inspection shall be clearly marked on the appliance or a stout tab securely attached to it and recorded in the fire log book;
- d) Hose reels, drenchers and sprinklers shall be inspected in accordance with BS 5306 once a year to ensure that they are in working order. The date of the inspection shall be clearly marked on the control valves and recorded in the fire log book; and
- e) For details of the certificates to be provided see condition 4045.

ii) Fire-alarm warning system

- a) Any fire-alarm warning system shall be maintained in satisfactory working order;
- b) The system shall be tested weekly. Note: The Council may consent to the variation of frequency of tests where the premises are used infrequently and this will not endanger safety;
- c) All checks, tests and inspections shall be recorded in the fire log book; and
- d) For details of the certificates to be provided see condition 4045.

iii) Smoke ventilators

- a) Any smoke ventilators shall be maintained in satisfactory working order;
- b) Any smoke ventilators shall be tested at least every 3 months;
- c) For details of the certificates to be provided see condition 4045.

2. No alterations (including temporary alterations) shall be made except with the consent of the Council.

4023 The Licensee shall ensure that all performances or activities minimize any danger to the public.

4024 The Licensee / Duty manager shall ensure that, whenever disabled people are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency and that they are made aware of those arrangements.

4025 The Licensee / Duty Manager shall ensure that all necessary safety checks have been carried out before the admission of the public. Details of the checks shall be entered in the Fire log-book; this may be by use of a separate check list.

4026 a. All escape routes and exits including external exits shall be maintained unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.

b. All exits door shall be available and easily operable without the use of a key, card, code or similar means. Only approved fastenings shall be used.

c. Any removable security fastening shall be removed from the doors prior to opening the premises to the public. All such fastenings shall be kept in the approved positions.

d. If required, exit doors shall be secured in the fully open position when the public are present.

e. All fire-doors shall be maintained effectively self-closing and shall not be held open other than by approved devices.

f. Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut.

g. The edges of treads of steps and stairways shall be maintained so as to be conspicuous.

4027 a. Hangings, curtains and temporary decorations shall be maintained fire-retarded

b. Any upholstered seating shall continue to meet the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS5852;1990

4028 a. Any scenery shall be maintained flame-retarded in accordance with Additional Conditions S

b. Temporary decorations shall not be provided except with consent. When seeking consent for temporary decorations the Licensee shall advise the Council of the period for which it is desired to retain them

c. Curtains, hangings and temporary decorations shall be arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.

4030 Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade can be summoned, shall be prominently displayed and shall be protected from damage or deterioration.

4036 a. Toilet accommodation shall be provided free of charge and be kept clean and in proper working order.

b. An adequate supply of hot and cold (or warm) water, toilet paper in holders or dispensers, soap and suitable hand and face drying facilities shall be provided in toilet accommodation.

6018 That suitable notices shall be displayed stating 'No Drugs'.

6001 That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of twenty-eight days

6015 That a drugs/weapons box shall be maintained inside the premises, which is secure and fixed to the wall;

8002 That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner

7101 That there shall be no new admission, or re-admission, of the public to the premises after 02.30 on the days following Friday and Saturday

6023 That the Licensee shall require any outside promoter hiring the premises to complete the 'Hire Venue Agreement' provided by Southwark Council, and provide a copy of the completed agreement to the Police and the Licensing Unit a minimum of 28 days prior to the date of hire

8014 That the management make regular hourly checks to ensure that patrons attending the premises do not cause nuisance or noise in the surrounding area both prior to attending and after leaving the premises.

7100 That the maximum number of persons that may be accommodated within the licensed area at any one time shall not exceed 100

9501 That all food and drink shall be contained upon the premises and will not be taken outside

9502 That door supervisors advise that no food and drink is taken over the threshold of the club at all times that the premises is in use under this licence.

9503 That a notice shall be displayed by the entrance stating that no food or drink shall be taken outside the premises by patrons at all times that the premises are in use under this licence.

9504 That a camera is situated in the ground floor foyer which focuses on the search area and this shall remain in situ and be fully operational at all times that the premises are in use under the licence and that a search policy as approved by the Police be carried at all times

9505 That a 'PRIVATE' notice is fixed to the door to the storeroom, which is adjacent to the kitchen; and that this storeroom shall not be used as a cloakroom

9506 That the key to the padlock on the cupboard, containing the light switches and the fuse box, located in the main public area shall be kept on a keyboard, which should be located in an area that the public have no access to.

9507 That the telephone number of the premises is displayed so it is clearly visible from the exterior of the premises

9508 That a notice shall be displayed at the premises giving the telephone numbers of local mini-cab firms

9509 Children shall only be permitted on the premises for the occasions of: a) christenings, b) wedding receptions, c) other family private functions, and only when accompanied by an adult.

9510 Signs and posters shall be displayed both inside and outside the premises indicating parking facilities as well as DJ announcements to the same effect

4901 1. On those days where the entertainment is by way of striptease, only those dancers engaged by (company name/director), shall be permitted to perform striptease.

2. All striptease performers shall be provided with a copy of the performers code of conduct upon engagement

3. Tableside striptease shall only be performed in the area of the club as marked on any deposited plans.

4.-

5. There shall be no physical contact between customers and the striptease performer except for the placing of money or moneys worth in a garter, or from the customer's hand to the hand of the performer at the beginning or at the conclusion of the performance.

6. A notice outlining condition 5 shall be clearly displayed at each customer's table and at the entrance to the premises.

7. On any day when tableside striptease performances are taking place, no performer shall dance with or towards any other performer, and shall make no physical contact with another performer.

8. Tableside striptease performers are to remain standing during a performance of striptease

9. Striptease performers are to re-dress at the conclusion of a performance and are to remain fully clothed whilst acting in the capacity of host or hostess

10. There shall be a minimum charge for entertainment by way of tableside striptease of £10 per music track

11. On those days when public entertainment is by way of any form of striptease, no person under the age of 18 years shall be allowed to enter or remain on the licensed premises. A clear notice shall be displayed in those terms in a prominent position at the entrance, so that persons entering can read it.

12. On those days when public entertainment is by way of striptease, a minimum of (number) Council registered door supervisors shall be employed on the premises during its opening hours. At least (number) permanently employed in the bar and at least (number) to be permanently employed at the entrance to the public toilets.

13. The proprietor/director of the company is to ensure that prior to employment, all performers provide documents proving that they are over 18 years of age. Such documents are to be copied and retained on the performer employment file.

14. The proprietor/director of the company is to ensure that prior to employment all performers provide documents proving that they are legally entitled to work in the U.K. Such documents are to be copied and retained on the performer employment file.

15. All performer employment files are to be retained for a period of at least 6 months after employment is terminated. All files are to be made available to the statutory authorities upon request if required for investigative purposes.

16. Where the proprietor/director employs performers from an agency, the performers must provide the relevant documentation as required in conditions 13 & 14. Details of the agency providing the performers are to be made available to the statutory authorities upon request.

17. The whole of the venue, excluding performers locker areas, is to be monitored by CCTV. This system to be installed maintained and operated as agreed with a Police crime prevention officer. The recordings are to be retained for a period of 28 days. The tapes are to be made available to the statutory authorities upon request.

18. Prior to employment all performers are to be given a copy of the venue code of conduct. This code of conduct is to be rigorously enforced by the venue management.

2004 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 Mondays to 02:00 hours.

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

Your reference:



Our reference: MD/21/1802/09

Date: 29th July 2009

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

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

Tel: 020 -7232 – 6210 Fax6282

Dear Sir/Madam

R n B Nightclub 12A Station Way SE15 4RX

I write in respect of an application submitted this day by Police under Section 53A Licensing Act 2003, where Police are seeking an expedited review of the Premises Licence following recent and continued incidents of serious crime and disorder associated with the above premises. The Licensing Act 2003 requires the London Borough of Southwark Licensing Committee to consider the application within 48 hours of its submission and I understand that a committee has been arranged for Friday 31st July 2009 at Southwark Town Hall.

I confirm that I have sent notification of this application to Mr Frederick Gayle, the Premises Licence Holder and Designated Premises Supervisor and advised him to contact your office as a matter of urgency.

If you need clarification of any points raised in this letter then please contact me on the numbers shown below.

Paul Compton PC294MD
Licensing Officer (Southwark North)

Phone: 0207 232 6210

Mobile: 07595011458

Fax: 0207 232 6282

E-mail: paul.compton@met.police.uk

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

RESTRICTED



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

Form 693A

Working together for a safer London

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):

1 B Nightclub 12A Station Way, Peckham SE15 4RX

Premises licence number (if known): 8162

Name of premises supervisor (if known): Mr Frederick Alexander Gayle

I am a Police Superintendent¹ in the Metropolitan Police Service.

¹Insert rank of officer giving the certificate, which **must be** superintendent or above.

I am giving this certificate because I am on the opinion that other procedures under the Licensing Act are inappropriate in this case because²:

The premises have been associated with serious incident of crime & disorder over an extended period.

I am of the opinion that the use of Section 53A, Expedited Review, is necessary to prevent further incidents of serious crime & disorder taking place either within the premises or the local vicinity. The management are failing to adhere to the current comprehensive list of conditions stipulated on the Premises Licence, therefore there are no additional conditions that could be added onto the Premises Licence that would prevent a continuation of incidents of serious crime & disorder.

Police are requesting that the local authority suspend the Premises Licence pending a full review hearing with immediate effect.

The alternative options under the Licensing Act 2003 are not considered to be viable: there is no imminent disorder, therefore Section 161 is not an option and if a standard review were to be submitted the premises would remain open for several months pending the conclusion of the process and it is very likely that there would be continued incidents of serious crime associated with the premises.

²Give 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.

Signed:

Date: 29.07.2009



Working together for a safer London

Form for Applying for a Summary Licence Review

Form 693

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)

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

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.**

I Superintendent S Deehan
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 if none or not known, Ordnance Survey map reference or description:
R n B Nightclub, 12A Station Way,

Post town: Peckham

Post code (if known): SE15 4RX

2. Premises licence details

Name of premises licence holder (if known): Mr Frederick A Gayle

Number of premises licence holder (if known): Mr Frederick Alexander Gayle

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:

4. Details of association of the above premises with serious crime, serious disorder or both (Please read guidance note 2)

The premises has a history of being associated with serious crime and disorder & gang related culture.


Police intelligence indicates that firearms, knives and drugs are taken to the premises and its environs on a regular basis and the premises is regularly used by persons with affiliations to recognised gangs.

Police engaged with the management of the club after serious disorder in July 2008 when a number (7) persons were assaulted with knives and a meat cleaver. The premises remained closed on a voluntary basis but since re-opening incidents of crime & disorder have continued.

On 25th July 2009 three customers received life threatening stab injuries immediately after vacating the club, one of the victims is only 17 years of age. Management of the premises have failed to act upon previous advice of Police and have not assisted fully with the current investigation.

RESTRICTED

Signature of application:

 SWR 203.03

Date: 29.07.2009

Capacity: Police Superintendent

Contact details for matters concerning this application

Address: Walworth Police Station, 12/28 Manor Place, Walworth, London SE17 3RL

Telephone number(s): 0207 232 6210

Email: paul.compton@met.police.uk

Notes for guidance

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

WITNESS STATEMENT

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

Statement of **Paul Compton PC294MD** URN:

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

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

Signature: **Paul Compton PC294MD** Date: **28th July 2009**.....

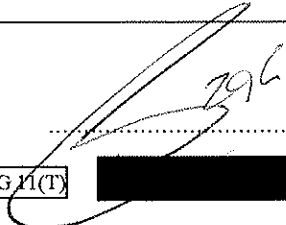
Tick if witness evidence is visually recorded (supply witness details on rear)

I am Paul Compton PC284MD/176623 and currently posted to the Police Licensing Office at Walworth Police Station, 12/28 Manor Place, Walworth, London, SE17 3RL. I am authorised to represent the Metropolitan Police in all issues connected to Licensed Premises located within the London Borough of Southwark.

Following an incident that occurred outside the R n B Nightclub, 12A Station Way, Peckham, SE15 4RX on Saturday 25th July 2009, which resulted in three customers receiving serious stab injuries, I have been tasked with researching incidents of Crime & Disorder associated with the premises in order that consideration can be given to seeking an urgent review of the current Premises Licence.

The premises is a first floor nightclub that has been granted extensive licensing hours with a capacity of 100. It has historically been linked to serious incidents of crime & disorder, often involving weapons. Police intelligence system (Crimint) and crime reporting systems (Cris) contain a significant number of entries indicating that those attending the premises are often in possession of knives, firearms and illegal drugs. I have dealt with the owner and Designated Premises Supervisor, Mr Frederick Alexander Gayle, over a number of years, in particular when incidents of Crime & Disorder have come to my attention, which has resulted in the premises being requested periodically to remain closed by police.

Cris: 3026760/09; on 20th July 2008 at 0440am, an incident was captured by London Borough of Southwark CCTV outside the premises involving customers all of whom had just vacated the club. A number of males aged 18-25 years were seen to engage in a running street battle with each other during which a number of knives and a meat cleaver were clearly seen and a number of persons were seen to receive stab injuries. However this event

Signature:  Signature witnessed by:

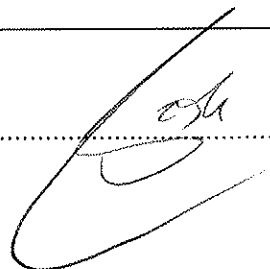
Continuation of Statement of **Paul Compton PC294MD**.....

was not brought to the attention of Police either by the victims or staff at the premises at the time of the incident and was identified at a later date when a Police officer was viewing CCTV footage. No suspects have ever been identified and the matter remains as an undetected crime. Regrettably the CCTV for the premises only has a two week record & retain facility and therefore potential evidence that could have identified the suspects was lost. It is worthy of note that the premises licence has a condition requiring the CCTV to be maintained in good working order with a 31 day tape record/retain facility.

Following this incident an urgent meeting was arranged with Mr Frederick Alexander Gayle to attend Walworth Police Station on 30th July 2008 where he met with Chief Insp. M Antil and me. Recent incidents of crime & disorder, in particular the incident of 20th July 2008 were discussed and Mr Gayle was requested not to open the premises pending him returning to the Police station at a later date, when Police would expect him to be in a position to suggest an action plan containing measures he would put in place to prevent any re-occurrences. However Mr Gayle agreed to remain closed with the exception of opening on a Friday night up to twelve midnight for a "Fish Supper Night", an event described by Mr Gayle as an event aimed at the elderly members of the community. The second meeting was not held with Mr Gayle and no action plan has been received, as events had dictated intervention by the London Borough of Southwark Planning Department who issued a Planning Contravention Notice in October 2008. I will address this issue in greater depth later in this report.

Police arranged for a free site survey to be conducted by the Crime Prevention Officer attached to Operation Trident who would look at all the security measures adopted by the club management and produce a report. This was conducted on 13th August and I attach a copy of the final report to this statement. The most salient points are the unsuitability of the front door design and the inadequate CCTV system, which requires urgent updating. To date I cannot confirm if these issues have been addressed. I wrote to Mr Gayle on 20th August 2008 and supplied him with a copy of the Operation Trident report and highlighted the most pressing issues identified. A copy of that letter has been attached to this report.

The premises is often operated other than in accordance with the premises licence. On 27th July 2008 I visited the premises on numerous occasions as a direct result of serious disorder that had occurred at the premises the previous weekend. I initially visited at 01.00am and spoke with Mr Gayle and informed him that he should operate in accordance with the current premises licence. However numerous visits throughout the night and following conversations with Mr Gayle at every visit I found the premises not complying with licensing conditions of no new entry after 02.00am. Despite pointing this breach out to Mr Gayle on each occasion customers were still entering at 04.40am. The matter was fully recorded on crimint MDRT00563610.

Signature:  Signature witnessed by:

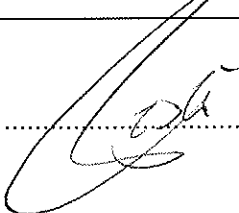
Continuation of Statement of **Paul Compton PC294MD**.....

Cris: 3024466/09; On 25th July 2009 at 0430am a number of customers had vacated the premises and outside the club and in surrounding streets a number of suspects repeatedly stabbed three victims, who had just left the club. One victim received multiple stab injuries, one of which punctured his lung. The second victim received a single stab injury resulting in a collapsed lung and the third victim received a stab injury to the forehead. Police have information linking some of the victims to other incidents of serious violence which is gang related. One of the victims was also the victim of a previous stabbing only seven days before and on this occasion he refused to assist police with the investigation. One of the victims is only 17 years of age and statements obtained during the course of the investigation indicate that the youth had been inside the premises prior to being assaulted and had been supplied with alcoholic drinks. The investigating officer for the 25th July incident has reported that the staff and in particular the owner/Designated Premises Supervisor, Mr Frederick Gayle, has not assisted fully with the investigation and supplied contradictory accounts of the events. Initially he stated that the incident had not occurred and that he had no knowledge. However London Borough of Southwark CCTV clearly shows Mr Gayle struggling with some of the suspects directly outside the club. The investigating officer has requested the club CCTV but has been informed by Mr Gayle there was no CCTV operating at the time of the incident as the system was away for repair. This is a clear breach of the current premises licence and is reminiscent of the situation that was in place on 20th July 2008 when again serious violent crime and disorder was associated with the premises.

In addition to the two events detailed above, research of Police reporting systems contain numerous entries linking the premises to serious violence, weapons including knives and firearms, gang related issues and drugs. Reports indicate that individuals attend the premises on a regular basis are often in possession of knives and firearms and in particular on Fridays and Saturdays evenings, often the entries indicate that those attending the premises have known links to gangs and the associated violence. Reports also indicate that suspects attend the premises at weekends in possession of illegal controlled drugs with the intention of supplying such items.

Crimint entries:

- MDRT00574975/09 firearms & drugs being taken into the club.
- MDRT00578372/09 Shopkeepers in Rye Lane complaining about anti-social behaviour & harassment.
- MDRT00581558/09 Members of Peckham Young Guns (PYG) gang known to have left premises on 25.07.09 and been actively involved in the triple stabbing.
- MDRT00581556/09 Firearms believed to be regularly taken into club without being stopped by door

Signature: ..... Signature witnessed by:

Continuation of Statement of **Paul Compton PC294MD**

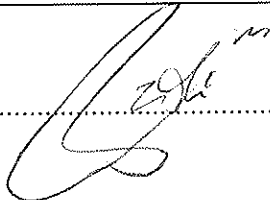
staff.

- MDRT00581554/09 Known drug dealer known to frequent the premises to supply illegal drugs.
- MDRT00563303/08 Female collapsed inside club. Police in attendance found strong smell of cannabis and discarded "spliffs" and rizzla papers on the floor of the club.
- MDRT00563310/08 Large group attempting to gain entry, far exceeding the club capacity. Many of those attempting to enter the club were underage and were known members of a gang known as "Shower Chicks".
- MDRT0000563535/08 Knives & Firearms taken into club
- MDRT00563373/08 Gangs members frequent club.
- MDRT00562567/08 Peckham gangs frequent club armed with knives.
- MDRT005588/08 Gangs members attend club.
- MDRT0056304/08 Information that a shooting was to take place inside the club.

On 15th October 2008 The London Borough of Southwark Planning Department issued an enforcement notice against the premises as the premises had not applied for the necessary planning consent that would permit its use as a nightclub. The Enforcement Notice was due to take effect from 15th November 2008 provided Mr Gayle did not appeal the notice. However Mr Gayle did appeal and this was heard on at an appeal inquiry on 28th May 2009. The appeal was dismissed in its entirety and therefore the premises have no planning permission to operate as a nightclub. I understand that Mr Gayle has until the end of August 2009 to cease operating as a nightclub and to remove any items that are used for that purpose. Relevant paperwork attached.

On 29th July 2009 Police Superintendent Steve Dechan issued a certificate under Section 53A Licensing Act 2003 as the premises are associated with serious incidents of crime & disorder and the action was necessary to prevent continuance of such incidents. I served a copy of that certificate on the London Borough of Southwark Licensing Department and on Mr Frederick Gayle and will be seeking revocation of the Premises Licence at the

Signature:



Signature witnessed by:

Continuation of Statement of **Paul Compton PC294MD**

review hearing.



Signature:



Signature witnessed by:



R n B Nightclub
 12A Station Way
 London
 SE15 4RX
 Telephone – 0207 635 7299

Security Review conducted 13th August 2008

Carried out by DC Steve Sharkey – Trident Crime Prevention officer
 In company with PC294 Paul Compton, Southwark Licensing officer.

Designated Premises Supervisor – Frederick Gayle, 63 Chadwick Road,
 London SE15 4PU.

Opening Hours – This premises is currently under a closure order until
 September, but when in operation opens at 10.00pm and closes at 05.00am
 on Fridays and Saturdays.




Capacity – 100

Description of Premises

The R n B Nightclub is situated halfway along a small alleyway built into the
 railway arch and is part of a small shopping area. The premises are situated
 over a number of small shops a few yards from Peckham Rye railway station
 and the junction with Rye Lane. Access to the establishment is obtained by a
 set of 19 stairs up to the club.



Recommendations, concerns and recognition of good practise.

The traffic light signals denote –

-  Major Concern
-  An area of concern
-  Good Practise

These premises are in a run down condition with various leaks and other
 faults visible.

Entrance, search procedures and security

- 
 - The door supervisors are key to any initiative at increasing safety at a venue. Good door supervisors will be well trained, aware of their powers and responsibilities and able to manage access to the building effectively. Poor door supervisors will allow drugs and weapons to enter the venue, fail to identify unwanted issues at an early stage and at worst will be actively involved in the organised criminality going on at the premises. All door supervisors must be licensed with the Security Industry Authority (SIA). Individuals who are not so authorised commit an offence, as do those who employ them. There will also be implications for the venues public liability insurance and lease, both of which could lead to closure of the premises.
 - The SIA licenses need to be physical removed from any holder and carefully examined. There are a number of forgeries available to purchase. The signature on the authorised license **must** be laser marked into the license and not signed in ink.
 - The venue must have a robust search policy. This will include prominent signage, orderly queues, sterile area for searching, policy for dealing with drugs and weapons seized. It is important to note that there must be an adequate number of female door supervisors to search female customers.
- 
 - The construction of the front door is rather weak and really needs to be enforced. If there were to be an organised attempt by a number of individuals to gatecrash the facility the current door would not be strong enough to prevent such an attack. This form of attack against clubs is becoming more and more prevalent especially in the south London area.
 - The club employs one male and one female door supervisors, who are primarily used at the entrance to the premises for the purposes of searching customers. I would advise that the security staff be increased to at least three, ideally four. This would then provide staff for deployment inside the club as well as cover availability at the time of any incident.
 - The door to the premises is old and not very secure. I would recommend replacing the door with a much more robust product. My suggestion would be for a steel hinged steel door that opened outwards I would also recommend the installation of a non transparent metal shutter that could easily and quickly be deployed in the event a number of troublemakers attempting to rush the door staff and gain illegal entry.

- The barrier system currently used is of a plastic construction and is not very secure. Originally the club used a couple of metal crowd control type barriers but these were removed by the council as they had been left outside. I recommend returning to that type and finding a method of securing them when not in use.

Lighting and interior environment



- The level of lighting within the club is quite dim and would need to be brighter should any incident occur within the premises that would require investigation, such as a serious assault.
- The lighting on the stairwell needs to be increased as this could give rise to an accident.

Fire Exits


The premises has only one fire exit situated next to the gents toilets. This is unlocked when there is a function and leads to some steps that exit in the street. This fire exit needs to be alarmed so that if it is used to allow unsupervised access it will become apparent to the staff that it has been opened.

CCTV System


- The CCTV system deployed by the club is somewhat antiquated and needs to be updated. There appears to be a total of three cameras and this needs to be increased to at least four. Currently the dance/bar area has two cameras. One is focused on the dance floor and one on the bar staff. There needs to be another camera on the main room focusing on a different angle to the one currently in place.
- The other camera is utilised at the entrance to the club. This is positioned incorrectly and needs to be moved to the other side of the entrance door to enable a good head and shoulders image to be obtained as the customers enter.

- There needs to be a large sign at the entrance explaining the use of CCTV and that the images are recorded and will be provided to police in the event of an incident.
- There also needs to be much more signage inside the club referring to the use of CCTV. At present there is none.
- The duration of recorded images appears to be approximately two weeks and this capability needs to be expanded to 30 days as a matter of urgency.

Customer Care

- 
 - The club does not provide safety devices to prevent drinks from being spiked. I would recommend giving the customer the option of being able to purchase such a device from behind the bar along with their drinks. There has been a marked increase in numbers of drinks being spiked, a lot of which goes unreported. The duty of care provided by the club should give the customer the option.

Good Practise

- 
 - Position a small podium of about two feet high to be stood on by a member of the internal security staff. This would give the staff member good vision over the heads of the customers and makes them look more imposing.
 - Have a member of the security staff walk the queue looking for signs of drunkenness, agitation or drug symptoms.

Metropolitan Police Requirements for Digital CCTV systems

This section offers guidance to users of digital CCTV systems, where the pictures are intended to be used by the police or are likely to be used in an investigation. For CCTV recordings to be effective in detecting and investigating crime they must be fit for the purpose and easily accessible by police investigators.

For digital CCTV there are four main areas that must be considered:

QUALITY – are the pictures good enough?

STORAGE – are the pictures stored appropriately?

EXPORT – can the pictures be easily exported from the system?

PLAYBACK – can the pictures be easily viewed by authorised third parties?

By ensuring that your digital CCTV system is capable of meeting a few simple requirements, the potential evidential value of the pictures can be greatly increased and the time taken by police to access and process them greatly reduced.

QUALITY – What Resolution? What Compression? How many Pictures per second?

1. Specify your requirement – decide what you want to see and where.
2. View the recorded pictures or print out, not the live screen to assess the system performance.
3. The system clock should be set correctly and maintained (inc GMT & BST).
4. Picture quality should not be reduced to fit the available storage capacity of the system.
5. Regular maintenance should be conducted on all aspects of the system.

STORAGE – What should I keep? How should I keep it?

1. The system should be operated and recorded pictures retained in a secure environment.
2. Electronic access controls, such as passwords or encryption should not prevent authorised access to the system or recordings.
3. The system should have sufficient storage capacity for a minimum of 31 days good quality pictures.
4. The system should be capable of securing relevant pictures for review or export at a later date.

QUALITY – Are the pictures good enough?

Right from the outset you should have a clear idea of what you want your CCTV system to achieve and how it should perform. This should include exactly what you want to see and where, e.g. recognise the face of someone walking through a doorway, read a vehicle registration number or record a particular type of activity such as walking across a room, exchange of money or an assault.

More detailed guidance on how to do this can be found in PSDB publication 17/94 CCTV Operational Requirements Manual. This is available for free from the Home Office website

http://scienceandresearch.homeoffice.gov.uk/hosdb/publications-2/cctv-publications/17-94_CCTVOperationalRequir2.pdf?version=1

Terrorism and the Night time economy

Lessons can be learned from the 2002 Bali bombing which occurred on October 12th 2002 in the tourist area of Kuta on the Indonesian island of Bali.

The attack killed 202 people, 164 of whom were foreign nationals. A further 209 were injured.

The attack involved the detonation of three bombs: a backpack mounted device carried by a suicide bomber, a large car bomb, both of which were detonated in or near popular nightclubs; and a third much smaller device detonated outside the US Consulate causing minimal damage.

The Attack

At 23.05 on the 12th October 2002 a suicide bomber in the nightclub Paddy's Bar detonated a bomb inside his backpack. This caused a large number of the patrons with or without injuries to flee out into the street. Fifteen seconds later, a second and much more powerful car bomb hidden inside a white Mitsubishi van, was detonated by remote control outside the Sari Club, located opposite Paddy's Bar. Damage to the densely populated residential and commercial district was immense, destroying neighbouring buildings and shattering windows several blocks away. The car bomb explosion left a one meter deep crater.

The Lessons to be learned.

In these days of heightened tensions around terrorism it is vital that the night time economy steps up their security. Of course it is essential that weapons and drugs are prevented from being carried into what is a highly volatile environment. But security staff must be aware of other devices that could cause catastrophe in or outside a nightclub. Something as small as a vial containing a highly dangerous substance could be dropped inside a club causing the deaths of many people. As seen by the Bali incident a car was parked outside the nightclub and deliberately detonated when the first bomb forced the people out into the path of the second.

So for a nightclub the security must include the perimeter and nearby surroundings of a club. All suspicious vehicles must be checked.

I believe it is only a matter of time before a nightclub on the UK mainland is the target of a terrorist attack. The consequences are appalling when you consider the numbers of people who crush into these establishments at the weekend.

A heightened level of security is required in these tension filled days and all nightclub security staff must raise their level of awareness to prevent the worst from happening.

Report Concludes

PLEASE NOTE

It is the public function of the Metropolitan Police Service ('MPS') to prevent and detect crime and to promote measures, which further that function. The advice/guidance given is given in accordance with that function and is to an assurance that crime will be prevented. Nor does the giving of advice create a legal relationship with the MPS and its recipient. As such the MPS will incur no liability for any loss or damage (of whatever nature) occasioned to

the recipient of the advice its employees agents or customers, or any other person arising directly or indirectly from the giving of the advice.

The inclusion of any company names with this report is NOT a recommendation of the product and is merely for your information. Should you wish to use any of the products; the MPS will accept no liability thereafter.

This survey/advice is based on information supplied by yourself and observations at the time of the survey and current crime trends in the area concerned. The recommendations given are those of the officer conducting the survey, which in their opinion may reduce the risk of crime but do not offer or imply a guarantee of crime reduction



Appeal Decision

Inquiry held on 28 May 2009

by **Derek Thew** DipGS MRICS

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gov.uk

Decision date:
9 June 2009

Appeal Ref: APP/A5840/C/08/2090095

12A Station Way, Peckham, London, (known as the RnB Night club)

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Frederick Gayle against an enforcement notice issued by the Council of the London Borough of Southwark.
- The Council's reference is TP/2765-12.
- The notice was issued on 15 October 2008.
- The breach of planning control as alleged in the notice is, without planning permission, change of use of the land from a restaurant use (A3) to a night club use (sui generis).
- The requirements of the notice are:
 - 1) Cease the use of 12A Station Way, London, SE15 4RX as a night club
 - 2) Remove from the site all fixtures, fittings, equipment and machines that primarily relate to the use of the premises as a night club.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)[d] and [f] of the Town and Country Planning Act 1990 as amended.

Procedural Matters

1. All evidence at the inquiry was given on oath

The Appeal on Ground D

2. For the appeal to succeed on this ground it needs to be demonstrated, on the balance of probability, that the change of use of the notice land to use as a nightclub commenced 10 years or more before the date on which the notice was issued and that the use subsisted thereafter for a period of 10 years. The notice was issued on 15 October 2008 and, accordingly, it needs to be shown that the material change of use occurred on or before 15 October 1998.
3. Mr Gayle's evidence is that Mr Fitzgerald Brown, in March 1993, changed the use of the first floor to a nightclub that he, Mr Gayle, used to frequent. Subsequently, in August 1997, Mr Brown's lease was assigned to Mr Ronald and Mrs Beverley Williams, who continued the nightclub use up until 31 July 2000. Mr Gayle entered into an underlease for the first floor at 12A Station Way on 1 August 2000 and his evidence was that thereafter he used the premises as a nightclub and private function suite.
4. In support of his case the appellant submitted a statutory declaration made by Mr Keith Baker, a past director of the former freehold owners of the premises. Amongst other things this declaration states that the premises were used as a restaurant pursuant to planning permission granted on 11 September 1984,

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and that around November 1997 the then sub-lessee "extended the use of the Premises to include use as a nightclub and such use continued uninterrupted up to 31 July 2000". The declaration then states that between 1 August 2000 and 4 December 2007 (the date on which Mr Baker's company disposed of its interest in the premises), Mr Gayle used the premises as a restaurant and nightclub; and it concludes with the words:

"To my certain knowledge, information and belief throughout the period from November 1997 and up to 4 December 2007 the Premises were used continuously as a restaurant and nightclub".

5. However, rather than supporting the evidence of Mr Gayle, this declaration contradicts it in two important respects. First, Mr Gayle claimed the nightclub use started in March 1993 but Mr Baker states the use did not start until November 1997. Secondly, to Mr Baker's "certain knowledge, information and belief" until December 2007 the premises were in a mixed use including use as a restaurant, but this is contrary to Mr Gayle's claim that since August 2000 he has used the premises only as a nightclub.
6. In the light of these inconsistencies it is difficult to place substantial weight upon either the evidence of Mr Gayle or the statutory declaration of Mr Baker.
7. Turning to the evidence for, and submissions made on behalf of, the Council, a number of factors point towards the use of the premises changing to that of a nightclub well within the last 10 years:
 - (a) In April 2000 the premises were registered for business rates purposes as a restaurant and premises, and that description has not subsequently changed.
 - (b) The underlease that Mr Gayle entered into, with effect from 1 August 2000, refers to the use of the premises as a restaurant but makes no mention of use as a nightclub.
 - (c) A planning application (ref.01-AP-1380) was made on the 21 July 2001 for the change of use of the premises from restaurant to nightclub with ancillary restaurant use. (This application was withdrawn by the applicant and no documentation remains).
 - (d) An application for a public entertainment license (under s.182 of the Licensing Act 2003) was first made by the appellant on 14 January 2002.
 - (e) The response to a planning contravention notice, completed by the landlord on 22 May 2008, states that use of the premises as a nightclub started on 1 August 2000.
8. I am not able to pinpoint precisely when the material change of use of the premises to a nightclub occurred. But evidence given at the inquiry by a local resident, Mrs Casey, identified that night-time disturbance in the area appeared to increase during late 2001. And this perception, coupled with the above factors (a) to (e), suggest that the material change of use occurred sometime after the premises were acquired by Mr Gayle in August 2000.
9. In conclusion, having regard to all of the evidence before me and on the balance of probability, I am satisfied that the material change of use of the

notice land to use as a nightclub did not commence 10 years or more before the date on which the notice was issued. The appeal on ground [d] therefore fails.

The Appeal on Ground F

10. The notice requires the cessation of the nightclub use and the removal from the land of all associated nightclub items. For the appeal to succeed on this ground it needs to be shown that these requirements exceed what is necessary to remedy either the breach of planning control or any harm to amenity caused by that breach.
11. The nightclub use is unauthorised and in part the notice appears to have been issued to remedy that breach of planning control. In addition, objections from local residents and the written evidence of the Council identify that the nightclub is a source of noise and disturbance to those living nearby, and the notice also appears to have been issued to remedy that harm to amenity. It is possible such harm might be overcome by the imposition of restrictions on the operation of the nightclub. But to vary the requirements so as to allow the use to continue subject to limitations would be tantamount to granting a planning permission for the development. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended cannot be considered; and an appeal on ground [f] should not be used as a back-door method to obtain a permission that cannot otherwise be granted.
12. At the inquiry Mr Gayle stated he thought the matter of harm to amenity had been fully addressed at the time when his application for a public entertainment license was being considered by the Council. However, the objectives behind the licensing system are the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm. And it is possible for a use to be a source of noise and disturbance to those living nearby (and thereby materially harm amenity) without being a public nuisance or without offending any of the other objectives of the licensing system. On this basis, I do not accept that the impact of the use upon the amenity of those living nearby would necessarily have been fully considered under the licensing system. Furthermore, just because a license has been granted under the Licensing Act 2003 does not remove the need for a planning permission under the provisions of the Town & Country Planning Act 1990.
13. Mr Gayle did not suggest any alternative requirements to those set out in the notice and, in the light of my observations in the preceding paragraphs, I am not aware of any that I might reasonably impose. The appeal on ground [f] therefore fails.

Formal Decision

14. I dismiss the appeal and uphold the enforcement notice.

Derek Thew
Inspector

Appeal Decision APP/A5840/C/08/2090095

DOCUMENT SUBMITTED AT THE INQUIRY

- 1 Appeal Decision APP/Y1945/A/06/2026479

Ref: LEG/PL/128328/GB

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

MATERIAL CHANGE OF USE

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: SOUTHWARK LONDON BOROUGH COUNCIL

TO:

The Occupier 12a Station Way London, SE15 4RX	Frederick Gayle 83 Chadwick Road, London SE15 4PU	Valentine Otagwa C/o RFB Nightclub 12a Station Way London, SE15 4RX
Al Ekber Bulut 10, 12 and 12a Station Way London, SE15 4RX	Ropehold Limited 28/30 Fitzroy Square London W1T 6LQ	HSBC Bank PLC Sheffield Securities Processing Centre PO Box 3924 Sheffield S1 9BD
Network Rail Limited KINGS PLACE 80 YORK WAY LONDON N1 9AG		

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the Notice and the enclosures to which it refers contain important additional information.
2. **THE LAND TO WHICH THE NOTICE RELATES**
Land at 12a Station Way, London, SE15 4RX, known as the RFB Nightclub, including the first floor and staircase accessing it, shown edged red on the attached plan.
3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**
Without planning permission, change of use of the land from a restaurant use (A3) to a night club use (su1 generators).
4. **REASONS FOR ISSUING THIS NOTICE**

OPEN 0311
70/2765-12

it appears to the Council that the above breach of planning control has occurred within the last ten years.

The unauthorised use results in unacceptable harm to local amenity through increased, noise, nuisance and social disturbance detrimental to the amenity of surrounding residential occupiers and the railway station site, contrary to policies 1.7 'Development Within Town and Local Centres', 3.2 'Protection of Amenity' and 7.1 'Peckham Action Area' of the Southwark Plan 2007.

The Council do not consider that planning permission should be given for the current night club use in its current form.

5. WHAT YOU ARE REQUIRED TO DO

- 1) Cease the use of 12a Station Way London, SE15 4RX (the land) as a night club
- 2) Remove from the site all fixtures, fittings, equipment or machines that primarily relate to the use of the premises as a night club.

6. TIME FOR COMPLIANCE

3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 15th November 2008, unless an appeal is made against it beforehand.

Dated: 16th October 2008

Signed:



Deborah Collins - Director of Legal and Democratic Services
on behalf of the London Borough of Southwark
Town Hall, Peckham Road, London, SE5 8UB

EXPLANATORY NOTE

YOUR RIGHT OF APPEAL

You can appeal against this notice but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the Notice. The enclosed booklet "Making Your Enforcement Appeal" sets out your rights. You may use the enclosed appeal forms.

- (i) One is for you to send to the Planning Inspectorate if you decide to appeal, together with a copy of this Enforcement Notice.
- (ii) The second copy of the appeal form should be sent to the Council.
- (iii) The third copy is for your own records.

If you are appealing under Ground (a), that you believe planning permission should be granted for what is alleged in the enforcement notice, you are required to pay a fee of £335.00. Of this amount, half is payable to the London Borough of Southwark and should be sent to the Planning Department, Chiltern House, Portland Street, London SE17 2ES together with a copy of your appeal form. You must send the remaining half, payable to the Department for Communities and Local Government, to the Planning Inspectorate, PO Box 326, Bristol BS59 7XF with a copy of your appeal form.

You must submit with your Appeal Form, or within 14 days from the date the Planning Inspectorate notifies you, a statement in writing specifying the grounds of the appeal and state briefly the facts on which you are relying to support of those grounds.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you not do appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Enclosures:

- "Making Your Enforcement Appeal" booklet issued by the Planning Inspectorate
- 3 x Appeal Forms
- Spare copy of Enforcement Notice



12 Station Way SE 16 ARX

DATE: 2/25/2025

Signature
CARRERA

Your reference:



Our reference: MD/2008

Date: 20th August 2008

Mr F. Gayle
63 Chadwick Road
Peckham
London SE15 4PU

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

Tel: 020 -7232 – 6210 Fax6282

Re; R & B Nightclub Station Way SE15 4RX

Dear Mr Gayle

Following on from the site survey by the Crime Prevention Officer from Operation Trident on 13th August, please find attached the completed report. You will note that there are number of issues that require urgent attention prior to the premises opening up to the public. I have listed below the more salient issues:

- Construction of the existing front door requires strengthening.
- The security barriers currently used are inadequate.
- Augmentation of the door staff
- Up grading of the CCTV system
- Internal lighting in main club areas and entrance stairs.
- Fire exit

The above is to be regarded as a précis, please refer to the full report for clarification.

As discussed at the meeting held at Walworth Police Station on 31st July 2008 and prior to the premises re-opening, a further meeting is to be arranged where Police would be seeking evidence of how you intend to prevent further incidents of Crime and Disorder being associated with the premises.

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

Paul Compton PC294MD
Licensing Officer (Southwark North)

☎ Phone: 0207 232 6210

☎ Mobile: 07990901483

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

Your reference: .



Our reference: MD/2007

Date: 20th August 2008

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

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

Tel: 020 -7232 – 6210 Fax6282

Re; R & B Nightclub Station Way SE15 4RX

Dear Sir/Madam

As you are aware Police have concerns over how the above premises is being managed and the apparent prevalence of it being associated with incidents of Crime & Disorder. A number of meetings have been held with Mr. Frederick Gayle and in the short term he has agreed to temporarily close the premises until early September when a further meeting will be held it is anticipated he will give assurances of how the premises are to be managed in the future and what measures he will introduce to prevent further incidents of Crime and Disorder.

As part of this process, I arranged for a free site visit by the Crime Prevention Officer from Operation Trident who conducted a thorough evaluation of the security measures currently employed at the premises. I have attached a copy of that report, which includes a number of recommendations as to how the security should be augmented. I have also attached a letter to the owner & DPS, Mr. Gayle, which indicates that Police would require all of the recommendations mentioned in the report to be acted upon prior to the premises re-opening.

During my visit on the 13th August 2008 when the security site survey was conducted, I requested that the CCTV footage that covered the 19th & 20th July concerning a serious incident of violence involving up to twenty persons using weapons occurred. Regrettably the CCTV record facility only has capacity for 2 weeks and therefore potential valuable evidence has been lost. The inadequacy of the CCTV is raised in the main body of the attached report.

To follow is a copy of my original E Mail sent on 31st July 2008 to LBS Licensing detailing actions:

Following on from recent incidents of crime & disorder associated with the premises and in particular events on 19th & 20th July 2008 the owner of the club, Mr. FREDERICK GAYLE, was requested to attend MS Police Station on 30th July and speak with Ch. Insp ANTIL and PC 294MD COMPTON Police Licensing Officer.

The recent incidents were discussed and Mr. GAYLE was informed that further occurrences of crime and disorder would not be accepted and the likely outcome would be Police seeking a review of the premises license. Police sought assurances that Mr. GAYLE would address the situation as a matter of urgency.

A second meeting was arranged for 31st July at MS were it was expected that Mr. GAYLE had an action plan to offer. Mr GAYLE has agreed to temporarily close the premises with immediate effect up to at least the 1st September 2008, with the exception of Fridays between 11.00am and 00.00 as he has a commitment to host a community based "fish restaurant". He gave an undertaking that the premises would not open other than for this event.

A site visit by the CPO from Operation Trident has been arranged for Wednesday 13th August were a thorough survey of the clubs security measures will be undertaken and a report made. Mr GAYLE stated that he would not open the club until he has consulted further with the Police, as it is his intention to change in the direction & focus of the club including music policy.

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

Paul Compton PC294MD
Licensing Officer (Southwark North)

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

WITNESS STATEMENT

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

Statement of **Aiveen MCMANUS** URN:

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

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

Signature: Date:

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

On SATURDAY 19th JULY 2008 at around 0500 hours I was on duty in full uniform in a marked police vehicle call sign M4 in the company of PC 754 MD CARR. The CCTV control room alerted us to a large group of males congregating outside the R & B club RYE LANE. This was the only information. We made our way and saw a large number of mostly males hanging around the club. They were also in the surrounding area. There was nothing untoward although we decided to stay in the area. Whilst driving along RYE LANE an LAS crew turned up having received a call to a woman having a diabetic episode at the club. We thought it wise to go inside with him. We entered the club sometime after 0500 hours. There are steps leading up to the main club area. There were no door staff on the downstairs door or upstairs. As we went up the stairs some guests were coming out passed us. At the top of the stairs there was a young man smoking what I believed to be cannabis. It smelled of such. On appearance I believe that he was under - 18. As we went around into the club it appeared that many were under age and the smell of cannabis was rife. More important at this time was the fact that we had to get to the unconscious woman in the toilets. The club appeared over crowded as we had to struggle through to get to her. She was unconscious and wrapped around a toilet bowl. Nonetheless there were women trying to walk over her to try and get to the other toilet. The paramedic dealt with the lady. Whilst this was going on my colleague noticed orange tablets down the toilet. An ambulance had to be called. Throughout the treatment of this woman the guests were hostile and more units had to be called to enable the safe treatment of the woman. When it was possible I went and spoke to the licensee Frederick GALE. I explained my concerns to him. I asked where his door staff were and he said he sent them home at 0510 hours. I explained that this was not very sensible given that the club was still after 0530 hours. I asked him about his licence and he told me that it ran until 0500 hours. I asked him to clear the venue as clearly it was passed his licensing hours. When the club was emptied there were many spliffs and rizla papers on the floor.

Signature: Signature witnessed by:



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – JULY 31 2009

1 LICENSING ACT 2003 – RNB CLUB, 12A STATION WAY, SE15 – SUMMARY LICENCE REVIEW – CONSIDERATION OF INTERIM MEASURES

The licensing sub-committee have received an expedited review application and certificate submitted by the Metropolitan Police Licensing Service, received at the council's licensing service on the 29 July 2009, for the review of the premises licence under Section 53A of the Licensing Act 2003.

In consultation with the Metropolitan Police Service under Section 53A of the Licensing Act 2003 the licensing sub-committee has exercised its powers to initiate the following interim steps pending the review of the premises licence:

The suspension of the premises licence until the full review hearing, scheduled for 19 August 2009, has been determined.

During the course of the meeting the sub-committee had regard to the matters arising from the two key definitions of the expedited review process under section 53A of the Licensing Act 2003 which are as follows:

1. serious crime; and
2. serious disorder

The range of options that were open to the licensing sub-committee at the interim stages were:

- modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence.
- removal of the designated premises supervisor from the licence; and
- suspension of the licence.

The premises licence holder may make representation against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps. On receipt of a representation the licensing authority will hold a formal hearing within 48 hours; any non-working days will be disregarded in calculating the 48 hour period. The representation must be addressed to the licensing authority where the interim action was initiated.

2 Reasons

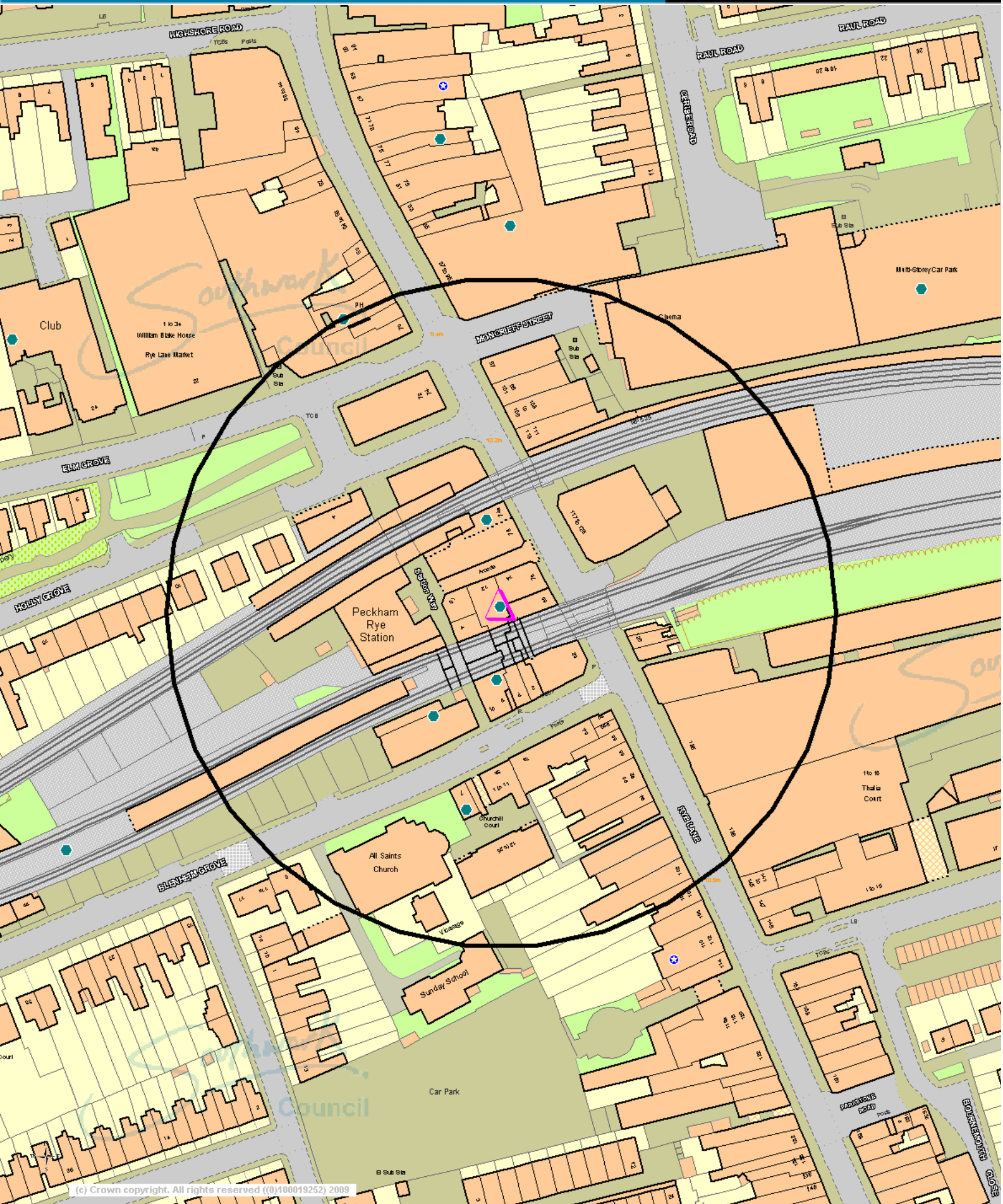
The reasons for the decision are as follows:

Having considered the application by the police under section 53A of the Licensing Act 2003 and having considered the evidence submitted by the police, the sub-committee decided to suspend the licence pending full review on August 19 2009. This decision is necessary for the promotion of the following licensing objectives, namely the prevention of crime and disorder and the promotion of public safety.

Issued by the Constitutional Team on behalf of the Strategic Director of Communities, Law and Governance

Dated: July 31 2009

Date 30/7/2009



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<p>Distribution List</p> <p>Open</p> <p>Licensing Sub-Committee</p>	<p>MUNICIPAL YEAR 2009-10</p> <p>Date of Meeting: 19.08.2009</p> <p>Time: 10.00am</p>
<p>Note: Original held in Constitutional Team; all amendments/queries to Sean Usher, Constitutional Team, Tel: 020-7525-7222.</p>	
<p>Councillors (1 Copy Each)</p>	<p>Applicants and Interested Parties</p>
<p>Councillor David Hubber Councillor Jelil Iadipo Councillor Wilma Nelson Councillor Dora Dixon-Fyle (Reserve)</p> <p>Officers</p> <p>Dave Franklin – Licensing Unit Kate Heap – Legal Services Felix Rechtman – Legal Services Sean Usher, Floor 2, Tooley Street (Hub 4)</p> <p>By Email</p> <p>Ward Councillors – The Lane</p> <p>Robin Campbell – Press Office Paul Middleton – Press Office</p>	<p>PC Paul Compton, Southwark Licensing, Walworth Police Station, Manor Place, London SE17 3RL</p> <p>RnB Club, 12a Station Way SE15 5RX</p> <p>Mr Gayle, 63 Chadwick Road, London SE15 4PU</p>
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