Open Agenda

Licensing Sub-Committee

Tuesday 21 January 2014
2.00 pm
Ground Floor Meeting Room G03 - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas
Councillor David Hubber
Councillor Adele Morris

Reserves

Councillor Abdul Mohamed

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact
Virginia Wynn-Jones on 020 7525 7055 or email: virginia.wynn-jones@southwark.gov.uk

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Members of the committee are summoned to attend this meeting

Eleanor Kelly
Chief Executive
Date: 21 January 2014

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Licensing Sub-Committee

Tuesday 21 January 2014
2.00 pm
Ground Floor Meeting Room G03 - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	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 interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	**LICENSING ACT 2003: BANANA'S BAR, 374 WALWORTH ROAD, LONDON SE17 2NF**	1 - 28
	ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.	

Item No.	Title	Page No.

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

> "That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution."

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

Date: 21 January 2014

Agenda Item 5

Item No. 5.	Classification: Open	Date: 21 January 2014	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003 – Banana's Bar, 374 Walworth Road, London SE17 2NF	
Ward(s) or groups affected:		Faraday	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATIONS

1. That the licensing sub-committee considers whether it is appropriate to take interim steps pending the determination of an application made under Section 53A of the Licensing Act 2003 by the chief of police for the metropolitan police area for a summary review of the premises licence in respect of the premises known as Banana's Bar, 374 Walworth Road, London SE17 2NF.

2. Notes:

   a) Under section 53A(2) of the Licensing Act 2003 the licensing authority must consider interim steps following the submission of an application under Section 53A of the Licensing Act 2003.

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

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received Royal Assent on 10 July 2003. The Act provides a new licensing regime for:

   - The sale of and supply of alcohol
   - The provision of regulated entertainment
   - The provision of late night refreshment.

4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:

   - The prevention of crime and disorder
   - The promotion of public safety
   - The prevention of nuisance
   - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to:

   - The Act itself

- The Guidance to the act issued under section 182 of the Act
- Secondary regulations issued under the Act
- The licensing authority's own statement of licensing policy
- The application, including the operating schedule submitted as part of the application
- Relevant representations.

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

History

8. The licensing sub-committee determined an application for a review of the premises licence submitted by the Metropolitan Police Service on 1 October 2013. After taking into consideration the nature of the representations made, the decision was to revoke the licence. A copy of the notice of decision is attached as Appendix A.

9. An appeal has since been made to the magistrates' court and the matter is pending awaiting determination by the court. The premises is allowed to continue to operate until the court has determined the appeal.

KEY ISSUES FOR CONSIDERATION

The current premises licence

10. The original licence in respect of the premises known as Banana's Bar, 374 Walworth Road London SE17 2NF was issued on 7 March 2010. The licence was recently transferred to Sandra Silva Da Costa on 25 September 2013. It allows the following licensable activities:

- Live music:
  Fri & Sat from 11.00 – 02.30
  Sun from 11.00 – 00.00

- Recorded Music:
  Sun – Thurs from 11.00 – 00.30
  Fri & Sat from 11.00 – 02.30

- Performance of dance:
  Fri & Sat from 11.00 – 02.30
  Sun from 11.00 – 00.00

- Facilities for making music:
  Fri & Sat from 11.00 – 02.30
  Sun from 11.00 – 00.00

- Facilities for dancing:
  Sun – Thurs from 11.00 – 00.30
  Fri & Sat from 11.00 – 02.30

- Late night refreshments:
  Mon – Thurs from 23.00 – 00.00
  Fri & Sat from 23.00 – 02.30
  Sun from 23.00 – 01.00

- Sale and Supply of alcohol on and off the premises:
  Sun – Thurs from 09.00 – 01.00
  Fri & Sat from 09.00 – 02.30

- Operating hours of premises
  Sun – Thurs from 09.00 – 01.30
  Fri & Sat from 09.00 – 03.00

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

Licence holder

12. The licence holder for the current premises licence is Sandra Silva Da Costa.

Designated premises supervisor

13. The designated premises supervisor under the existing premises licence is Dinis Fereira Baptista. He holds a personal licence issued by the London Borough of Southwark.

The review application and certificate

14. On 20 January 2014, the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known Banana's Bar, 374 Walworth Road, London SE17 2NF.

15. The application is to deal with serious crime and disorder following a violent incident at the premises and requests that the following interim steps are taken:

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

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

17. A copy of the application, certificate and additional evidence is attached to this report as Appendix C.

The review procedure

18. The current hearing is for the purpose of considering if interim steps are needed as a result of the police review and information submitted pending the full review hearing that will be held on 17 April 2014.

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

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

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

The local area

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

Southwark Council statement of licensing policy

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

- Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives;
- Section 5 which sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence;
- Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998;
- Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours;
- Section 8 provides general guidance on ensuring public safety including safe capacities;
- Section 9 provides general guidance on the prevention of nuisance; and
- Section 10 provides general guidance on the protection of children from harm.

24. 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

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

Consultations

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

28. The sub-committee is asked to consider interim steps following an application to review the premises licence under Section 53A of the Licensing Act 2003.

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

Principles for making the determination

30. The licensing authority must hold a hearing to consider interim steps within 48 hours of receiving an application for review of a premises licence where:

- the application is properly made in accordance with Section 53A of the Act.
- the licensing authority has considered the ground(s) of review to be relevant to the licensing objective for prevention of crime and disorder.

31. The four licensing objectives are:

- The prevention of crime and disorder
- The protection of public safety
- The prevention of nuisance
- The protection of children from harm.

32. Each objective must be considered to be of equal importance The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:

- modify the conditions of the licence by altering, omitting or adding any condition
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the premises licence.

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

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

35. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than a appropriate and proportionate response.

36. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

37. Where the authority takes interim steps an application for review it must notify the determination and reasons why for making it to:

    - the holder of the licence
    - the chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

38. 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.

39. This matter relates to the review of the premises licence under section 53A of the Licensing Act 2003.

Council's multiple roles and the role of the licensing sub-committee

40. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.

41. 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.

42. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.

43. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

44. Members will be aware of the council's code of conduct which requires them to declare disclosable pecuniary 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.

45. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.

46. 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.

47. There is no right of appeal to a magistrates' court against the licensing authority's decision regarding the setting of interim steps at this stage.

Guidance

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

REASONS FOR LATENESS

49. Due to the short timescales given for a summary review, this report was not able to be circulated with five clear days' notice.

REASONS FOR URGENCY

50. The Licensing Act 2003 requires that a meeting be convened within 48 hours of receipt of the application for a summary review.

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of the notice of decision from 1 October 2013
Appendix B	Copy of the existing premises licence
Appendix C	Copy of review application and certificate
Appendix D	Map of local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	20 January 2014	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	**Comments sought**	**Comments included**
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		20 January 2014

APPENDIX A

Southwark Council

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 1 OCTOBER 2013

LICENSING ACT 2003 - Banana's Bar, 374 Walworth Road, London SE17

1. **Decision**

The council's licensing sub-committee, having had regard to the application by Metropolitan Police Service for a review of the premises granted under the Licensing Act 2003 to Candido Rodrigues and Abilio Rodrigues as transferred to Sandra Silva Da Costa on 25 September 2013 in respect of the premises known as Banana's Bar, 374 Walworth Road, London SE17 and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence.

2. **Reasons**

The reasons for this decision are as follows:

This was a hearing of an application by the Metropolitan Police Service for a review of the premises known as Banana's Bar, 374 Walworth Road, London SE17

This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee heard evidence from the Metropolitan Police Service the applicant for the review who stated that the application of the review was submitted on 2 August 2013 in respect of two licensing objectives, namely the prevention of public disorder and also the promotion of public safety. The premises came to the police's notice following an alleged offence of grievous bodily harm (GBH) and robbery of a customer who had been drinking in the premises. The incident occurred at approximately 04.00 on 13 April 2013 and the victim was reported to have been extremely drunk. The incident occurred over an hour after the premises should have been closed. The officer also detailed complaints relating to public safety in that the premises was continually operating beyond the terminal hour in addition to bypassing several of the licensing conditions. For example the main entrance/exit point had been found to be locked and secured from the inside with a large number of customers being provided with alcohol and entertainment.

The sub-committee were informed by the officer from the police that the premises had been run to an unsatisfactory standard since 2009. The police had previously objected to four TENs applications for which counter notices were issued in all cases. The officer then detailed fourteen incidents of crime and disorder which included complaints of theft, assaults and GBH. More recently, the police had been refused entry to the premises in the course of investigations and there had been a complete failure by the management to cooperate with the police.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who advised that there had been a long history of complaints relating to the premises that had been reported to the licensing unit since 2011 (when the night time economy team came into being). The complaints detailed on pages 145 to 153 of the agenda demonstrated a lack of responsibility by the management and undermined the prevention of

public nuisance and the prevention of public disorder licensing objectives.

The licensing sub-committee heard from the health and safety team who informed the sub-committee that an inspection took place at the premises on 26 April 2013 where the officer experienced significant difficulty from the premises licence holder, Mr A Rodrigues, who was obstructive and uncooperative. No health and safety risk assessments or fire risk assessments were available, the toilets were in a poor state, no suitable washing facilities were available and the emergency lighting was not working, which amounted to a health and safety risk. In case of emergency people would not have been able to get out of the premises safely. At the revisit on 18 May 2013 the officer found that none of the works had been carried out, although a fire risk assessment was available. The officer stated that since 18 May 2013 he had not been able to re-inspect the premises. The officer did attend the premises on 20 July 2013 but due to the lack of police availability the officer deemed that it would be a health and safety risk for him to enter without them.

The licensing sub-committee heard from the Southwark Safeguarding Children Board who advised that they supported the police request for a review, the removal of the current licence. The officer highlighted that over the previous 12 months, all of the licensing objectives had been undermined by the premises. The officer raised serious concerns to contain crime and disorder arising in the club, the streets around the club and the surrounding residential area. Furthermore, the licence holders had been uncooperative with the police in their enquiries relating to allegations of underage persons in the premises.

The licensing sub-committee heard from the anti-social behaviour officer who stated that he had attended the premises on 28 June 2013 at 03.03 when patrons were still in the premises and loud amplified music was playing. On speaking to staff the officer stated that patrons were coming from the back bar and there was a hostile atmosphere. Two patrons stopped the officer and stated that he needed a warrant to be there. Mr A. Rodrigues became aggressive and refused to assist the officer. The officer also referred to his role as the ASBO officer. He stated that he was speaking on behalf of the local community and many residents had complained to him about noise from cars, noise form patrons entering and exiting the premises, fighting between the customers entering the local estate, patrons using communal benches to continue to drink, smoke and allegedly consume drugs and also the rear door to the premises was being used by patrons allowing noise to emanate to the estate. He advised that local residents had not made personal representations as they feared reprisals. He also stated that a considerable number of residents were suffering from sleep depravation due to the Banana's Bar.

The licensing sub-committee noted the written representations from three other persons and the environmental protection team who were not present at the hearing.

The licensing sub-committee heard evidence from the representatives of Banana's Bar who accepted the shortcomings in the management of the premises and that they had identified the risks and that they intended to move forward and turn the premises around. An application had been submitted to transfer the premises licence from Messrs A and C Rodrigues to Sandra Silva Da Costa. An application to vary the premises licence to specify an individual as a designated premises supervisor (DPS) in the name of Dinis Baptista had also been submitted. The changes that they proposed would not have a negative impact on the licensing objectives. They advised that Banana's Bar would effectively close and reopen with a new name and would encourage the serving of food. They would install Clubscan, which would cost approximately £5-7,000 in addition to a monthly cost. This was confirmed by Mr John Anderson, a security consultant, who advised that he would also monitor the security arrangements at the premises.

The sub-committee considered very carefully all of the evidence that had been presented to it. The sub-committee noted that the new premises licence holder is the spouse of the previous premises licence holder, Mr A Rodrigues. Furthermore, she was also previously the DPS of the

premises when complaints had already been made regarding the premises' poor management: warning letters had been sent to her by the police. The new DPS, Mr Dinis Baptista, had previously worked at the premises as a bartender, again, at a time complaints began being made about the premises. The sub-committee noted that he had a personal licence for approximately one year and had completed a DPS training course the day preceding this hearing. The previous premises licence holder, Mr A Rodrigues is also the leaseholder to the property, 374 Walworth Road.

There had been significant complaints dating back to 2009 and despite variations related to the running of the premises by the management and promises of change, complaints have continued and have increased in terms of number and severity. The proposals in changes to the premises licence holder and the DPS do not fill the sub-committee with any confidence that the premises can be turned around. The client base will stay the same and have the same attitude, the relationships with local residents have broken down completely and all conditions and careful consideration has been given by all the responsible authorities to produce a licence with workable conditions that promote the licensing objectives. This sub-committee believes that no further conditions could be added that would make the licence viable. On this basis the sub-committee has no alternative but to revoke the licence.

In reaching this decision the sub committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that its decision was appropriate and proportionate in order to address the licensing objectives.

3. **Appeal rights**

This decision is open to appeal by:

a) The applicant for the review
b) The premises licence holder
c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices clerk for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

a) The end of the period for appealing against this decision or
b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 1 October 2013

APPENDIX B

Licensing Act 2003
Premises Licence

Environmental Health & Trading Standards
Licensing Unit
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number 842882

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Banana's Bar The Rock 374 Walworth Road London SE17 2NF Ordnance survey map reference (if applicable), 177946532411	
Post town London	**Post code** SE17 2NF
Telephone number 020 7703 3295	

Where the licence is time limited the dates

Licensable activities authorised by the licence

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

The opening hours of the premises

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

Monday	09:00 - 01:30
Tuesday	09:00 - 01:30
Wednesday	09:00 - 01:30
Thursday	09:00 - 01:30
Friday	09:00 - 03:00
Saturday	09:00 - 03:00
Sunday	09:00 - 01:30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Sale by retail of alcohol to be consumed on premises
Sale by retail of alcohol to be consumed off premises

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

Live Music - Indoors

Friday	11:00 - 02:30
Saturday	11:00 - 02:30
Sunday	11:00 - 00:00

Recorded Music

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

Performance of Dance - Indoors

Friday	11:00 - 02:30
Saturday	11:00 - 02:30
Sunday	11:00 - 00:00

Facilities for Making Music - Indoors

Friday	11:00 - 02:30
Saturday	11:00 - 02:30
Sunday	11:00 - 00:00

Facilities for Dancing - Indoors

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

Late Night Refreshment - Indoors and outdoors

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

Sale by retail of alcohol to be consumed on premises

Monday	09:00 - 01:00
Tuesday	09:00 - 01:00
Wednesday	09:00 - 01:00
Thursday	09:00 - 01:00
Friday	09:00 - 02:30
Saturday	09:00 - 02:30
Sunday	09:00 - 01:00

Sale by retail of alcohol to be consumed off premises

Monday	09:00 - 01:00
Tuesday	09:00 - 01:00
Wednesday	09:00 - 01:00
Thursday	09:00 - 01:00
Friday	09:00 - 02:30
Saturday	09:00 - 02:30
Sunday	09:00 - 01:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence
Sandra Silva Da Costa
9 Ashley Crescent,
Lavender Hill,
London,
SW11 5QZ

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

Dinis Fereira Baptista
374 Walworth Road,
London,
SE17 2NF

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. 838106
Authority London Borough of Southwark

Licence Issue date 25/09/2013



Community Safety Enforcement
Business Unit Manger
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -
a.At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
b.At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended
101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence
485 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children
(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to
(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);
(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
(d) provision of free or discounted alcohol in relation tot he viewing on the premises of a sporting event, where that provision is dependent on-
(i) the outcome of a race, competition or other event or process; or
(ii) the likelihood of anything occurring or not occurring;
(e) selling or supplying alcohol in association with promotional

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

486 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

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

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

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

489 The responsible person shall ensure that -

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

(i) Beer or cider: 1/2 pint;

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

109 Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means a.On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 1000 to 2300 hours b.On Sundays, other than Christmas Day or New Year's Eve, 1200 to 2230 hours c.On Good Friday, 1200 to 2230 hours d.On Christmas Day, 1200 to 1500 hours, and 1900 to 2230 hours e.On New Year's Eve, except on a Sunday, 1000 to 2300 hours f.On New Year's Eve on a Sunday, 1200 to 2230 hours 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

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

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

172 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.

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

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

290 That on Fridays, Saturdays and Sundays SIA registered door Supervisors, shall be employed at all times after 22.00hrs until the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

291 That SIA registered Door supervisors, shall be employed every night from 22.00 hours and the terminal hour on days when you will operate after 01.00am, and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises.

298 That signs shall be displayed in the entrance foyer to the premises

that state 'Drugs Free Zone' and 'No Search No Entry, Management reserve the right to refuse entry'

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

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

310 That all doors excepting any that may be required to be locked open for the purposes of means of escape, shall be kept closed whenever music is being provided upon the premises

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

312 Customers shall not use the outside area after 22.00 hours other than those who temporarily leave the premises to smoke.

313 That sound volumes shall be minimised to ensure that there is no sound breakout which might cause a noise nuisance to local residents and local businesses.

325 That no person under the age of 16 or 17 permitted on the premises after 21.00 unless accompanied by a responsible adult.

332 That all children must be accompanied by a responsible adult.

336 A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied

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

340 That an emergency lighting system is to be installed on the premises

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

342 That those who do temporarily leave for this reason shall be subjected to the requirement of a further search.

343 There will be a cooling off/eating-up/drinking-up period each night, with the premises closing 30 minutes after the cessation of all licensable activities.

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

816 There shall be no removal and loading of equipment from the premises between the terminal hour and 08.00 hours.

840 No external sound systems shall be imported onto the premises; any imported musical instruments requiring amplification shall be amplified via the existing sound system (controlled by means of the Sound Limiting Device).

841 After 22.00 hours, no more than ten (10) patrons shall be permitted to use the smoking area at any one time.

842 Secondary acoustic double glazing must be installed before new hours can be implemented

843 No new admissions after 01.30 am on Friday and Saturday nights.

844 Male and female door staff shall be employed.

845 A contact number to be provided by the premises for local residents.

Annex 4 - Plans - Attached

Licence No.	842882
Plan No.	LO/001
Plan Date	October 2006

APPENDIX C

PROTECTIVE MARKING

Form 693

METROPOLITAN POLICE **TOTAL POLICING**

Form for Applying for a Summary Licence Review

Application for the review of a premises licence under section 53A of the Licensing Act 2003
(premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

Name:	**London Borough of Southwark**		
Address:			
160 Tooley Street,			
Post town:	**London**	**Post code:**	**SE1 2QH**
Ref. No.:			

I **PC Graham White 288MD**
on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

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

Banana's Bar, 374 The Rock, Walworth Road,

Post town:	**London**	**Post code:** (if known)	**SE17 2NF**

2. Premises licence details

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

Candido Pereira Rodrigues & Abilio Pereira Rodrigues

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

842178

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

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

Please tick the box to confirm: ☒

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

PROTECTIVE MARKING

On Saturday the 18th January 2014 at about 02.00hrs, Police were called to the premises after reports of serious assault. Police spoke to a victim who stated that a dispute had occurred with the suspects over dancing with a female friend, a short time later he and the other victim went to the toilet to be met by the three suspects who punched the other victim and then kicked and then stamped on him on the floor stamping on his head and upper body. One victim sustained a large swelling to jaw, lower eye and cheek on left hand side of his face the other a cut below his left eye and some swelling on left cheek. They amount to Grievous bodily harm (GBH) injuries. (Crime No. 3001637/14 refers)

The witnesses then stated that the bouncers were going to the toilets and the suspects were trying to leave. The victim stated that they shouted for police to be called but one of the bouncers said "Don't call the Police, if they come this place is closed".
The witnesses were then trying to stop the suspects re-entering the toilets by blocking there path. The witness then called police from her own phone.

Suspects then left the venue and the bouncers then closed the door and shutters and stated that no one was leaving until the suspects had left the venue. No attempt was made to detain the suspects, preserve the scene, or call an ambulance or Police by the venue.

Only two calls were made to police, one from a victims friend and one from Victims sister and that stated "THE BAR STAFF WILL NOT LET THEM LEAVE BECAUSE THEY ARE STILL WAITING FOR THEM OUTSIDE" and "CALLER SAYS TEH BAR STAFF ARE NOW KICKING THEM OUT"

The Council CCTV then followed the suspects down Walworth Road towards Camberwell Road where they were stopped by two unmarked vehicles.

One witness described the suspects to officers and the suspects were a match from the incident at the venue. The witness stated that one of the suspects when leaving the venue shouted a load of verbal abuse at them and then shouted "I'm going to fuck your mouth with my dick" and then made hand gestures towards his groin area. The viw4 was disgusted by these actions from the suspects. Still no attempt was made by staff or security to intervene or detain them.

Officers spoke with some of the bouncers who stated that they didn't know what happened and were not helpful. Whilst officers were dealing with the victims the venue closed up and officers could not gain entry to investigate to see if there was any internal CCTV in the venue (Condition 289 states made immediately available) or preserve any potential scene.

One of the suspects when arrested was in possession of a screw driver and fully admitted that he carried it for protection and as a weapon.

The premises Licence was revoked and a previous review of the licence and is currently going through the appeals process.

Police request that the licence be suspended pending a full review of the licence and will be asking that it be revoked for the following reasons.

1. Staff failed to call police or for medical assistance after a serious assault, and it could be consider as obstructing an investigation by stopping police being called.

2. Security made no attempt to detain or stop suspects from leaving the scene, or observe them. The security even denied that they had been aware of anything happening which is clearly not true.

3. The venue ejected the victims from the premises with no attempt to assist them or give medical assistance.

4. Suspect was in possession of an offensive weapon when arrested and having just left the premises and followed on CCTV.
Condition 290 "That on Fridays, Saturdays and Sundays SIA registered door Supervisors, shall be employed at all times after 22.00hrs until the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants" This was obviously not being carried out.

5. Whilst police were investigating the premises closed up and shut the doors in what appears to be a deliberate attempt to assist in a serious police investigation.

PROTECTIVE MARKING

Signature of applicant			
Signature:		Date:	20/01/2014
Capacity:	Police Licensing officer		
Contact details for matters concerning this application			
Surname:	White	First Names:	Graham Stuart
Address:			
Southwark Police Station, 323 Borough High Street,			
Post town:	London	Post code:	SE1 1JL
Tel. No.:	0207 232 6756	Email:	Graham.White4@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.

Retention Period: 7 years
MP 146/12

PROTECTIVE MARKING

METROPOLITAN POLICE

TOTAL POLICING

Form 693A

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

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

I hereby certify that in my opinion the premises described below are associated with: serious disorder

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

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

Banana's Bar, 374 The Rock, Walworth Road,

Post town:	London	Post code: (if known)	SE17 2NF

Premises licence number (if known):

842178

Name of premises supervisor (if known):

I am a Superintendent in the Metropolitan Police Service.

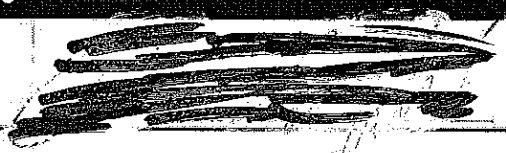
*Insert rank of officer giving the certificate, which must be superintendent or above.

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

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

The premises has already had it's licence revoked under normal review process and is currently under appeal. The premises has failed to assist Police and obstructed the investigation of a serious assault within the premises. The Security would not call police after assault and activily let the suspects leave. When police were investigating the premises closed stopping police entering and preserving the scene and obtaining CCTV. It is necessary to expidite the review so a suspension of the licence be sort before any further serious disorder occurs within the premises.

Signature

Signature:		Date:	20/01/2014

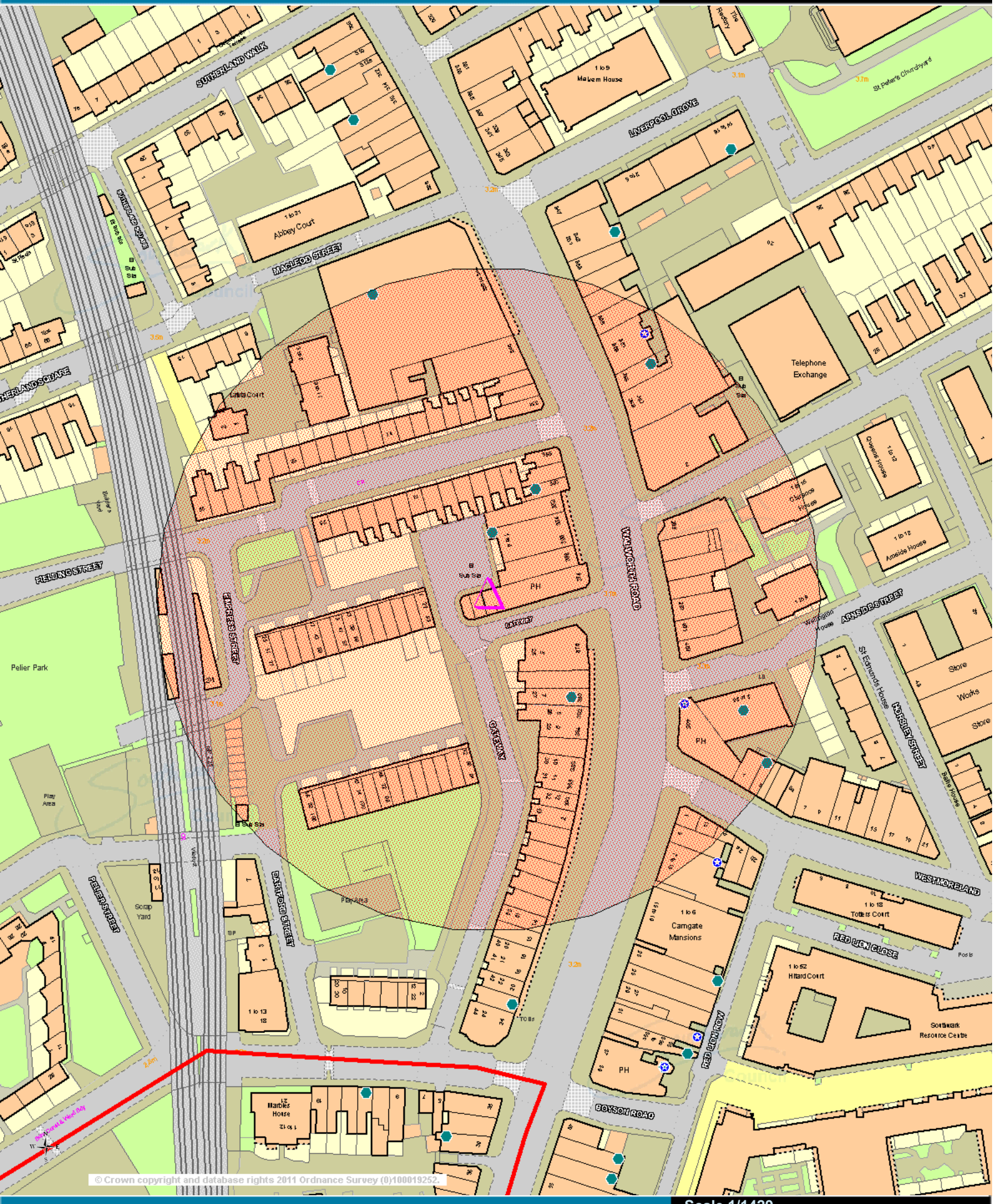


Retention Period: 7 years
MP 147/12

banana bar, 374 walworth rd

APPENDIX D

Date 17/9/2013



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dmills

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

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

Name	No of copies	Name	No of copies
Members		**Officers**	
Councillor Renata Hamvas	1	Debra Allday, Legal team	1
Councillor David Hubber	1	Dorcas Mills, Licensing team	1
Councillor Adele Morris	1		
Reserve			
		Other persons by post/email	
Councillor Abdul Mohamed	1		
		Andrew Weir, Constitutional team	5
		Total:	
		Dated: 10 December 2013	