

## Licensing Sub-Committee

Tuesday 12 April 2016

10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Sunil Chopra  
Councillor Eliza Mann

### Reserves

Councillor Lorraine Lauder MBE

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

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#### Contact

Andrew Weir on 020 7525 7222 or email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: Monday 4 April 2016



## Licensing Sub-Committee

Tuesday 12 April 2016  
10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: THE CHARLIE CHAPLIN, 26 NEW KENT ROAD, LONDON SE1 6TJ</b>	1 - 41

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

**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: 4 April 2016

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 12 April 2016	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		LICENSING ACT 2003 – The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ	
<b>Ward(s) or groups affected:</b>		East Walworth	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made under Section 53C of the Licensing Act 2003 by the chief of police for the Metropolitan Police for a review of the premises licence in respect of the premises known as The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ.
2. Notes:
  - a) The grounds for the review are stated in paragraphs 14 to 20 of this report. A copy of the full application and certificate are provided as Appendix B.
  - b) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix B.
  - c) 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 to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 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 applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 53C(8) of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are concerns regarding one or more of the four stated licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

9. The premises in respect of the premises licence consists of a public house on the ground floor called the Charlie Chaplin and a nightclub on the first floor called the CC Lounge.
10. The premises licence was carried over from the justices licence in the 2005 transition and varied to extend the hours.
11. The premises licence was transferred to the current premises licence holder Adrian Ennis in September 2010.
12. The details of the current premises licence that applies to both areas are:
- Opening hours:  
Monday to Saturday 11:00 to 01:30  
Sunday 11:00 to 23:30
  - Live music and recorded music:  
Monday to Sunday at 21:00 to 01:30
  - Late night refreshment:  
Monday to Saturday 23:00 to 01:30  
Sunday 23:00 to 23:30
  - Sale of alcohol for consumption on and off the premises:  
Monday to Saturday 11:00 to 01:00  
Sunday 11:00 to 23:00

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

#### **Designated premises supervisor**

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

#### **The review application and certificate**

14. On 17 March 2016 the Metropolitan Police applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ.
15. A senior member of the police force for the area has certified that in his opinion the premises are associated with serious crime or serious disorder or both.
16. The application is concerned with a serious incident that took place on 16 March 2016 at approximately 22:50 hours. It is alleged that a patron described as extremely intoxicated became aggressive when last orders was called and left the premises, then smashed a window of the premises with a phone. Another patron then left the premises and assaulted the victim causing significant facial injuries consistent with grievous bodily harm.
17. Staff at the venue were unable to assist as to the identity of the suspect and stated that the CCTV system was not working.
18. A copy of the application and certificate are attached to this report as Appendix A.

#### **Interim steps**

19. A hearing to consider interim steps was held on 18 March 2016 and was attended by the police and the premises licence holder and DPS.
20. The police had requested from the premises licence to be suspended as an interim step, however late information from the police changed the evidence and police were able to identify a suspect as a member of staff Mr XXXX XXXX and gave credibility issues with the statement made by Mrs XXXXX XXXX.
21. Two interim steps were imposed as follows:
  - That Mr XXXXXX XXXX and Mrs XXXXX XXX be excluded from the premises.
  - That a CCTV system be installed at the premises before the full review hearing, scheduled for 12 April 2016. The CCTV system shall 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. 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.
22. The full decision and reasons are attached as Appendix C.

### **Representations from responsible authorities**

23. Two representations from responsible authorities have been received at the time of writing, from the licensing authority acting as a responsible authority and the health and safety.
24. The licensing representation supports the police review and highlights breaches of the premises licence. Additionally the function room has been operating in a manner similar to a nightclub and the control measures on the premises licence do not address this type of operation.
25. The representation states that they have a lack of faith in the management to adequately control the premises and recommends that if the premises licence is to remain that conditions are placed on the licence to promote the licensing objective for public safety and the prevention of crime and disorder.
26. The conditions recommended are:
  - The provision of SIA door staff equipped with search wands and door counters for the first floor.
  - To set an accommodation level for the first floor of the premises.
  - That all staff working at the premises undertake a training course in dealing with violence and aggression in the workplace.
  - That the installation of CCTV imposed under the interim steps is conditioned for use on the premises licence.
  - That the staff excluded under the interim steps remain excluded.
27. The health and safety representation also supports the review and asks for three conditions as follows:
  - Management at the organisation should provide a suitable and sufficient health and safety risk that should address how the organisation propose to reduce the incidence of violence at the premises, and manage violence by means of conflict resolution.
  - All staff that interact with the public should receive training in matters of conflict resolution and prevention of work related violence. A record of this formal training in conflict resolution and the prevention of work related violence should be available indicating all staff members that received the training.
  - The management at the organisation should risk assess how the licensee will deal with crowd control, and limiting capacity. Overcrowding and staff to public ratios may have an affect on the likely reoccurrence of work related violence.
28. A copy of the representations is submitted as Appendix D.
29. Any further representations from responsible authorities received will be tabled at the hearing on 12 April 2016.

### **Representations from other persons**

30. There are no representations from other persons at the time of writing. Any representation received will be tabled at the hearing on 12 April 2016.

### **Operating History**

31. Four full premises inspections were made under the Licensing Act 2003, the first conducted on 5 August 2011 at 23:07 hours, the premises was found to be in breach of 6 conditions of the premises licence, additionally there was no fire risk assessment in place. A warning letter was sent on 8 August 2011.
32. A revisit on 30 September 2011 found the premises compliant and a fire risk assessment in place.
33. The second conducted on 13 April 2012 at 23:26 hours, the premises was found to be in breach of 1 condition of the premises licence, additionally there was another 9 items of concern. A warning letter was sent on 8 May 2012.
34. A revisit on 17 December 2012 found the premises compliant and a fire risk assessment in place.
35. On 1 March 2014 at 21:06 hours an inspection found the premises to be fully compliant with the premises licence.
36. On 7 March 2015 at 21:00 hours an inspection found the premises to be fully compliant with the premises licence.
37. An inspection conducted on 20 March 2015 at 21:49 hours, the premises was found to be in breach of 1 condition of the premises licence, additionally the premises licence and summary were unavailable. A warning letter was sent on 23 March 2015.
38. A revisit on 17 April 2015 found the premises compliant and a fire risk assessment in place.

Further visits by council licensing officers working on the night-time economy have been made and details of these visits are provided in Appendix E.

### **The local area**

39. A map of the area is attached to this report as Appendix F. The premises is identified by a triangle at the centre of the map. For purposes of scale-only the circle on the map has a 100-metre radius. The following licensed premises terminal hours are also shown on the map.

### **Southwark council statement of licensing policy**

40. The premises is not located within a cumulative impact policy area.
41. The premises is located within the Elephant and Castle major town centre area and the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
  - Closing time for restaurants and cafes: Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours

- Closing time for public houses, wine bars or other drinking establishments: Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours
  - Closing time for hotel bars and guest houses: No restrictions for residents
  - Closing time for night clubs (with sui generis planning classification): Monday to Thursday is 01:00 hours and for Friday and Saturday 03:00 hours and for Sunday 00:00 hours
  - Closing time for off-licences and alcohol sales in grocers and supermarkets is 00:00 hours daily
  - Closing time for take-away establishment: Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours
  - Closing time for cinemas and theatres is 02:00 hours daily
  - Closing time for vessels is 23:00 hours daily
  - Closing time for qualifying members club is 02:00 hours daily.
42. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and scope of the policy – reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications.
  - Section 5 – Determining applications for premises licences and club premises certificates - explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 – Local cumulative impact policies – sets out this Authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
  - Section 7 – Hours of operation – provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder – provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public safety – provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The prevention of nuisance – provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The protection of children from harm – provides general guidance on the promotion of the fourth licensing objective.
43. 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**

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

### **Consultations**

45. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was exhibited outside the premises for a period of 10 working days.

### **Community impact statement**

46. 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 Law and Democracy**

47. The sub-committee is asked to determine, under Section 53C of the Licensing Act 2003, following an application, made under Section 53A of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
48. The principles, which sub-committee members must apply, are set out below.

### **Principles for making the determination**

49. Under s.53(A)(2) The licensing authority must determine a review application within 28 days of receipt of the application and reach a determination on that review.
50. 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.
51. 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 licence for a period not exceeding three months
  - Revoke the licence.

52. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
  - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
  - Have not been withdrawn
  - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
53. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
54. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
55. 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 an appropriate and proportionate response.
56. 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**

57. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
  - The applicant
  - Any person who made relevant representations
  - The chief officer of police for the area (or each police area) in which the premises are situated.

### **Hearing procedures**

58. 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.
59. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

60. 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.
61. 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.
62. 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.
63. 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.

64. 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.
65. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
66. 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.
67. Other persons, responsible authorities and the applicant 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.

#### **Guidance**

68. 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.

#### **Strategic Director of Finance and Governance**

69. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

#### **BACKGROUND DOCUMENTS**

<b>Background papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

**APPENDICES**

No.	Title
Appendix A	Review application and certificate
Appendix B	Premises licence
Appendix C	Notice of decision from interim steps – 18/03/16
Appendix D	Responsible authority representations
Appendix E	Council licensing night time economy visits
Appendix F	Map of area

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment	
<b>Report Author</b>	David Franklin, Team Leader Licensing	
<b>Version</b>	Final	
<b>Dated</b>	30 March 2016	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Legal and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		31 March 2016

## PROTECTIVE MARKING

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

Form 693

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

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

**Use additional sheets if necessary.**

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

**Name:** London Borough Of Southwark

**Address:**

Licensing Team 3rd Floor 160 Tooley Street

**Post town:** Southwark

**Post code:**

SE1 5LX

**Ref. No.:**

**I Ian Clements PC362MD**

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

**1. Premises details**

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

The Charlie Chaplin 26 New Kent Road

**Post town:**

Southwark

**Post code:**  
(if known)

SE1 6TJ

**2. Premises licence details**

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

Adrian Ennis

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

833045

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

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

**Please tick the box to confirm:**



## PROTECTIVE MARKING

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

(Please read guidance note 2)

**Details Of incident**

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

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

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

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

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

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

**Concerns / Observations**

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

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

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

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

**Considerations**

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

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

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

**Recommendations**

That the premises licence is suspended pending a full review.

**Signature of applicant**

<b>Signature:</b>		<b>Date:</b>	
<b>Capacity:</b>			

**Contact details for matters concerning this application**

<b>Surname:</b>		<b>First Names:</b>	
<b>Address:</b>			

## PROTECTIVE MARKING

<b>Post town:</b>		<b>Post code:</b>	
<b>Tel. No.:</b>		<b>Email:</b>	

**Notes for guidance**

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

Retention Period: 7 years  
MP 146/12



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

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

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

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

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

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

**THE CHARLIE CHAPLIN, 26 New Kent Road**

Post town:

**London**

Post code:  
(if known)

**SE1 6TJ**

Premises licence number (if known):

**833045**

Name of premises supervisor (if known):

**Adrian Ennis**

## PROTECTIVE MARKING

**I am a Superintendent\* in the Metropolitan Police Service.**

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

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

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

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

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

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

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

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

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

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

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

**Signature**

**Signature:**

**Date:**

**17.03.2016**

# Licensing Act 2003 Premises Licence



Environmental Health & Trading  
Standards  
Licensing Unit  
Chaplin Centre  
Thurlow Street

Premises licence number

## Part 1 - Premises details

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

<b>Where the licence is time limited the dates</b>
--

<b>Licensable activities authorised by the licence</b>
Live Music - Indoors Recorded Music - Indoors Facilities for Dancing - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>
Monday            11:00 - 01:30
Tuesday          11:00 - 01:30
Wednesday      11:00 - 01:30
Thursday        11:00 - 01:30
Friday            11:00 - 01:30
Saturday         11:00 - 01:30
Sunday            11:00 - 23:30

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

**The times the licence authorises the carrying out of licensable activities**

For any non standard timings see Annex 2 of the full premises licence

**Live Music - Indoors**

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

**Recorded Music - Indoors**

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

**Facilities for Dancing - Indoors**

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

**Late Night Refreshment - Indoors**

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

**Sale by retail of alcohol to be consumed on premises**

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

**Sale by retail of alcohol to be consumed off premises**

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

**Part 2**

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

Adrian Ennis

████████████████████  
██████████  
██████████  
████████████████

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

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

Adrian Ennis

████████████████████  
██████████  
██████████

**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. 0

Authority L B Newham

Licence Issue date 17/09/2010

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

## **Annex 1 - Mandatory conditions**

**100** No supply of alcohol may be made under the Premises Licence -

- a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended

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

**485** (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process; or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

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

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

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

**489** The responsible person shall ensure that -

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

(i) Beer or cider: ½ pint;

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

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

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

## **Annex 2 - Conditions consistent with the operating Schedule**

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

a. On Good Friday, 1200 to 2230 hours

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

The above restrictions do not prohibit;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. To a canteen or mess.

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

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

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

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

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

**327** That signs shall be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age identification will be required

**332** All children on the premises will be accompanied by a parent or responsible adult at all times

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

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

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

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

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

**Annex 4 - Plans - Attached**

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



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 18 MARCH 2016

**LICENSING ACT 2003: SECTION 53A: THE CHARLIE CHAPLIN, ELEPHANT AND CASTLE, 26 NEW KENT ROAD, LONDON SE1 6TJ**

#### 1. Decision

That the following conditions be placed on the premises licence as interim steps to promote the licensing objectives pending the determination of the review application at the full hearing:

1. That Mr [REDACTED] and Mrs [REDACTED] be excluded from the premises.
2. That a CCTV system be installed at the premises before the full review hearing, scheduled for 12 April 2016. The CCTV system shall 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. 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

#### 2. Reasons

This was a hearing to consider if it is appropriate to take interim steps to promote the licensing objectives upon receipt of an application by the Metropolitan Police for an expedited summary review of the premises.

The licensing sub-committee have considered the application made by the Metropolitan Police and supplementary evidence from the police presented at this hearing. The police advised a serious assault had allegedly taken place immediately outside the premises and concerned a patron and the manager on duty that evening. The police relied on CCTV evidence to support their application.

The licensing sub-committee have also considered evidence submitted by the premises licence holders in relation to the application. They advised that since becoming aware of the evidence by the police they had taken steps to suspend the manager concerned with immediate effect. They also expressed a willingness to assist the police with all their enquiries in respect of the criminal case. Furthermore they proposed that they would install a more up to date CCTV system.

The licensing sub-committee having read and heard all the evidence before them were satisfied that the interim steps set out above were appropriate and proportionate in order to promote the licensing objectives.

#### 3. Appeal rights

There is no right of appeal to a Magistrates' Court against the licensing authority's decision at this stage.

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation.

Any representation should be in writing and cannot be received outside of normal office hours.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 18 March 2016

**MEMO: Licensing Unit**


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To	Licensing Unit	Date	30 March 2016
Copies			
From	Jayne Tear	Telephone	020 7525 0396
Email	Jayne.tear@southwark.gov.uk		

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Subject Re: The Charlie Chaplin, 26 New Kent Road, London, SE1 6TJ  
 - Application to review the premises Licence

I write with regards to the above application to review the premises licence submitted by the Metropolitan Police.

I am submitting this representation in support of the Police and with regards to the prevention of crime and disorder and public safety on the following grounds.

The police review is concerned with a serious assault consistent with GBH by a patron from the premises. The victim, also a patron was extremely intoxicated and was also arrested for assault on ambulance staff. Police state that there have been at least 2 other serious incidents at the premises in the last six months that have involved high levels of intoxication.

It should be noted that this premises has breached the premises licence conditions on several occasions in the past.

On 20 March 2015 at 21:49 hours a licensing officer carried out an inspection and witnessed the following 3 breaches of the licence conditions:

- **At the time of visit the current premises licence and summary was not available (the previous summary 832464 was on display).** Should you require a replacement please send a cheque for £10.50 to Southwark Council.
- **Breach of condition 298** – at the time of visit there were no signs to this effect.
- **Breach of condition 310** – at the time of visit, both the ground floor and the first floor premises were providing entertainment and they also had their doors open.

A warning letter was sent to Mr Adrian Ennis the licensee and DPS 23 March 2015 regarding the above breaches. Licensing officers then revisited the premises on 17 April 2016 at 22:27 hours and found the premises to be compliant.

At the time of the revisit officers were told that the 1<sup>st</sup> floor function room known as 'CC lounge' is now operating as a separate concern. A licensing officer sent a compliance letter to the applicant with a reminder that the **licence issued and conditions upon it apply to the entire premises.**

On 13 April 2012 at 23:26 hours a licensing officer carried out an inspection and witnessed the following breach of the licence conditions:

- There were no signs displayed stating 'no drugs' as required by **condition 298** of the premises licence issued in respect of the premises.

Several other matters of concern regarding health and safety and general house keeping were also noted.

A warning letter was sent to Mr Adrian Ennis the licensee and DPS 8 May 2012 regarding the above breaches. Licensing officers then revisited on 7 December 2012 and found the premises to be compliant.

On 5 August 2011 at 23:07 hours a licensing officer carried out an inspection and witnessed the following 6 breaches of the licence conditions:

- **The Premises Licence Summary (or certified copy) was not on display and the Premises Licence (or certified copy) was not kept at the premises.** This is in breach of Sections 57(2) & (3) of the Licensing Act 2003.
- **Breach of condition 298: "That suitable notices shall be displayed stating "No Drugs".** At the time of visit there were no such notices on display.
- **Breach of condition 310: "That all doors and windows excepting any that may be required to be locked open for the purposes of means of escape, shall be kept closed whenever public entertainment is being provided upon the premises to prevent noise escaping".** At the time of visit loud amplified music was being played and the front door was wide open. I advised [REDACTED] to close the doors.
- **Breach of condition 311: "That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner. Staff are to check the outside area regularly and disperse any customers who may gather outside".** At the time of visit there were no such notices on display, and staff had not dispersed customers who were outside.
- **Breach of condition 324: "That a notice be displayed at the premises giving the telephone numbers of local mini-cab firms. Where possible staff will phone a taxi for people who need one and will give directions to people using public transport".** At the time of visit there were no such notices on display.
- **Breach of condition 327: "That signs shall be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age identification will be required".** At the time of visit there were no such signs on display.

A warning letter was sent to Mr Adrian Ennis the licensee and DPS 8 August 2011 regarding the above breaches. The officer revisited on 24 September 2011 and the premises was compliant.

Copies of the warning letters sent to Mr Ennis are attached to this representation.

Condition 298 has been breached on 3 separate occasions, condition 310 has been breached on 2 separate occasions and on 2 occasions there has been no licence or summary available at the premises as required under the licensing act 2003. After each occasion officers revisited and matters had been put right, yet on the next occasion the same breaches were occurring.

Further to this the function room is also operating as a separate concern similar to that of a night club known as 'CC lounge' and the controls measure on the licence do not address the operation of the a night club.

I have a lack of faith in the current licensee/management to control the premises. They clearly have no regard for promoting the licensing objectives and by not abiding by the terms of conditions on the premises licence, in spite of warnings received.

I am therefore submitting this representation as I have serious concerns with regards to public safety and crime and disorder.

If the premises licence is to remain, I would recommend to the licensing sub- committee that appropriate conditions to address public safety and crime and disorder are added to the licence regarding - SIA door supervisors and the use of search wands and counting devices, an agreed accommodation limit for the ground and first floor of the premises and that all staff working at the premises take a training course in dealing with work related violence and aggression.

Furthermore I would request that the 2 interim measures placed upon the licensing are added as conditions to the licence

Jayne Tear  
Principal Licensing officer  
In the capacity of responsible authority for licensing

ATT. Copies of 3 warning letters



Mr Ennis  
THE CHARLIE CHAPLIN  
26 New Kent Road  
London  
SE1 6TJ

**Licensing Unit**  
Direct Line: 020 7525 5754  
Direct Fax: 020 7525 5705

23 March 2015

Dear Mr Ennis

**RE: THE LICENSING ACT 2003 – WARNING LETTER  
(THE CHARLIE CHAPLIN, 26 New Kent Road, London, SE1 6TJ)**

On 20 March 2015 at 21:49 Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

- 1. At the time of visit the current premises licence and summary was not available (the previous summary 832464 was on display). Should you require a replacement please send a cheque for £10.50 to Southwark Council.**
- 2. Breach of condition 298 – at the time of visit there were no signs to this effect.**
- 3. Breach of condition 310 – at the time of visit, both the ground floor and the first floor premises were providing entertainment and they also had their doors open.**

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

**Licensing Unit** - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)  
**Strategic Director Environment & Housing** - Deborah Collins  
**Register to vote.** Complete the forms delivered to your home. Information: 020 7525 7373

If compliance is not achieved the Council may take formal action that may affect your licence or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) or by telephone on 020 7525 5754 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

*K. Ashenden*

Kristie Ashenden  
Principal Licensing Officer  
[kristie.ashenden@southwark.gov.uk](mailto:kristie.ashenden@southwark.gov.uk)



**Mr. Adrian Ennis**  
THE CHARLIE CHAPLIN  
26 New Kent Road  
London  
SE1 6TJ

**Licensing Unit**  
Direct Line: 020 7525 5779  
Direct Fax: 020 7525 5705  
Our ref: INU 060686

8 May 2012

Dear Mr. Ennis

**RE: THE LICENSING ACT 2003 – WARNING LETTER  
(THE CHARLIE CHAPLIN, 26 New Kent Road, London, SE1 6TJ)**

On 13 April 2012 at 23:26 hours Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

1. There were no signs displayed stating 'no drugs' as required by **condition 298** of the premises licence issued in respect of the premises.

In addition to the above the following matters were also noted that require your urgent attention:

2. Various floor boards had holes in them presenting a trip hazards. Please arrange to have any faulty floorboards replaced or repaired as soon as possible.

3. All wiring / cabling at the premises must be maintained in such a manner that it does not present a trip or snag hazard. It is recommended that wiring / cabling is secured with cable clips and extended or reduced in length if necessary so that it can be secured around the perimeter of any walls, floors or fixtures at the premises. Any wiring or cabling that crosses a floor must be covered by a suitable cable cover to minimise the risk of trips. It is recommended that extension sockets are not plugged into each other ('daisy chaining') so as to prevent overloading any electrical sockets at the premises

4. Some of the upholstery covering furniture was ripped exposing the inner foam padding of the furniture. Please ensure that all such rips are repaired as soon as

**Licensing Unit** - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard** - 020 7525 5000 Website - [www.southwark.gov.uk](http://www.southwark.gov.uk)  
**Strategic Director Environment & Housing** - Gill Davies

**Register to vote.** Complete the forms delivered to your home. Information: 020 7525 7373

[licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) or by telephone on 020 7525 5779 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,



**Wesley McArthur**  
Licensing Enforcement Officer  
[Wesley.McArthur@Southwark.gov.uk](mailto:Wesley.McArthur@Southwark.gov.uk)



Adrian Ennis  
 THE CHARLIE CHAPLIN  
 26 New Kent Road  
 London  
 SE1 6TJ

**Licensing Unit**  
 Direct Line: 020 7525 5754  
 Direct Fax: 020 7525 5705

8 August 2011

Dear Mr Ennis

**RE: THE LICENSING ACT 2003 – WARNING LETTER  
 (THE CHARLIE CHAPLIN, 26 New Kent Road, London, SE1 6TJ)**

On 5 August 2011 at 23.07 Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

1. The Premises Licence Summary (or certified copy) was not on display and the Premises Licence (or certified copy) was not kept at the premises. This is in breach of Sections 57(2) & (3) of the Licensing Act 2003. *At the time of visit I spoke to [REDACTED] He produced an old summary with the previous DPS's details. Should you require a replacement licence please send a cheque for £10.50 to Southwark Council at the address below.*
2. **Breach of condition 298: "That suitable notices shall be displayed stating "No Drugs".** At the time of visit there were no such notices on display.
3. **Breach of condition 310: "That all doors and windows excepting any that may be required to be locked open for the purposes of means of escape, shall be kept closed whenever public entertainment is being provided upon the premises to prevent noise escaping".** At the time of visit loud amplified music was being played and the front door was wide open. I advised [REDACTED] to close the doors.

Yours sincerely,

Kristie Ashenden  
Principal Licensing Officer  
kristie.ashenden@southwark.gov.uk

c.c P.C. Ian Clements  
Southwark Police Licensing Office  
Walworth Police Station  
12-28 Manor Place  
London  
SE17 3BB

# MEMO: Health & Safety Team - EHTS Unit

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**To** Licensing (MO)                      **Date** 31<sup>st</sup> March 2016

**Copies**

**From** Ian Farrington                      **Telephone** 020 7525 0227                      **Fax** 020 7525 5705

**Email** [Ian.Farrington@southwark.gov.uk](mailto:Ian.Farrington@southwark.gov.uk)

---

**Subject** The Charlie Chaplin Pub , 26 New Kent Road, London SE1 6TJ

I write in reference to an application made by Metropolitan Police for a Summary Licence review of the Premises Licence in respect of The Charlie Chaplin Pub , 26 New Kent Road, London SE1 6TJ. Made under Section 53a of the Licensing Act 2003 (premises associated with serious crime or serious disorder).

I would make the following comments in support of the Police review.

- Management at the organisation should provide a suitable and sufficient health and safety risk assessment that has been updated since 16<sup>th</sup> March, and taking into account this serious incident at the premises. Such a risk assessment should be documented and available to be inspected by the responsible authorities. This updated risk assessment should address how the organisation propose to reduce the incidence of violence at the premises, and manage violence by means of conflict resolution.
- The management at the organisation should ensure that formal training is provided for all staff at the premises. All staff that interact with the public should receive training in matters of conflict resolution and prevention of work related violence. A record of this formal training in conflict resolution and the prevention of work related violence should be available indicating all staff members that received the training. A record of such training should be kept such that the training can be verified with the providing organisation.
- The management at the organisation should risk assess how the licensee will deal with crowd control, and limiting capacity. Overcrowding and Staff to public ratios may have an affect on the likely reoccurrence of work related violence.

In my opinion until these matters are clearly rectified I fully support the Police Review of the premises licence.

**Ian Farrington**  
**Principal Enforcement Officer**

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

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

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

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



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