

Licensing Sub-Committee

Monday 3 October 2016

10.00 am

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Adele Morris
Councillor Sunny Lambe

Reserves

Councillor Eliza Mann

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 23 September 2016



Licensing Sub-Committee

Monday 3 October 2016
10.00 am

Ground Floor Meeting Room G02B - 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: TIBITS, 124 SOUTHWARK STREET, LONDON SE1 0SW	1 - 30
6.	LICENSING ACT 2003: THE COFFEE HOUSE, 63 UNION STREET, LONDON SE1 1SG	31 - 68
7.	LICENSING ACT 2003: RED SEA, 85 CAMBERWELL ROAD LONDON SE5 0EZ	69 - 125

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: 23 September 2016

Item No. 5.	Classification: Open	Date: 3 October 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Tibits, 124 Southwark Street, London SE1 0SW	
Ward(s) or groups affected:		Cathedrals	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Heddon Street Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Tibits, 124 Southwark Street, London SE1 0SW.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities other persons and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 17 of this report deals with the representations received to the premises licence application and conciliations progress made. Copies of the relevant representations from responsible authorities are attached as Appendix B.
 - d) Paragraph 20 deals with licensed premises within a 100m radius of the premises. A map of the area is attached as Appendix C.
 - e) 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 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 premises licence application 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 under the Act. 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.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 16 August 2016, Heddon Street Limited applied to this council for the grant of a new premises licence in respect of the premises known as Tibits, 124 Southwark Street, London SE1 0SW. The premises is described as a specialist vegetarian and vegan restaurant which will also offer a range of services including bespoke corporate and event packages.

9. The application is summarised as follows:
 - Late night refreshment (indoors & outdoors)
Monday to Sunday from 23:00 to 00:00

 - Sale and supply of alcohol (on and off the premises)
Monday to Sunday from 09:00 to 00:00

 - Operating hours of premises
Monday to Sunday from 07:30 to 00:30

 - Non standard timings: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

10. The premises licence application form provides the applicant operating schedule. Parts I, J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of

conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

11. The proposed designated premises supervisor Edmund John Farrow who has a personal licence issued by Wealden District Council.

Representations from responsible authorities

12. There are three representations submitted by the Metropolitan Police Service, licensing as a responsible authority and the public health authority.
13. The police representation states that the premises is within the Bankside and Borough cumulative impact zone and recommend conditions relating to CCTV, staff training, and alcohol being ancillary to a meal should be included on the licence. Some of these may have been offered as part of the operating schedule but the wording is important to avoid ambiguity. The police think that the conditions will assist with the prevention of crime and disorder in addition to the conditions offered within the operating schedule.
14. The licensing as a responsible authority representation is based on the Southwark statement of licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance. They also state that the premises sits within the Borough and Bankside cumulative impact zone and therefore there is a rebuttable presumption that applications for new premises licences are likely to add to the existing cumulative impact and will normally be refused or subject to certain limitations. It is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives
15. They recommend refusal of this application unless the applicant can demonstrate that the premises will not contribute to crime and disorder and public nuisance within the policy area, conditions preventing the sale of alcohol except with table meals and that any off sales shall be sold in closed containers have been submitted.
16. The public health authority have concerns that the application is for a premises located within the Borough Bankside cumulative impact policy area. They also have further concerns relating to the hours of alcohol sales requested and suggest a later start time of alcohol sales of 11:00 for all days of the week. They state that early morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking. They have also suggested that a limit in the alcohol by volume (ABV) sold.
17. The representations are attached as Appendix B to the report.

Representation from other persons

18. There are no representations from other persons.

Conciliation

19. The representations were forwarded to the applicant. The licensing sub committee will be updated of any developments on 3 October 2016.

The local area

20. A map of the area is attached to this report as Appendix C. 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:

Public houses/restaurants:

- Express by Holiday Inn, 103 Southwark Street, London SE1 (Monday to Sunday – 24 hours)
- Lin's Restaurant and Bar, 134 Southwark Street, London SE1 (Monday to Wednesday till 00:00 and Friday to Sunday till 01:00)
- Tortilla, 106 Unit 11A Southwark Street, London SE1 (Sunday to Wednesday till 00:00 and Thursday to Saturday till 02:00).

Deregulation of entertainment

21. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
 - Live amplified music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people.
22. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Borough and Bankside cumulative impact zone

23. Council assembly approved the introduction of a special policy for Borough and Bankside on the cumulative impact of a concentration of licensed premises (saturation/cumulative impact policy) on 5 November 2008 and extended the area in April 2011. This application falls within the policy area.
24. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
25. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
26. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark statement of licensing policy

27. Within the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for the categories of premises as follows:

- Restaurants and cafes: Sunday to Thursday 00:00 and Friday and Saturday 01:00
 - Public houses, wine bars or other drinking establishments: Sunday to Thursday 23:00 and Friday and Saturday 00:00.
28. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. 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. This 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. This 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. This 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. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification. To be read in conjunction with Appendix B to the policy.
 - Section 8. The Prevention of Crime and Disorder. This provides general guidance on the promotion of the first licensing objective
 - Section 9 - Public Safety. This provides general guidance on the promotion of the second licensing objective
 - Section 10 - The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective
 - Section 11 - The Protection of Children from Harm. This provides general guidance on the promotion of the fourth licensing objective.
29. 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

30. A fee of £315 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band C.

Consultation

31. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and a similar notice exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

32. 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 Law and Democracy

33. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
34. The principles which sub-committee members must apply are set out below.

Principles for making the determination

35. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
36. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
37. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
 - To exclude from the scope of the licence any of the licensable activities to which the application relates
 - To refuse to specify a person in the licence as the premises supervisor
 - To reject the application.

Conditions

38. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
39. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
40. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
41. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
42. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

43. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a premises licence application, it must give reasons for its decision.

Hearing procedures

44. 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.
45. This matter relates to the determination of an application for a premises licence under section 17 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

46. 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.
47. 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.
48. 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.
49. 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.
50. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when

considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

51. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
52. 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.
53. 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

54. Members are required to have regard to the Home Office 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

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office 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	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a new premises licence
Appendix B	Representations from responsible authorities
Appendix C	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	21 September 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		21 September 2016

Southwark London Borough Council

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We **Heddon Street Limited**

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Tibbits 124 Southwark Street			
Post town	London	Post code	SE1 0SW
Telephone number at premises (if any)			
Non-domestic rateable value of premises		Band C - £315	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Heddon Street Limited
Address Eversheds House 70 Great Bridgewater Street Manchester M1 5ES
Registered number (where applicable) 06964673

Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A P

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

A

Please give a general description of the premises (please read guidance note1)

This is a Swiss family managed business and the premises will trade as a specialist vegetarian and vegan restaurant for eat in and take away.

The premises will offer a range of services including bespoke corporate and event packages.

Tibbits already operate a similar style premises at 12-14 Heddon Street, London, W1B 4DA which has been open for 8 years and trading successfully without any issues.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>	
Mon				
Tue				
Wed				Please give further details here (please read guidance note 3)
Thur				
Fri				State any seasonal variations for performing plays (please read guidance note 4)
Sat				
Sun				
				Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>	
Mon				
Tue				
Wed				Please give further details here (please read guidance note 3)
Thur				
Fri				State any seasonal variations for the exhibition of films (please read guidance note 4)
Sat				
Sun				
				Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			State any seasonal variations for indoor sporting events (please read guidance note 4)
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 3)	
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H


Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3)	Outdoors
Tue			Both		<input type="checkbox"/>
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	00:00	Please give further details here (please read guidance note 3) Hot food and drink provided	Both	<input checked="" type="checkbox"/>
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	00:00			
Fri	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Sat	23:00	00:00			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	09:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	09:00	00:00			
Wed	09:00	00:00			
Thur	09:00	00:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Fri	09:00	00:00			
Sat	09:00	00:00			
Sun	09:00	00:00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Edmund John Farrow
Address 

Postcode	[REDACTED]
Personal Licence number (if known)	[REDACTED]
Issuing licensing authority (if known)	Wealden District Council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:30	00:30	
Tue	07:30	00:30	
Wed	07:30	00:30	
Thur	07:30	00:30	
Fri	07:30	00:30	
Sat	07:30	00:30	
Sun	07:30	00:30	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

1. We train all staff in the standards required by the relevant legislation and as required by company policy.
2. The premises to operate predominantly as a restaurant and a comprehensive food menu shall be available throughout the hours of trading with the exception of a 60 minute period at the end of every evening prior to closing.

b) The prevention of crime and disorder

1. CCTV must be installed and operating correctly to manufacturer's instructions internally and externally and must cover all public areas where licensable activity takes place whilst the premises is open to the public.
2. The time and date must be set to the correct time relating to BST/GMT
3. A competent trained person in the use of and operation of the CCTV must be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download at the time of the visit in a recognised format any information

requested by the Police or Responsible Authority

4. All CCTV images must be retained for a period of not less than 31 days and any evidential incidents must be down loaded and stored in a secure system until such time as collected by an appropriate authority.
5. Clear signage must be displayed at all entrance and exits indicating that CCTV is in operation.
6. An incident register of all occurrences and ejections from the premises must be maintained at the premises and any details of any incidents of crime or disorder or misuse of drugs offences must be recorded. The register must be produced and made available at the time of the visit for inspection upon request by any responsible authority.
7. All persons involved in the sale of alcohol who are not the holder of a Personal Licence must receive initial and regular 6 monthly refresher training by the Designated Premises Supervisor or training provider with regards to the law in relation to the sale of alcohol. Such training must be recorded and up to date training records of all such persons must be maintained at the premises and produced and made available for inspection at the time of the visit by a responsible authority.

c) Public safety

1. We understand our obligations under existing legislation, and take our responsibilities seriously.
2. All exit doors will be regularly checked and all fire doors maintained unobstructed and effectively self closing. All fire fighting equipment will be regularly checked to ensure it functions correctly.
3. Staff will routinely check the premises during the opening hours to ensure that the premises are clean and tidy.
4. Empty glasses will be regularly collected and any spillage dealt with as soon as possible.
5. A comprehensive risk assessment policy will be in place.

d) The prevention of public nuisance

1. All staff will be trained to ask customers to leave quietly in the evening when necessary.
2. There will be appropriate signage at the premises requesting customers to leave quietly.

e) The protection of children from harm

1. We will at all times ensure that the manager and staff are trained in the importance of their responsibilities in ensuring that customers who purchase alcohol are over 18.
2. The premises will operate a Challenge 21 policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked to produce appropriate ID. The only ID that will be accepted is a passport, photo driving licence, PASS accredited proof of age card or military ID card.

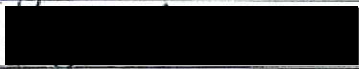
Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	09 August 2016
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Angela Gardner
Poppleston Allen Solicitors
37 Stoney Street
The Lace Market

Post town	Nottingham	Post code	NG1 1LS
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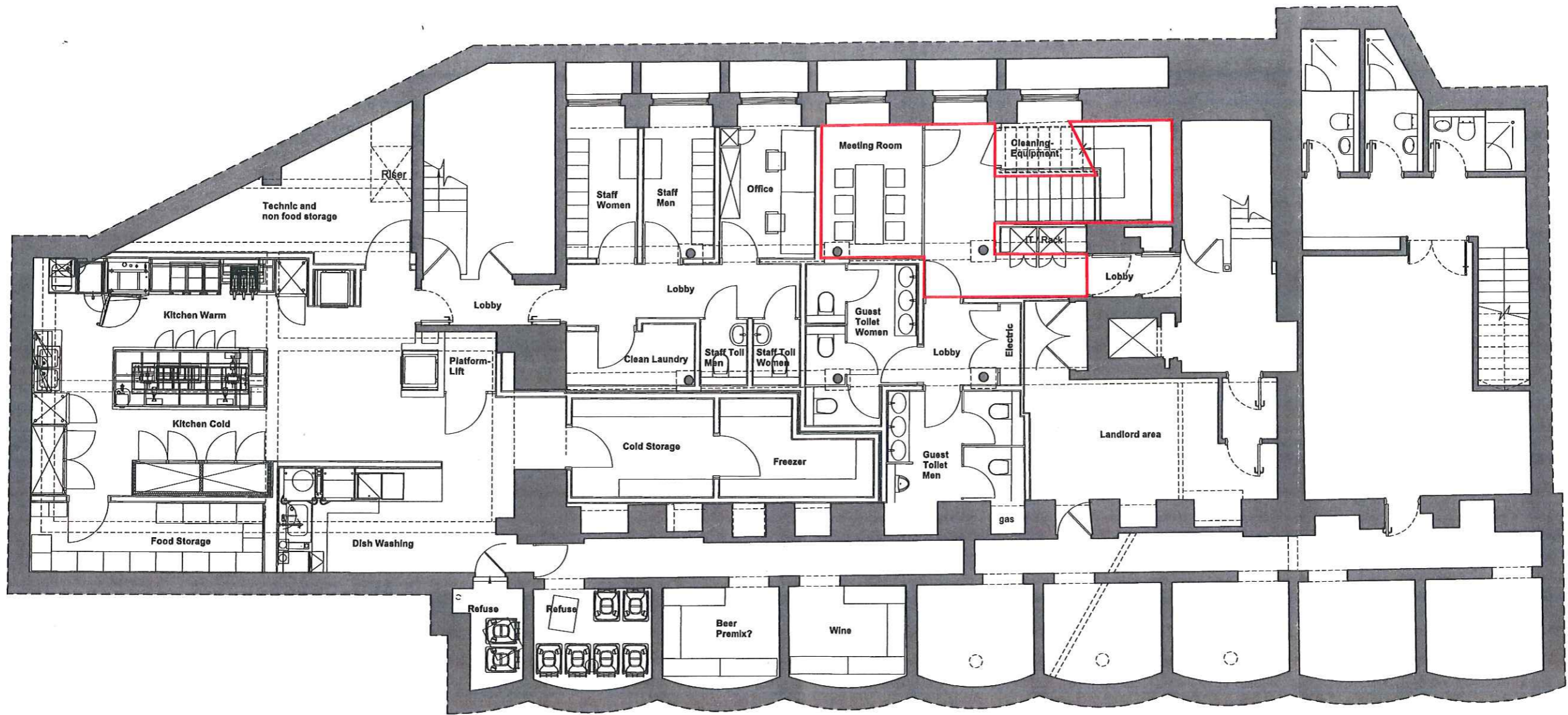
Telephone number (if any)	0115 9349 157
----------------------------------	---------------

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
a.gardner@popall.co.uk

Notes for Guidance

- Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
- Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
- For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- For example (but not exclusively), where the activity will occur on additional days during the summer months.
- For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.

8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



NOTES:

- Drawing based upon the formal survey information Issue by GREENHATCH Surveys.
- Information to read in conjunction with Structural Engineer and MEP Engineer package Information
- All levels indicated as height above Ordnance Survey
- Datum taken from survey. To be confirmed.
- All dimensions subject to a tolerance of +/-5mm.
- All details are indicative and should be reviewed against contractors selected supplier / manufacturer / system. Any variations are to be advised to and approved by the Contract Administrator prior to commencement on site.

DATE	REVISIONS
09.08.2016	P01 FOR INFORMATION

LICENSING NOTES:

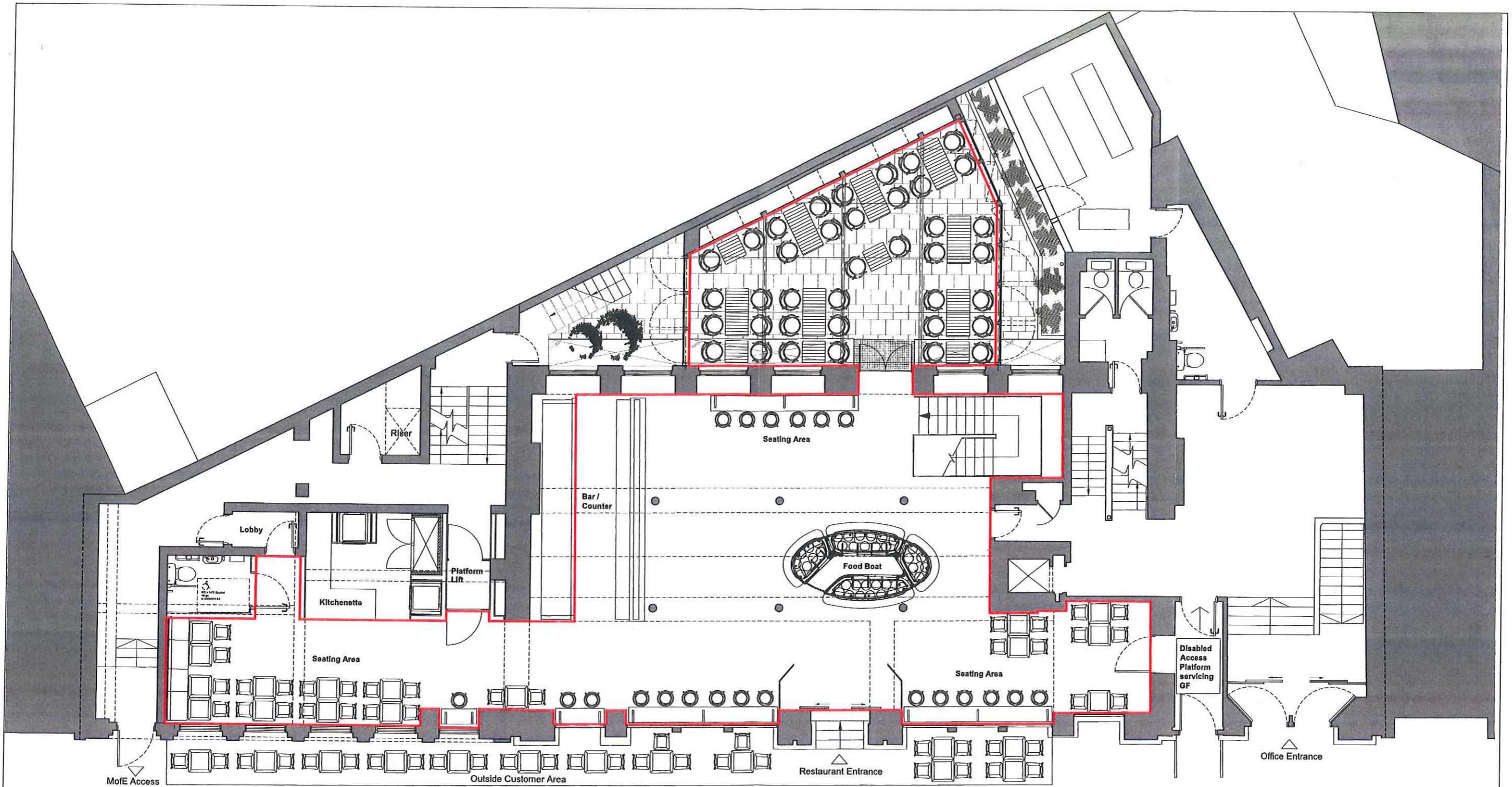
- The area where licensable activities will take place
- The location and type of any fire safety and any other safety equipment is to be assessed and agreed with Fire Officer or after a fire risk assessment has been carried out.



Do not scale from this drawing. All dimensions to be confirmed on site. Information contained within this drawing is the sole copyright of EMRYS Architects Ltd and is not to be reproduced without permission. EMRYS Architects are to be notified immediately of any discrepancies.

EMRYS
 CAP House | 9-12 Long Lane | London | EC1A 9HA
 mail@emrysarchitects.com
 www.emrysarchitects.com T : 020 7728 5060

PROJECT NO.	1611	CLIENT	HEDDON STREET LTD
TITLE	124-130 SOUTHWARK STREET LONDON, SE1		
DESCRIPTION	LICENSING PLAN LOWER GROUND FLOOR PLAN		
DRAWN BY	IG	DATE	09.08.2016
SCALE			1/50
CHECKED BY	GJ	REVISION	INFORMATION
NO.			P01
DRAWING NO.	1611-9500-AL-001		



- NOTES:**
- Drawing based upon the formal survey information issue by GREENHATCH Surveys.
 - Information to read in conjunction with Structural Engineer and MEP Engineer package information
 - All levels indicated as height above Ordnance Survey
 - Datum taken from survey. To be confirmed.
 - All dimensions subject to a tolerance of +/-5mm.
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DATE	REVISIONS
09.08.2016	P01 FOR INFORMATION

- LICENSING NOTES:**
- The area where licensable activities will take place
 - The location and type of any fire safety and any other safety equipment is to be assessed and agreed with Fire Officer or after a fire risk assessment has been carried out.



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NO:	1611	CLIENT:	HEDDON STREET LTD
TITLE:	124-130 SOUTHWARK STREET LONDON, SE1		
DWG:	LICENSING PLAN GROUND FLOOR PLAN		
DRAWN:	IG	DATE:	09.08.2016
		SCALE:	1/50
DESIGNED:	GJ	REVISION:	INFORMATION P01
NO:	1611-9500-AL-002		



The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

Metropolitan Police Service
Licensing Office
 Southwark Police Station,
 323 Borough High Street,
 LONDON,
 SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ 2859/16

Date: 12/08/2016

Re:- Tibits 124 Southwark Street London SE10SW

Dear Sir/Madam

Police are in possession of an application from the above for a new premises licence, the application is for the sale of alcohol on and off the premises as a restaurant with the following opening hours

Mon-sun 0730hours-0030hours

Late Night Refreshment ext
 Mon-sun 2300hours-0000hours

Supply of alcohol
 Mon-sun 0900hours-0000hours

The premises is within the Bankside and Borough Cumulative Impact Zone and the opening hours requested are outside of Southwark Councils Licensing Policy. At this stage Police object to this application and await further detail and clarification as to the trading hours. If committee is to grant the licence then Police would like the following control measures added and wording amended to avoid ambiguity.

1/ That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises and cover the main areas.

2/ All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.

3/ That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council

4/ Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to their meal or as off sales sold in a sealed container

5/ Signage on entrance/exit requesting customers to respect neighbours and leave quietly.

6/Persons wishing to smoke should be monitored by staff

The Following is submitted for your consideration, Police would welcome the opportunity to conciliate should the need arise.

Yours Sincerely

Pc Mark Lynch 246MD

Southwark Police Licensing Unit

Tel: 0207 232 6756

MEMO: Licensing Unit

To Licensing Unit **Date** 7 September 2016

Copies

From Jayne Tear **Telephone** 020 7525 0396

Email jayne.tear@southwark.gov.uk

Subject Re: Titbits, 124 Southwark Street, London, SE1 OSW

– Application to for a premises licence

I write with regards to the above application to for a premises licence submitted by Heddon Street Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Late night refreshment (indoors and outdoors) on Monday to Sunday to from 23:00 to 00:00
- Supply of alcohol (on and off the premises) on Monday to Sunday from 09:00 to 00:00
- Overall opening times shall be on Monday to Sunday from 07:30 to 00:30

Non standard timings requested for licensable activity and opening hours are:

From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

The premises is described as 'a Swiss family managed business and the premises will trade as a specialist vegetarian and vegan restaurant for eat in and takeaway. The premises will offer a range of services including bespoke corporate and event packages. Titbits already operate a similar style premises at 12 – 14 Heddon Street, London, W1B 4da which has been open for 8 years and trading successfully without any issues.'

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Borough and Bankside policy area as defined in paragraph 129 of the policy and, as a restaurant/café, this premises falls into the class of premises in 130 of the policy.

Therefore under 119 of the policy there is a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not contribute to crime and disorder and public nuisance within the policy area, conditions preventing the sale of alcohol except with table meals and that any off sales shall be sold in closed containers could assist the applicant in this rebuttal.

Should the applicant provide further details within the operating schedule that members consider sufficient to prevent the operation of the premises contributing to crime and disorder and public nuisance within the policy area I would be in a position to withdraw my representation.

To address my concerns I ask the applicant to provide the following further information and to consider adding the recommended conditions below to the operating schedule of the application to promote the licensing objectives:

- That an accommodation limit of the premises is provided with details of how that will be controlled.
- To provide a written dispersal policy for the premises.

Recommended conditions

- Intoxicating liquor shall not be sold or supplied otherwise than to persons taking a table meal and by consumption of such persons as an ancillary to their meal
- Any 'off sales' of alcohol shall be sold in closed containers and taken away from the premises.

I therefore submit this representation and welcome any discussion with the applicant to consider the above representation

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 -
_southwark_statement_of_licensing_policy_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

Jayne Tear
Principal Licensing officer
In the capacity of Licensing Authority as a Responsible Authority

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Wednesday, August 31, 2016 3:28 PM
To: Regen, Licensing
Subject: RE: New Premises Licence 124 Southwark Street

To whom it may concern:

Re: 124 Southwark Street, London SE1 0SW

On behalf of the Acting Director of Public Health for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

The representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

General Comments

The applicant requests a new licence for the sale of alcohol on the premises between the hours of 09:00 – 00:00 daily.

I have concerns regarding the hours of alcohol sales requested. I would suggest a later start time of alcohol sales. Early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking.

Furthermore, the application is for a premises within a CIP area. Applicants within a CIZ are required to rebut the presumption a new premises will not add to the cumulative impact of alcohol-related harms in the area. As this premises is described as a restaurant I would urge the licence to be conditioned so (see recommendations below).

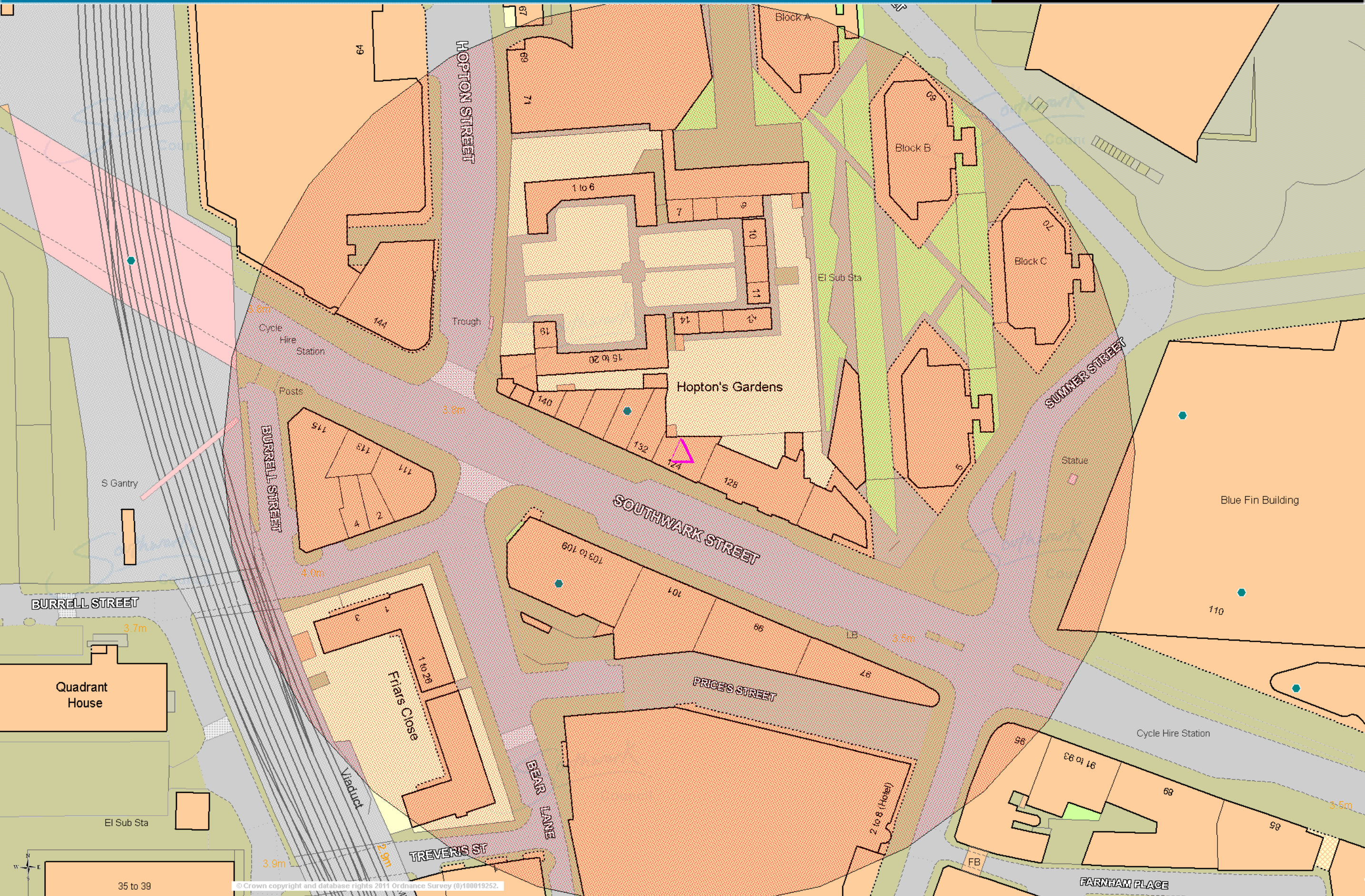
Recommendations

- I recommend that the start time of alcohol sales be changed to 11:00 for all days of the week
- I recommend a condition be imposed upon the license that alcohol can only be sold ancillary to food (a table or takeaway meal)

If you have any further questions, please do not hesitate to contact me.

Yours faithfully,

Carolyn Sharpe
on behalf of Dr Jin Lim, Acting Director of Public Health



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Item No. 6.	Classification: Open	Date: 3 October 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: The Coffee House, 63 Union Street, London SE1 1SG	
Ward(s) or groups affected:		Cathedrals	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Henry Ayers for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as The Coffee House, 63 Union Street, London SE1 1SG.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities other persons and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 20 of this report deals with the representations received to the premises licence application and conciliations progress made. Copies of the relevant representations from responsible authorities and other person are attached as Appendices B and C
 - d) Paragraph 22 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix D.
 - e) 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 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 premises licence application 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 under the Act. 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.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 11 August 2016, Henry Ayers applied to this council for the grant of a new premises licence in respect of the premises known as The Coffee House, 63 Union Street, London SE1 1SG. The premises is described as a coffee shop and coffee training school. It is situated over two main floors and has a small roof terrace. It hires its training space for private events.

9. The application is summarised as follows:
 - Sale & supply of alcohol (on & off the premises)
Monday to Sunday from 11:00 to 23:00

 - Operating hours of premises
Monday to Sunday from 07:00 to 23:30

 - Non standard timings: Christmas Eve, New Year's Eve and bank holidays
opening hours from 11:00 to 00:30 and supply of alcohol from 11:00 to 00:00.

10. The premises licence application form provides the applicant operating schedule. Parts J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

11. The proposed designated premises supervisor Henry Ayers who has a personal licence issued by Bath & North East Somerset Council.

Representations from responsible authorities

12. There are four representations in total submitted by the Metropolitan Police Service, licensing as a responsible authority, the public health authority and comments from the planning authority.
13. The police representation state that the premises is within the Borough and Bankside cumulative impact zone and recommend conditions with regards to CCTV, staff training, ticket sales for private events and the use of SIA door staff. Some of these may have been offered as part of the operating schedule but the wording is important to avoid ambiguity. The police think that the conditions will assist with the prevention of crime and disorder in addition to the conditions offered within the operating schedule. The conditions listed have been agreed by the applicant and as a result the police representation has been withdrawn.
14. The licensing as a responsible authority representation is based on the Southwark statement of licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance. They also state that the premises sits within the Borough and Bankside cumulative impact zone and therefore there is a rebuttable presumption that applications for new premises licences are likely to add to the existing cumulative impact and will normally be refused or subject to certain limitations. It is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives
15. They recommend refusal of this application unless the applicant can demonstrate that the premises will not contribute to crime and disorder and public nuisance within the policy area, conditions preventing the sale of alcohol except with table meals, that any off sales shall be sold in closed containers, and records of persons attending training courses have been submitted.
16. The public health authority have concerns that the application is for a premises located within the Borough and Bankside cumulative impact zone. The applicant has not provided sufficient information to rebut the presumption that granting the licence will add to the cumulative impact of crime, disorder and alcohol-related harm within the cumulative impact zone. They have also suggested that only on sales of alcohol should be granted and a condition be imposed upon the licence that permits alcohol sales but only for a business that predominantly operates as a coffee shop.
17. Planning have no objections to the application but advise that a planning application be made in respect of the premises.
18. The representations are attached as Appendix B.

Representation from other persons

19. There is a representation from one other person. They are concerned that the premises has successfully operated as a coffee bar over the past few months and will be seeking to expand its activities as a cocktail bar. If the licensee was allowed to expand the hours of operation from the current closing time of 18:00 to 23.30 and

also to sell alcohol for consumption on and off the premises, this would only add to the increasing noise, nuisance and anti-social behaviour in the area.

20. The representation is attached as Appendix C.

Conciliation

21. The representations were forwarded to the applicant. The applicant agreed to the conditions proposed by the police and this has resulted in the police representation being withdrawn. The licensing sub committee will be updated of any developments on 3 October 2016.

The local area

22. A map of the area is attached to this report as Appendix D. 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:

Public houses/restaurants:

- Menier Chocolate Factory, 51 Southwark Street, London SE1 (Monday to Saturday till 01:00 and Sunday till 00:00)
- The Arches, 6 O'Meara Street, London SE1 (Monday to Sunday till 06:30)
- Crown & Greyhound, 65-67 Union Street, London SE1 (Monday to Thursday till 23:00, Friday and Saturday till 00:00 and Sunday till 22:30)
- Est India, 75-77 (basement and ground floors) Union Street, London SE1 (Monday to Sunday till 00:00)
- The Boat Flogger, 10-20 Redcross Way, London SE1 (Monday to Saturday till 23:00 and Sunday till 22:30)

Off licences:

- Union Newsagent, 77-79 Union Street, London SE1 (Monday to Saturday till 23:00 and Sunday till 22:30)
- Jazz Convenience Stores, 69-71 Union Street, London SE1 (Monday to Saturday till 23:00 and Sunday till 22:30).

Deregulation of entertainment

23. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
 - Live amplified music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people.
24. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Borough and Bankside Cumulative Impact Zone

25. Council assembly approved the introduction of a special policy for Borough and Bankside on the cumulative impact of a concentration of licensed premises

(saturation/cumulative impact policy) on 5 November 2008 and extended the area in April 2011. This application falls within the policy area.

26. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
27. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
28. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark statement of licensing policy

29. Within 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:
 - Restaurants and cafes: Sunday to Thursday 00:00 and Friday and Saturday 01:00
 - Public houses, wine bars or other drinking establishments: Sunday to Thursday 23:00 and Friday and Saturday 00:00.
30. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. 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. This 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. This 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. This 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. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification. To be read in conjunction with Appendix B to the policy.
 - Section 8. The Prevention of Crime and Disorder. This provides general guidance on the promotion of the first licensing objective

- Section 9 - Public Safety. This provides general guidance on the promotion of the second licensing objective
 - Section 10 - The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective
 - Section 11 - The Protection of Children from Harm. This provides general guidance on the promotion of the fourth licensing objective.
31. 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

32. A fee of £315 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band E.

Consultation

33. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and a similar notice exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

34. 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 Law and Democracy

35. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
36. The principles which sub-committee members must apply are set out below.

Principles for making the determination

37. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
38. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority

- Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious
39. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
 - To exclude from the scope of the licence any of the licensable activities to which the application relates
 - To refuse to specify a person in the licence as the premises supervisor
 - To reject the application.

Conditions

40. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
41. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
42. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
43. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
44. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

45. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a premises licence application, it must give reasons for its decision.

Hearing procedures

46. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the 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.
47. This matter relates to the determination of an application for a premises licence under section 17 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

48. 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.
49. 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.

50. 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.
51. 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.
52. 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.
53. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
54. 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.
55. 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

56. Members are required to have regard to the Home Office 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

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 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	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a new premises licence
Appendix B	Representations from responsible authorities and correspondence
Appendix C	Representation from other person
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	21 September 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		21 September 2016

[Insert name and address of relevant licensing authority and its reference number (optional).]

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Henry Ayers
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
The Coffee House 63 Union Street Southwark			
Post town	London	Postcode	SE1 1SG
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£18,000	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)



- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Ayers			First names Henry		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		[REDACTED]			
Post town	[REDACTED]			Postcode	[REDACTED]
Daytime contact telephone number					
E-mail address (optional)					



SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The Coffee House located on Union Street, operated by The Gentlemen Baristas Ltd is a coffee shop and coffee training school.

Situated over 2 main floors the premises also has a small roof terrace, and hires its training school space for private events.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					




I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) None		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Christmas Eve, New Years' Eve and Bank Holidays 11:00 – 00:00		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Henry Ayers	
Address 	
Postcode	
Personal licence number (if known) 	
Issuing licensing authority (if known) Bath & North East Somerset Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)	
Day	Start	Finish	None	
Mon	07:00	23:30		
Tue	07:00	23:30		
Wed	07:00	23:30		
Thur	07:00	23:30		
Fri	07:00	23:30		
Sat	07:00	23:30		
Sun	07:00	23:30		
				Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
				Christmas Eve, New Years' Eve and Bank Holidays 11:00 – 00:30

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

1. Staff shall be trained in First Aid, Age Verification and Underage sales prevention

b) The prevention of crime and disorder

1. The Police shall be informed within 24hrs of any and all instances of crime and disorder arising on the premises or reported to the premises
2. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer
3. The incident log will be completed and signed by the DPS and any other member of staff who has either witnessed an incident or has had an incident reported to them.
4. The log will record the following: (a) all crimes reported to the venue (b) all ejections of customers (c) any incidents of disorder

c) Public safety

1. All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.
2. Public areas will be maintained free from obstruction and trip hazards
3. Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place by staff.
4. Appropriate fire escape route signs will be displayed

d) The prevention of public nuisance

1. All highway and public spaces in the vicinity of the premises will be kept free from litter to the satisfaction of the council.
2. Refuse such as bottles will be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
3. No deliveries to or collections from the premises will take place between 20:00 and 06:00 hours.
4. Staff shall regularly supervise the roof terrace area when in use, to ensure customers are not causing nuisance to neighbouring premises and to remove tableware.
5. Notices shall be prominently displayed at all exits requesting patrons to leave the premises quietly

e) The protection of children from harm

1. A challenge 21 policy will be adopted with proportionate and appropriate signage displayed.
2. A refusal to serve log shall be maintained and made available for inspection by a Police Officer or Authorised Officer, this log shall include the Date, Time, Name and signature of the staff member who refused the sale.
3. The refusal to serve log shall be signed by the DPS of the premises on a monthly basis
4. Staff shall be trained in Licensing Law with regards to age verification, children and alcohol, and the procedures that shall be adopted if it is considered that an individual may be under the age of 18

Checklist:

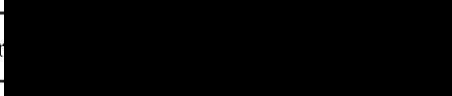
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	10/8/16
Capacity	Agent

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Mr Guillaume Chipchase A.CilEx
 CPL Training Ltd
 Egerton House
 2 Tower Road

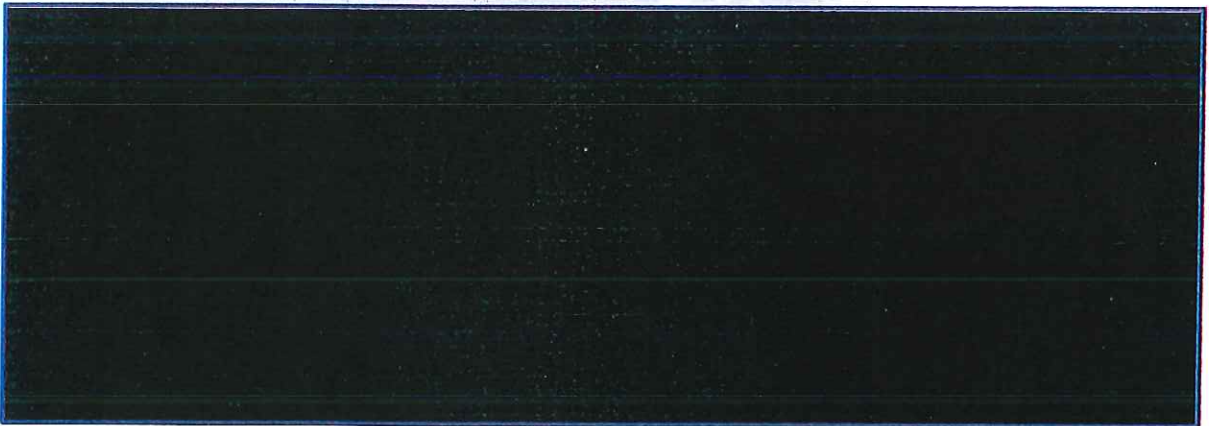
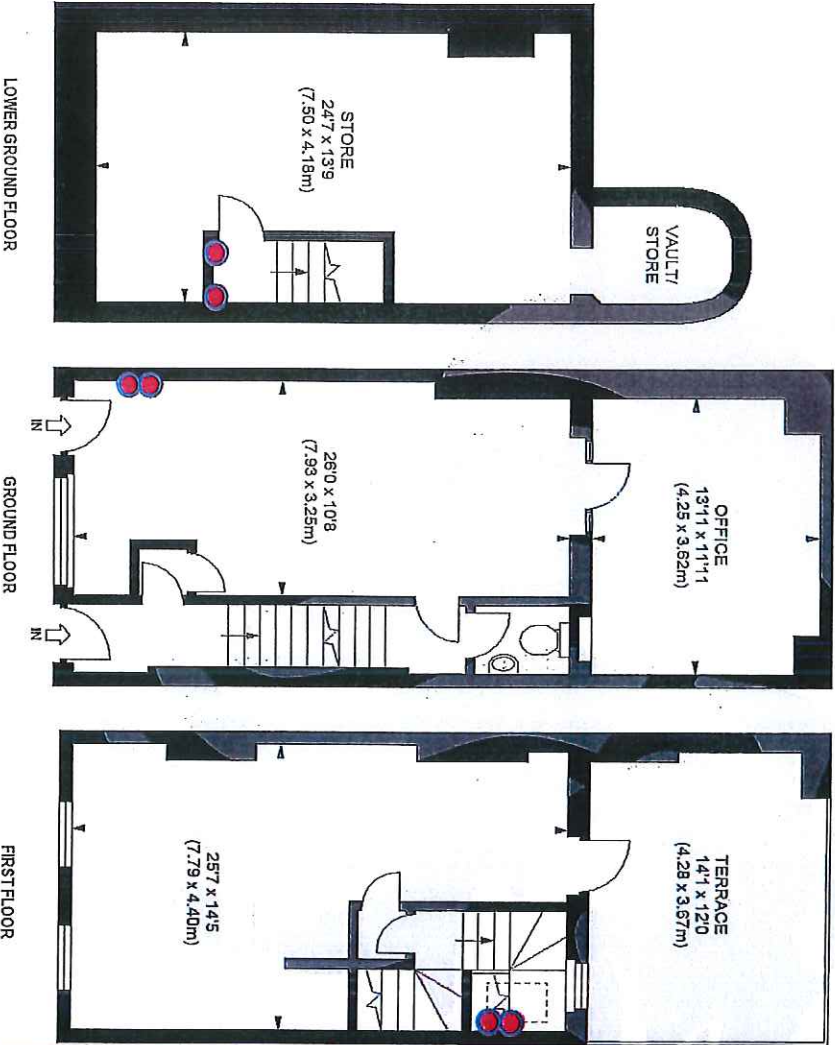
Post town	Birkenhead	Postcode	CH41 1FN
Telephone number (if any)	0151 650 6910		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Gui.chipchase@cpltg.com			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



● Fire Extinguishers





The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

Metropolitan Police Service
Licensing Office
 Southwark Police Station,
 323 Borough High Street,
 LONDON,
 SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ 2863/16

Date: 7th September 2016

Dear Sir/Madam

Re:- The Coffee House, 63 Union Street, London SE1 1SG

Police are in possession of an application from the above for a new premises licence, the application is for the sale of alcohol on and off the premises as a Coffee shop, Training School and event space between the hours of

1100hours-2330hours - Sun-Thurs

1100hours-0030hours - Fri-Sat

The premises is within the Borough and Bankside Cumulative Impact Zone (CIZ) however the hours requested are within Southwark Councils Licensing Policy.

The application contains a number of control measures and Police welcome this response, however further conditions and different wording of some conditions offered are important as to negate any ambiguity and to promote the licensing objectives.

1. A CCTV system is installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises and cover the main areas used for the consumption and sale of alcohol.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.

3. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council
4. Entrance to Private events must be either by guest list or ticket only. No ticket sales or entrance fee shall be charged on the door.
5. That a minimum of One SIA registered door supervisors will be engaged when the premises are in operation and the terminal hour when a private hire is in operation. They will be employed at all times until the end of business and all patrons have vacated the premises they will be engaged to monitor admission and re-admissions to the premises, security, protection, screening and dealing with conflict.

The Following is submitted for your consideration, Police would welcome the opportunity to conciliate should the need arise.

Yours Sincerely

Pc Graham White 288MD

Southwark Police Licensing Unit

Tel: 0207 232 6756

MEMO: Licensing Unit

To Licensing Unit **Date** 8 September 2016

Copies

From Jayne Tear **Telephone** 020 7525 0396

Email jayne.tear@southwark.gov.uk

Subject Re: The Coffee Shop, 63 Union Street, London, SE1 1SG

– Application to for a premises licence

I write with regards to the above application to for a premises licence submitted by Henry Ayres under the Licensing Act 2003, which seeks the following licensable activities:

- Supply of alcohol (on and off the premises) on Monday to Sunday from 11:00 to 23:00
- Overall opening times shall be on Monday to Sunday from 07:00 to 23:30

Non standard timings requested for licensable activity and opening hours are:

Supply of alcohol on Christmas Eve, New Years Eve and Bank Holidays from 11:00 to 00:00

Opening hours on Christmas Eve, New Years Eve and Bank Holidays from 11:00 to 00:30

The premises is described as 'The Coffee house is located on Union Street, operated by the Gentleman Baristas Ltd is a coffee shop and coffee training school. Situated over 2 main floors the premises also has a small roof terrace, and hires its training school space for private events'.

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Borough and Bankside policy area as defined in paragraph 129 of the policy and, although described as a coffee shop/training school the premises also wants to hire the space out for events so could also be classed as a bar, this premises falls into the class of premises in 130 of the policy.

Therefore under 119 of the policy there is a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can

demonstrate that the premises will not contribute to crime and disorder and public nuisance within the policy area, further conditions to address those objectives could assist the applicant in this rebuttal.

Should the applicant provide further details within the operating schedule that members consider sufficient to prevent the operation of the premises contributing to crime and disorder and public nuisance within the policy area I would be in a position to withdraw my representation.

To address my concerns I ask the applicant to provide the following further information and to consider adding the recommended conditions below to the operating schedule of the application to promote the licensing objectives:

- That an accommodation limit of the premises is provided with details of how that will be controlled.
- To provide a written dispersal policy for the premises.

Recommended conditions

- Any 'off sales' of alcohol shall be sold in closed containers and taken away from the premises.
- Alcohol shall only be supplied to persons that have been invited to, and are attending a training course or event.
- Records of persons invited to the training course or event shall be kept at the premises for inspection by the police or authorised officers of the council.
- An attendance log of persons at the training course or event shall be kept at the premises for inspection by the police or authorised officers

Due to the limited information provided on the application it is not clear whether or not members of the public will be purchasing alcohol as well as coffee at the premises. I therefore seek clarification on this point.

I therefore submit this representation and welcome any discussion with the applicant to consider the above representation

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 -
_southwark_statement_of_licensing_policy_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

Jayne Tear
Principal Licensing officer
In the capacity of Licensing Authority as a Responsible Authority

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Thursday, September 01, 2016 5:14 PM
To: Regen, Licensing
Subject: RE: New Premises Licence for 63 Union Street

To whom it may concern:

Re: 63 Union Street, London SE1 1SG

On behalf of the Acting Director of Public Health for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

The representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

General Comments

The applicant requests a license for the sale of alcohol on and off the premises between the hours of 11:00 and 23:00 Mondays to Sundays. No justification has been provided for the requirement of off-sales.

This application is for a premises located within the Borough Bankside cumulative impact policy area and the applicant has not provided sufficient information to rebut the presumption that granting this variation will add to the cumulative impact of crime, disorder and alcohol-related harm within the policy area.

Recommendations

- I recommend a licence for on-sales of alcohol only is granted
- I recommend that a condition be imposed upon the license that permits alcohol sales but only for a business that predominantly operates as a coffee shop

If you have any further questions, please do not hesitate to contact me.

Carolyn Sharpe
on behalf of Dr Jin Lim, Acting Director of Public Health

**Chief executive's department**

Planning division

5th floor, hub 2

PO Box 64529

LONDON SE1P 5LX

EH & TS Licensing Unit
Hub 2 3rd Floor Tooley Street

X

Your Ref: 855177**Our Ref:** 16-CE-00803**Contact:** Martha Dankwa**Telephone:****Fax:** 020 3357 3101**E-Mail:** planning.enquiries@southwark.gov.uk**Web Site:** <http://www.southwark.gov.uk>**Date:** 01/09/2016

Dear Sir/Madam

Premises Licensing re:

63 UNION STREET, LONDON, SE1 1SG

Summary description: New Premises Licence for the sale of alcohol on/off the prem**Date Received:** 12/08/2016

We have no objection to this licence application, however please notify the applicant that a planning application should be submitted for the use of the property.

Yours faithfully

Martha Dankwa

Graduate Planner

From: Graham.S.White@met.pnn.police.uk [mailto:Graham.S.White@met.pnn.police.uk] **On Behalf Of** SouthwarkLicensing@met.pnn.police.uk
Sent: Tuesday, September 20, 2016 3:32 PM
To: Mills, Dorcas
Cc: Tear, Jayne; Gui.Chipchase@cpltg.com
Subject: PC Graham White RE: The Coffee House, 63 Union Street

Dorcas,
Please see agreement below. We withdraw our objection.
Regards
Graham

From: Gui Chipchase [mailto:Gui.Chipchase@cpltg.com]
Sent: 20 September 2016 15:05
To: MD Mailbox - Southwark Licensing <SouthwarkLicensing@met.pnn.police.uk>
Subject: FAO: PC Graham White RE: The Coffee House, 63 Union Street

Hi Graham,

Good to speak to you today,
As discussed, we are in agreement with conditions 1 – 3 of your representation to the above named premises.

In addition, I have discussed conditions 4 & 5 with my client and we propose the following in their replacement:

- A record of private events held at the premises will be maintained for inspection by an authorised officer, this record shall detail:
 - i. The name of the booker of the event
 - ii. The day and time of the event
 - iii. The approximate number of attendees & Guest list
 - iv. The nature of the event
 - v. Whether the provision of door supervisors will be necessary
- A minimum of 1 SIA register door supervisors will be employed from 9pm at times when a private event is to be held that engages the terminal hour of the premises licence. They will be engaged to until the end of business and all patrons have vacated the premises, monitor admission and re-admissions to the premises, security, protection, screening and dealing with conflict.

If you are happy with these conditions as proposed please can you confirm this to the Licensing Authority and myself.

Many Thanks
Gui Chipchase A.CiEx MIoL
HEAD OF LICENSING
CPL TRAINING
EGERTON HOUSE
2 TOWER ROAD
BIRKENHEAD
WIRRAL
CH41 1FN

TEL: 0151 650 6910
MOB: 0758 6565 754
FAX: 0151 650 6935
WEB: www.cpltraining.co.uk
EMAIL: gui.chipchase@cpltg.com



From: [REDACTED]
Sent: Thursday, September 08, 2016 10:22 PM
To: Regen, Licensing
Subject: Objection to licence application 855177

Dear Sir or Madam,

I am writing to lodge my objection to licence application 855177, submitted for The Coffee House, 63 Union Street, SE1 1SG.

I am a resident of [REDACTED]. I object to this application on the basis of concerns related to the potentially detrimental effect this application would have on public safety, the prevention of crime and disorder, and the prevention of nuisance.

In addition, I would like to highlight that the premises lie within the Borough and Bankside saturation area, so the onus should be on the applicant to demonstrate that the requested variation to the licence terms will not further contribute to the negative local impact on any one or more of the licensing objectives.

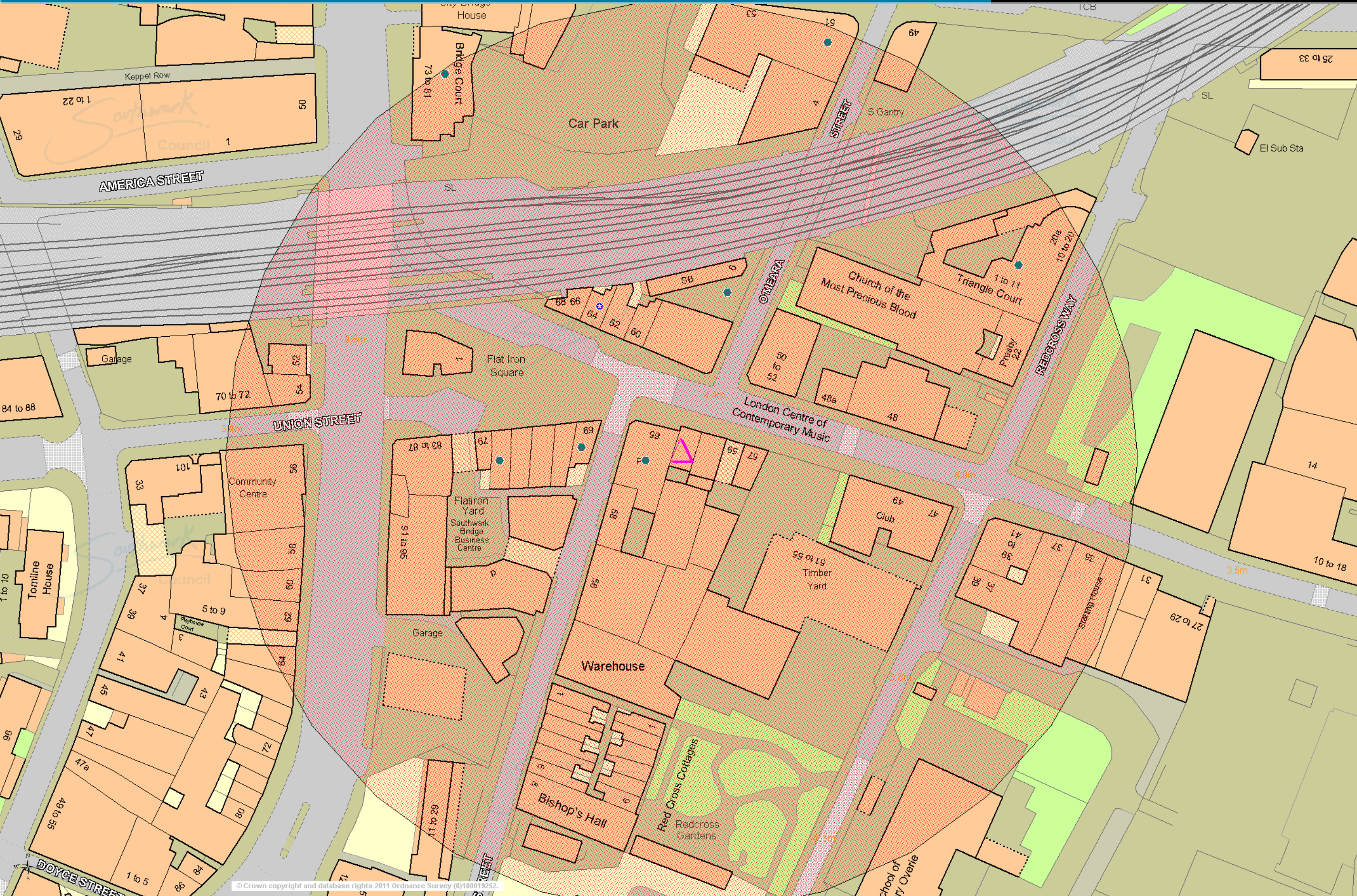
I am concerned that this establishment, which has successfully operated as a coffee bar over the past few months, will be seeking to expand its activities as a cocktail bar. If the licensee was allowed to expand the hours of operation from the current closing time of 6pm to 11.30pm, and to sell alcohol for consumption on and off the premises, this would only add to the increasing noise, nuisance and anti-social behaviour in the area.

The Committee should also consider the incremental impact this would have on the living standards in the area taking into account the presence of several other licensed premises in the immediate surroundings. The following premises are licensed for the selling of alcohol in the immediate vicinity: The Rose & Crown Pub; Jazz Convenience Store; The Island Cafe; Flat Iron Square Limited; and Union Car Parks Limited.

I look forward to hearing from you.

Kind regards,

[REDACTED]



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Item No. 7.	Classification: Open	Date: 3 October 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Red Sea, 85 Camberwell Road London SE5 0EZ	
Ward(s) or groups affected:		Faraday	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made under Section 53A of the Licensing Act 2003 by the chief of police for the metropolitan police area for the review of the premises licence in respect of the premises known as Red Sea, 85 Camberwell Road, London SE5 0EZ.
2. Notes:
 - a) The grounds for the review are stated in paragraphs 11 to 14 of this report. A copy of the premises licence review application is attached as Appendix A.
 - b) The application for review of the premises licence is supported by a representation submitted by one responsible authority. A copy of the representation is attached as Appendix C. Details of the representation are provided in paragraph 17 of this report.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix B. A map of the local area is attached as Appendix G.
 - d) 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 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 the review of a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both).

KEY ISSUES FOR CONSIDERATION

The premises licence

8. The premises licence issued in respect of the premises known as Red Sea Restaurant, 85 Camberwell Road, London SE5 0EZ allows licensable activities as follows:
- **The provision of regulated entertainment**
Friday & Saturday between 12:00 and 02:30 the following day
 - **The provision of late night refreshment**
Sunday to Thursday between 23:00 and 00:30 the following day
Friday & Saturday between 23:00 and 02:00 the following day
 - **The sale of alcohol**
Sunday to Thursday between 12:00 and 00:30 the following day
Friday & Saturday between 12:00 and 02:30 the following day
 - **Opening hours**
Sunday to Thursday between 08:00 and 01:00 the following day
Friday & Saturday between 08:00 and 02:30 the following day
9. A copy of the current premises licence is attached as Appendix B.

Designated premises supervisor

The designated premises supervisor is Ms Letteberhan Tafla.

The review application and certificate

10. On 7 September 2016 the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as Red Sea, 85 Camberwell Road, London SE5 0EZ.

11. A senior member of the police force for the area has certified that in his opinion the premises are associated with serious crime or serious disorder or both.
12. The application is concerned with an incident that took place at the premises on 4 September 2016 at 02:45. It is alleged that a serious assault occurred at the premises that resulted in the victim receiving injuries consistent with grievous bodily harm. The police were called to attend the premises. On arrival the police noted that several people attending the premises appeared to be 'worse for wear'. The police arrested two suspects. When the police attempted to liaise with the SIA staff employed at the premises, they were uncooperative, refused to provide witness formal statements to the police and were reluctant to provide their details to the police or aid in the police's enquiries.
13. In addition to the above, CCTV cameras at the premises were badly positioned, being partially obstructed, and were of no evidential use. The police also note that the premises should have been shut by 02:30 in accordance with the premises licence issued in respect of the premises.
14. The police have concerns with the management of the premises and the lack of control and proper management of the above incident. The police also note there have been previous breaches of the premises licence issued in respect of the premises on 10 July 2016 and 7 August 2016 and that they have served a closure order in regards to the premises under section 19 of the Criminal and Justice Police Act 2001 in regards to the breaches of licence observed on 10 July 2016.
15. A copy of the review application, review certificate and additional supporting evidence is attached as Appendix A. Other evidence may become available at the hearing. Please note that the crime report submitted with the review application omits pages 2, 3, 5, 8 and 9 deliberately as they are either not relevant or contain confidential information.
16. Any additional evidence submitted will be made available at the hearing.

Representations from responsible authorities

17. The council's environmental protection team (EPT) have submitted a representation in support of the review application in regards to the protection of public safety licensing objective. The representation suggests various conditions that the EPT recommend be imposed on the premises licence. A copy of the EPT's representation is attached as Appendix C.

Representations from other persons

18. No representations have been submitted by other persons.

Operating History

19. A premises licence was issued to Ms Zege Abraha and Ms Letteberhan Tafla on 16 January 2008. Ms Abraha was specified as the designated premises supervisor (DPS).
20. On 18 February 2010 a licensing inspection of the premises was undertaken. One breach of the Licensing Act 2003 was substantiated in that the premises licence

summary was not displayed at the premises. A re-inspection of the premises was undertaken on 12 March 2010 and the premises were found to be operating compliantly.

21. On 5 November 2010 an application, to have immediate effect, was submitted to transfer the licence to Ms Letteberhan Tafla solely. On the same date an application, to have immediate effect, was submitted to specify to have immediate effect, as the DPS of the premises. An amended licence, pursuant to the above, was issued on 5 November 2010.
22. On 20 December 2010 an application to vary the licence was submitted. The application sought to extend the hours in respect of the licensable activities permitted by the licence and also to add further licensable activities to the licence. The application was refused by the licensing sub-committee on 7 February 2011.
23. On 14 July 2011 an application to vary the licence was submitted. The application sought to extend the hours in respect of the licensable activities permitted by the licence and also to add further licensable activities to the licence. The application was granted and an amend licence was issued on 9 September 2011. The application issued on 9 September 2011 is the current licence.
24. On 10 July 2016 police officers visited the premises. The premises were operating outside of permitted operating hours and the following breaches of the premises licence were noted; (i) there was no personal licence holder working at the premises (breach of condition 336), (ii) there were no SIA registered door supervisors working at the premises (breach of condition 290) and (iii) CCTV footage could not be made immediately available to police officers (breach of condition 289). A closure order was served under section 19 Criminal and Justice Police Act 2001 in regards to the above.
25. Following the breaches of licence witnessed on 10 July 2016 a licensing officer attended the premises on 22 July 2016 and undertook an induction with the licensee. During the induction the terms and conditions of the licence were fully explained, and the possible consequences of breaching licence conditions, or committing offences under the Licensing Act 2003, was explained to the licensee.
26. On 3 August 2016 an application to vary the licence was submitted. The application sought to extend the hours in respect of the licensable activities permitted by the licence. The application was withdrawn on 6 September 2016.
27. On 7 August 2016 the premises were inspected by a licensing officer and a police officer as part of the night time economy team (NTET) duties on that date. The following breaches of the premises licence were noted; (i) there were no SIA registered door supervisors working at the premises (breach of condition 290), (ii) the CCTV system was not operational and CCTV footage could not be made immediately available to police officers (breach of conditions 288 & 289) and (iii) there were no staff training records as required by condition 4AB. The licensing officer explained the licence breaches and explained the conditions and the consequences should further breaches of the licence be substantiated.
28. On 12 August 2016 a full licensing inspection of the premises was undertaken as part of the NTET duties on that date. The premises were found to be operating compliantly.

29. On 4 September 2016 a serious assault took place at the premises that resulted in the victim receiving injuries consistent with grievous bodily harm and two suspects being arrested.
30. On 7 September 2016 the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as Red Sea, 85 Camberwell Road, London SE5 0EZ.
31. An expedited review hearing was held on 9 September 2016 to decide whether to implement the interim steps suggested by the police. The licensing sub-committee decided to implement the interim steps suggested by the police and suspended the premises licence until the full review hearing is held on 3 October 2016. A copy of the notice of decision pertaining to the expedited review is attached as Appendix D.
32. No complaints have been received by the licensing unit in regards to the premises.
33. A table of all temporary event notices (TEN) submitted in respect of the premises is attached as Appendix E.
34. A table of all NTET visits to the premises is attached as Appendix F. **NB:** The time of visit in the NTET notes in Appendix F written by a licensing officer in respect of 7 August 2016 was different to the time of visit stated by P.C. O'Mahoney in a witness statement in the review documents submitted by the police in Appendix A in relation to the same visit. P.C. O' Mahoney has clarified this discrepancy by providing an addendum to the witness statement. The addendum to the witness statement is also in Appendix F.

The local area

35. A map of the local area is attached at Appendix G. The premises are identified at the centre of the map by a black diamond.
36. The following licenced premises are also show on the map and are licensed to provide the licensable activities stated until the times stated:
 - **Legacy Restaurant, 53 Camberwell Road London SE5 0EZ:**
 Sale of alcohol, late night refreshment and the sale of alcohol
 Monday to Thursday until 00:30 the following day
 Friday to Sunday until 02:30 the following day
 - **Emukay Restaurant, 91 Camberwell Road, London SE5 0EZ:**
 Sale of alcohol Monday to Sunday until 02:00 the following day
 Late night refreshment Monday to Sunday until 03:00 the following day
 Regulated entertainment Monday to Sunday until 02:30 the following day
 - **Southbank nightclub, 57-59 Camberwell Road, London SE5 0EZ:**
 Sale of alcohol, late night refreshment and the sale of alcohol
 Monday to Wednesday until 00:00 (midnight)
 Thursday until 02:30 the following day
 Friday to Sunday until 04:30 the following day

37. The premises are not in a cumulative impact area.
38. The premises are classified as being located in a residential area under the Southwark statement of licensing policy 2016- 2020, section 7 - 'Hours of Operation'. The following closing times are recommended by the policy as appropriate within this area for the categories of premises stated:

- The suggested closing time for restaurants and cafes is 23:00 daily
- The suggested closing time for public houses / wine bars or other drinking establishments is 23:00 daily
- Night Clubs (with sui generis planning classification) are not considered appropriate for this area.

Southwark Council statement of licensing policy

39. 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. This 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. This 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. This 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. This 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. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 - Public Safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 - The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 - The Protection of Children from Harm. This provides general guidance on the promotion of the fourth licensing objective.
40. 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

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

Consultation

42. There is no public consultation for an interim hearing.
43. The premises licence holder has been informed of the application for review and of the details of the interim hearing.

Community impact statement

44. 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 Law and Democracy

45. 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.
46. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

47. 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.
48. 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.
49. 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.
50. The steps will remain in place until the review application is determined at a full hearing of the licensing sub-committee.
51. The authority may decide to take no action if it finds no interim steps are appropriate to promote the licensing objectives.
52. 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.
53. 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

54. 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

55. 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
 - To 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.
56. 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

57. 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.
58. 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.
59. 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.
60. 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.
61. 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.
62. 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.

63. 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.
64. 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

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office 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 review application and certificate and supporting documentation
Appendix B	Copy of the existing premises licence
Appendix C	Copy of representation submitted by the environmental protection team
Appendix D	Notice of decision pertaining to the expedited review hearing of 9 September 2016
Appendix E	List of temporary event notices submitted in respect of the premises
Appendix F	Details of licensing night visits to the premises and addendum to a police witness statement
Appendix G	Map of local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Enforcement Officer	
Version	Final	
Dated	20 September 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		21 September 2016



**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 Crime and Serious Disorder

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

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

Red Sea, 85 Camberwell Road

Post town:

Southwark

Post code:
(if known)

SE5 0EZ

Premises licence number (if known):

835140

Name of premises supervisor (if known):

Lettderhan Abraha Telfa

I am a Chief 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)

PROTECTIVE MARKING

On Sunday the 4th September 2016 at 2.45am there was a serious assault inside the premises resulting in the victim receiving injuries consistent with grievous bodily harm.

On Police arrival two suspects were pointed out by security outside the venue and had been involved in assaulting a male inside the venue. Both were arrested by officers.

The SIA security refused to give statements and did not want to supply the details to officers and have not assisted in the investigation. CCTV coverage was poor due to the camera being obstructed.

The initial investigation found that the assaults had occurred inside the premises. A male had been punched and kicked on the floor and his finger had been bitten sustaining a nasty cut to the finger. On police arrival the club was still open with a large number of people described as "worse for wear with drink". The premises licence has a terminal hour of 2.30am and all customers should be out by this time.

Police have concerns with regard to the management of the premises, the apparent lack of control and proper management of this incident. There are additional concerns as to the overall management of the premises and a serious breach of the premises licence on the night in question.

There have also been previous concerns over the compliance with the premise licence having been served a Section 19 closure notice and reported to the council for prosecution for breach of the licence on more than one occasion.

I am of the opinion that immediate action is required to prevent crime and disorder and to protect the public, the standard review procedure is not appropriate on this occasion.

Signature**Signature:****Date:**7th Sept '16.


**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: **Southwark Licensing Team**

Address:

3rd Floor 160 Tooley Street

Post town: **Southwark**

Post code:

SE1 2QH

Ref. No.:

I **Police Constable 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:

Red Sea, 85 Camberwell Road

Post town:

Southwark

Post code:
(if known)

SE5 0EZ

2. Premises licence details

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

Lettderhan Abraha Telfa

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

835140

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

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

Please tick the box to confirm:



PROTECTIVE MARKING

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

(Please read guidance note 2)

On Sunday the 4th September 2016 at 2.45am there was a serious assault inside the premises resulting in the victim receiving injuries consistent with grievous bodily harm.

On Police arrival two suspects were pointed out by security outside the venue and had been involved in assaulting a male inside the venue. Both were arrested by officers and are currently on bail.

The SIA security refused to give statements and did not want to supply the details to officers and have not assisted in the investigation. CCTV coverage was poor due to the camera being obstructed. (statement from investigating officer, Crime report and CAD report attached)

The initial investigation found that the assaults had occurred inside the premises. A male had been punched and kicked on the floor and his finger had been bitten sustaining a nasty cut to the finger. The club was still open with a large number of people described as "worse for wear with drink". The premises licence has a terminal hour of 2.30am and all customers should be out by this time. (Breaching the premises Licence.)

Police have concerns with regard to the management of the premises, the apparent lack of control and proper management of this incident. There are additional concerns as to the overall management of the premises and a serious breach of the premises licence on the night in question.

There have also been previous concerns over the compliance with the premise licence having been served a Section 19 closure notice and reported to the council for prosecution for breach of the licence on more than one occasion.

On the 10th July 2016 at 03.05hrs Officers from the Police Night Time Economy (NTE) Team attended the venue and found about 70 people inside consuming alcohol and in breaches of the following conditions of the premises Licence. (statements at forms attached)

1. Opening after the terminal hour
2. No Sia - condition 290
3. No personal Licence holder - condition 336
4. Unable to provide CCTV footage immediately - condition 289

A section 19 closure notice was issued to the premises Licence holder (statement and copy attached)

On the 7th August 2016 at 02.30hrs again officers from the Police NTE team attended the venue and found the following breaches of the premises Licence. (statements attached)

1. 15-20 People drinking in breach of the terminal hour.
2. No CCTV in operation - condition 288 & 289
3. No SIA security - Condition 290
4. No Staff training records - Condition 4AB

The premises was informed and reported to Southwark Council to consider prosecuting for breaching the licence. No section 19 issued as one had already been issued on the 7th July 2016 with no action taken by the venue.

Police have objected to a recent variation application and Temporary event notices from the premises to extend the hours (copies attached)

I am of the opinion that immediate action is required to prevent crime and disorder and to protect the public, the standard review procedure is not appropriate on this occasion.

Due to the seriousness of this incident and the obvious non-compliance of the premise licence, Police are asking the licensing sub committee to suspend the premises licence with immediate effect pending a full review hearing as the management have continually breached the terminal hour and licence conditions even after being served a Sec 19 notice.

PROTECTIVE MARKING

Signature of applicant			
Signature:	[REDACTED]	Date:	7 th September 2016
Capacity:	Police Licensing Officer		
Contact details for matters concerning this application			
Surname:	White	First Names:	Graham
Address:			
Southwark police station, 323 Borough High Street			
Post town:	London	Post code:	SE1 1JL
Tel. No.:	[REDACTED]	Email:	SouthwarkLicensing@met.police.uk

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.

WITNESS STATEMENT

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

Statement of **Detective Constable Forbes**..... URN:

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Detective Constable**

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

Signature:  Date: **05/09/2016**.....

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

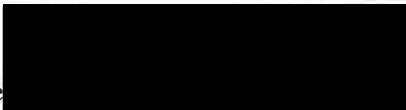
I am the above named officer, I am a serving Detective Constable currently assigned to the CID based at Walworth Police Station in the London Borough of Southwark. This statement refers to running and behaviour of security staff at the RED SEA BAR on CAMBERWELL ROAD

I am the officer in the case of a ABH level assault, whereby a male was viciously attacked causing a swollen eye and a bitten finger. I did not attend the scene but I have access to the entire case and am reliant on the crime report to make this statement.

At 0245hrs on 4th September 2016 officers attended the RED SEA BAR, 83 CAMBERWELL ROAD, SE5 0EZ responding to calls of an assault with blood at the scene. The call to police was placed by security at the venue. Police report that they arrive at 02:58hrs and at the time they arrived the club was still busy and most were very drunk. Security pointed out two males as responsible for the assault.

Of concern to me is that despite providing a positive identification of the suspects, which led to the suspects arrest and apparently having seen the fight take place, the security refused to provide details or a statement covering the disorder that had taken place in their venue. It is common practice that SIA security guards will assist police investigations as it is to the benefit of the perceived safety of their bar and for the pursuit of justice for the victim who went to their establishment.

The officer who attended informs me that the security flatly refused to give a statement and was even reluctant to provide details. This is not what I expect from a professional establishment serving alcohol in the London Borough of Southwark and I was appalled enough to report this independently to the licensing officer at Southwark. This will undoubtedly hinder my investigation.

Signature  Signature witnessed by:

Data Protection Act - Dispose Of As Confidential Waste
 PC GS WHITE 288MD 192581
 CR:3026472/16 CrType:B Notifiable/MPS/Other:N-1 Status:U Press:N Class:S/GBH/Wound
 GLU:MD

General Information

Screening Decision: IN

Main

IU: MD SOUTHWARK
 Crime Type: B H/O Crime Type: 1
 Allegation (Prefix):
 Allegation:
 Committed on/from Date: SUN 04/09/2016 02:45
 Committed to Date: SUN 04/09/2016 02:49
 Reported Date: SUN 04/09/2016 02:50
 How Notified: NP Phone Call to Police
 Restricted? By: Date:
 Restriction Reason:

Flags

MD

Borough

Branch

Service

Area (Historical)

OIC

Is OIC Same As Reporting Officer ?
 Investigating Officer's Rank: DC
 Surname: FORBES Initials: I
 Warrant Number: 232128 Div/D Number: Usual Relief: 3
 Duty: AB Borough CID
 Station/Branch: MD SOUTHWARK
 Allocated Date/Time: 04/09/2016 08:30
 Allocation Noted? Y Noted Date/Time: 04/09/2016 09:06
 BWV Noted? BWV Noted Date/Time:

Previous OIC Details

Usual Relief	Duty	Station Branch	Allocated Date/Time	Noted Date/Time	BWV Noted Date/Time
PC 230026	M DURHAM	524MD			
B	AA Borough Uniform	MD	04/09/2016 05:14	04/09/2016 05:14	

OIC Supervisor: DS/200533 JE HURST

Press

Suitable for Press? N
 Restrictions:
 Is this a Specrim? N
 Date/Time:
 Was a Firearm Used? N
 Was other Weapon Used? N
 Are there Terrorist Implications? N
 Was a Suspect present on Police arrival? Y

Data Protection Act - Dispose Of As Confidential Waste
 PC GS WHITE 288MD 192581
 CR:3026472/16 CrType:B Notifiable/MPS/Other:N-1 Status:U Press:N Class:S/GBH/Wound
 GLU:MD
Venue

Location

OMPD?

Address:

RED SEA,85,CAMBERWELL ROAD,
 LONDON,SE5 0EZ

Location Text:

nightclub

GLU: MD Local Id: MD02 Grid Ref: 532455,177195

Watch Area:

Main

Location Type(s): JE Licensed Club

Is the Venue covered by CCTV or in a CCTV Area? Y

CCTV Options: CE CCTV Not Recovered By Police

Approach:

Entry Method:

Entry Point:

Exit Point:

Security:

Person On Premises?

Other Info:

Internal Transfer

Date/Time	Transferred By	Previous GLU	Previous IU
------------------	-----------------------	---------------------	--------------------

Transfer From MPS

Transfer from Met To:-

Service:

Station:

Their Reference:

Received By:-

Rank:

Number:

Surname:

Data Protection Act - Dispose Of As Confidential Waste
PC GS WHITE 288MD 192581
CR:3026472/16 CrType:B Notifiable/MPS/Other:N-1 Status:U Press:N Class:S/GBH/Wound
GLU:MD

Details of Investigation

04/09/2016 05:57

PC 230026 524MD M DURHAM

PRIMARY INVESTIGATION DETAILS : 1 Immediate action

CAD 1330/04Sep16 refers. Attended by crews of M1N - PC GARVEY 785MD / PC DOOREY 701MD - and MD22N - PC DURHAM 524MD / PC MILLER 632MD

Account from VIW1:

VIW1 arrived at the location, the nightclub RED SEA, 85 CAMBERWELL ROAD, LONDON SE5, at around 0030 hours. He shared a bottle of whisky with five friends. The club is in a basement accessed by a set of stairs, there is then a short corridor with the main room on the left and a toilet/bathroom straight ahead.

While at the club VIW1 became aware of a male (SUSP1) that was repeatedly harassing a woman also present. He approached this male in the hallway of the club and told him to stop.

Suddenly without warning **SUSP1 hit VIW twice with a closed fist in his left eye**, causing it to bruise and swell. SUSP2 (believed to be SUSP1's brother) then got involved in the melee and bit VIW's finger, causing it to bleed. VIW fell to the floor and felt himself get kicked a few times. It is unknown how the melee broke up. One of the security officers at the club (W2) phoned police.

On police arrival SUSP1 and SUSP2 were outside and were pointed out by the security officer as having been involved in a fight; both were detained and handcuffed.

VIW was found cleaning himself up in the club toilet. **He had a nasty cut to his finger** and was brought outside to ambulance LAS N334. Due to the cut being from a human bite he was conveyed to ST THOMAS HOSPITAL due to the high risk of infection. While there an MG11 and Form 172 were completed with him in a 124D. VIW states in his MG11 that the two males he saw detained by police outside in the street (SUSP1 and SUSP2)

Data Protection Act - Dispose Of As Confidential Waste
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 GLU:MD

Details of Investigation

04/09/2016 05:57

PC 230026 524MD M DURHAM

PRIMARY INVESTIGATION DETAILS : 1 Immediate action
 were the same two that had attacked him. A photo was taken of the injury to VIW's eye which will be exhibited on an MG11 as MPD/1, however the bite wound had already been dressed by LAS.

SUSP1 and SUSP2 were arrested by PCs 785MD and 701MD respectively at 0400 hours for ABH, making no reply to caution.

The CCTV at the club has been viewed by 785MD and is inconclusive; **the main camera covering the hallway from the top of the stairs is mostly obscured by the sloping roof** and as such only shows very small parts of the melee, without being clear as to who is fighting and who is trying to break it up. It has not been seized by police.

Despite the large number of people in the club, nobody wanted to assist police in giving a statement. Most present were worse for wear with drink. W2, the security officer who called police, flatly refused to give a statement and was even reluctant to provide details.

PRIMARY INVESTIGATION DETAILS : 2 Scene

PRIMARY INVESTIGATION DETAILS : 3 Forensics

PRIMARY INVESTIGATION DETAILS : 4 Victims/Witnesses

PRIMARY INVESTIGATION DETAILS : 5 Suspects

PRIMARY INVESTIGATION DETAILS : 6 Other evidence

04/09/2016 05:58

PC 230026 524MD M DURHAM

*****HOT RISK ASSESSMENT*****

*****If Yes to any of these questions detail required on Dets*****

VICTIM

Clear risk of further offending against victim. NO

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GLU:MD

Details of Investigation

PC 230026 524MD M DURHAM

SOLVABILITY ASSESSMENT - CRIME CONTINUES

Suspects in custody - will require interviewing

04/09/2016 08:31

PS 227828 16MD DE BURGESS

OIC Changed

04/09/2016 15:09

PS 221610 321MD S MUNCK

Initial Supervision

This report appears to meet the required standards of primary investigation.

04/09/2016 18:01

TDC 204895 537MD BS DE LIMA

Interview of xxx

FILA + Caution explained.

S: Hxxxxxxxxxxxx

Interpreter: Ms xxxxxxxxx- Italian interpreter

S: 17:15 F: 17:30

xxxxxx was interview in the presence was his solicitor and interpreter.

He made a prepared statement stating the following:

i, xxxxxxxxxxxxxxxxxxxxxxx, will say as follow:

I deny assaulting the man as alleged. He assaulted me for no reason, punching my eye and hitting my head with a bottle. He put his

Data Protection Act - Dispose Of As Confidential Waste
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GLU:MD

Details of Investigation

04/09/2016 18:01

TDC 204895 537MD BS DE LIMA

finger in my mouth and pulled my face, so I bit him in self defence, so he'd take his finger back out.

Victim's statement read out and all the other questions asked he made no comment.

04/09/2016 18:36

TDC 204895 537MD BS DE LIMA

xx BTR- 8/11/16 @17:00 hours

xx- 8/11/16 @18:00 hours

04/09/2016 20:51

PC 230643 T WALKER

Screened In

04/09/2016 20:51

PC 230643 T WALKER

Classification confirmed

PRINTED AT 10:23 05:SEP:16 white 288md

192581

SINGLE INCIDENT PRINTOUT
PAGE 1

INCIDENT No. 1330:04SEP16

INCIDENT No. 1330 entered at 02:50 on 04SEP16 by CHS/CHS in CCC/IR

INCIDENT IS "PRIORITY"
INCIDENT WAS ENTERED "EXTERNALLY"
INCIDENT IS "TAGGED"

Rec By :E (Emergency)
 Call Tel :
 Call Name:SECURITY OFFICER
 Call Type:W (Witness)
 Call Mail:
 Cntct Tel:
 Att Locn :85 CAMBERWELL ROAD:ROXY
 Map :Page 162, Grid Reference 532455,177195
 GPA :MC [Division: MD:LX]
 Inc Locn :85 CAMBERWELL ROAD:ROXY
 Map :Page 162, Grid Reference 532455,177195
 GPA :MC [Division: MD:LX]
 Call Locn:85 CAMBERWELL ROAD:ROXY
 Map :Page 162, Grid Reference 532455,177195
 GPA :MC [Division: MD:LX]
 Opening 1:001 (Violence Against The Person)
 Open Text:
 Urgency :I (Immediate)
 VRMs :
 Proposal :(BOCU at 02:52/04SEP16):
 MD21L MD26N OS331L MD20L MD81N MD84N MD86L MC91L 995MD 435MD
 Assigned :
 DeAssign :M1N, MD22N, MD14N, MD80N, M2N, MD20N
 TOA :02:58:19/04SEP16
 DO Name :
 DO Tel :
 CRIS :3026472/16
 Class 1 :001 (Violence Against The Person)
 Qual 1 :701 (Assistance Requested / Rendered)
 Res 1 :700 (Detain / Detained)
 2 :710 (CRIS Entry/Updated)
 Clo Text :
 O Dealing:
 Metops :
 CHS Demid:20160904026269

 Linked :

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
 NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

PRINTED AT 10:23 05:SEP:16 white 288md

192581

SINGLE INCIDENT PRINTOUT
PAGE 2

INCIDENT No. 1330:04SEP16

Phone Field : (For previous Incidents from this phone use
action:PHD or PHL - use DARIS to extend search)
Gazetteer Comments : (May have existed or altered since Incident creation
-
Use MSS SMF:SPECARCHIVE)

Location Based Comments

** Attendance and Incident and Caller Location **

CAMBERWELL RD,SE5 (1 - 91)
ALL PROPERTY IN SE5
MB:1 -181 ODD & 2-24 EVEN REMAINDER MC
77 CAMBERWELL RD: 'WHITE HALL CLOTHIERS' - *SITE HAZARD* THESE PREMISES
HAVE A
FRAGILE ROOF AND OTHER SITE HAZARD(S)

Remarks:

Time Date Opid Termid

04SEP16 CHS CHS (pre 1st routing)
CREATED IN: CHS AT: 2016-09-04 02:50:59 CAD AT: 2016-09-04
02:52:38

ENTERED BY: CHS (c723207) AT: 2016-09-04 02:52:38
FIGHT IN CLUB. BLOOD THERE AS WELL.
02:52:55 04SEP16 CHS
ENTERED BY: CHS (c723207) AT: 2016-09-04 02:52:55
NO WEAPONS SEEN
02:53:22 04SEP16 218945 L3105
^MD - PR CIRCS.
02:57:28 04SEP16 008684 L3095
^CCTV....I WILL TAKE A LOOK
02:58:25 04SEP16 CHS
LAS^MPS
Organisation:LONDON AMBULANCE SERVICE
Assistance:AMBULANCE
Location:
Mapref:162/532455,177195
85 CAMBERWELL ROAD;ROXY
Location Sent As:
85 CAMBERWELL ROAD ";ROXY"
MPS Contact :MD
Number :SEE FILE
Caller:SECURITY OFFICER
Number:~~0000 100 9000~~
Unit: Assigned:Y (Y/N) On Scene:Y (Y/N) Attending:Y (Y/N/U) ETA:

Mins

Patient Contact Number: N/A PR Radio Number:

N/A

Casualty 1 Chief Complaint: MULTIPLE VICTIMS OF FIGHT *

PRINTED AT 10:23 05:SEP:16 white 288md

192581

SINGLE INCIDENT PRINTOUT
PAGE 3

INCIDENT No. 1330:04SEP16

Time Date Opid Termid

(Y/N/U) Severe Bleeding:N (Y/N/U) Conscious:Y (Y/N/U) Breathing:Y

(U)nknown Chest Pain:U (Y/N/U) Shot/Stabbed:N (Y/N/U) (Y)es (N)o

(M/F/U) Casualty 2 Chief Complaint:MULTIPLE VICTIMS OF FIGHT.
Approx Age: 25 :Y (Y)ears (M)onths (W)eeks (D)ays Sex:M

(Y/N/U) Severe Bleeding:N (Y/N/U) Conscious:N (Y/N/U) Breathing:Y

(U)nknown Chest Pain:U (Y/N/U) Shot/Stabbed:U (Y/N/U) (Y)es (N)o

(M/F/U) Casualty 3 Chief Complaint:MULTIPLE VICTIMS OF FIGHT.
Approx Age: 25 :Y (Y)ears (M)onths (W)eeks (D)ays Sex:U

(Y/N/U) Severe Bleeding:U (Y/N/U) Conscious:U (Y/N/U) Breathing:U

(U)nknown Chest Pain:U (Y/N/U) Shot/Stabbed:U (Y/N/U) (Y)es (N)o

Remarks :
MULTIPLE VICTIMS OF FIGHT.
02:58:27 04SEP16 LAS
MPS^LAS MESSAGE PROCESSED SUCCESSFULLY - REF:LAS/541/0409201602:58:50 04SEP16 CHS
ENTERED BY: CHS (c723207) AT: 2016-09-04 02:58:50
INFM CLEARED THE LINE. POL APPEAR TO BE ON SCENE02:58:52 04SEP16 LAS
MPS^LAS Reference: LAS/541/04092016
Organisation:LAS
Action :POLICE
REMARKS :
METROPOLITAN POLICE: POLICE requested for OTHER - FULL DETAILS

BELOW

,ARE POLICE ONS? LAS ON WAY
02:58:54 04SEP16 CHS
ENTERED BY: CHS (c723207) AT: 2016-09-04 02:58:54
CHS REF NOT TAKEN BY CALLER03:00:10 04SEP16 LAS
MPS^LAS Reference: LAS/541/04092016
Organisation:LAS
Action :POLICE
REMARKS :
METROPOLITAN POLICE: POLICE requested for ETA REQUIRED - PLEASE

SEND

UPDATE ,WE WILL WAIT NEARBY - PLEASE ADVISE WHEN ONS
03:01:37 04SEP16 218945 L3105
LAS^MPS
Organisation:LONDON AMBULANCE SERVICE
Action :INFORMATION

PRINTED AT 10:23 05:SEP:16 white 288md

192581

SINGLE INCIDENT PRINTOUT
PAGE 4

INCIDENT No. 1330:04SEP16

Time Date Opid Termid

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03:01:53 04SEP16 LAS
MPS^LAS Reference: LAS/541/04092016
Organisation:LAS
Action :POLICE
REMARKS :
METROPOLITAN POLICE: POLICE requested for OTHER - FULL DETAILS

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BELOW

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, THANK YOU - LAS JUST ARRIVING NOW
03:06:35 04SEP16 008684 L3095
^446MD....SHOW MD20N MAKING WAY TO LOCN
03:08:27 04SEP16 008684 L3095
&785MD...LOOKS LIKE WE MAY 2 OR MORE MALES COMING IN FOR
ASSUALT/AFFRAY. WILL UPDATE SHORTLY
03:15:05 04SEP16 008684 L3095
^785MD....ONE OF THE MALES HAS BEEN COMPLAINING THAT HE HAS BEEN
HIT
OVER THE HEAD WITH A BOTTLE ALTHOUGH HE HAS NO OBVIOUS INJURY.
LAS
HAVE REQUESTED A SECOND LAS TO THIS LOCN VIA THEIR CONTROL
03:16:44 04SEP16 008684 L3095
^524MD....GOING WITH VIC IN LAS N334. MALE HAS BITE TO RIGHT
FINGER/HAND. NOT LIFE THREATENING OR CHANGING
03:16:59 04SEP16 008684 L3095
^524MD--->ST THOMAS HOSP
03:18:25 04SEP16 008684 L3095
^632MD...CHECKING CCTV WITH SECURITY AT LOCN
03:42:26 04SEP16 218945 L3105
^524MD - TOA ST THOMAS.
03:54:41 04SEP16 008684 L3095
^785MD.....SPACE PLS 2 X ADULT MALE ABH ARREST BY MYSELF AND
701MD
03:56:02 04SEP16 008684 L3095
^MD....CELLS 24 AND 25 BOOKED
05:24:21 04SEP16 218945 L3105
^701MD - CRIS REPRT BY ME.
05:25:09 04SEP16 230026
ENTERED BY: CRIS (p230026 ) AT: 2016-09-04 05:25:07
^524MD for cris 008/06 ABH & Minor Wounding

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Previous Actions:

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Time Date Opid Termid ACTION
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02:52:38 04SEP16 CHS CCC:CCL O() 001:VIOLENCE AGAINST THE PERSON
" " " " PI

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CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 10/07/16 Time Served: 0315

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC Maria A Mahoney 321MD

Signature: PC Maria A Mahoney 321MD

Name (if applicable) and address of the affected premises:
Red Sea Restaurant - 45 Cambewell Road
SE5 0E2

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

Bar open past it's authorised hours
290 - No sign door staff 289 CCTV not readily available
336 - No personal licence holder on premises

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

Premises had about 30 customers staff behind the bar music playing No sign door staff No one able to operate CCTV

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

Manager - Daniel Tesraldet advised of breach and how to prevent it from re-occurring

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details) NO

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name Daniel Tesraldet, Tekie

Signature 

Date 10-7-16

**METROPOLITAN
POLICE**

Book 694


Police Copy

Notification of alleged offences under the Licensing Act 2003Venue Name: RED SEA REF: (CAD/CRIS etc.) N/AAddress: 85 CAMBERWELL RD, LONDON, SE5 8EZDate: 10/07/16 Time: 03:17Details of person in charge at the relevant time: DANIEL TESFALDET TEKIE -NOT THE PERSONAL LICENCE HOLDER OR OPS DPS Personal Licence Holder **Summary of alleged offences identified**

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

VENUE OPEN PASSED ITS OPENING TIMES LICENCED.
NO SIA - BREACH OF LICENCE.

Issuing officer: S. MOHAMMED VERA 5313 MD Print: S. MOHAMMED VERA 5313 MDI acknowledge receipt of this form: (venue) 

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

WITNESS STATEMENT

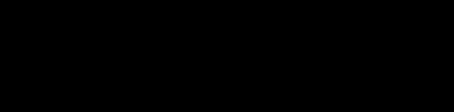
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Keith Dempster**..... URN:

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

This statement (consisting of: **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.


Signature:  Date: **12/7/2016** of **6**

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

On SUNDAY 10th JULY 2016, I was on duty in full uniform in the company of PC 321MD O'Mahoney and two members of the Special Constabulary, patrolling in a marked police vehicle. I am the Sergeant of the Night Time Economy Team (NTE), and as part of my duties, I visit licensed premises on the borough, for compliance and for people to enjoy the Night Time Economy in Southwark in a safe environment.

At approximately 0305 hours, as we patrolled in CAMBERWELL ROAD SE5, I noticed a group of about 15 persons outside RED SEA Restaurant. I was aware this premises had a premises licence until 0230 hours, at which time it should be closed. I could see no SIA door supervisors dispersing people, so decided to visit the premises. PC O'Mahoney parked the vehicle close by in ALBANY ROAD SE5 and we walked to the venue. As I walked through the door to the premises, I could hear loud music and there were a number of people on the stairs to the basement. This premises has a ground floor restaurant, and a basement area where there is a club licensed for regulated entertainment and alcohol. I walked downstairs and opened the door to the club area. I was surprised to see approximately 50 persons in the area drinking bottles of alcohol. I walked o the bar area, and could see a male behind the bar, and a number of people standing and sitting at the bar, some had drinks. The male identified himself as Daniel TEKIE, and said he was the person in charge of the premises. He said he was closed at 0300, but as the lights were dimmed and music playing loudly I could see that was not the case. I asked Mr TEKIE if there was a quieter area to speak, and we went upstairs to the restaurant area that was closed. I established there was no Temporary Event Notice applied for. I asked Mr TEKIE if he was the DPS, and he replied No, he was unwell and so he was managing the club. He showed me a written authorisation from DPS Lettderhan Abraha TELFA to sell alcohol.

I decided to go through the premises licence with Mr TEKIE, and asked if he had a copy. He could not find one. I found a digital copy online from the Southwark Council website, which has all licences on the website. In addition to being open past closing time, other breaches of the licence were identified. I had noticed there were no SIA door supervisors, and asked Mr TEKIE where his security staff were. He said he had none tonight, as it was a

Signature:  Signature witnessed by:

Continuation of Statement of Keith Dempster.....

community event. This was a breach of Condition 290 that says;

That SIA registered door supervisors, one of whom shall be a female, shall be employed at all times when the premises is being used for regulated entertainment and the terminal hour for licensable activities is greater than 0100. They should be 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

There is a requirement for the premises to have CCTV, and although CCTV appeared to be working, Mr TEKIE was unable to show me any footage of this, and is a breach of Condition 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

There is a condition that a personal licence holder is on the premises and on duty at all times that intoxicating liquor is supplied. I asked Mr TEKIE if he had a personal licence. He showed me a summary of the premises licence. I asked him again and he said No. I asked if there was anybody on the premises now, that he believed had a personal licence, to which he said No. This is breach of Condition 336;

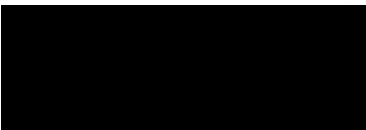
That a personal licence holder is on premises and on duty at all times that intoxicating liquor is supplied.

I did not ask any further questions in regards to the premises, as Mr TEKIE appeared confused of the conditions. PC O'MAHONEY who was present with me, decided to issue Mr TEKIE with a Section 19 Criminal Justice and Police Act 2001 Closure Notice, for the breaches. This was explained to Mr TEKIE by PC O'MAHONEY and a guidance was given to him. A notification of alleged offences under the Licensing Act 2003 was also issued for Section 57(7) Failure to produce a premises licence or certified copy; Section 135(4) Failure to produce a personal licence to a police officer and Section 136(1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.

Mr TEKIE signed in receipt of these.

The police then left the premises, and continued patrolling the borough



Signature:  25/11/6 m

Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: PC Maria O'MAHONEY 321MD

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

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Witness Signature:

[Redacted Signature]

321MD

Date: 11/08/16

On Sunday the 7th August 2016 at approximately 0230 hours I was on duty in plain clothes in the company of Special Constable DOBOS 5386MD and Southwark Council Licencing Officer Alex LISOWSKI. I am a Police Officer on the Night Time Economy Team Southwark and as part of my duties, I visit licensed premises on the borough to check for compliance. We were in an unmarked car patrolling along CAMBERWELL ROAD when my attention was drawn to the RED SEA RESTAURANT 85 CAMBERWELL ROAD SE5 0EZ. I could clearly see there were about five to six males standing outside chatting and smoking. We parked up and as I approached the venue I could see that the lights were on inside and there appeared to be a number of people inside. When I entered the premises I could see about 15 to 20 people sitting at various tables with drinks in front of them.

I walked over to the bar where there was a female standing behind it who I now know to be Lettderhan Abraha TELFA the Designated Premises Supervisor. I introduced myself to Ms TELFA showing her my warrant card. Also behind the bar was Daniel Tesfoldet TEKIE. Mr TEKIE was managing the premises the last time I visited on the 10th July 2016. On that occasion I had issued him with a Section 19 Criminal Justice and Police Act 2001 – Closure Notice. I served this to Mr TEKIE along with guidance notes and advice on how to prevent further breaches. The breaches of the licence conditions were that the bar was still open at 0305 hours with about 70 customers in the premises. The venue only has a licence until 0230 hours. There were no SIA supervisors on the door despite them having a community event. This was in breach of condition 290. There was no one able to operate the CCTV. This was a breach of condition 289. There was no Personal Licence holder on the premises. This was in breach of condition 336.

Ms TELFA was asked if she could operate the CCTV to show that it was now working. Ms TELFA explained that there was no CCTV because the person who was to install it was away on holiday at the moment. She then showed me a box and said that it contained the CCTV to be installed.

She had again breached condition 288 - That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times.

Ms TELFA was asked if she had any SIA registered door supervisors working. She said that she had a community event down stairs and that they had all left the premises and that she did not think she needed SIA registered door supervisors for these occasions.

This was a breach of condition 290 - That SIA registered Door Supervisor, one of whom shall be a female, shall be employed at all times when the premises is being used for

Witness Signature:

[Redacted Signature]

321MD

Signature Witnessed by Signature:

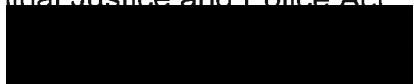
Continuation of Statement of:

regulated entertainment and the terminal hour for licensable activities is greater than 01:00. They should be 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.

Ms TELFA was then asked about a staff training book she then handed over a note book which was blank and had nothing written on it. When I pointed out that there was nothing written in it Ms TELFA did not appear to understand what I was saying.

Ms TELFA appeared to struggle with understanding English and was asking Daniel Tesfoldet TEKIE to translate.

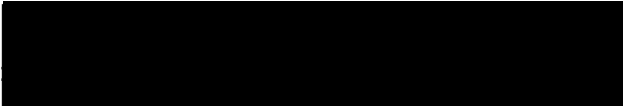
It was explained to Ms TELFA that she was going to be reported to Southwark Council for them to consider prosecution for the continuing breaches of her licence conditions as she had already been issued with a Section 19 – Closure Notice Criminal Justice and Police Act 2001 on the 10/07/2016 and no remedial action had been taken.



321

[A large, faint, handwritten signature or scribble that spans across the middle of the page, starting from the bottom left and extending towards the top right.]

Witness Signature



321 my

Signature Witnessed by Signature:.....



The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

Metropolitan Police Service
Licensing Office
 Southwark Police Station,
 323 Borough High Street,
 LONDON,
 SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/2861/16

Date: 01st Sept 2016

Re:- Red Sea , 85 Camberwell Road London SE5 0EZ

Dear Sir/Madam

Police are in receipt of an application from the above for a Temporary Event Notice on the 10th September 2016 for the following hours

0100hours to 0530hours

Police object to the granting of the notice and ask a counter notice be issued.

On the 10th July 2016 at 0305hours Police officers from the Night Time Economy Team attended the venue and Officers found about 70 people inside consuming alcohol, staff behind the bar, and music being played.

A Notice of alleged offences and a Section 19 Closure Notice under the Criminal Justice and Police Act 2001 were issued for the following condition breaches, Operating after the terminal hours, No SIA Security and No Personal Licence holder on the premises, No person able to operate the cctv system.

On the 7th August 2016 at 0230hours Police Officers from the NTE Team attended the venue and found about 15 to 20 people drinking, the following Licence condition breaches, No cctv was in operation, No person able to operate a cctv system, No SIA security, No staff training records. This was reported to the council for consideration to prosecute. No section 19 was issued on this occasion as one had been issued previously for similar breaches.

The management have shown a disregard to their current Licence conditions and relevant operating times. Allowing this event to take place would negate the conditions placed on the licence and allow them to operate unrestricted and any guarantee by the premises to comply could not be relied upon due to the incident above

The Following is submitted for your consideration

Yours Sincerely

Pc Mark Lynch 246MD



The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756
 Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ 2845/16

Date: 8th August 2016

Re:- Red Sea, 85 Camberwell Road, London SE5 0EZ

Dear Sir/Madam

Police are in receipt of an application from the above for a Temporary event Notice for the following hour's 01:00 to 05:30 hrs on the 13th August 2016

Police object to the granting of the notice and ask a counter notice be issued.

On the 10th July 2016 at 03.05hrs Officers from the Police night Time economy team attended the venue and a Notice of alleged Offences and a Section 19 Closure Notice under the Criminal Justice and Police Act 2001 were issued, for operating after the terminal hour, No SIA security and No personal Licence holder on the premises. Officers found about 70 people inside staff behind the bar and music being played. (Copies attached)

The management have shown a disregard to the current Licence conditions and relevant times. Allowing the event would negate the conditions placed on the licence and allow them to operate unrestricted and any guarantee by the premise to comply could not be relied on due to the incident above.

The Following is submitted for your consideration.

Yours Sincerely

PC Graham White 288MD
 Southwark Police Licensing Unit



The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

**Metropolitan Police Service
 Licensing Office**
 Southwark Police Station,
 323 Borough High Street,
 LONDON,
 SE1 1JL

Tel: 020 7232 6756
 Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ 2845/16

Date: 4th August 2016

Re:- Red Sea, 85 Camberwell Road, London SE5 0EZ

Dear Sir/Madam

Police are in receipt of an application from the above for a variation to the premises licence to be granted under the licensing act 2003 for the following hours

Premises open to the public 08:00 to 01:00 Sun - Thurs
 08:00 to 02:30 Fri
 08:00 to 05:30 Sat

Sale of alcohol 08:00 to 01:00 Sun - Thurs
 08:00 to 02:30 Fri
 08:00 to 05:30 Sat

Late Night Refreshments 23:00 to 01:00 Sun - Thurs
 23:00 to 02:30 Fri
 23:00 to 05:30 Sat

Live and recorded Music 20:00 to 01:00 Sun - Thurs
 20:00 to 02:30 Fri
 20:00 to 05:30 Sat

The operating schedule indicates that this is for restaurant & bar, the venue is situated in a residential area as designated by the Southwark Council Licensing Policy. The current hours are outside of the policy and the application does not contain control measures to sufficiently restrict the operation to this specific manner or allow time for customer dispersal.

The latest terminal hour under the current policy would be 23.00hrs for a restaurant or bar and a night club which the premises already operates in the basement would not be considered appropriate.

On the 10th July 2016 at 03.05hrs Officers from the Police night Time economy team attended the venue and a Notice of alleged Offences and a Section 19 Closure Notice under the Criminal Justice and Police Act 2001 were issued, for operating after the terminal hour, No SIA security and No personal Licence holder on the premises. Officers found about 70 people inside staff behind the bar and music being played. (Copies attached)

The police object to the granting of the application in full as the management have shown a disregard to the current Licence conditions and the application falls outside the hours set out in the policy. The current licence already has a stipulation relating to 696 risk assessments and according to police records the venue has never submitted any.

The Licensing Sub-Committee has discretion around the policy however the police do not think that this is suitable in the case for the reasons set out above. However if the committee does grant an extension to the hours we would like to see a change to the CCTV condition, ID scan in operation at the premises, as we feel it should be operating under the hours already granted and are already operating as a night club.

The Following is submitted for your consideration.

Yours Sincerely

PC Graham White 288MD
Southwark Police Licensing Unit

APPENDIX B

Licensing Act 2003 Premises Licence



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

Premises licence number

835140

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Red Sea 85 Camberwell Road	
Ordnance survey map reference (if applicable): 177683532439	
Post town London	Post code SE5 0EZ
Telephone number [REDACTED]	

Where the licence is time limited the dates
--

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

The opening hours of the premises
For any non standard timings see Annex 2
Monday 08:00 - 01:00
Tuesday 08:00 - 01:00
Wednesday 08:00 - 01:00
Thursday 08:00 - 01:00
Friday 08:00 - 02:30
Saturday 08:00 - 02:30
Sunday 08:00 - 01:00

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

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

Live Music - Indoors

Friday 12:00 - 02:30
 Saturday 12:00 - 02:30

Recorded Music - Indoors

Friday 12:00 - 02:30
 Saturday 12:00 - 02:30

Facilities for Making Music - Indoors

Friday 12:00 - 02:30
 Saturday 12:00 - 02:30

Facilities for Dancing - Indoors

Friday 12:00 - 02:30
 Saturday 12:00 - 02:30

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

Monday 12:00 - 00:30
 Tuesday 12:00 - 00:30
 Wednesday 12:00 - 00:30
 Thursday 12:00 - 00:30
 Friday 12:00 - 02:30
 Saturday 12:00 - 02:30
 Sunday 12:00 - 00:30

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licenceLetteberhan Abraha Tafla
[REDACTED]**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**Letteberhan Abraha Tafla
[REDACTED]**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**Licence No.: [REDACTED]
Authority: L B Southwark

Licence Issue date 06/09/2011

.....
 Community Safety Enforcement
 Business Unit Manger
 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 tablemeal, 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

4AA The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age.

Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

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

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

4AI A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

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

276 That adequate ventilation would be installed downstairs.

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

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

290 That SIA registered Door Supervisor, one of whom shall be a female, shall be employed at all times when the premises is being used for regulated entertainment and the terminal hour for licensable activities is greater than 01:00. They should be 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.

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'

303 That you shall require any regular 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.

308 That no new entry or re-entry to premises be permitted after 0100 except for those patrons returning from smoking.

309 That all amplified recorded and live music be played through the amplification regulated by the sound limiting device.

310 Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Those leaving the premises should not be permitted to consume drinks whilst outside. Those who do temporarily leave for this reason shall be the subjected to the requirement of a further search.

311 That clearly legible notice shall be prominently displayed at each exit at the premises and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.

320 That a sound limiter be installed in the basement room and be set at a level by the applicants engineer in association with residents of the flats above and immediately adjoining in presence of Environmental Protection Team.

332 Children under the age of 18 are allowed on the premises at any opening times but must be accompanied by an adult after 23:00

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

340 That no regulated entertainment in the form of live or recorded music or dancing be performed in the ground floor restaurant

341 That an entrance lobby be constructed to the ground floor entrance sufficient in size to permit the outer door closing before customer enter the inner door to the ground floor and basement stairway.

342 That the door to the basement room from the passage and stairway-up be made self closing and be kept closed during performance of regulated entertainment.

343 An emergency button will be installed in toilets to call for assistance upstairs.

344 That recorded music will be kept at a reasonable level through out opening hours.

345 A 16 or 17 year old would be allowed to drink beer, wine or cider with a tablemeal provided an adult purchases the drink and accompanies them at the table meal.

346 All SIA Staff are required to record their details, including SIA Badge number, in a booking on/off register

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

8AF No open containers of alcohol or any other drink shall be taken outside of the premises.

840 Smoking shall not be permitted at the rear of the premises.

Annex 4 - Plans - Attached

Licence No. 835140

Plan No. N/A

Plan Date 11 Sept 2007

-----Original Message-----

From: Newman, Paul [REDACTED]

To: McArthur, Wesley [REDACTED]

CC: [REDACTED]

Sent: Thu, 8 Sep 2016 15:21

Subject: RE: Application for the review of a premises licence - Red Sea, 85 Camberwell Road, London, SE5 0EZ (our ref: L1U 855543)

Hi Wesley

Thank you for the copy of the police application for expedited review of Red Sea restaurant.

I wish to make representations on review about this licence (my reference CMU 840715) on the grounds of public safety, and observations on the grounds of public nuisance, and I recommend additional conditions be added to the licence. I have not made representations on the grounds of crime and disorder e.g. cctv and id entry systems, except where crime and disorder considerations also touch on public safety, as the police are better placed to comment on crime and disorder. I have not made representations on the grounds of protection from children from harm, as there appears to be no evidence of any issues in this regard.

Representation on grounds of Public Safety:

The Licensing Policy notes under the heading 'Women's Safety Charter' at paragraphs 211-213 page 54, that women are particularly at risk of harassment in bars and night clubs. Any incidents of harassment carry with them the risk that such incidents may be flashpoints for escalation into violent conduct.

The sub-committee will note from the Police Expedited Review application, that the incident that led to the assault causing wounding, appears to have escalated from an incident of harassment of a woman by a male.

There was also an unproven counter-allegation of an assault with a glass bottle, and the sub committee will note from the police representation, that customers were drinking from bottles, and therefore bottles were available within the premises for use as casual weapons.

The police evidence shows that the injured party had purchased a bottle of whisky to share among 5 people. This arrangement permits free pouring of spirits by the purchaser, and may lead to individuals becoming heavily intoxicated.

There is a further issue that SIA door staff were uncooperative with police in the investigation of the assault.

I would ask the sub committee to add conditions;

1. The company engaged to provide door supervisors (the 'service provider') shall be subject to independent third party auditing to confirm that it complies with BS 7960:2005 Code of Practice in Door Supervision, including incident record keeping, and cooperation with police and other authorised officers. An instruction to SIA staff to cooperate with investigation of any incident by an authorised officer must be explicit in the assignment instructions for these premises from the service provider to the SIA door supervisors.
2. Spirits must not be sold by the bottle, only in single or double measures.
3. After 11 p.m. only polycarbonate or toughened glass drinking vessels shall be available to patrons, and all bottled drinks sold must be decanted into a drinking container before service to the customer, with the exception of bottles of wine served to persons seated in the upstairs restaurant, and who are taking or have ordered a table meal.

I would ask that this last condition is imposed even if licensed hours are cut back, so that in the event a standard TEN is served to extend licensed hours, the conditions on the premises licence can be attached to the TEN.

I would also ask the committee to draw to the licence holder's attention that conditions from the premises licence can only be attached to a standard TEN, and not to a Late TEN, and that they should expect that if they serve a late TEN in future, a counter notice will be served.

I would also ask that the sub committee draw the to licence holders attention the Women's Safety Charter, and paragraphs 211 to 213 of it's parent committee's statement of licensing policy.

Observations on public nuisance:

This premises has held a number of Temporary Events in the past, and these do not appear to have resulted in complaints of noise nuisance or other environmental impacts, and therefore it would not appear to be necessary to impose any further conditions to prevent public nuisance. I would ask that an informative comment is included with the sub-committee's decision, reminding the operator that during any music events they should make routine checks on noise and other environmental impacts the operation may have, so that these can be managed with a view to continuing to avoid any valid complaints being made.

Please let me know if you would like to discuss further

Kind regards

Paul Newman, EHO

Principal Environmental Protection Officer

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only) : Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

Tel: 020 7525 3551 | Fax: 020 7525 5705 | e mail: [REDACTED]

visit: www.southwark.gov.uk



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 9 SEPTEMBER 2016

LICENSING ACT 2003: SECTION 53A: LICENSING ACT 2003: RED SEA, 85 CAMBERWELL ROAD LONDON SE5 0EZ

1. Decision

That the premises licence be suspended as an interim step to promote the licensing objectives pending the determination of the review application at the full hearing on 3 October 2016.

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 Service for an expedited summary review of the premises.

The licensing sub-committee have considered the application made by the Metropolitan Police Service and supplementary evidence from the police presented at this hearing. The police advised that on 7 September 2016 they applied to the licensing authority for a summary review in respect of these premises. A senior member of the police force, for the area, certified that in his opinion, the premises were associated with serious crime and/or serious disorder.

The summary review application resulted due to an incident that took place on 4 September 2016 at 02:45. It was alleged that a serious assault occurred at the premises which resulted in the victim receiving injuries consistent with grievous bodily harm. On arrival, the police noted that most of the patrons attending the premises were drunk. They arrested two suspects and when the police attempted to liaise with the SIA staff they were un-cooperative and refused to provide formal witness statements to the police and were reluctant to provide their details or aid in the police's enquiries. Furthermore, CCTV cameras at the premises were obstructed and of no evidential use. The police also advised that there had been previous breaches of the licence on 10 July and 7 August 2016. On 10 July 2016, a Section 19 Closure Notice was served.

The licensing sub-committee have also considered oral evidence from the licensee's nephew, acting as her representative in her absence.

Concerning the incident on 4 September 2016, he advised that he couldn't comment as he had not been present at the premises but believed that his aunt was.

He informed the sub-committee that his aunt's first language was not English but Italian. He advised that she had very limited understanding of the premises licence and its conditions. On questioning, it was unclear whether other employees at the premises had personal licences. If patrons asked if they could stay beyond the terminal hour, his aunt would rarely refuse the requests.

Concerning the events that took place in the basement function room, these were largely managed by another male who was not a personal licence holder. His aunt, however, remained on the premises. Due to his aunt's limited grasp of English and understanding of the licence, he had become more involved over the last year in assisting her running the business. He added that, looking to the future, his aunt hoped to turn the premises into an Italian pizza restaurant.

Having considered all the evidence before it, the licensing sub-committee have very serious concerns with the management of these premises, the apparent lack of control that the licensee has over the premises and the proper management of the incident on 4 September 2016. The police expressed concerns over the previous compliance of the premises licence and were in the process of applying for a review of the licence when the incident on 4 September occurred. It is the opinion of this licensing sub-committee that an immediate suspension of the licence is required to prevent crime and disorder and to protect the public. All licensable activities are suspended. The restaurant may continue operating during the hours of 05:00 and 23:00 only and no alcohol may be sold. The licensing sub-committee, strongly recommend that the licence holder seeks independent legal advice.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

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: 9 September 2016

APPENDIX E

No.	TEN no.	Start date	End date	Start and end time of event	Max number of people permitted at event	Sale of Alcohol?	Entertainment?	Late Night Refreshment?	Premises User	Objection notice?	Counter Notice / rejected?
1	831107	31/12/2009	31/12/2009	01:00 - 04:00	40	Yes	Yes	Yes	Ms Zege Abraha	No	
2	833706	24/12/2010	25/12/2010	18:00 - 04:00	499	Yes	Yes	Yes	Letteberhan Tafla	No	
3	833754	30/07/2011	31/07/2011	18:00 - 04:00	50	Yes	Yes	Yes	Letteberhan Tafla	No	
4	835518	10/09/2011	11/09/2011	18:00 - 04:00	50	Yes	Yes	Yes	Letteberhan Tafla	No	
5	839353	20/10/2012	21/10/2012	18:00 - 04:00	50	Yes	Yes	Yes	Letteberhan Tafla	No	
6	840044	22/12/2012	23/12/2012	20:00 - 04:00	50	Yes	Yes	Yes	Henrietta Cole	No	Rejected: Late
7	840045	22/12/2012	23/12/2012	20:00 - 04:00	50	Yes	Yes	Yes	Henrietta Cole	No	
8	840046	29/12/2012	01/01/2013	20:00 - 04:00	200	Yes	No	Yes	Henrietta Cole	No	
9	841969	26/07/2013	28/07/2013	21:00 - 04:30	200	Yes	Yes	Yes	Henrietta Cole	No	
10	842551	12/09/2013	14/09/2013	20:00 - 04:00	50	Yes	Yes	Yes	Letteberhan Tafla	No	
11	842876	04/10/2013	05/10/2013	21:00 - 04:30	50	Yes	Yes	Yes	Letteberhan Tafla	No	
12	842918	12/10/2013	12/10/2013	02:30 - 05:30	200	Yes	No	Yes	Henrietta Cole	No	
13	843133	16/11/2013	16/11/2013	02:30 - 05:30	200	Yes	No	Yes	Henrietta Cole	No	
14	843134	30/11/2013	30/11/2013	02:30 - 05:30	200	Yes	No	Yes	Henrietta Cole	No	
15	843578	31/12/2013	01/01/2014	20:00 - 05:30	50	Yes	Yes	Yes	Letteberhan Tafla	No	
16	843678	24/12/2013	14/12/2013	12:30 - 05:30	200	Yes	No	Yes	Henrietta Cole	No	
17	843679	04/01/2014	04/01/2014	12:30 - 05:30	200	Yes	No	Yes	Henrietta Cole	No	
18	843681	11/01/2014	11/01/2014	12:30 - 05:30	200	Yes	No	Yes	Henrietta Cole	No	
19	843682	25/01/2014	25/01/2014	12:30 - 05:30	200	Yes	No	Yes	Henrietta Cole	No	
20	844025	16/02/2014	16/02/2014	02:30 - 05:30	50	Yes	Yes	Yes	Letteberhan Tafla	No	
21	844077	16/02/2014	16/02/2014	02:30 - 05:30	50	Yes	Yes	Yes	Henrietta Cole	No	
22	844527	21/04/2014	21/04/2014	01:00 - 05:30	50	Yes	Yes	Yes	Letteberhan Tafla	No	
23	845980	13/09/2014	13/09/2014	01:00 - 05:30	50	Yes	Yes	Yes	Letteberhan Tafla	No	
24	846001	27/09/2014	27/09/2014	01:00 - 05:30	50	Yes	Yes	Yes	Letteberhan Tafla	No	
25	848600	06/06/2015	07/06/2015	22:00 - 04:00	50	Yes	Yes	Yes	Letteberhan Tafla	No	
26	851941	01/05/2016	02/05/2016	01:00 - 05:30	50	Yes	Yes	Yes	Letteberhan Tafla	No	
27	852209	21/05/2016	22/05/2016	01:00 - 05:30	50	Yes	Yes	Yes	Letteberhan Tafla	No	
28	854739	23/07/2016	24/07/2016	01:00 - 05:30	50	Yes	Yes	Yes	Letteberhan Tafla	No	Rejected: Late
29	855115	13/08/2016	13/08/2016	01:00 - 05:30	50	Yes	Yes	Yes	Letteberhan Tafla	Yes, by police	Yes, rejected
30	855196	27/08/2016	27/08/2016	01:00 - 05:30	50	Yes	Yes	Yes	Letteberhan Tafla	No	
31	855385	03/09/2016	03/09/2016	01:00 - 05:30	50	Yes	Yes	Yes	Letteberhan Abraha Tafla	No	
32	855462	10/09/2016	10/09/2016	01:00 - 05:30	50	Yes	Yes	Yes	Letteberhan Abraha Tafla	Yes, by police	Yes, rejected

Number	Date of visit	Time of visit	Officer	Notes
1	02/11/2013	02:52	Wesley McArthur	Visit to ensure premises is shut on time. Premises shut ATOV.
2	30/11/2013	20:58	Kristie Ashenden	Food Safety revisit for EEM
3	13/12/2013	03:31	Richard Kalu	Premises visited on NTE on the 13/12/13 premises was closed. No issues noted in relation to the operation of the premises.
4	21/12/2013	00:35	Richard Kalu	NTE visit to the premises at 00:35 on the 21/12/13. No issues of concern noted premises was closed.
5	28/12/2013	02:00	Mark Orton	Some noise breakout from premises, did not appear to be busy.
6	10/01/2014	02:07	Richard Kalu	Premises was operating under a TEN. No issues of concern were noted in relation to general compliance. Spoke to the manager of the premises who at the time of the visit was Stella from Sierra Spot. Advised Stella that although they had a TEN in place they still needed to be mindful of the hours of operation which still needed to be in accordance with the TEN.
7	10/01/2014	03:00	Richard Kalu	NTE visit / general observation of premises. 3 people at the front of the premises smoking. No noise breakout from premises, music levels appear to be contained within the premises. No issues noted in relation to general compliance.
8	07/02/2014	02:45	Richard Kalu	Premises closed at time of visit.
9	21/02/2014	20:25	Sarah Newman	Premises open but quiet
10	22/02/2014	02:07	Richard Kalu	Closed at time of visit.
11	22/02/2014	02:07	Sarah Newman	Premises closed
12	22/02/2014	23:29	Sarah Newman	Premises open but quiet
13	23/02/2014	00:37	Richard Kalu	Premises closed at time of visit.
14	16/03/2014	02:10	Richard Kalu	Closed at time of visit. No issues noted at premises or surrounding area.
15	05/04/2014	01:00	Richard Kalu	Premises was closed at the time of visit.
16	06/04/2014	00:50	Richard Kalu	Premises was open 6 people within the premises. Noted that 2 patrons within the premises appeared to be ejected. Observed no issues patrons left the premises and proceeded to walk away from the premises without issue.

17	15/07/2016	21:00	Richard Kalu	Visit to premises with Farhad Chowdhury to complete full licensing inspection. Entered the premises and there were X6 males sat at a table eating. No alcohol was being consumed. Identified myself to staff and the PLH / DPS Letteberhan Abraha [REDACTED] came out from the kitchen to speak to myself and Farhad. Advised that she had taken back control of her premises after some time out the country and reports that the premises was being badly managed. English was not the first language of the PLH / DPS. Was advised that she has not run the premises for some time and confirmed that a section 19 had been served and it was apparent that it was more largely due to her being confused about her operating hours. I went through the hours of the licence with her and conditions detailed on her premises licence. I gave advice in relation to the potential of a review or prosecution. I have advised her that I am more than happy to complete a full licensing induction with her and would contact her to arrange a suitable time. She has confirmed that she will be using the basement part of the premises until she has completed the licensing induction as a result of my inspection I confirmed at present that would not be compliant if they opened the basement and used it as a club / cultural meeting point for members of the Ethiopian community. She has confirmed that only the restaurant will be operational until they could be fully compliant in regards to the licence conditions focusing specifically on the basement operation. Action: Licensing induction to be completed with PLH / DPS.
18	30/07/2016	02:20	Richard Kalu	Visit to premises with Clarissa to undertake a notice check. Shutters of premises down and notice not on display to members of the public.
19	07/08/2016	01:55	Alex Lisowski	On Sunday, 7th August, 2106, I was on duty with the NTE Police. We visited the venue at 01.55am. The premises licence holder, Letteberhan Abraha Tafla, was present. I asked her to show me the CCTV footage for 10pm on Friday, 5th August, 2016. She wasn't able to do so. No one else at the venue was able to operate the CCTV. I asked her to show me the staff training records for Challenge 25. She wasn't able to do so. I asked her to show me the refusals register. She showed me an empty notebook. There were no entries in it and it wasn't marked as the refusals register. She was advised about the conditions of the licence at the time.

20	12/08/2016	19:55	Richard Kalu	Visit to premises with Sarah Newman to complete a blue site notice check & full inspection. Inspection was completed with Letteberhan Abraha Telfa. Premises was found to be compliant in regards to the inspection. Premises licence holder advised us that she will be installing a sound limiter in the basement of the premises next week. We were advised that the basement is not currently in use and will not be in use until the sound limiter is installed in the basement. Sarah Newman asked that when the sound limiter was installed to notify EPT so that they could come and inspect the sound limiter that had been installed. No concerns in relation to the operation of the premises were noted in regards to compliance with conditions on the premises licence.
21	11/09/2016	02:00	Farhad Chowdhury	Closed

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: PC Maria O'MAHONEY 321MD

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

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

Witness Signature:

[Redacted Signature]

321MD

Date: 15/8/16

Further to my statement dated 11/08/2016 I would like to make the following amendment and clarification. On Sunday the 7th August 2016 I was in the company of Southwark Council Licensing Officer Alex LISOWKI when I visited RED SEA RESTAURANT 85 CAMBERWELL ROAD SE5 0EZ.

On my statement I stated that the time of the visit to the RED SEA RESTAURANT was 02:30 hours. This was incorrect and the time was actually 01:45 hours when we attended the location monitoring the venue for a few minutes before entering the premises along with Alex LISOWKI.

When writing my statement regarding our visit to the RED SEA RESTARUANT I had referred to my Licenced Premises Visit debrief log for the times (See attached copy of my debrief log email dated 10/08/2016). This is a log of all the venues we visit, the times of the visits and a brief description of what was found.

On the debrief I put the time at the top then the venue underneath and a brief description.

I refer to page 3 of the debrief log. It show's RED SEA at the top of the page and underneath a time of 0230 hours. The time 02:30 hours actually refers to the visit to MINISTRY OF SOUND which is underneath. On page 2 of the debrief at the very bottom of the page is a time of 01:45 hours this is the time refers to the RED SEA RESTARAUNT

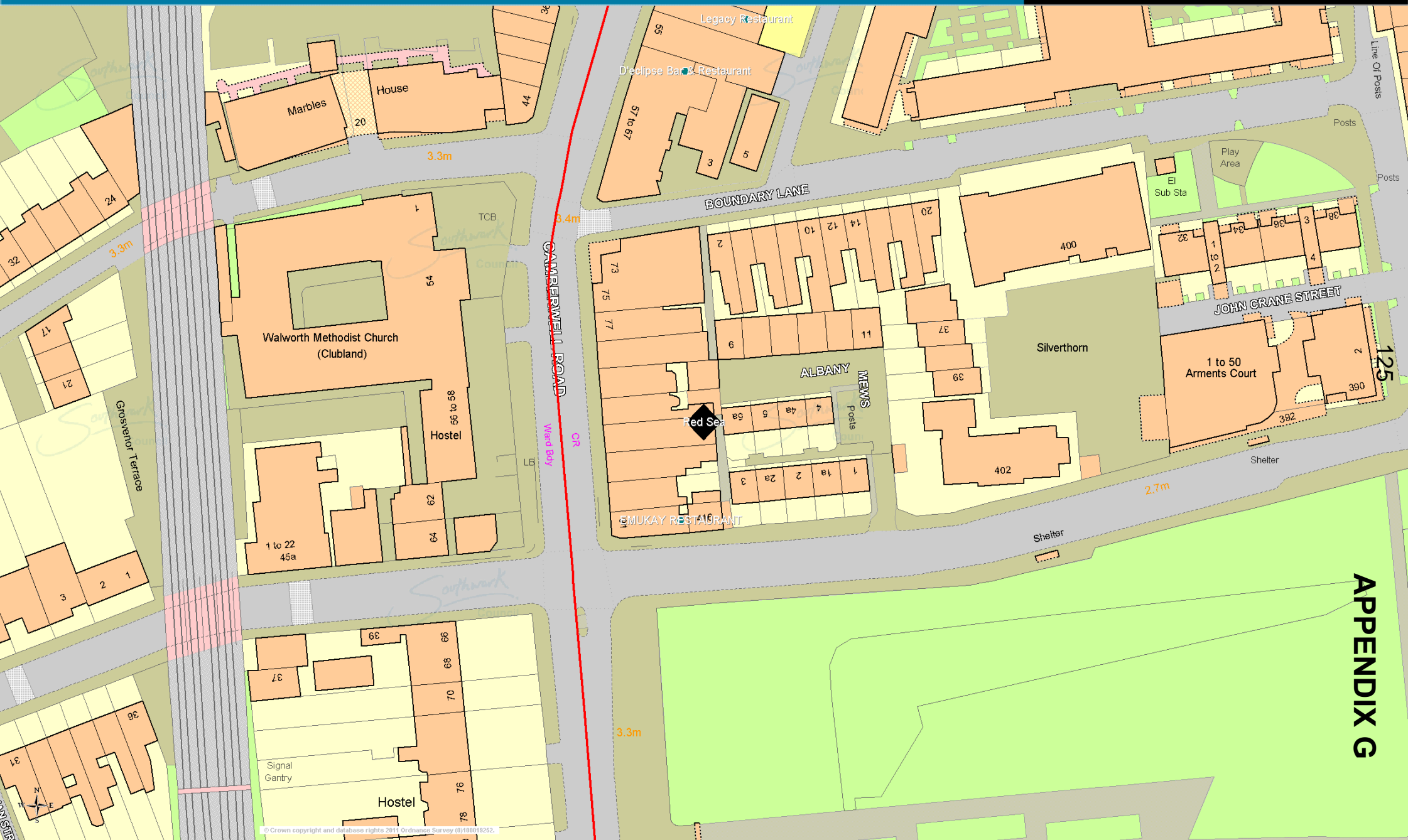
The reason for the error was that RED SEA RESTAURANT appears on page 2 and the time of the visit is on the following page which caused my error.

Witness Signature: ...

[Redacted Signature]

321MD

Signature Witnessed by Signature:.....



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