

## **Licensing Sub-Committee**

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 17 November 2016 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

---

**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Sunny Lambe  
Councillor Charlie Smith

**OTHERS PRESENT:** Richard Bennetts, licensee, Wazobia  
Oladipupo Ayanikyo, witness for licensee  
John Ogunyeni, witness for licensee  
P.C. Graham White, Metropolitan Police Service

**OFFICER SUPPORT:** Debra Allday, legal officer  
Wesley McArthur, licensing officer  
Andrew Weir, constitutional officer

### **1. APOLOGIES**

There were none.

### **2. CONFIRMATION OF VOTING MEMBERS**

The members present were confirmed as the voting members.

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

The chair advised that the following item would be considered as an urgent item:

Item 5, Licensing Act 2003: Wazobia, 670 Old Kent Road, London SE1.

### **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**5. LICENSING ACT 2003: WAZOBIA, 670 OLD KENT ROAD, LONDON SE1 - EXPEDITED REVIEW**

The licensing officer presented their report. Members had no questions for the licensing officer.

The Metropolitan Police Service Representative, the applicant for the review, addressed the sub-committee. Members had questions for the police representative.

The licensee of the premises addressed the sub-committee. Members had questions for the licensee of the premises.

Both parties were given five minutes for summing up.

The meeting went into closed session at 11.53am.

The meeting resumed at 12.42pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the premises licence to Wazobia Restaurant, 670 Old Kent Road, London SE1 1JF be modified under section 52(2) of the licensing Act 2003 as an interim step to promote the licensing objectives pending the determination of the review application at the full hearing on 13 December 2016 as follows:

1. That the premises opening hours are Monday to Sunday 12:00 - 00:00.
2. That all licensable activities cease at 23:30.
3. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or by half bottle.
4. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure if 25ml or 35ml at a maximum of two measures per container/glass.
5. That condition 289 be amended to read: "That a CCTV system be installed at the premises and 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. It should cover all areas within the premises including the outside area to the front in all lighting conditions".
6. That two members of staff should be on duty at all times the premises is open that are trained in the use of CCTV and able to view and download images to a removable device immediately on request of police or council officers and all images held for a minimum of 31 days.
7. That all empty glassware to be cleared at a frequency of 30 minutes.
8. That condition 345 be amended to read: "Alcohol only to be served to customers that are seated and eating a substantial table meal and ancillary to that meal".

9. That an incident record is maintained and signed by the designated premises supervisor (DPS) on a weekly basis and is made available to police and council officers upon request.
10. That condition 424 be amended to read: "That a minimum of two SIA registered door supervisors shall be employed at all times after 22:00 hours and the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded".
11. That condition 315 be amended to read: "Customers shall use no outside area after 22:00 hours other than those who temporarily leave the premises to smoke a cigarette. There will be a maximum of 5 people smoking outside the premises at any one time. The outdoor smoking area will be a cordoned off area. Those who do temporarily leave for this reason shall be subjected to the requirement of a further search".
12. That a record book of banned individuals shall be held by the SIA registered door supervisors at the front door and will be made available

## **Reasons**

The licensing sub-committee heard from an officer from the Metropolitan Police Service who advised an application for a summary review was submitted on 15 November 2016 after a senior member of the police for the area certified that in his opinion the premises were associated with serious crime or serious disorder both. The application concerned an incident that occurred on 13 November 2016 at approximately 01:50 hours when it was alleged that a patron smashed a brandy bottle on the head of another male patron causing injuries consistent with grievous bodily harm. According to the crime report for the incident, management for the premises failed to report the incident to the police. The police also alleged that during the course of the investigation into this incident, it transpired that the premises was also in breach of condition 808 (no entry after midnight), condition 345 (alcohol served with a meal) and condition 424 (SIA searching procedures).

The police also referred to two further incidents, the first having taken place on 1 October when a female was inappropriately touched. The details supplied by the victim suggested that the premises were being run as a nightclub, rather than a restaurant and when CCTV was sought, no CCTV footage was available for 1 October and in any event, only 18 days' footage was available (breach of condition 289 – CCTV footage to be kept for 31 days). The police made reference to an incident that took place on 30 October 2016 when a female hit the victim over the head with a bottle and management ejected the victim from the premises as management did not want the police called.

The licensing sub-committee also heard from the designated premises supervisor and owner of the premises, who relied on the evidence of two SIA door supervisors and a customer. The DPS advised that both the suspect and the victim were known to the management of the premises. He advised that they were friends, both of whom were banned from the premises. It was believed that they, together

with two others had “sneaked in” to the premises without the SIA’s knowledge. As soon as the DPS saw the two, they were escorted from the premises. Whilst no one saw the incident, it was believed that the alleged assault occurred some 60 metres away. The DPS advised that it would not be possible to leave the premises with an unopened bottle of brandy and denied that the bottle found at the scene came from Wazobia. The DPS denied that there had been any breach of his licence conditions.

Concerning the incidents that allegedly occurred on 1 and 30 October 2016, the DPS advised they simply did not occur. The DPS accepted that he was not comfortable in operating the CCTV system, but believed that three months footage was held on it.

The licensing sub-committee are of the view that the incident that occurred on 13 November was serious and the evidence suggests that the premises have been operating as a nightclub after a certain hour. The three incidents referred to by the police demonstrated that at the licence conditions need amending for the promotion of the licensing objectives. The licensing sub-committee also request that the CCTV footage for the dates 1 October, 30 October and 13 November are made available at the full review of this matter on 13 December 2016.

### **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.

Meeting ended at 12.50 pm

**CHAIR:**

**DATED:**