

Licensing Sub-Committee

Tuesday 13 December 2016

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Sunny Lambe

Reserves

Councillor Lorraine Lauder MBE

INFORMATION FOR MEMBERS OF THE PUBLIC

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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: 5 December 2016



Licensing Sub-Committee

Tuesday 13 December 2016
10.00 am

Ground Floor Meeting Room G02C - 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: THE CLF ART CAFÉ, UNIT A1, A2, & A3, AG1, BASEMENT A, THE BUSSEY BUILDING, COPELAND PARK, 133 COPELAND ROAD, LONDON SE15 3SN	1 - 65
6.	LICENSING ACT 2003: WAZOBIA RESTAURANT, 670 OLD KENT ROAD, LONDON SE15 1JF	66 - 101

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: 5 December 2016

Item No. 5.	Classification: Open	Date: 13 December 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN	
Ward(s) or groups affected:		The Lane	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by an other person under Section 51 of the Licensing Act 2003 for a review of the premises licence held by Michael Smith and Saija Marjaana Kamarainen in respect of the premises known as The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN.
2. Notes:
 - a) The grounds for the review are stated in paragraph 13 of this report. A copy of the premises licence review application is attached as Appendix A.
 - b) The application is supported in representations submitted by four responsible authorities. Copies of the representations are attached in Appendix B. Details of the representations are provided in paragraphs 15 to 21 of this report.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix C.
 - 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 new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to:
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The premises licence allows the provision of licensable activities as follows:
 - Regulated entertainment and the sale of alcohol to be consumed on the premises:

Sunday to Wednesday	between 09:00 and 23:00
Thursday	between 09:00 and 02:30 the following day
Friday and Saturday	between 09:00 and 06:00 the following day

 - Late night refreshment:

Thursday	between 23:00 and 02:30 the following day
Friday and Saturday	between 23:00 and 05:00 the following day

 - Opening hours:

Sunday to Wednesday	between 09:00 and 23:00
Thursday	between 09:00 and 02:30 the following day

Friday and Saturday between 09:00 & 06:00 the following day.

10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as Appendix C.

Designated premises supervisor (DPS)

11. The current designated premises supervisor (DPS) named on the licence is Saija Marjaana Kamarainen.

The review application

12. On 17 October 2016, an application was made on by an 'other person' under Section 51 of the Licensing Act 2003, for the review of the premises licence held by The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN.
13. The review application was submitted in respect of the prevention of public nuisance licensing objective on the grounds that:
 - The premises give rise to public nuisance. The nuisance is due to the constant noise pollution caused by drunken very noisy customers.
 - This nuisance is elevated by the fact that this night club has a licence until 6am in the morning, both Saturday and Sunday mornings and also on bank holiday Monday mornings.
 - The applicant states that the nuisance impinges the applicant's, and the applicant's family's human rights, in particular the "right not to have one's home life interfered with and the right to respect for one's established family life."
 - The ongoing noise pollution from this building going on until 06:00 in the morning is excessive.
 - The applicant wants the opening times of the premises reviewed.
 - The applicant states that the applicant cannot open windows or patios doors at their residence in summer months and that the noise from music and customers screaming and shouting in a narrow pathway right next door to the applicant's bedroom goes on until 06:00/07:00.
 - The premises are situated right next door to a built up housing complex. The applicant feels that the premises opening hours are excessive.
 - Calls to the council's noise and nuisance team have not addressed the problem.
14. A copy of the review application is attached as Appendix A.

Representations from responsible authorities

15. This council's planning department, public health directorate, environmental protection team and licensing responsible authority have submitted representations in respect of the review.
16. The planning department's representation refers to planning permission granted in respect of the premises and that there have been no complaints since 2009 when the first planning application was approved. The officer also advises that whilst the acceptability of an entertainment use at this location has been established, to operate as intended and not cause harm to amenity the conditions placed on the planning permission need to be discharged. The planning department will open a case in respect of the failure to discharge planning conditions. It is requested that the operator be required to demonstrate the adequacy of or a scheme of improvement of sound insulation and ventilation.
17. The public health directorate representation expresses concern over the events alleged to have taken place and concern that a local resident claims to have been extensively disturbed by the premises. The public health directorate supports the application to review the premises licence issued in respect of the premises.
18. The environmental protection team's representation supports the review application in respect of the prevention of public nuisance licensing objective. The representation notes that the premises are in the Peckham cumulative impact policy (CIP) area and also refers to the closing times suggested in this council's statement of licensing policy for nightclubs in the area that the premises are located in. The representation refers to a warning letter sent to the premises' licensees in respect of allegations of noise nuisance attributed as emanating from the premises, an instance of statutory nuisance being witnessed at the premises and a warning letter sent to the premises' licensees in regards to the statutory nuisance witnessed. The representation notes that the premises do not have planning permission to operate as a nightclub. The representation refers to various complaints submitted by the review applicant in respect of the premises. The environmental protection team recommend that the hours of operation permitted in respect of the premises are reduced to those suggested in the statement of licensing policy for public houses (as the premises is without sui generis planning permission) in the area, that the hours permitted for regulated entertainment be reduced and that regulated entertainment is not permitted after 22:00 unless various planning conditions have been discharged.
19. The licensing responsible authority's representation has been submitted in respect of the prevention of public nuisance licensing objective. The representation states that there have been several complaints to the licensing unit regarding noise and anti-social behaviour from the patrons of the premises. In spite of the management of the premises being given advice and warnings from council officers, they have not rectified these issues and do not appear to have any control of their patrons in the outside courtyard of the premises." The representation also notes that the premises are in the Peckham Cumulative Impact Policy (CIP) area and states "...the licensing sub committee may want to consider bringing the hours of operation in line with that of the hours recommended within the Southwark Statement of licensing policy..." The representation fully supports the review application.
20. Copies of the representations and related correspondence are attached to this report as Appendix B.

Representations from other persons

21. No representations have been submitted by other persons.

Operating History

22. A premises licence (number 832624) was issued in respect of the premises on 15 September 2010. It allowed for the same licensable activities as permitted by the current premises licence, however with earlier terminal hours in respect of those licensable activities (Monday to Thursday – 23:00, Friday & Saturday – 02:00 and Sunday – 22:00). The licence was stopped on 25 April 2013. The current premises licence in respect of the premises was issued in 15 August 2014.
23. An application for a new premises licence was submitted on 10 April 2012. A premises licence (number 837671) was issued on 6 June 2012. Licence 837671 ran concurrently with licence number 832624 until 25 April 2013 when licence number 832624 was stopped. Licence number 837671 allowed for the provision of licensable activities with terminal hours as per the current premises licence.
24. On 23 June 2014 an application to vary licence 837671 was submitted. The application sought to include the basement area of the premises (known as 'Rye Wax') into the licensable area of the premises and also to amend various licence conditions. Subsequent to the application the current licence (number 845207) was issued on 15 August 2014.
25. On 13 July 2016 an application was submitted to vary licence 845207 by removing and amending various licence conditions. The application was subject to representations. A licensing sub-committee hearing was scheduled to determine the application, however the hearing has been adjourned twice to allow the licensees time to have an acoustic survey undertaken and provide an acoustic report to the council's environmental protection team. The acoustic report was provided to the environmental protection team on 25 November 2016. However, at the time of the writing of this report the environmental protection team had not stated whether the acoustic report is satisfactory or not and the variation hasn't been determined. The hearing to determine the variation application will take place on 5 December 2016. At the hearing scheduled for 13 December 2016 to determine the review hearing the licensing sub-committee will be updated as to the determination of the variation application.
26. A list of all temporary event notices submitted in respect of the premises is attached in Appendix E.
27. A list of all night time visits to the premises by licensing officers is attached in Appendix E.

Noise complaints in respect of the premises

28. On 2 July 2012 a local resident complained to the licensing unit about noise nuisance caused during an event that took place on the roof of the premises on 31 June 2012. The complainant was advised of the council's noise and nuisance team service. The complainant was also advised that the noise and nuisance team had attended the premises to investigate another complaint about the same event, but

that the noise and nuisance team had not witnessed any nuisance arising from the event.

29. On 2 July 2012 a different local resident complained to the licensing unit about noise nuisance caused during the event that took place on the roof of the premises on 31 June 2012. In response to the complaint visits to the premises by licensing officers were undertaken on 9 and 10 November 2012. Details of these visits are in Appendix E.
30. On 23 April 2015 a complaint relating to continued noise nuisance arising due to the operation of the premises was submitted to the council's environmental protection team by the review applicant. The complaint was copied to the licensing unit for informative purposes. In response to the complaint visits to the premises by licensing officers were undertaken on 24 April 2015 and 9 May 2015. Details of these visits are in Appendix E.
31. On 22 May 2015 the review applicant contacted the licensing unit to inform the licensing unit that the review applicant was still experiencing noise nuisance caused by the operation of the premises. The review applicant also enquired as to how a licence was granted to the premises. The review applicant was advised as to the premises licence application procedure, given details of the noise and nuisance team service, provided with advice as to the licence review procedure, provided with advice as to taking private legal action in respect of noise nuisance and also given advice on licensing enforcement and the temporary event notice procedure. In response to the complaint visits to the premises by licensing officers were undertaken between 23 May 2015 and 5 September 2015. Details of these visits are in Appendix E.
32. On 7 September 2015 the review applicant contacted the environmental protection team and the noise and nuisance team to inform them that the review applicant was still experiencing noise nuisance caused by the operation of the premises. This complaint was copied to the licensing unit. Two visits to the premises by licensing officers were undertaken on 13 September 2015. Details of these visits are in Appendix E.
33. During the visits of 13 September 2015 breaches of licence conditions 313, 345 and 354 were noted. The licensees were invited to, and attended, an interview under caution in accordance with the Police and Criminal Evidence Act 1984 on 15 October 2016 to discuss the breaches of licence. The licensees gave an undertaking to install an acoustic baffle in the courtyard area of the premises and to vary the premises licence to remove and amend various licence conditions. The purpose of the acoustic baffle would be to attenuate noise caused by patrons in the courtyard. No further action was taken in regards to the breached licence conditions. (**NB** – an acoustic baffle has been installed in the courtyard area of the premises but its acoustic attenuation properties (if any) are unknown. An application to vary the premises licence was submitted on 13 July 2016 as per paragraph 25 above). In response to the continued complaint visits to the premises by licensing officers were undertaken between 19 September and 5 November 2016. Details of these visits are in Appendix E.
34. On 17 October 2016, an application was made on by an other person under Section 51 of the Licensing Act 2003, for the review of the premises licence held by The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland

Park, 133 Copeland Road, London SE15 3SN. The grounds for the review are given in paragraph 13 above.

The local area

35. A map of the area is attached to this report as Appendix F. The premises are identified by a black diamond at the centre of the map. The following licensed premises are also shown on the map:

- **PECKHAMPLEX, 95A Rye Lane, SE15 4ST** licensed for:

The provision of films on Sunday to Thursday between 09:00 and 00:00 (midnight) and on Friday and Saturday between 09:00 and 02:00

Sale of alcohol to be consumed on the premises on Monday to Thursday between 14:00 and 22:00 and on Friday to Sunday between 12:00 and 23:00

- **Roof B (Bussey Building), 133 Copeland Road SE15 3SN** licensed for:

The sale of alcohol to be consumed on the premises on Monday to Friday between 17:00 and 22:30 and on Saturday between 12:00 and 22:30

The provision of films on Monday to Sunday between 12:00 and 00:00

The provision of live music on Monday to Sunday between 12:00 and 22:00

The provision of plays on Monday to Sunday between 12:00 and 23:00

- **Forza Win Ltd, Unit 4.1, Copeland Industrial Park, 133 Copeland Road, SE15 3SN** licensed for:

The sale of alcohol to be consumed on the premises on Wednesday to Saturday between 12:00 and 23:30 and on Saturday between 12:00 and 22:30

- **The Last Refuge Arts, 133 Unit, 9a Copeland Road, SE15 3SN** licensed for:

The provision of films on Monday to Friday between 18:00 and 00:00 and on Saturday and Sunday between 12:00 and 00:00

The sale of alcohol and the provision of live music and recorded music on Monday to Friday between 17:30 and 00:00 and on Saturday and Sunday between 14:30 and 00:00

The provision of plays on Monday to Friday between 19:30 and 22:30 and on Saturday and Sunday between 14:30 and 22:30

- **Frank's Café, Levels 9 & 10, Peckham Multi Story Car Park, 95A Rye Lane, London, SE15 4ST** licensed for:

The sale of alcohol to be consumed on the premises on Monday to Sunday between 11:00 and 23:00

- **Frank's Café, Levels 7 & 8, Peckham Multi Story Car Park, 95A Rye Lane, London, SE15 4ST** licensed for:

The sale of alcohol to be consumed on the premises Tuesday to Friday 17:00 to 23:00 Saturday 12:00 to 23:00 and Sunday 12:00 to 22:00

- **Bold Tendencies, Levels 7 & 8, Peckham Multi Story Car Park, 95A Rye Lane, London, SE15 4ST** licensed for:

The provision of live and recorded music to Friday 17:00 to 23:00 Saturday 12:00 to 23:00 and Sunday 12:00 to 22:00

- **Rye Express, 137-139 Unit 1 Rye Lane SE15 4ST** licensed for:

The sale of alcohol to be consumed off the premises Monday to Sunday 08:00 to 00:00

- **John The Unicorn, 157-159 Rye Lane, SE15 4TL** licensed for:

The sale of alcohol to be consumed on the premises Sunday to Thursday 11:00 to 00:00 and Friday to Saturday 11:00 to 01:00

The provision of late night refreshment Sunday to Thursday 23:00 to 00:00 and Friday to Saturday 23:00 to 01:00

- **Iceland Frozen Foods, 74 Rye Lane, SE15 5DQ** licensed for:

The sale of alcohol to be consumed off the premises Monday to Saturday 08:00 to 23:00 and Friday to Saturday 10:00 to 22:30

- **Ali Baba Bar, 133 Copeland Road** licensed for:

The sale of alcohol to be consumed on the premises Friday 16:00 to 22:45 and Saturday and Sunday 12:00 to 22:45

The provision of live and recorded music Friday and Saturday 18:00 to 23:00 and on Sunday 12:00 to 22:30

Southwark council saturation policy for Peckham

36. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011. This was renewed in November 2015 when full council assembly approved the 2016 - 2020 statement of licensing policy.
37. 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.
38. 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.

39. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

40. 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.

41. 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.

42. Within Southwark's statement of licensing policy 2016 - 2020, the premises are identified as being within the Peckham major town centre area. The closing times recommended in the statement of licensing policy for the Peckham major town centre area are as follows for the types of premises stated:

- **Restaurants and cafes**
Friday and Saturday 01:00
Sunday to Thursday 00:00
- **Public Houses / wine bars**
Friday and Saturday 01:00
Sunday to Thursday 00:00
- **Nightclubs (with 'sui generis planning permission)**
Friday and Saturday 03:00
Monday to Thursday 01:00
Sunday 00:00

Resource implications

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

Consultation

44. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

Community impact statement

45. 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

46. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

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

Principles for making the determination

48. Under Section 52 of the Licensing Act, the licensing authority must hold a hearing to determine the review and any relevant representations.

49. 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.

50. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence.
51. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
 - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
 - Have not been withdrawn
 - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
52. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
53. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
54. 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.
55. 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

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

Hearing procedures

57. 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.
58. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

59. 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.
60. 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.
61. 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.

62. 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.
63. 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.
64. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
65. 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.
66. 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

67. 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

68. The head of community safety and enforcement has confirmed that the costs of this process 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	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Copies of the representations and related correspondence submitted by responsible authorities
Appendix C	Copy of the current premises licence
Appendix D	Details of licensing visits to the premises
Appendix E	Details of temporary event notices submitted in respect of the premises
Appendix F	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	29 November 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		1 December 2016

17/10/2016

Application for a review of a premises licence or club premises certificate under the Licensing Act
Ref No. 695902

Please enter the name of the applicant who is applying for the review of a premises licence under section 51/apply for a review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises

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

Address Line 1	The CLF Art Cafe, Units A1, A2, A3, AG1 & Basement A, The Bussey Building
Address Line 2	Copeland Park, 133 Copeland Road
Town	London
County	
Post code	SE15 3SN
Ordnance survey map reference or description	

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

	Michael Smith & Saija Kamarainen
--	----------------------------------

Name of premises licence or club premises certificate (if known)

	The CLF Art Cafe
--	------------------

I am

	1) an individual, body or business which is not a responsible authority (please read guidance note 1)
--	---

This application to review relates to the following licensing objective(s)

	Please check one or more boxes if appropriate
	3) the prevention of public nuisance

Please state the ground(s) for review (please read guidance note 2)

	<p>The CLF Art Cafe night club situated in the Bussey Building causes a public nuisance. The nuisance is due to the constant noise pollution which is caused by drunken very noisy punters. This nuisance to us is elevated by the fact that this night club has a licence till 6am in the morning, both Saturday and Sunday mornings including bank holiday Monday mornings at times when applicable.</p> <p>This I feel is not only a nuisance as listed above but I feel it impinges on mine and my family Human Rights. Article 8 Respect for my home, article 8 states "right not to have one's home life interfered with. And the right to respect for one's established family life."</p> <p>I strongly feel that the ongoing noise pollution from this building going on till 6am in the morning is excessive and cruel. I want the opening times reviewed please. We need some respite and need to have our windows and patio doors open as and when required. We have just suffered a summer of hell, not being able to have my bedroom window open or patio even when it was very hot. The noise from music and punters screaming and shouting in a narrow pathway right next door to my bedroom goes on till 6-7am.</p>
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Please provide as much information as possible to support the application (please read guidance note 3)

	<p>I have suffered going on nearly three years now with this situation. I cannot believe that a council has allowed this to go on. I have tried everything, noise pollution team visiting my address. Constant calls to on call noise pollution services. Liaising with the council noise pollution, environmental teams constantly. Contacting Mr Mickey Smith directly to discuss without success. It is like living in purgatory with no let up. The night club is situated right next door to a built up housing complex I can visibly see the night club from my bedroom window. I want the license hours reviewed I feel that the license opening hours are excessive. Noise pollution team came out to review the noise pollution issues and found that they were in breach of the license from this view point and it took months for The Art Cafe to apply some sound proofing, which does not filter out any noise. The noise pollution is still as bad.</p>
--	--

Have you made an application for review relating to this premises before?

	No
--	----

If yes, please state the date of the application

--	--

If you have made representations before relating to these premises please state what they were and when you made them

--	--

Checklist

	<p>I understand that if I do not comply with the above requirements my application will be rejected. I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate</p>
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Declaration - Full name of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant and please state in what capacity.

Applicant Full Name	[REDACTED]
Applicant's Solicitor/Other duly authorised agent Full name	
Date	17/10/2016
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 4)

Full name	[REDACTED]
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Address (please read guidance note 4)

Address Line 1	[REDACTED]
Address Line 2	[REDACTED]
Town	[REDACTED]
County	[REDACTED]
Post code	[REDACTED]
Telephone number (if any)	[REDACTED]
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	[REDACTED]

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

**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:

Our Ref: 16-CE-00975

Contact: Gavin Blackburn

Telephone: 020 7525 7007

Fax: 020 3357 3101

E-Mail: planning.enquiries@southwark.gov.uk

Web Site: <http://www.southwark.gov.uk>

Date: 04/11/2016

Dear Sir/Madam

Premises Licensing re:

THE CLF ART CAFE, 133 COPELAND ROAD, LONDON, SE15 3SN

Summary description: Review of licence

Date Received: 11/10/2016

The planning status of the Bussey building Block A is that it received planning permission in 2009 and that its hours of operation were varied in 2012 under reference 12/AP/1160. The wording of that later permission is slightly confused because the earlier permission including the originally permitted hours are repeated in the development description.

The use of the premises is permitted as a mixed use of a bar, theatre, exhibition space, sandwich bar and TV/web production suite. These uses were permitted from the ground to the third floor of the building

The permitted hours of use are 9-11pm Mon-Wed, 9- 2:30am Thursday 9-6:00am Friday Saturday and bank holidays and 9 to 10pm Sunday.

Conditions were imposed in respect of submitting noise insulation to be fitted to the southern elevation and a scheme of internal ventilation. Those conditions have not been discharged so the planning permission has not been complied with. It is not known what the current arrangements for noise insulation and ventilation are.

The planning department has not received any compliant since 2009 which was made prior to the first application being approved. The acceptability of an entertainment use at this location has been established. However, to operate as intended and not cause harm to amenity the conditions placed on the planning permission need to be discharged. The planning department will open a case in respect of the failure to discharge planning conditions. It is requested that the operator be required to demonstrate the adequacy of or a scheme of improvement of sound insulation and ventilation.

Yours faithfully

Gavin Blackburn

Senior Enforcement Officer

From: Sharpe, Carolyn On Behalf Of Public Health Licensing
Sent: Wednesday, November 09, 2016 1:51 PM
To: Regen, Licensing
Subject: RE: The CLF Art Cafe 133 Copeland Road,, Bussey Building, Copeland Park, London Ido 7/11/2016

To whom it may concern:

Re: Bussey Building, 133 Copeland Road, London SE15 3SN

On behalf of the Acting Director of Public Health for Southwark (a responsible authority under the Licensing Act 2003) I wish to express my concern over the alleged events to have taken place at The Bussey Building. A local resident claims to have been extensively disturbed by this premises. This premises holds a licence until 06:00 on both Fridays and Saturdays as well as Bank holidays and is located adjacent to a residential area.

Therefore I support that the licence for The Bussey Building be reviewed.

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

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 02075250025
Public Health Officer (People & Health Intelligence), London Borough
of Southwark, 160 Tooley Street, London SE1 2QH

From: Newman, Paul
Sent: Monday, November 14, 2016 3:41 PM
To: McArthur, Wesley
Cc: Tahir, Sarah; Blackburn, Gavin; Tear, Jayne; Ogden, Ian
Subject: RE: Application for a review - The CLF Art Cafe, Units A1, A2, A3, AG1 & Basement A, The Bussey Building, 133 Copeland Road, London, SE15 3SN (our ref: L1U 856091)

Hi Wesley and Sarah

Thank you for a copy of the application to review the premises licence at CLF Art Café, received from a local resident ('the applicant').

Please note that I have blind copied (Bcc) both the applicant and the premises licence holder into this email.

Having reviewed the history of the premises, I wish to support the application for review, on the grounds of prevention of public nuisance.

The application claims the premises are being operated as a night club, and are causing noise nuisance. It also says the current hours, until 6am are excessively long, and this also causes noise and disturbance until 7am, from patrons leaving.

The premises are situated within the Peckham Cumulative Impact Policy (CIP) area, which applies to use of premises as a nightclub. This implies that the environmental impact of nightclubs and other premises to which the CIP applies, is already at saturation level in this area.

The sub committee will also wish to note their parent committee's Statement of Licensing Policy, which says that closing time for Night Clubs (with sui generis planning classification) are Monday to Thursday 1am, 3am for Friday and Saturday, and midnight on Sunday.

The sub committee may wish to note that the premises do not appear to have sui generis planning consent for use as a nightclub. The premises is permitted since 2009 to be used as a mixed use bar, theatre, exhibition space, sandwich bar, and TV/web production suite. These uses are permitted from the ground to the third floor of the building. The permitted planning hours of these uses are 9-11pm Mon-Wed, 9- 2:30am Thursday 9-6:00am Friday Saturday and bank holidays, and 9 to 10pm Sunday.

Without sui generis planning permission for use as a nightclub, the Statement of Licensing Policy indicates these premises should be treated as a drinking establishment for alcohol licensing purposes. The closing time for Public Houses, Wine bars, or other drinking establishments is 11pm from Sunday to Thursday, and midnight on Friday and Saturday.

Uses as a theatre and TV/web production suite imply use of amplified sound during performances and productions. In my opinion it will be appropriate to require the premises owner to submit a scheme of noise insulation to be fitted to the southern elevation, and a scheme of internal ventilation before the authorised use continues, as is in fact required by an as yet still undischarged condition of the 2009 planning consent.

To be satisfactory, I would wish to see the report of a professionally qualified acoustic consultant, with measurements and calculations, that demonstrate that the scheme of insulation will be sufficiently effective such that activities from the building will have no impact on nearby residential

premises, such as that occupied by the applicant for this review. I would expect this to include, among other mitigating measures, a sound limiting device on each floor.

I note that the applicant says that she has tried everything, including visits from noise pollution team, constant calls to the noise pollution service, and constant liaison with the council environmental team. Please see below a record of complaints received by environmental health and noise teams from the applicant on this matter, which indicates the extent to which we are able to confirm these claims.

- On 17 April 2015 at 13.42 hrs a complaint was received from the applicant. During a subsequent telephone conversation on 20 April 2015, the applicant stated that she has been experiencing ongoing noise issues from this licenced premises. According to customer the club operates until 04.00 Hrs. Customer stated that noise from people congregating outside to smoke and drink affects her sleep. Complainant also alleged that noise of a P.A system from Church services on Sundays has also disturbed her. Following this complaint, an advisory letter was sent to the premises on 25 April, copy attached.
- On 23rd April 2015 at 11.46 a complaint was received from the applicant stating that there is noise from large numbers of patrons using the smoking area and a 'boom boom' noise from club, which she said she has to suffer from 9 pm on Friday nights, until as late as 5 am on Saturday morning, and from 9 pm Saturday night until 6am Sunday morning. Additionally on Bank Holiday weekends from 9 pm on Sunday until 6 am on Monday. She said the noise from the club was disturbing her sleep and causing depression, and impacting her working life. The complainant said she had had a recent argument with the premises licence holder over the use of an angle grinder. Colleagues advised that household do not contact licensee directly as the complainant and her husband were not sure they could stay calm. Colleagues sent details of the Premises licence to the complainant, and passed details of the complaint for information to noise & NTE team.
- At 1.30 am approximately on Sunday 26 April 2015, the applicant called the out of hours noise service, unfortunately the officer was not able to return the call, due to the applicant's line not accepting number withheld calls. The officer called a mobile number twice at 3.35 am and 3.45 am, but this was not answered, and a voice message was left on both occasions.
- At 4.46 am on Sunday 26 April 2015, the applicant sent an email to Environmental Protection Team and NNT officers, complaining that she had been woken at 1 am approximately by music and patron noise from the venue, and setting out her experience of attempting to contact the NNT officers. In her view, persons using the smoking area were predominantly not using the area for smoking, they were using the outdoor area for nightclub activities (she described this as 'partying and raving').
- On Thursday 30 April the applicant also complained about activities at an open air cinema on the roof of the Bussey building, in breach of the licence for that premises. It should be noted that this is a separate licence, not forming part of the CLF Arts Café.
- On Saturday 2nd May 2015 the applicant called the NNT, and two officers attended the premises at approximately 11.30 pm. At 12.25am a noise officer made an assessment at the applicant's sleeping accommodation with windows both open and closed. Noise was audible from crowds of up to 150 people smoking and drinking outside the Bussey Building consisting of occasional screaming, shouting, loud talking and general movement. Noise was

audible with windows closed. The music noise was sometimes audible, but sporadic. Officers were of the opinion that the noise amounted to a statutory nuisance, and this resulted in a formal warning letter from the noise team, sent on 20th May (copy attached).

- At 4.49 am on Saturday 9 May 2015 the applicant again sent an email to Environmental Protection Team, saying that she had not been able to sleep that night due to music and crowd noise from activities at the CLF Art Café, and that she was finding this very distressing. She said the music noise had been turned up louder than usual. It is noted from our records that officers had attended at 10.45pm and had told the sound engineer that the music was potentially too loud, and that the engineer should conduct external sound checks for noise breakout as the event continued.
- On Sunday 10th May the applicant sent an email saying she had not been able to sleep that weekend, and that the music noise had included people blowing party whistles, and beating drums. Two members of the noise team had attended at 1am, unfortunately this coincided with a break in the music, although the crowd noise was still obvious, including a rendition of 'happy birthday'. Music commenced again after the noise team left, and continued until 6am. She said that yet again her weekend was ruined as a result. She said she would collect petition signatures from other residents who were also disturbed. I am unable to find any record of this petition ever being forwarded to Southwark, and no copy of any such petition has been made available to me, and I am unable to comment on whether this petition was in fact ever collected, or how many other people signed it.
- On Sunday 17th May 2015 at the applicant sent an email to EPT and NNT officers saying there was very loud music and loud crowd noise coming from the Bussey Building.
- On 23 May 2015 between 12.22 am and 12.40 am there was an exchange of text messages between NTE officers and the applicant as NTE officers tried to arrange a visit. In her reply the applicant said she had been awake since 4am the day before, and wanted to try and get some sleep. Later on that morning the NTE officers visited at 2.30am and observed CLF Art Café patrons drinking in the courtyard in breach of the premises licence conditions, and a warning letter was sent by the Licensing Team in response.
- On 24 May 2015 between 2am and 4am there was an exchange of text messages between the applicant and NTE officers. The applicant was unable to give access to her flat as her husband was unwell and needed to rest. The applicant said the music and crowd noise was as loud as ever.
- On 28 May 2015, the applicant sent an email to EPT officers, saying that she was concerned that the likely disturbance in the coming weekend would cause her 2 more consecutive nights without sleep, and said that the lack of sleep was contributing to her anxiety and stress, and affecting her work.
- On 1 September 2015 the applicant sent an email to EPT officers saying that the noise from the CLF Art Café was continuing, and in addition complaining about the separate roof top venue. She also said that she could hear loud screaming and shouting from actors on stage during the Sunday theatre events held at CLF Art café, as well as loud drum and trumpet noise. Following this complaint, a monitoring visit was made to the premises by Licensing Officers, and an alleged offence was witnessed, leading to warning letters being sent on 1

October 2015, and a subsequent PACE interview on 15 October 2015. I do not have access to the warning letters or transcript of the interview.

- At 1.04am on Friday 16 October 2015, the applicant sent an email to EPT officers, saying she had just logged a call with the noise team, and the operator that took the call agreed he could hear crowd noise from the CLF Art Café down the phone, and agreed it was loud. The operator later reported to NNT officers that the applicant had declined a visit to her premises.
- On Sunday 18 October 2015 at 12.23 am The applicant sent an email to EPT officers saying there was noise in progress from CLF Art Café including loud bass music and crowd noise including screaming and shouting, which she expected to continue until 6am. A NNT officer telephoned the applicant, however the phone would not accept number withheld calls. The officer then called from his private phone, the applicant declined a visit saying she was fed up of officers visiting to tell her how loud or low the noise is in her flat, and she was expecting a planned visit from a Licensing officer in the next week.
- On Saturday 7 November 2015 the applicant wrote an email to EPT officers saying she had been woken at 4am that morning by loud bass music, and very loud screaming and shouting coming from the Bussey building. In this email, the applicant requested a visit to her premises by council officers. In response, the EPT officer repeated their earlier offer to visit if the applicant would kindly let him know her availability.
- On 9 May 2016 at 10am a complaint was received from the applicant about loud music from the CLF Art Café.
- On 16 August 2016, the applicant wrote to the licensing manager saying she had sent numerous e mails to the noise pollution team regarding the constant noise pollution coming from the above venue. She requested the Licensing Manager to address these, and also requested that he review all the Premises Licences in the vicinity. The Licensing Manager replied referring to advice that had been given last year, and saying this had not changed, and offering a meeting at our offices to discuss matters further. The applicant replied saying that the date offered for a meeting was not convenient, and suggesting three alternative dates later in August including 24 August.
- An appointment was arranged on 24 August 2016 to meet the Licensing Manager and myself, unfortunately the applicant had to cancel this appointment. The appointment was re-arranged for 2 September, unfortunately the applicant also had to cancel this appointment. The appointment was rearranged for 16 September, unfortunately the applicant also had to cancel this appointment. The review application was received from the applicant shortly afterwards, without any meeting having taken place.

In summary, EPT recommend;

That the alcohol licensed hours are cut back to the hours indicated for 'Public Houses, Wine bars, or other drinking establishments' by the Statement of Licensing Policy: In the absence of grant of planning consent for sui generis use as a nightclub, the hours for the supply of alcohol should be 11 p.m. on Sunday to Thursday, and midnight on Friday and Saturday.

That the regulated entertainment licensed hours, limited to theatre performances and web/t.v. production, should be limited to 10 p.m. on Sunday, 11 p.m. Monday to Wednesday, 2.30 am

Thursday, and 6 a.m. Fridays, Saturdays and Bank Holidays excluding Christmas Day, Boxing Day, and Good Friday.

That the licence not authorise regulated entertainment after 10 pm on any evening, unless and until the outstanding planning conditions for use as theatre and t.v. web production have been discharged.

The Premises Licence Holder be informed that if they should obtain sui generis planning consent for use of the premises as a nightclub, they may then wish to consider applying to vary their alcohol licensed hours and varying restrictions this sub-committee may see fit to impose, thereby permitting regulated entertainment for nightclub activities. The Premises Licence Holder should expect the hours for alcohol and regulated entertainment for nightclub use to be limited to 1am on Monday to Thursday, 3am on Friday and Saturday, and midnight on Sunday, Christmas Day, Boxing Day, and Good Friday.

Kind regards

Paul Newman
Principal Environmental Health Officer



25 April 2015

Noise & Nuisance Team
 Phone - 020 7525 5777
 Fax - 020 7525 2378
 Our ref: **808784**

Michael Smith
 The CLF Art Cafe
 Block A Roof Top (Rear Of)
 133 Rye Lane
 SE15 4ST

Dear, Mr Smith

Re: Environmental Protection Act 1990 and/or the Anti-Social Behaviour, Crime & Policing Act 2014 (from October 2014). Allegation of nuisance –from The CLF Art Cafe Block A Roof Top Rear Of, 133 Rye Lane, London, SE15 4ST

On **17 April 2015 at 13.42 hours** the Council received a complaint alleging that loud music and general anti social noise from shouting was coming from your premises. As a consequence neighbouring residents allege that the noise was causing a nuisance.

On this occasion a nuisance was not witnessed, and no further action will be taken. However, we want to bring this matter to your attention, as you may be unaware that neighbouring premises are complaining. You may also wish to comment on the allegation made.

If further complaints are received, and in the event a nuisance is witnessed, various types of enforcement action may be taken under the above acts. These could include:

- An abatement notice requiring the nuisance to stop. If this type of notice is contravened, legal action may be initiated, and for every proven contravention, a fine up to **£20,000** may be imposed.
- A community protection notice requiring the nuisance to stop. If this type of notice is contravened, legal action may be initiated, and for every proven contravention, a fine up to **£20,000** may be imposed.

Please contact our department should you wish to discuss this matter further.

Yours Sincerely

Curth Henry
Principal Enforcement Officer



20 May 2015

Noise & Nuisance Team
Phone - 020 7525 5762
Our reference: 809774

Ms Saija Marsaawa Kamarainen
The CLF Art Cafe
133 Unit A1, A2, A3, AG1 & Bsmt A
Copeland Road,
SE15 3SN

Dear Ms Kamarainen

RE: ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80
NOISE NUISANCE FROM CLF Art Café 133 Copeland Road SE15

On **3 May 2015 at 00.02 hours** the Council received a complaint alleging that noise generated from the congregation of people within your courtyard was causing a noise nuisance.

I visited in response to the complaint on **3 May 2015 at 00.25 hours** and was satisfied that the level of noise heard was causing a statutory nuisance to your neighbour(s). I confirmed at the time of my visit that there was not any other event in operation within the immediate area of Copeland Road and Rye Lane of which would have had an impact on your neighbouring residents. My colleague, Ms Kwofie, also witnessed a Statutory Nuisance, in response to a complaint on **27 April 2015**, regarding noise nuisance from the congregation of patrons within your court yard area.

We appreciate that due to the nature of the noise nuisance an immediate resolve will not be possible at this juncture.

On 14 May a site visit was arranged to discuss our findings and to consider various options to resolve this matter. I was accompanied by Ms Kwofie and Mr Binya (**Noise Enforcement Officers**).

Various options were discussed in regards to minimizing noise nuisance from the court yard area. Please review your suggested or alternative options, with the aim of producing a plan of action of how you intend to prevent further nuisance from the site within 7 days of this letter. Please note that suggestions or recommendations made will not be directed or endorsed by Southwark Council.

Although we are in a position to serve you with a Noise Abatement Notice, I have taken into consideration your cooperation and willingness to engage with us to find a quick solution to the problem.

As a result of this, the Noise team does not intend to take formal enforcement action at this time. However, I am sending this letter as a warning (which is purely administrative) on the understanding that once the works you proposed have been carried out, that this will be the end of the matter, provided the proposals resolve the problem.

At this point of time, we would like to continue discussing this matter further so as to avoid potential formal action from happening. Therefore I would advise you to take such reasonable steps as may be necessary to prevent any further repetition of the matter raised.

Thank you for your co-operation at the time of our visit and your willingness to achieve a positive resolve.

Yours sincerely



Curth Henry
Principal Enforcement Officer
curth.henry@southwark.gov.uk



18 May 2015

Noise & Nuisance Team
Phone - 020 7525 5762
Our reference: 809774

Mr Michael Smith
The CLF Art Cafe
133 Unit A1, A2, A3, AG1 & Bsmt A
Copeland Road,
SE15 3SN

Dear Mr Smith

RE: ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80
NOISE NUISANCE FROM 133 Copeland Road SE15

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Thank you for your co-operation at the time of our visit and your willingness to achieve a positive resolve.

Yours sincerely



Curth Henry
Principal Enforcement Officer
curth.henry@southwark.gov.uk

MEMO: Licensing Unit

To Licensing Unit **Date** 15 November 2016

Copies

From Jayne Tear **Telephone** 020 7525 0396 **Fax**

Email jayne.tear@southwark.gov.uk

Subject Re: The CLF Art Café, Unit A1, A2, A3, AG1, & Basement, The Bussey Building, Copeland Park, Copeland Road, London, SE15 3SN - Application to review the premises licence.

I write with regards to the above application to review the premises licence submitted by [REDACTED] under the Licensing Act 2003.

The application is submitted under the prevention of public nuisance licensing objective and the grounds for the review are:

'The CLF Art Cafe night club situated in the Bussey Building causes a public nuisance. The nuisance is due to the constant noise pollution which is caused by drunken very noisy punters . This nuisance to us is elevated by the fact that this night club has a licence till 6am in the morning , both Saturday and Sunday mornings including bank holiday Monday mornings at times when applicable . This I feel is not only a nuisance as listed above but I feel it impinges on mine and my family Human Rights . Article 8 Respect for my home, article 8 states " right not to have one's home life interfered with. And the right to respect for one's established family life . I strongly feel that the ongoing noise pollution from this building going on till 6am in the morning is excessive and cruel. I want the opening times reviewed please. We need some respite and need to have our windows and patio doors open as and when required. We have just suffered a summer of hell, not being able to have my bedroom window open or patio even she it was very hot. The noise from music and punters screaming and shouting in a narrow pathway right next door to my bedroom goes on till 6-7am'.

My representation is concerned with the prevention of public nuisance.

There have been several complaints to the licensing unit regarding noise and antisocial behaviour from the patrons of the premises.

In spite of the management of the premises being given advice and warnings from council officers, they have not rectified these issues and do not appear to have any control of their patrons in the outside courtyard of the premises.

Furthermore the premises was described in the past on a previous licensing application as

'The premises are set on levels 1 + 2 within the first Block of CIP House (also known as The Bussey Building). A large mixed use 5000 sqm multi level victorian red brick warehouse, with X3 flat open plan roofs. Situated in Block A, the premises are set on 2 different (predominantly open plan] 280sqm spaces. linked at both ends by double width stone staircases. Main Stairwell 1 leads up to the Block A- 5th floor open plan roof and down to the premises main entrance, private

courtyard (designated smokers area] and (via a 22m long corridor- beneath a victorian building] to Rye lane. The main staircase is used exclusively by the premises for access & egress to and from the Premises, with stairwell 2 used as a fire exit, leading in the opposite direction to Copeland Road. Level 1 of the premises is open plan with a medium sized stage and bar at opposite ends of the space. Level 2 is divided in to times 4 spaces. The first a small conference room with small stage, the second a TV & Web Production Suite, the third [Main Space] an open plan Fringe Theatre [without fixed seating] and the fourth a small lounge bar which services the Fringe Theatre. The building is set alongside a train track and is surrounded by low rise warehouses and at the rear a large private car park which is part of Copeland Industrial Park. The private car park utilised by contractors who service and maintain the premises and CIP House'

It would seem that the premises is now operating as a night club and not as the description above when the licence was granted. The premises is situated within the cumulative impact Zone for the Peckham and the licensing sub committee may want to consider bringing the hours of operation in line with that of the hours recommended within the Southwark Statement of licensing policy, which are:

- Closing time for Public Houses Wine bars or other drinking establishments Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours
- Closing time for Cinemas and Theatres is 02:00 hours daily

I therefore submit this representation in full support of the applicant [REDACTED]

I may provide further supporting information to this representation at a later stage.

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

Licensing Act 2003 Premises Licence

32



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

Premises licence number

845207

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The CLF Art Cafe Unit A1, A2, & A3, AG1, Basement A The Bussey Building Copeland Park 133 Copeland Road	
Ordnance survey map reference (if applicable): 176313534475	
Post town London	Post code SE15 3SN
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Plays - Indoors Films - Indoors Live Music - Indoors Recorded Music - Indoors Performance of Dance - Indoors Entertainment Similar to live/recorded music - 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 09:00 - 23:00
Tuesday 09:00 - 23:00
Wednesday 09:00 - 23:00
Thursday 09:00 - 02:30
Friday 09:00 - 06:00
Saturday 09:00 - 06:00
Sunday 09:00 - 23:00

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

Plays - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

Films - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

Live Music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

Recorded Music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

Performance of Dance - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

Entertainment Similar to live/recorded music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

Late Night Refreshment - Indoors

Thursday	23:00 - 02:30
Friday	23:00 - 06:00
Saturday	23:00 - 06:00

Sale by retail of alcohol to be consumed on premises

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

Part 2

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

Michael Smith

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Saija Marjaana Kamarainen

[REDACTED]
[REDACTED]
[REDACTED]
[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**

Saija Kamarainen

[REDACTED]
[REDACTED]
[REDACTED]
[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: [REDACTED]

Licence Issue date 15/08/2014

Anti-Social Behaviour, Noise Nuisance &
Licensing Manager
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

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

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

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

102 The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself.

485 (1) The responsible person must 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 -

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster 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; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

489 The responsible person shall ensure that -

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

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises

certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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.

112 This licence allows for the premises to remain open for non standard timings as stated on the days below. During new years eve and August Bank Holiday weekends, the premises will be open no later than 06:00 (August BH) and 06:00 (New years eve).

113 This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following days: During new years eve and August Bank Holiday weekends, the premises will be open no later than 06:00 (August BH) and 06:00 (New years eve).

114 This licence allows for the premises to extend the following licensable activities for non standard timings as stated below on the following days: Plays, films, live music, recorded music, performance of dance, facilities for making music and facilities for dancing: During new years eve and August Bank Holiday weekends, the premises will be open no later than 06:00 (August BH) and 06:00 (New years eve).

115 This licence allows for the premises for the provision of late night refreshment for non standard timings stated below on the following days: During new years eve and August Bank Holiday weekends, the premises will be open no later than 06:00 (August BH) and 06:00 (New years eve).

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

162 A security search of the premises is conducted prior to opening to the public and a record kept of who conducted the search.

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 after 22.00hrs until the terminal hour. This requirement is restricted to days when the premises licence permits operation past 23.00hrs i.e. Friday/Saturday/Sunday and any days for non standard timings. SIA door supervisors shall 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'.

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

303 That 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.

307 That the maximum number of persons that may be accommodated within the licensed area at any one time shall not exceed 1050, comprising of 100 on the basement , 350 on the ground floor bar and 300 each on the first and second floor area of the premises

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

313 Ground Floor Front [SW]Court Yard

- No amplified music or speech be permitted to be performed on or broadcast on to ground floor courtyard
- No artificial lighting other than that to facilitate the safe passage of patrons to, from and on the courtyard
- The courtyard be closed to patrons by 02.00 each day, but thereafter may be used as smoking area but no drinks to be taken out on the courtyard after this time.

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

340 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.

341 First Floor

- a) that all north facing windows are maintained shut during performance of any music based or backed entertainment.
- b) that the area is equipped with adequate and sound insulated means of extract ventilation and replacement air.
- c) that amplification systems and instruments requiring amplification used in connection with regulated entertainment or performances brought on to this location be connected through the sound limiter circuit.

342 Second Floor

- a) That all north facing windows are maintained shut during performance of any music based or backed

entertainment.

b) That the areas are equipped with adequate and sound insulated means of extract ventilation and replacement air.

c) that all amplification systems and instruments requiring amplification used in connection with regulated entertainment or performances brought on to second floor locations be connected through a sound limiter circuit.

d) That no music be played in the theatre lounge / café in the south -west corner.

343 The premises shall enforce a no re-admissions policy after 23.00hrs on weekends and during late night events.

344 A Refusal book shall be introduced and details of all refusals recorded.

345 That the 3rd floor premises be used only for Theatre and Similar use with fixed/fitted seating and not for any other purpose.

346 The promotion, staging or exhibition of works that will cause offence or incite violence shall be avoided.

347 The display, staging or exhibition of sexually explicit material in any form shall be prohibited.

348 Access to the premises shall be restricted to persons under 18 (unless accompanied by an adult). All persons under the age of 18 shall be denied access after 22:00hrs.

349 That only plastic containers and toughened glass shall be used for the serving of beverages after 22.00 during the staging of late night events only.

350 A drugs and weapons box shall be provided at the entrance to the premises.

351 That the opening times of the premises shall be displayed at the entrance to the premises.

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

353 The premises shall only use the private courtyard and alleyway as a designated smokers area.

354 A dispersal policy shall be implemented to encourage customers to leave smoothly, quickly, quietly and orderly.

355 Access shall be denied and no counterfeit products such as alcohol, tobacco, DVDs, CDs will be supplied or sold at the venue.

356 An incident log shall be kept at the premises detailing any problems relating to crime and disorder at the premises.

357 That the necessary fire signage shall be clearly displayed and kept in good condition.

358 That secondary emergency lighting units, independent from the mains supply shall be provided to THE FIRE EXIT ROUTES AND FIRE EXIT DOORS. The illumination provided by each unit shall be sufficient to enable members of the public to make their way out of the premises in safety at any one time.

359 Monthly health, safety and fire prevention meetings shall be hosted with tenants from relevant businesses located in CIP house.

360 Sound limiters shall be fitted and set to appropriate levels on all levels to ensure all music is kept to an acceptable and legal level.

361 The premises shall use the corridor which connects to the private courtyard for the queuing of customers arriving at the venue to avoid noise disturbance to the surrounding area. The corridor shall also be used to ensure the smooth dispersal of customers leaving the premises.

362 First aid kits shall be provided at the premises and all staff shall be trained in basic first aid.

363 A premises greeting/security station shall be set up at the private courtyard entrance so as avoiding queuing, admission, security issues.

364 All rubbish shall be stored on site at the rear of the venue in the Copeland Road Industrial Park car park. Post operation clean ups and bin collections shall only take place between 08.00hrs and 20.00hrs.

365 The front of the premises shall be kept clean and free of rubbish at all times.

366 The perimeter of the premises shall be regularly checked to ensure that the premises is not creating public nuisance.

367 That a minimum of 1 staff member shall be present per 50 children during the staging of children specific events.

368 Irresponsible drinks promotions shall be avoided at the premises.

369 There shall be the provision of fire precaution and alarms, training of staff to implement significant findings of risk assessment.

370 All child specific films or animation screenings shall be seating only.

371 That a policy shall be developed, implemented and continually evolved for keeping children safe from harm. All staff shall be trained to ensure that they are able to implement the policy.

372 An accessible complaints system shall be put into place to ensure children are able to report any forms of inappropriate or violent behaviour towards them. This shall include a system to report any issues or concerns relating to the welfare of children to the local police, education authority and/or social services.

373 That the applicant shall have a permanent sound limitation devices fitted to the sound amplification systems in the basement, first floor, second floor and third floor.

376 That should there be any change to the equipment involved in the broadcast or limiting of sound from licensed entertainment in any of the spaces where licensed entertainment is permitted, the sound limiter/s shall be re-set, using a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible in nearby residential premises or will cause a public nuisance in the vicinity of the premises.

377 That all speakers for the broadcast of sound shall be isolated from the structure of the premises by anti-vibration mountings or mats.

378 That any additional amplification equipment imported on to the premises by third parties shall be connected to and use the sound limited circuit. No additional front-of-house amplification shall be imported onto the premises at any time.

379 That live music performers may bring backline amplification onto the premises subject to the following limitations Guitar amplifiers: no more than one speaker cabinet per performer, containing no more than two speakers of up to 12" diameter. Bass and keyboard amplifiers: no more than one speaker cabinet per

performer, containing no more than one speaker of diameter 15", or, no more than two speakers of diameter 12", or, no more than 4 speakers of diameter up to 10".

381 That patrons shall not be permitted to take drinks into the smoking area or anywhere outside the premises after 02.00hrs

382 That external waste handling, collections, deliveries (including performers equipment) and the cleaning of external areas shall only occur between the hours of 08.00hrs and 20.00hrs.

383 Suitable and sufficient health and safety risk assessments are carried out and include dealing with violence and aggression in the premises. The risk assessment submitted is Fire Risk assessments only and not a Health and Safety risk assessment.

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

Annex 4 - Plans - Attached

Licence No. 845207
Plan No. N/A
Plan Date 01.11.2013

APPENDIX D

Date	Time	Officer	Notes
09/11/2012	22:36	Kristie Ashenden	Call on police radio re: overcrowding. We arrived on scene and there were anywhere from 500 youths in Rye Lane trying to gain access to the premises. An 18th b' day party had been booked for 300 guests on closed invite on Facebook, however it was leaked publicly on Facebook and several hundred people turned up. Spoke to DPS Michael Smith. He said he had a Jazz night planned on 1st floor. Stu made several announcements over the police van loudspeaker, advising people to leave the area. Michael Smith admitted that his security did not handle the situation well. Spoke to the parents of the girls whose 18th party it was. Inspector Mark Lavin from the police was overseeing everything. We went inside to check that the premises were not overcrowded – the party was on 2nd floor, with maybe 100 people? Not crowded at all. Very hot. 2nd room at the back very quiet, not many people at all. 12 door staff on this evening. Photos taken
09/11/2012	23:54	Kristie Ashenden	On our way out PC Whythe searched a white male suspected of having cannabis
10/11/2012	00:00	Kristie Ashenden	Inspector Lavin said no one else was allowed into the premises. We waited for the youths to disperse
02/12/2012	02:30	Wesley McArthur	As FRC and I approached the premises from Blenheim Grove we noted 2 security / steward staff by the passage way that leads to the premises from Rye Lane. One of the security staff was an IC3 male the other was an IC3 female. A number of people were entering and exiting the passage. I approached the security staff and asked if the premises were still open, the IC3 male stated that it was. I ID'd myself and asked to speak to the manager. I was lead to the courtyard area to the front of the premises. The courtyard was very busy with approx.' 25 people smoking, drinking and socialising. The pay desk and security hub was located in the courtyard. I spoke to the licensee & DPS, Saija Kamarainen (SK). I asked SK what time the premises were going to shut, SK stated 'around 4am'. I asked if the 2nd floor was being used, SK confirmed that it was. I advised SK that under licence number 832624 (a copy of which I produced to her) that the premises should be shut by 02:00. SK stated that she had been granted a new licence allowing licensable activities until 06:00. I advised SK that the 6am licence should only be used once the works required by conditions on the licence had been complete. SK stated that the works required had taken place and invited me to inspect them. As the works required included soundproofing I explained that a member of the council's EPT would inspect the works at a later date. SK stated that the licence had been issued already. SK couldn't produce either of the licences issued in respect of the premises. A regular promotion ("Soul Train") was taking place on the first floor of the premises. The second floor had been hired for an external promotion. The third floor of the premises was not in use. Both the 1st and 2nd floors were very busy. I asked SK how she monitored capacities on each floor. SK stated that she used a wristband system whereby certain types of wristband admit entry to certain floors. Neither SK nor her security staff could provide current numbers of customers on either floor. I estimated that there were 250

			<p>people on the first floor and 200 on the second floor. I advised SK that counting devices should be used as follows: 1 for in, 1 for out on each floor, that the counters are colour coded for each floor so they cannot be mixed up, that only one person at a time is responsible for 1 set (pair) of counters on each floor. Breaches of the following conditions were noted: 156 – The staff log at the premises was not in use. 162 – Security inspections of the premises had been undertaken. 288 – The time code on the CCTV was 27 minutes fast. 290 – The hand held metal detector was not in use and had been left in the office. 298 – There was no signage displayed re' the search policy at the premises. The anti drug signage was obscured by a door that was secured open. 312 – There was no evidence that persons re-entering the premises were being searched. 313 'c' – Customers were being allowed to drink in the courtyard. 341 'a' & 342 'b' – Not all north facing windows were closed. At least 1 north facing window contained a broken pane of glass. In addition to the above the below was noted in regards to the following conditions: 341 'b' – Floor standing fans were being used to cool the venue. With the amount of customers on each floor at the time of the inspection the level of cooling was barely acceptable; however in summer the current cooling arrangements will not be sufficient. 342 'd' – On the 2nd Floor sound attenuation was in place via compressor. I spoke to a sound engineer who explained that the PA system on the 2nd floor had been hired in specifically for the event taking place and that he was in charge of the PA system and was working at the premises on that night only (he is not a regular employee at the premises). The sound engineer stated that the sound check in regards to the PA system had taken place at 22:00 that night, but that the compressor had not been set in conjunction with any type of external reference. I advised the engineer that should he work there again that an external reference should be used when deciding the control settings of the compressor (or similar) in regards to PA systems installed at the premises. I noted drapes covering the north facing windows on both floors. I asked if the drapes were or had been made flame retardant or whether they had a suitable kite mark. SK stated that they were supplied by theatre supplies company and had a relevant kite mark which she showed me. The kite mark / fabric information stated that the drapes were flame retardant in accordance with BS5438 pt. 2. SK asked me to email her my suggestions / findings ASAP and to let her know the status of the licences issued in respect of the premises. Warning letter to follow and advisory email. NB Another licence (no. 837671) has been issued in regards to the premises. This licence allows licensable activities to take place at the premises until 06:00 on Friday & Saturday. There is no provision in the licence that states that the work as required by the licence must be inspected by the local authority prior to the licence being used, or that the works must be completed to the satisfaction of the local authority. As I only had a copy of licence no. 832624 I suggest another inspection of the premises to verify adherence to the further conditions contained in licence no. 837671. BS5438 pt. 2 is the correct standard that the drapery at the premises should meet.</p>
07/12/2012	21:10	Tracy McCarthy	At 21:10 hours CLF Gallery – stumbled across the back entrance whilst doing a recci for the churches. Setting up for a gig. Advised that the rear doors will be closed, being used to get equipment into the premises.

09/12/2012	02:25	Roy Fielding	Met Saija who was using the first floor. The room was very hot and there was no ventilation in the room. Saija told us that someone is booked in for next year to sort the issue out. Farhad will be serving an improvement notice for the works to be carried out. All other floors were not being used. Saija complained re last refuge who had a private party that was making a lot of noise. We investigated (see last refuge for report)
15/12/2012	01:20	Roy Fielding	Met Mickey Smith and carried out revisit. Fully compliant except not using metal detectors during checks. Mickey showed us the detectors and instructed his door staff to use them. Will check again on Saturday.
22/12/2012	23:10	Roy Fielding	Visited premises and met Mickey Smith. Mickey informed us it was staff party on level 1 & 2. I asked him if I could take a photo of each of the sound limiters for Sarah which he agreed to. He also informed me that the premises would be closed until the 5 th Jan. He also said that there was not a SLD on the 3rd floor as it is theatre.
18/01/2013	22:30	Roy Fielding	Met manager Kirsty and spoke re trade waste issue. Kirsty said that they have a contract with Biffa who collect at the rear of the premises on Thursdays. She said that they check at the front for glasses etc. and would make more of an effort following the complaint.
08/02/2013	21:50	Jayne Tear	<p>8/2/2013 21:50 JMT & NVD From: Tear, Jayne Sent: 11 February 2013 19:15 To: [REDACTED] Cc: IAN CLEMENTS [REDACTED]; [REDACTED]; Franklin, David Subject: RE: Thefts in Licensed Premises</p> <p>Dear Emma,</p> <p>I called both of the numbers below in Friday 8th February at 19:15/19:16hrs to see if the SNT may want to visit with me. I did not get a reply so left a message. I visited the CLF Art Cafe (bussey bar) on the same night at 21:50hrs and spoke to Saija Kamerainen the DPS, With regards to your concerns below. There were 2 SIA door supervisors at front of house one inside and three more inside the courtyard at the time of my visit. Saija said that they pick up a lot of mobiles and lost belongings (which they have on site), she said that people just drop them and they are found in the premises when they clear up later. She was wondering why the people that have lost their belongings don't contact the club. Saija will be happy to meet with your officers to discuss. Maybe some of the people that have reported lost property to you maybe able to get it back. If the property is not lost and it is theft I can arrange to visit together during the day with the licensee's if someone from your team would like to speak to them personally, if not maybe Ian Clements/Graham White and I can visit together. Please let me know and I will arrange. I then visited [REDACTED] ([REDACTED]) at 22:37hrs on the same night for the same reasons, however it was closed. I will forward this to the team working next weekend,</p>

			<p>With kindest regards</p> <p>Jayne Principal Licensing Officer 020 7525 0396</p> <hr/> <p>From: [REDACTED] Sent: 08 February 2013 16:42 To: [REDACTED]; Tear, Jayne Cc: Lakoja, Niniola; [REDACTED] Subject: Thefts in Licensed Premises</p> <p>Jayne, Ian and Keith,</p> <p>Are you able to assist in any way with this? We are getting a lot of theft generated from the [REDACTED] and the Bussey Bar. Are you able to speak with the managers re' this? If not please can you provide me with any details of the managers of the premises? We do not have this problem with any of the other licensed premises -there are clearly security issues at both venues. Let me know,</p> <p>Emma Dickinson PS 109 MD The Lane SNT Work:- 020 7161- 8324 Mobile:- [REDACTED] Email: [REDACTED]</p>
26/04/2013	23:15	Tracy McCarthy	At 23:15 hours attended CLF – H&S re-visit to check on improvement notice. Whilst in attendance it was pointed out to Ms Saija Kamarainen that condition #352 was being breached 'No open containers of alcohol or any other drink shall be taken o/s of the premises' Saija said she will keep on top of it and advised her SIA supervisors. Verbal warning given.
11/05/2013	19:20	Roy Fielding	Carried out poster check for a new application for the Bussey Building. Spoke to door staff re CLF. They explained that they were expecting around 100 people tonight.
24/08/2013	19:40	Dave Swaby	Visit with Sarah Newman, the premises was in the process of closing. No actions taken.
24/05/2014	21:15	Farhad Chowdhury	Visited this premises by accident seen people taking in cases of alcohol. Met Sajia Kamarainen from CLF Arts cafe, says they have a TENS tonight Roy checked on his phone it came up as the REFUGE and not Basement A. Concerned about

			the low ceiling in the premises and lack of water and washing facilities, and no WC's also there is a lack of ventilation in the premises. Have a Vinyl 45's night tonight. Says will apply for a licence soon, will be running as a record shop. Sajia home address is [REDACTED] Tens seen from 24/5/14 to 25/5/14 – 2200 - 0600hrs. Carried out a Health and Safety Inspection left report. Advised to apply for licence.
25/05/2014	01:52 Visit	Farhad Chowdhury	Long queues outside on rye lane.
30/05/2014	19:58 t	Kristie Ashenden	Basement A 133 Copeland Rd revisit for H&S. En route stopped @ [REDACTED] on Blenheim Grove. Fake hair extensions everywhere, FRC advised to clean up & we will pass to Env-enforcement. Basement bar closed, to revisit later
31/05/2014	01:01	Kristie Ashenden	Big crowds outside, appear to be students. Once through security another queue of 30-40 people waiting to get through. We had a look at the basement bar with Martin Drogosz, who said he was the manager. Asked to see the TEN. He was unable to produce it, however we found it online. Martin said the capacity of CLF was 900 and the basement bar is limited to 150. We asked security for the number of people in the premises. The females at the entrance did not have clickers or metal detectors. When asked for numbers they looked at the guestlist and 'estimated' it to be around 450 people, but there was no way of knowing for sure. They had no idea how many people were on the premises. Breach of condition 307 - no clickers at the premises. Asked for personal licences, 2 staff had them available. Breach of 162 - no security search records available, Breach of 303 - no 696 available, Breach of 307 - they don't know how many people on each floor, let alone how many in entire footprint of building. Breach of 313 - drinks consumed outside courtyard. Breach 344 - Asked to see refusals book, not available. Breach 350 - not aware of need for drugs box. Breach 354 - unable to provide dispersal policy. Breach 4AI - no register produced. Breach 356 - no incident log. No confidence in management - as we were leaving there were a lot of people in the courtyard drinking
14/06/2014	02:33	Farhad Chowdhury	No queues outside all quiet
28/06/2014	22:05	Farhad Chowdhury	Basement A is closed tonight. The footpath outside is badly broken and is a trip hazard needs to be repaired.
06/07/2014	02:14	Kristie Ashenden	En route to CLF Art Cafe for an H&S revisit when we encountered 3 cars going through a red light on Old Kent Rd. Followed them in the van to Peckham and all 3 cars were pulled up. Cars full of Nigerians going to an event, police spoke to them and let them go.
06/07/2014	02:35	Kristie Ashenden	Revisit with FRC and police. Courtyard is packed with people, must beat least 60-80 people outside - concerned about noise for residents as well as safe evacuation should there be an emergency. FRC took photos. Met with Micky Smith who said the basement was not open AToV however rest of premises is.
19/07/2014	22:25	Kristie	Visit with FRC to check on outstanding works re: his representation. Doorstaff said there were 34 people in AToV

		Ashenden	however there appeared to be more than that. FRC checked on basement work. At 22.54 went past [REDACTED] in alley from Blenheim Grove on way to Peckham Rye station. Decks & speakers set up, crowds gathered to blaring music. Takeaway food shop, no licence. Report to DCM/JMT
28/09/2014	01:52	Kristie Ashenden	Hot dog man + jerk chicken set up opposite premises. TCT NTE police to assist. Adam ended up seizing jerk chicken BBQ.
14/02/2015	01:25	Kristie Ashenden	With Matt Bourne. Big queues outside CLF, however NTE police received a call from [REDACTED] that there are 60 people outside and they are unruly.
19/04/2015	00:59	Farhad Chowdhury	Evelyn carried out a food hygiene inspection, looked at records. She asked what types of foods are sold. Sajia explained they have a pop up food stall selling vietnamese foods. It is opened from 12-8pm, noticed there were too many people in the outside smoking shelter brought it to the attention of Sajia to keep an eye if it gets overcrowded to move people around.
24/04/2015	02:44	Jayne Tear	Visited premises to carry out a noise assessment with regards to complaint from Sarah Newman. We walked all around peripheral of premises. Could not hear anything that would cause a nuisance from CLF, went to nearest flats and could hear noise but it was from people praying on the top floor of a flat. Entered premises and Id ourselves We Id ourselves to the SIA and then Mr Martin Drogosz the person in charge and the sound engineer Mr Max [REDACTED]. Mr Drogosz showed me his personal licence issued by [REDACTED] Council no. [REDACTED] EXPIRY DATE [REDACTED]. I explained that there had been a noise complaint and I asked him to show me the S.Ls on each floor. He showed me the .S.L s and they all seemed to be working. Took Photo's of each for Sarah. I asked if there were any outside promoters working tonight and he said yes. He told me the promoters for each floor are as follows: Basement – Caught up1st Floor – Lucid2nd Floor - Digital City (possible breach of 303 – will need to check if venue hire been submitted to police). On the way out I noted that a woman with a plastic glass of what looked like lager/beer. I spoke pointed this out to Mr Drogosz and he immediately asked the SIA to remove the beer from the woman. (breach of 381) I thanked them for their assistance and we left the premises at 03:34.
09/05/2015	22:45	Mark Orton	Visited premises, full inspection, premises becoming busy atov. Contact at time of inspection was Saija Kamarainen DPS. SIA stewarding patrons well. ID's being checked and searches of person and bags etc. being carried out. Courtyard area being used by patrons to smoke. Basement bar and record store no busy but music loud, some breakout but low level. Theatre being used as production unit as filming taking place (live broadcast) taking place in the building. All paperwork in order, refused sales log (I advised signing off each log if no refusals had taken place to show log was being used), SIA log up to date, incident log being utilised, CCTV in operation, re' Hire Agreement condition 303, premises does not "dry hire" and management is always present with in house security, condition does not state 696 agreement so not sure what benefit this holds. Several conditions relating to sound limiters throughout operating schedule are confusing, even though they are being utilised and there is a sound engineer on duty at times the licence is in use. I advised the sound engineer carries out an external sound check re condition 366 to monitor

			music/sound breakout during the evening due to current noise complaints despite sound insulation being installed in various parts of the building. This activity to be logged for inspection. In my opinion, a small reduction in music volume would not detract from the enjoyment of patrons but could have a big impact on local residents suffering disturbance as the music being played inside the premises was very loud for the size of the room the music was being played in. Ear plugs were available for staff and whilst carrying out inspection staff were entering the office to request ear plugs. Whilst leaving premises, it was noted that some of the windows could be heard vibrating suggesting that bass levels could be too high and depending on wind direction other music noise was also witnessed, unsure of whether it could be a nuisance level or not. Noted during inspection some of the conditions appeared to be contradictory and possibly redundant, will discuss with officer responsible. This has been brought up before with DM.
23/05/2015	02:26	Richard Kalu	Visit to CLF Art Café with Sarah Newman. Premises were very busy and were observing the licensing conditions as per their licence. We completed a walk around of the premises on all the various floors and no issues were noted. I did however observe X4 patrons in the external courtyard drinking can of beer which I believe is prohibited. Advised by management that these patrons had taken the alcohol out into this area earlier in the night and this was not detected by SIA staff. Advised management that they needed to take more robust action to stop patrons drinking in this area.
13/06/2015	02:15	Mark Orton	Spoke with DPS re patrons drinking in courtyard beyond 02:00hrs. Noted 3 persons drinking from cans of beer, was informed that they had taken them into the courtyard before 02:00hrs and were just finishing them off. Witnessed SIA using wands and searching bags etc.
19/06/2015	23:50	Richard Kalu	Visit to CLF Art Café with Adam Burchett. SIA compliant at premises. Checked various floors no issues noted. Patrons being stopped by SIA staff from bring drinks into the courtyard area. CCTV in full operation and no compliance issues noted. Premises were extremely busy.
04/09/2015	23:50	Wesley McArthur	After visiting McDonald's with Tracy McCarthy (TMM) we noted a large queue on Rye Lane leading to the entrance of the Bussey Building. There were approximately 110 people in the queue. I noted a D/S monitoring the queue towards the rear of the queue and 5 D/S's by the entrance on Rye Lane to the Bussey Building. The area was very busy in general with groups of youths and young people walking about and congregating in various areas down the length of Rye Lane and around Bellenden Road and Blenheim Grove. I noted that many of the people were drinking alcoholic drinks. Most of the groups of people were conversing loudly and all appeared to be in high spirits although I didn't note any ASB. We approached the entrance to the premises and I ID'd myself & TMM to an IC3 D/S. I asked him what event was taking place and he stated that the band 'Odyssey' was playing at the premises that night. He stated that the queue TMM and I had observed was a ticket holder / guest-list queue, that the majority of people attending were ticket holders and that the premises were only accepting a limited number of customers who were paying on the door. The D/S led us through the courtyard area to an office. Whilst walking through the courtyard area I observed that it was very packed with customers socialising and also customers getting searched /waiting to get searched. The sound level of people voices was quite loud in the courtyard. The D/S took us to the office where we met the premises

			<p>manager, Mickey Smith (MS). MS confirmed that the event taking place that night was the band 'Odyssey' playing, and that he was expecting a capacity crowd at the premises. MS stated that there hadn't been any problems at the premises so far that night. I asked how many D/S's were working at the premises that night and MS answered 18. I told MS that I'd seen people drinking in the queue and in the locale. MS stated that people were not allowed to bring any drinks into the premises and that any persons who appeared to be intoxicated would be turned away even if they were ticket holders. MS stated that so far, to his knowledge, they hadn't had to turn anyone away for being intoxicated. The window in the office overlooks the courtyard. The window was partially open. Customer's voices from the courtyard could clearly be heard in the office and I reminded MS of recent noise complaints. MS stated that noise dampening measures would be installed in the courtyard ASAP and that he was still waiting to find a suitable smoking shelter solution. I asked MS if the number of customers on each floor was being controlled (as required by the licence issued in respect of the premises). MS answered that D/S's were at the entrance to each floor at the premises and that they were using counting devices to ensure that the permitted number of persons per each floor wasn't exceeded. I asked MS if the premises were experiencing any problems since it (and the locale) had become very popular over the past year or so. MS stated that NOx sellers are a big problem that he is finding hard to combat. MS stated that he has rung the NTET number a few times when he has noticed NOx sellers in the area but the NTET line was not answered. MS stated that the NOx sellers are operating in large gangs and have recently been intimidating to himself and D/S's at the premises when they have tried to disperse the NOx sellers from the immediate vicinity of the premises / customer queues to the premises. MS stated that they sell NOx quite openly. I told MS that I will report this back to NTET / Licensing. MS stated that the NOx sellers are particularly active between 4am and 6am and that he would like to see a stronger police presence in the area between these hours to deter NOx / drug sellers. I conducted a walk through of the premises. There were D/S's monitoring the numbers of customers on each level of the premises with counting devices. According to the counting devices no level was exceeding its permitted capacity. The premises were very busy on each level. Fans were in operation. The music was very loud on each level but SLDs appeared to be functioning. Toilets all in working order. Security were being through with their searches. No problems at the premises were noted.</p>
?	02:55	Richard Kalu	<p>Visited premises with Sue Hunter. No ASB issues identified outside the premises. There was a lot of discarded litter and evidence of nitric oxide use at the front of the premises. Entered the front courtyard of the premises and noted that no patrons were drinking alcohol in the front courtyard. Discussed Acoustic measures which are due to be put in place in the front open courtyard. I have been advised that consideration is being given to increasing the height of a wall in the front courtyard. Whilst I am not an acoustic specialist I have had experience of noise related complaints and I could not see how this measure would reduce noise nuisance currently experienced by resident's living in the immediate vicinity of the premises. This will however need to be assessed by EPT / noise officers to establish whether from the resident's property the associated noise breakout can be regarded as a statutory noise nuisance. Checked</p>

			the various floors and SIA staff were not allowing patrons to vacate rooms with drinks. I also noted that the 3rd floor was not operational as a clubroom or a theatre. I did complete a very simple exercise on the 2nd floor with security and closed the doors of the clubroom that effectively cut out all noise escape from the clubroom. I note that outside each clubroom on landing where there is waist height to ceiling height single panes of glass. I enquired whether they had ever thought about double-glazing as almost all of the noise was coming out the clubrooms and going straight out the window into the wider community. I do not think this has been looked into as of yet which I would imagine drastically reduce the noise escape as a whole for the whole building.
05/09/2015	00:04	Farhad Chowdhury	Long queues outside CLF arts cafe, lots of activity looking for BBQ's none set up yet, found a man with Nitrous Oxide maybe selling to people going to CLF. Adam Called NTE police and gave description of the man and to visit and observe rye lane and seize the Nitrous Oxide.
05/09/2015	02:00	Farhad Chowdhury	Still a queue outside no BBQ some people sitting on the pavement.
13/09/2015	01:40	Jayne Tear	Blenheim Grove SE15 - Parked appx 50yds from junction with rye lane near the church. All quiet in Blenheim grove, however could hear shouting, laughing and screaming of patrons coming and going in and out of the CLF ART CAFÉ. The patrons were walking backwards and forwards across the road and congregating at the entrance observed for appx 15 minutes. Got out of the car to visit RYE EXPRESS and noticed empty beer cans and beer bottles strewn in various places on the pavement.
13/09/2015	02:10	Jayne Tear	Notes to follow
19/09/2015	01:15	Richard Kalu	Request made by David Franklin to Visit. Premises visited with Farhad Chowdhury. Parked up at Bar Story. Lots of people milling about and drinking. On approach to CLF art cafe spotted a nitric oxide seller and called it into police. Quite a few people along the road singing and shouting. No noise breakout from the premises in the courtyard. They appeared to manage to contain the music levels to within the premises and there was minimal sound escape. The third floor was busy with people generally going in and out and a heavy presence of SIA staff who appeared to have received specific instructions to stop people taking drinks into the courtyard. Room was being used more as a clubroom than a theatre type room. Witnessed a number of drinks being confiscated from patrons before being allowed into the courtyard. When leaving the premises noted a number of discarded balloons (nitric oxide) discarded along the street.
19/09/2015	23:30	Richard Kalu	Visit to premises with Farhad Chowdhury. Nitric Oxide seller was present and mixing in with patrons waiting to gain entry. Informed NTE police of a IC3 male with dreadlocks wearing a beanie hat with stonewash jeans and a furry type olive green jumper. Nitric oxide was approaching people and some people were being quite vocal that they did not want the balloons. Full complement of SIA staff on door who were carrying out searches and using wands.

04/10/2015	03:20	Richard Kalu	<p>Full inspection carried out. Initially observed the front of premises from the vantage point of Blenheim Grove. X4 patrons on Blenheim Grove however no ASB issues were identified. X15 patrons at the front of the premises who were being controlled by SIA staff. No Nitric Oxide sellers or barbecue sellers observed in the immediate vicinity of the premises. There was evidence of nitric Oxide use at the front of the premises with discarded silver nitric oxide bottles on the floor. Full inspection carried out with the operator / DPS Saija Kamarainen and head of security Yazz (██████████). 3rd Floor (theatre) was not operational and we discussed the use of the third floor that it should only be operated as a theatre. I have been advised by Saija that she intended to go down the road of a variation of the licence. Saija advised that they wanted to support the theatre but when it was not busy it still needed to be operational and draw revenue and the only way to fully utilize this space was to use it as a venue room for the CLF Art Cafe main business. The licence is very complicated with repetition of wording of conditions which in some respects is not enforceable. Saija advised me that she has trouble understanding the licence in respect of what she should and should not be doing. I advised her that legally it was her responsibility and as a responsible operator to gain an understanding of the licence and to ensure that she was compliant. Security also confirmed that the licence is causing problems as it is very complicated to understand. I reiterated again that they needed to gain an understanding and if there were any issues with the understanding of the wording of the conditions to use this opportunity to discuss with me now. On my initial entry into the premises I noted that no patrons were drinking in the front courtyard of the premises. There was a very visible presence of SIA security at the entrance and in the front courtyard. I made comment and Saija volunteered that there had been issues about the wording on the licence conditions about the operation of the front courtyard. Saija advised me that to avoid confusion security had now been advised not to allow any patrons to enter the front courtyard with drinks past 01:30hrs which could clearly now be seen to be a measure which had been implemented. Sound Limiters checked and all fully operational. I went through the licence with Saija and the head of security and the breaches found relate to dispersal policy condition 354. No breach was witnessed in relation to 313 drinking in the front courtyard. SIA were using the metal wand detector. I witnessed SIA staff actively stopping patrons vacating any rooms with drinks which was encouraging and it was a zero tolerance approach to this i.e. one warning then the alcohol was being confiscated. The inspection took a long time however it's clear that some work needs to be done on the licence with a full variation to tidy up the licence. Signage was up and could clearly be seen. I have advised them that they could do with some more updated signage. CCTV was operational and no issues identified. I gave words of advice in relation to dispersal policy and have asked that this is done as a matter of priority. Also Saija has confirmed that staff will now be deployed to come out the premises at the end of the night and sweep up and pick up discarded litter in the immediate proximity to the premises which should hopefully address some of the complaints received by residents about litter. I asked about outside promoters and it appears that they do on occasion have external promoters. Saija confirmed that they do have a venue hire agreement arrangement in place and it may be worthwhile discussing with the police to see if they have received any 696 forms.</p>
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10/10/2015	22:02	Wesley McArthur	Visit with Ken Dale (KD). Waist height barriers were in place heading south on Rye Lane from the entrance of the premises but there was nobody queuing to get in the premises. I saw 4 IC3 D/S's at the entrance (on Rye Lane) to the premises. We didn't observe any ASB in respect of the premises or groups of people congregating near the premises.
17/10/2015	00:35	Farhad Chowdhury	Hundreds of people in queues on rye lane waiting to go in. We looked for nitrous oxide sellers and BBQs nobody around today.
23/10/2015	22:34	Farhad Chowdhury	All quiet some people are queuing up.
31/10/2015	22:55	Wesley McArthur	Visit to the premises with Adam Burchett (AB). I saw 4 D/S's by the entrance to premises on Rye Lane. Waist height police barriers were in use heading south down Rye Lane from the entrance to the premises. There were approx.' 15 people queuing to enter the premises behind the barriers. I didn't observe any ASB in the vicinity of CLF.
08/11/2015	02:23	Farhad Chowdhury	Hundreds of people outside in the smoking area and the space outside rye wax, some with drinks in their hands. Very crowded in the alleyway some staff were at the far end near staircase B. People had glasses and Beer cans in their hands, people noise and music audible outside. The have not carried out any noise control works yet. Met head door man Ade, security could not manage the crowd they have no control. Ade told us when the DJ changes and set changes people come out and change rooms as they get bored and this causes the big crowds outside. After we advised him of the no drinks after 2am he took drinks off peoples hands, still busy we left at 2:38hrs.
22/11/2015	01:50	Farhad Chowdhury	Open no queues, looking for nitrous oxide sellers, none found.
22/11/2015	22:12	Farhad Chowdhury	Queues opening not busy yet
05/12/2015	01:00	Richard Kalu	Visit to premises with Sarah Newman. Entered the premises and discussed people noise and courtyard area with head door supervisor as management were dealing with an issue. 3rd floor not in operation drinks were not being taken out into the courtyard area. Sarah inspected the new Acoustic measures put in place in the front courtyard. We carried out some monitoring from the other side of the new acoustic built up area overlooking the courtyard and no music could be heard escaping from the premises. Discussed nitric oxide sellers and were advised that SIA staff are actively discouraging nitric oxide sellers from operating near their premises. Head of security has asked if there could be some police presence to deter the nitric oxide sellers.
02/01/2016	23:31	Farhad Chowdhury	Premises open, nobody in the queue very quiet.
27/02/2016	03:30	Richard Kalu	Observations of premises in relation to front courtyard and no alcohol being consumed by patrons. Condition being adhered to and enforced by SIA staff at the premises. No nitric oxide sellers located outside the front of the premises.
28/02/2016	1:37	Farhad Chowdhury	All quiet nobody outside

05/03/2016	01:30	Richard Kalu	Compliance check with Farhad Chowdhury. No nitric oxide sellers were located at the front of the premises. SIA staff were visibly patrolling the line of patrons waiting to gain entry and advising patrons that they should refrain from buying nitric oxide.
06/03/2016	1:32	Farhad Chowdhury	CLF arts cafe all quiet, no issues.
12/03/2016	22:45	Farhad Chowdhury	All quiet, not many people in the queue, checked for BBQ none at the moment.
23/04/2016	03:20	Richard Kalu	Visit to CLF art cafe with John Uzodinma. X3 nitric oxide sellers located at the front of the premises. I identified myself to one of the sellers and advised him that I worked for licensing and that he needed to move on. I also advised him that the police were doing a sweep and that they faced confiscation of their nitric oxide and possible arrest. They all moved on and I confirmed that officers routine patrol RyeLane. Also noted a barbecue seller across the road from CLF art cafe. Will update Adam Burchett in regards to this so that we can attempt to cease next week.
01/05/2016	01:15	Richard Kalu	Visit to CLF Art Cafe. X5 SIA members of staff at entrance of the premises. We identified a barbecue seller who we have previously seen trading and who Adam has confiscated his barbecue across the road. Advised by Adam that he wanted to witness the barbecue seller. We parked up just on Blenheim Grove and observed the barbecue seller cooking and selling to members of the public. 01:26 Call to NTE Police advising them that we would need assistance later to confiscate the barbecue. Advised that they would be happy to assist later. We left having arranged to return back later in the night with NTE police assistance.
01/05/2016	03:10	Richard Kalu	Visit with Adam Burchett and NTE Police. Barbecue confiscated. Adam to lead on potential prosecution Witness statement to be provided to Adam Burchett upon request.
07/05/2016	03:15	Richard Kalu	Visit to CLF art cafe with Sue Hunter. When we arrived I noted that on the corner of Blenheim Grove across the road from CLF ART Cafe there was barbecue seller on the corner of Blenheim Grove. Upon closer inspection I noted that it was the same barbecue seller that had his barbecue drum lifted and confiscated by myself and Adam Burchett on the 1/05/2016 (previous weekend).Myself and Sue Hunter approached the barbecue seller and advised him that a van was coming in 10 min to pick up his van and that he needed to pack up and move on. We returned back to our car to observe the barbecue seller to ensure that he was packing up and moving on which he did. Whilst positioned at this location we observed a number of issues on Blenheim Grove that was cause for concern. There were at least 3 nitric oxide sellers as well as street drug dealers on the corner of Blenheim Grove. Call made to NTE Police requesting that they come down to Blenheim Grove to disrupt the criminal activity that was taking place. We were advised by NTE Police that they would visit the area shortly and concentrate their attention to Blenheim Grove / CLF Art Café.
07/05/2016	23:53	Farhad Chowdhury	Looking for BBQ's, No BBQ's no Nitrous Oxide sellers tonight.
21/05/2016	1:40	Farhad	No BBQ's no Nitrous Oxide sellers outside.

		Chowdhury	
22/05/2016	2:30	Farhad Chowdhury	Checked for nitrous oxide sellers none and no bbq's
04/06/2016	02:40	Richard Kalu	No barbecue seller located across the road from premise. Noted that there now appears to be increasing numbers of nitric oxide sellers located on across the road from CLF Art Café. Witnessed what appeared to be an exchange of money possibly for drugs on at least two occasions. Noted at least X7 members of the public with nitric oxide balloons around the general area of CLF Art café. Action: Update police in regards to the increase in nitric oxide sellers along rye lane with an emphasis that the nitric oxide sellers do seem to be concentrating their efforts around the CLF Art Café.
18/06/2016	01:50	Richard Kalu	Myself and Ken Andrews while walking past the premises were stopped by the head of security who enquired about the barbecue seller who was usually pitched up on Blenheim Grove. Advised that there was an outbreak of food poisoning amongst some the security staff that had purchased some food from the barbecue seller. Myself and Ken advised him that he and his staff should refrain from purchasing food from the barbecue sellers and discourage patrons as much as possible from doing so as well. Advice provided in relation to food hygiene by Ken Andrews. Discussed some of the activity which was occurring on Blenheim Grove and in close proximity to the CLF Art Café. Was advise that the police appear to be much more on top of things are making more frequent sweeps of the area which is pushing away some of the desirable elements that seemed to use the area as a destination area to engage in criminal activity.
02/07/2016	03:20	Richard Kalu	Visit to premises with Adam Burchett. As we were coming down Rye Lane we spotted one of the persistent barbecue sellers and we approached him and advised him that he should not be setting up on Blenheim Groves we would confiscate his barbecue drum. X2 Nitric Oxide sellers were milling around who appeared to be working in partnership. X2 black males one with dreadlocks (6ft1 dark denim jeans white t-shirt and stone island jacket) and one with a bald head (5f 9 dark denim jeans white t shirt and dark blue jean jacket). Overheard part of a conversation with a customer and they were saying that they were about to sell out and they only had X2 cans left. CLF had full compliment of SIA staff at the entrance of the premises carrying out ID checks and scans of the patrons wishing to gain entry.
11/09/2016	01:30	Farhad Chowdhury	No NOx sellers outside no queues outside CLF.
11/09/2016	02:35	Farhad Chowdhury	No queues outside no NOx sellers seen all quiet outside.
25/09/2016	03:33	Farhad Chowdhury	Call quiet, seen two NOx sellers they appear to be like NOx sellers had ruck sack behind them wondering up and down the road. Outside CLF Arts café. Called Police to inform them

02/10/2016	02:07	Farhad Chowdhury	Police outside some incident at the club, met the SIA door staff says member of staff was attacked inside. I asked to speak to the manager Saija we went upstairs where we met Saija and the barmaid named [REDACTED] who was attacked. Police have arrested 2 guys and 2 girls who are all suspects, apparently the barmaid was manning the doors inside and some argument broke out and a customer kicked [REDACTED] in the stomach repeatedly it was unprovoked attack. She looked badly shaken and was resting in the managers office. I asked her is she was okay as she did look very shaken. I called our NTE team to report the incident there was no answer on their phones.
08/10/2016	02:20	Farhad Chowdhury	No queues outside, nobody outside just door staff.
22/10/2016	00:40	Richard Kalu	Visit to premises with Natasha Donoghue. Full walk around the site and no issues were identified. The 2nd floor theatre room was not operational ATOV. No drinks were being allowed out into the main courtyard area of the premises. All patrons were being searched upon entry into the premises. X5 Female SIA staff were counted on site. Advised by one of the SIA staff that they have DJ Tim Westwood performing next week at the premises and they will be drafting in an extra attachment of SIA staff to ensure that no issues arise at the event.
05/11/2016	00:03	Farhad Chowdhury	Very long queues outside no NOx sellers.

APPENDIX E

No.	Ref' no.	Start date	End date	Duration	Max' no. people	Alcohol?	Entertainment?	LNR?	Late TEN?	Premises user	Police obj?	EPT obj?	Counter notice?
1	824597	10/08/2007	12/08/2007	12:00 - 00:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
2	824900	15/09/2007	16/09/2007	12:00 - 03:00	499	Yes	No	No	No	Saija Kamarainen	No	No	
3	828874	20/12/2008	21/12/2008	20:00 - 06:00	499	Yes	Yes	Yes	No	William George Greg	No	No	
4	829343	20/03/2009	21/03/2009	21:00 - 04:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
5	830035	27/06/2009	28/06/2009	22:00 - 05:00	499	Yes	Yes	Yes	No	Terence Ulysses	No	No	
6	830514	18/09/2009	19/09/2009	20:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
7	830535	26/09/2009	27/09/2009	19:00 - 04:00	499	Yes	Yes	Yes	No	Michael Smith	No	No	
8	830568	02/10/2009	03/10/2009	19:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
9	830963	28/11/2009	29/11/2009	22:00 - 06:00	499	Yes	Yes	Yes	No	Michael Smith	No	No	
10	831191	31/12/2009	02/01/2010	22:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
11	831259	29/01/2010	30/01/2010	20:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
12	831327	05/02/2010	06/02/2010	20:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
13	831528	12/03/2010	13/03/2010	21:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
14	831578	21/03/2010	21/03/2010	00:00 - 06:00	499	Yes	Yes	Yes	No	Michael Smith	No	No	
15	831615	26/03/2010	26/03/2010	22:00 -	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	

Appendix E – TENs submitted in respect of the premises

				06:00									
16	831761	17/04/2010	17/04/2010	00:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
17	832003	28/05/2010	29/05/2010	19:00 - 03:30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
18	832055	06/06/2010	06/06/2010	00:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
19	832128	18/06/2010	18/06/2010	00:00 - 04.30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
20	832211	26/06/2010	26/06/2010	00:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
21	832731	28/08/2010	28/08/2010	00:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
22	834624	14/05/2011	15/05/2011	02:00 - 09:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
23	834895	18/06/2011	19/06/2011	02:00 - 06.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
24	835006	01/07/2011	03/07/2011	00.00 - 04.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
25	835056	09/07/2011	09/07/2011	12:00 - 06.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
26	835110	24/07/2011	24/07/2011	13:00 - 22:00	350	Yes	Yes	No	No	Michael Smith	No	No	
27	835354	20/08/2011	20/08/2011	14:00 - 00:00	499	Yes	Yes	No	No	Michael Smith	No	No	
28	835619	30/09/2011	30/09/2011	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
29	835765	15/10/2011	15/10/2011	00:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
30	835822	23/10/2011	23/10/2011	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
31	835823	30/10/2011	30/10/2011	02:00 -	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	

Appendix E – TENs submitted in respect of the premises

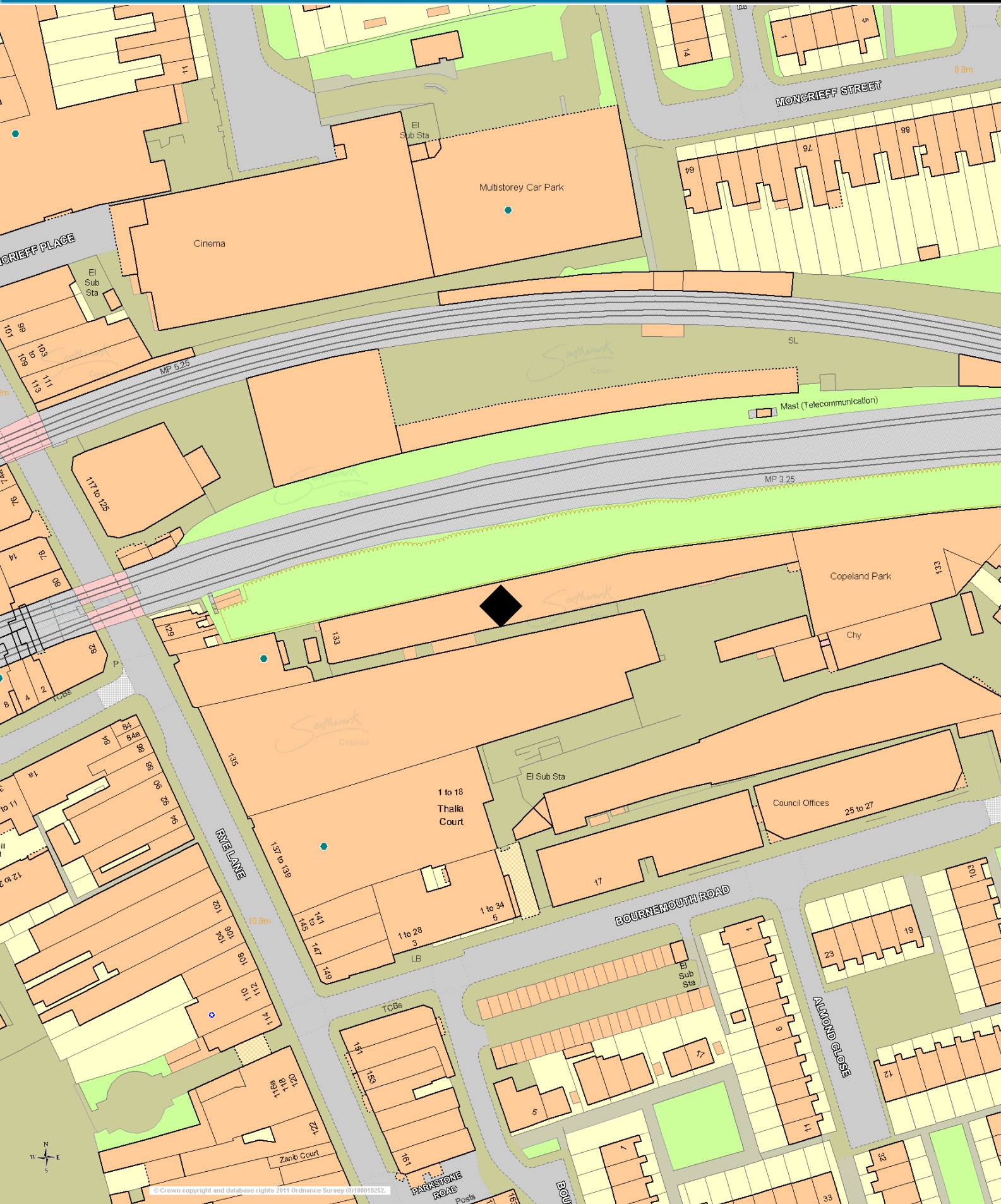
				06:00								
32	836020	20/11/2011	20/11/2011	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No
33	836068	27/11/2011	27/11/2011	02:00 - 09:00	499	Yes	Yes	Yes	No	Michael Smith	No	No
34	836616	28/01/2012	28/01/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No
35	836609	04/02/2012	04/02/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No
36	836690	12/02/2012	12/02/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No
37	836692	19/02/2012	19/02/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No
38	837257	25/02/2012	25/02/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No
39	837359	11/03/2012	11/03/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No
40	837439	13/03/2012	13/03/2012	17:00 - 23:00	250	Yes	Yes	Yes	No	Laura Crampsie	No	No
41	837451	25/03/2012	25/03/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No
42	837557	06/04/2012	08/04/2012	00.00 - 06.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No
43	837559	07/04/2012	07/04/2012	18:00 - 03:00	300	Yes	Yes	Yes	No	Alexandra Martinelli	No	No
44	837589	14/04/2012	14/04/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No
45	837707	28/04/2012	28/04/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No
46	837779	05/05/2012	06/05/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No
47	838087	02/06/2012	02/06/2012	02:00 -	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No

Appendix E – TENs submitted in respect of the premises

				06:00									
48	838329	30/06/2012	01/07/2012	13:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
49	840531	31/03/2013	01/04/2013	22:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
50	840841	03/05/2013	03/05/2013	02:30 - 05:30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
51	840907	05/05/2013	06/05/2013	22:00 - 05:30	499	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
52	841202	05/05/2013	06/05/2013	23:00 - 04.00	499	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
53	841204	17/05/2013	18/05/2013	23:00 - 04.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
54	842313	25/08/2013	26/08/2013	22:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
55	842429	24/08/2013	24/08/2013	12:00 - 23:00	499	Yes	Yes	No	Yes	Samuel James Barker	No	No	
56	842949	12/10/2013	13/10/2013	18:00 - 04:30	250	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
57	843601	31/12/2013	01/01/2014	21:00 - 06.00	300	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
58	843619	21/12/2013	22/12/2013	21:00 - 06:00	300	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
59	844031	08/02/2014	09/02/2014	12:00 - 04:00	300	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
60	844302	22/03/2014	23/03/2014	21:00 - 05:00	300	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
61	844651	04/05/2014	05/05/2014	22:00 - 05:00	499	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
62	844865	25/05/2014	26/05/2014	22:00 - 06:00	499	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
63	844951	14/06/2014	15/06/2014	12:00 -	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	

Appendix E – TENs submitted in respect of the premises

				04:00									
64	845195	28/06/2014	29/06/2014	12:00 - 05:00	250	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
65	845199	05/07/2014	06/07/2014	22:00 - 05:00	250	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
66	847821	03/04/2015	03/04/2015	02:30 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
67	847822	05/04/2015	06/04/2015	23:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
68	848129	03/05/2015	04/05/2015	23:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
69	848486	24/05/2015	25/05/2015	23:00 - 03:30	150	Yes	Yes	Yes	Yes	Saija Kamarainen	No	Yes	Yes
70	848834	07/07/2015	08/07/2015	19:00 - 04:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
71	850292	20/11/2015	22/11/2015	22:00 - 05:00	250	Yes	Yes	Yes	Yes	Saija Kamarainen	No	Yes	Yes
72	850455	28/11/2015	29/11/2015	22:00 - 04:30	200	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
73	850456	04/12/2015	06/12/2015	22:00 - 05:00	250	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
74	851554	25/03/2016	25/03/2016	22:30 - 05:30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
75	851558	27/03/2016	28/03/2016	23:00 - 05:30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
76	851896	01/05/2016	02/05/2016	23:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
77	852233	29/05/2016	30/05/2016	23:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
78	855665	02/10/2016	03/10/2016	23:00 - 03:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	



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Item No. 6.	Classification: Open	Date: 13 December 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Wazobia Restaurant, 670 Old Kent Road, London SE15 1JF	
Ward(s) or groups affected:		Livesey	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made under Section 53C of the Licensing Act 2003 by the chief of police for the metropolitan police area for the review of the premises licence in respect of the premises known as Wazobia Restaurant, 670 Old Kent Road, London SE15 1JF
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 representation submitted by two responsible authorities. Copies of the representations are attached as Appendix C. Details of the representations are provided in paragraphs 21 and 22 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 E.
 - 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 details of the premises licence prior to the review application dated 15 November 2016 were:
- **Opening hours**
 Sunday to Thursday from 12:00 to 00:00
 Friday and Saturday from 12:00 to 03:30
 - **Live music**
 Sunday to Thursday from 12:00 to 00:00
 Friday and Saturday from 12:00 to 03:00
 - **Recorded music**
 Sunday to Thursday from 12:00 to 00:00
 Friday and Saturday from 12:00 to 03:00
 - **Late night refreshment**
 Sunday to Thursday from 23:00 to 00:00
 Friday and Saturday from 23:00 to 03:00
 - **Sale of alcohol for consumption on the premises**
 Sunday to Thursday from 12:00 to 00:00
 Friday and Saturday from 12:00 - 03:00
9. A copy of the current premises licence is attached as Appendix B.

Designated premises supervisor

The designated premises supervisor is Mr Richard Bennetts.

The review application and certificate

10. On 15 November 2016 the Metropolitan Police applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as Lush Bar & Restaurant, Wazobia Restaurant, 670 Old Kent Road, London SE15 1JF.
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 a serious incident that took place on 12 November 2016 at approximately 01:50 it is alleged that a patron smashed a brandy bottle and stabbed the head of a male patron causing injuries constant with grievous bodily harm.
13. On investigating the incident it was found that the venue management failed to report the incident to the police.
14. A number of conditions were found to be contravened, including allowing patrons to enter the premises and leave the premises with alcohol.
15. The police have stated that they have no faith in the current management of the premises and seek the suspension of the premises licence or a reduction in the operating hours of the premises hours so that the operating hours of the premises are in line with the operating hours suggested for restaurants in this council's statement of licensing policy. The police also suggest conditions requiring that drinks at the premises are not served in glass receptacles, but only served in polycarbonate receptacles and that alcohol only to be served to customers seated and eating a substantial table meal. Lastly the police suggest the suspension of regulated entertainment from the licence.
16. The licensing sub-committee is not restricted to just considering the above steps (see paragraph 48 below).
17. Copies of the review application and review certificate are attached as Appendix A. Other evidence may become available at the hearing.
18. An expedited review hearing was held on 17 November 2016 to decide whether to implement interim steps suggested by the police. The licensing sub-committee decided to implement the following interim steps until the full review hearing on 13 December 2016:
 - 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
19. On 22 November 2016 at 13:56 hours a representation concerning conditions 6, 9, 10 and 12 above was received from the premises licence holder, Mr Richard Bennetts. A hearing to consider the representation submitted by Mr Bennetts was held on 24 November 2016 and the licensing sub-committee decided to amend conditions 6, 9 and 10.
20. Copies of the notices of decision pertaining to the expedited review hearing of 17 November 2016, and the hearing to consider Mr Bennett's representations in regards to the interim steps imposed by the licensing sub-committee, are attached as Appendix D. Any additional evidence submitted will be made available at the hearing.

Representations from responsible authorities

21. The council's environmental protection team have submitted a representation in regards to the prevention of public nuisance and the promotion of public safety licensing objectives, and also in support of the police representation submitted on the grounds of prevention of crime and disorder. The representation supports the police's request to suspend regulated entertainment from the licence, to reduce the operating hours of the premises hours, and to implement a no glass policy after midnight at the premises. The environmental protection team also recommend the imposition of a condition to prohibit drinks and drink containers from being taken outside of the premises; that the sub committee satisfy themselves that the door supervision arrangements have been improved to ensure full compliance with BS 7960:2005 Code of Practice in Door Supervision; and that the sub committee consider the Southwark Women's Safety Charter, and paragraphs 211 to 213 of it's parent committee's statement of licensing policy.
22. The council's licensing responsible authority has submitted a representation concerned with the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The representation notes that the premises are situated in a 'residential area' and the closing times recommended in the Southwark statement of licensing policy for restaurants; cafes, public houses, wine bars or other drinking establishments in residential areas is 23:00 daily. Night clubs (with sui generis planning classification) are not considered appropriate for this area. The licensing responsible authority fully support the review application and state that "*...if the licensing sub-committee are not of a mind not to revoke the premises licence...*" that the licensing responsible authority "*...would suggest bringing the opening hours in line with that which is recommended in the Southwark statement of licensing policy for a 'residential area'.*"
23. Copies of the above representations are attached to this report as Appendix C.

Representations from other persons

24. No representations have been submitted by other persons.

Operating History

25. A full premises inspection was made under the Licensing Act 2003 on 19 July 2014 at 01:20, the premises was found to be in breach of two conditions of the premises licence:
 - The counting device used by the door supervisors on duty was not working and the door supervisors were not searching all people that entered the premises. This is in breach of condition 242 on the current premises licence.
 - When one of the door supervisors was asked what time the last entry into the premises was he replied '02:15'. This is in breach of condition 808 on the current premises licence.
26. A warning letter was sent on 31 July 2014
27. A revisit on 31 July 2014 at 00:09 found the premises to be compliant.

28. Further visits by council licensing officers working on the night-time economy have been made in response to complaints regarding noise from patrons outside the premises, however these complaints were not substantiated.
29. On Friday 18 November 2016 at 23:45 a council licensing officer made a visit to the premises to check on compliance with the interim steps imposed by the licensing sub-committee.
30. The officer witnessed two patrons leave the premises and urinate in an alleyway.
31. The officer also found that the premises were allowed to be open without the provision of SIA door supervisors. The premises licence holder stated to the officer that he was unable to employ SIA door supervisors for a period of two hours as he couldn't find any door supervisors willing to work for such a short duration as it would not be worth their while.
32. The council's licensing service did not receive any prior consultation on the premises licence holder's decision to open the premises in breach of this condition.
33. This is a breach of interim step 10 and may be considered an offence under section 136 of the Licensing Act 2003.
34. On Saturday 26 November 2016 at 00:41 a council licensing officer made a visit to the premises to check on compliance with the interim steps imposed by the licensing sub-committee. The premises were shut at the time of the visit.

The local area

35. A map of the local area is attached at Appendix E. The premises are at the centre of the map.
36. The premises are not in a cumulative impact area.
37. 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

38. 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.
39. 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

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

Consultation

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

Community impact statement

43. 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

44. 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.
45. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

46. 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.
47. 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.
48. 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.
49. The steps will remain in place until the review application is determined at a full hearing of the licensing sub-committee.
50. The authority may decide to take no action if it finds no interim steps are appropriate to promote the licensing objectives.
51. 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.
52. 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

53. 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

54. 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.
55. 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

56. 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.

57. 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.
58. 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.
59. 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.
60. 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.
61. 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.
62. 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.
63. 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

64. Members are required to have regard to the DCMS Guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood,

members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Strategic Director of Finance and Governance

65. 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	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 licences
Appendix C	Copies of the representations submitted by the environmental protection team and the licensing responsible authority
Appendix D	Copies of the notices of decision pertaining to the expedited review hearing of 17 November 2016 and the hearing of 24 November 2016 to consider representations submitted in respect of the interim steps
Appendix E	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	29 November 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	1 December 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

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:

Wazobia Restaurant, 670 Old Kent Road,

Post town:

London

Post code:
(if known)

SE15 1JF

Premises licence number (if known):

836584

Name of premises supervisor (if known):

Mr Richard BENNETTS

I am a Superintendent* in the Metropolitan Police Service.

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

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

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

In the early hours of Sunday the 13th November 2016 at about 01.50hrs a serious assault took place outside of the Wazobia Restuarant .

The suspect for this crime stabbed the victim in the side of the face with a broken brandy bottle that he smashed on a wall while following the victim from the location.

He received two deep cuts to the left side of his face and was taken to St Thomas major injury unit. A crime report has been created for this incident and has been classified as a GBH with intent (*Section 18 of the Offences Against the Person Act 1861*).

During the investigation it has been established that the premises failed to call police, the customers were described as hostile and unhelpful to police and no witnesses even though 50+ people present including SIA. The premises had another Serious assault on the 30th October 2016 inside the premises involving a person being hit with a bottle and the victim was told by management not to call police and ejected.

Police have no faith in the current management of the premises and believe that a review under sec 53a of the licensing act 2003 is the appropriate procedure in this case and would seek immediate suspension of the premises licence to avoid further serious injury.

PROTECTIVE MARKING

Signature	
Signature: 	Date: 15/11/16.

Retention Period: 7 years
MP 147/12


**METROPOLITAN
POLICE**
TOTAL POLICING

Form 693

Form for Applying for a Summary Licence Review

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

Use additional sheets if necessary.

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

Name:	London Borough of Southwark		
Address:	Floor 3, 160 Tooley Street, London, SE1		
Post town:	London	Post code:	SE1 2QH
Ref. No.:			

I **PC Graham White 288MD**

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

1. Premises details

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

Wazobia, 670 Old Kent Road,

Post town:	London	Post code: (if known)	SE15 1JF
------------	--------	--------------------------	----------

2. Premises licence details

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

Richard BENNETTS

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

836584

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)

In the early hours of Sunday the 13th November 2016 at about 01.50hrs a serious assault took place outside of the Wazobia Restaurant. The victim entered the bar on his own at 01.10hrs and ordered a Guinness and a bottle of water. (Breach of Conditions 808 no entry after midnight and Condition 345 alcohol only served with Substantial meal.)

The victim noticed suspect had opened his water to which challenged and the suspect became very aggressive towards victim. He left the bar and the suspect followed holding a brandy bottle by the neck he then smashed this on a wall and hit victim in the face with the broken bottle causing 2 deep cuts to face. He received two deep cuts to the left side of his face and was taken to St Thomas major injury unit. A crime report has been created for this incident and has been classified as a GBH with intent (Section 18 of the Offences Against the Person Act 1861).

During the investigation it has been established that the premises failed to call police, the customers were described as hostile and unhelpful to police and no witnesses even though 50+ people present including a minimum of two SIA who should be searching customers on entry and re-entry outside the front where the assault took place (condition 424 on the licence).

The premises had another Serious assault on Sunday the 30th October 2016 inside the premises at 01.20hrs. The victim alleges that a female hit him over the head with a bottle and management ejected him from the premises as the management did not want him to call police.

On Saturday the 1st October 2016 at about 02.30hrs, the victim reported that she was sexually assaulted within the premises. She stated that she was in the club dancing when the suspect touched her bottom and she was so offended she slapped him around the face to which the suspect stated he was going to deal with her today. The venue is a restaurant with a condition alcohol is only served with substantial meal, yet the victim describes the venue as a club indicating nightclub activities in breach of the licence. The venue was contacted and indicated the CCTV may not have been working, Mr Bennetts was contacted by the investigating officer who confirmed he did have CCTV but after a number of attempts to obtain the CCTV after 18 days were informed that they no longer had it. Condition 288 and 289 on the Licence stipulate that images should be kept for 31 days and made Immediately available to police. Mr Bennetts stated that it was the police responsibility to make themselves available when suitable to him and refused to download the CCTV to a memory stick as this was the police responsibility. Due to this breach of the licence the crime report was closed as no other lines of enquiry leaving a suspect for sexual assault unidentified.

The venue is described as a Restaurant with conditions on the licence seeking that alcohol is only served with substantial meals, from all three incidents above it is clear that the venue is operating as a nightclub and bar. Police have no faith in the current management of the premises as at no point have the venue called police in any of the incidents and have hindered investigations. We believe that a review under sec 53a of the licensing act 2003 is the only appropriate action in this case and would seek immediate suspension of the premises licence to avoid further serious injury.

Police can have no faith in the current management of the premises and believe that a review under sec 53a of the licensing act 2003 is the appropriate procedure in this case and would seek suspension of the premises licence or at least reduction in hours in line with the licensing policy for restaurants for the area no later than midnight, no bottles or glass and all drinks served in polycarbonate receptacles, Alcohol only to be served to customers seated and eating a substantial table meal and ancillary to that meal and suspension of regulated entertainment from the licence.

PROTECTIVE MARKING

Signature of applicant			
Signature:	[REDACTED]		Date: 15/11/2016
Capacity:	Metropolitan 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.:	0207 232 6756	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.

Licensing Act 2003 Premises Licence



Environmental Health & Trading Standards
Licensing Unit
Hub 2, Floor 3
160 Tooley Street
London SE1 2QH

Premises licence number

831886

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Wazobia Restaurant 670 Old Kent Road London SE15 1JF	
Ordnance survey map reference (if applicable), 177695534606	
Post town London	Post code SE15 1JF
Telephone number	

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
Provisions Similar to making music and 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	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 03:30
Saturday	12:00 - 03:30
Sunday	12:00 - 00:00

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

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 03:00
Saturday	12:00 - 03:00
Sunday	12:00 - 00:00

Recorded Music - Indoors

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 03:00
Saturday	12:00 - 03:00
Sunday	12:00 - 00:00

Facilities for Making Music - Indoors

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 03:00
Saturday	12:00 - 03:00
Sunday	12:00 - 00:00

Provisions Similar to making music and dancing - Indoors

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 03:00
Saturday	12:00 - 03:00
Sunday	12:00 - 00:00

Late Night Refreshment - Indoors

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 03:00
Saturday	23:00 - 03:00
Sunday	23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 03:00
Saturday	12:00 - 03:00
Sunday	12:00 - 00:00

Part 2

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

Richard Bennetts

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

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

Richard Bennetts

██████████
██████████
██████████

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. ██████████

Authority ████████████████████

Licence Issue date 28/06/2010

.....
Community Safety Enforcement
Business Unit Manger
Hub 2, Floor 3
160 Tooley Street
London SE1 2QH
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

107 Any individual carrying out security activities at the premises must be.

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

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

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

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

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol

sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

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

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

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

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

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

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

(e) selling or supplying alcohol in association with promotional posters

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

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

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

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

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

489 The responsible person shall ensure that -

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

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

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

298 That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry, Management reserve the right to refuse entry'

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

303 That 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.

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

315 Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Those who do temporarily leave for this reason shall be the subjected to the requirement of a further search.

332 Children will not be admitted after 8pm unless accompanied by an adult

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

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

340 Bright lights shall be installed and used both inside and outside the premises

341 The whole premises shall be sound insulated

342 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.

343 The registered door staff shall urge people to leave noiselessly and attempt to move on persons loitering outside the premises.

344 There will be a designated smoking area at the rear of the premises and smokers are to be limited to 2 persons outside the rear of the premises.

345 Only customers who have ordered substantial meals will only be served alcohol.

346 There will be a suggestions box inside the entrance to the premises that will display a mobile number for complaints. The number shall be available throughout the opening hours of the premises.

424 That SIA registered Door Supervisor, shall be employed at all times after 22.00hrs 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.

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

808 That there shall be no new admission of the public to the premises after 12 midnight.

840 No open containers of alcohol to be taken outside the premises, as indicated in the floor plans.

Annex 4 - Plans - Attached

Licence No. 831886

Plan No.	Licence No.	831886
	Plan No.	RB/08 200
	Plan Date	August 2008

Plan Date

From: Newman, Paul
Sent: Tuesday, November 29, 2016 11:58 AM
To: Regen, Licensing
Cc: [REDACTED]
Subject: Representation on review from EPT Wazobia EPT Ref 845760

Hi Charlie

Thank you for the copy of the notice of review and supporting documents.

I wish to make a representation on behalf of Environmental Health Responsible Authority on the grounds of prevention of public nuisance and the promotion of public safety, and in support of the Police representation made on the grounds of prevention of crime and disorder. I have copied the licence holder into this representation.

Prevention of public nuisance

Reviewing our records shows there have been two recent noise complaints about entertainment noise from this premises on Sunday October 2nd and October Saturday 8th 2016. Both complaints were made shortly before midnight. It was not possible for the noise team to attend soon enough to witness a noise nuisance.

Previously, in 2015, a noise abatement notice was served in respect of entertainment noise from this premises. Taken together, these two facts about the premises indicate that on the balance of probability, entertainment noise from the premises provoked complaints in October 2016.

Promotion of public safety

I wish to support the police representation that no glassware especially bottles and glasses should be available to customers inside the premises if there is any residual risk of these being used as casual weapons. The risk could be removed by changing the style of operation of the premises, and I would not oppose glasses and bottles used in a seated restaurant operation up to midnight. I note from the police statement that the suspect was allowed to take a glass bottle out of the premises, and they should have been stopped from doing this by the door supervisors. Notwithstanding the application of the condition proposed by the police, I would propose as an additional safeguard, a condition that no drinks or drink containers may be taken outside of the premises.

It appears from the police representation that the door supervisors were either not performing the role required of them by conditions on the premises licence, to be located near the entrance for the purpose of searching people re-admitted to the premises (condition 315) and to prevent loitering outside (condition 343), and therefore failed to witness the assault, or they did witness the assault and are in clear breach of BS 7960:2005 Code of Practice in Door Supervision, in that they failed to sufficiently assist the police with their investigations of this serious assault. I would invite the sub committee to question the licence holder about this failing, and how the licence holder proposes to address it.

I note from the police statement that there has been an earlier unproven allegation of an assault with a glass bottle (30th October), and the sub committee may wish to draw the conclusion that bottles are often freely available within these premises for use as casual weapons.

I would ask the sub-committee to note that the complaint about this alleged assault says that the assailant was a woman, and it appears to have been on a man. I would invite the sub-committee to

note that this alleged assault took place in a night club atmosphere, and that 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. It is not known what the flashpoint was for this alleged assault, however I would invite the sub-committee to consider the possibility that it may have arisen from an incident of harassment by the alleged victim on the assailant.

I also invite the sub-committee to note that there has been at least one complaint of a sexual assault inside the premises (1st October), and this was the flashpoint for a retaliatory physical assault by the victim of the sexual assault on the perpetrator. This illustrates that incidents of harassment carry with them the risk that such incidents may be flashpoints for escalation into violent conduct.

To summarise;

I support the police request to remove regulated entertainment from the licence, cut back the licensed hours, and a no-glass policy after midnight;

I would also ask that the sub committee impose a condition to prohibit drinks and drink containers from being taken outside of the premises;

I would ask the sub committee to satisfy themselves that the door supervision arrangements have been improved to ensure full compliance with BS 7960:2005 Code of Practice in Door Supervision;

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

Many thanks and kind regards

Paul Newman
Principal Environmental Health Officer

From: Tear, Jayne
Sent: Tuesday, November 29, 2016 6:22 PM
To: Regen, Licensing
Cc: McArthur, Wesley
Subject: REPRESENTATION RE WAZOBIA REVIEW
Importance: High

Dear Licensing

Please find attached my representation regarding the above application,

With kind regards

Jayne

Jayne Tear - Principal Licensing Officer

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

Direct line 020 7525 0396 | Fax 020 7525 5735 | Call Centre 020 7525 2000

Visit our web pages <http://www.southwark.gov.uk/licensing>

MEMO: Licensing Unit

To Licensing Unit **Date** 29 November 2016

Copies

From Jayne Tear **Telephone** 020 7525 0396 **Fax**

Email jayne.tear@southwark.gov.uk

Subject **Re: Wazobia Restaurant, 670 Old Kent Road, London, SE1 1JF**
- Application to review the premises licence.

I write with regards to the above application to review the premises licence submitted by The Metropolitan Police under the Licensing Act 2003.

The application is submitted under the prevention of crime and disorder licensing objective and the grounds for the review are:

'In the early hours of Sunday the 13th November 2016 at about 01.50hrs a serious assault took place outside of the Wazobia Restaurant .The victim entered the bar on his own at 01.10hrs and ordered a Guinness and a bottle of water. (Breach of Conditions 808 no entry after midnight and Condition 345 alcohol only served with Substantial meal.)

The victim noticed suspect had opened his water to which challenged and the suspect became very aggressive towards victim. He left the bar and the suspect followed holding a brandy bottle by the neck he then smashed this on a wall and hit victim in the face with the broken bottle causing 2 deep cuts to face.

He received two deep cuts to the left side of his face and was taken to St Thomas' major injury unit. A crime report has been created for this incident and has been classified as a GBH with intent (Section 18 of the Offences Against the Person Act 1861).

During the investigation it has been established that the premises failed to call police, the customers were described as hostile and unhelpful to police and no witnesses even though 50+ people present including a minimum of two SIA who should be searching customers on entry and re-entry outside the front where the assault took place (condition 424 on the licence).

The premises had another serious assault on Sunday the 30th October 2016 inside the premises at 01.20hrs. The victim alleges that a female hit him over the head with a bottle and management ejected him from the premises as the management did not want him to call police.

On Saturday the 1st October 2016 at about 02.30hrs, the victim reported that she was sexually assaulted within the premises. She stated that she was in the club dancing when the suspect touched her bottom and she was so offended she slapped him around the face to which the suspect stated he was going to deal with her today. The venue is a restaurant with a condition alcohol is only served with substantial meal, yet the victim describes the venue as a club indicating nightclub activities in breach of the licence. The venue was contacted and indicated

the CCTV may not have been working, Mr Bennetts was contacted by the investigating officer who confirmed he did have CCTV but after a number of attempts to obtain the CCTV after 18 days were informed that they no longer had it. Condition 288 and 289 on the Licence stipulate that images should be kept for 31 days and made immediately available to police. Mr Bennetts stated that it was the police responsibility to make themselves available when suitable to him and refused to download the CCTV to a memory stick as this was the police responsibility. Due to this breach of the licence the crime report was closed as no other lines of enquiry leaving a suspect for sexual assault unidentified.

The venue is described as a Restaurant with conditions on the licence seeking that alcohol is only served with substantial meals, from all three incidents above it is clear that the venue is operating as a nightclub and bar. Police have no faith in the current management of the premises as at no point have the venue called police in any of the incidents and have hindered investigations. We believe that a review under sec 53a of the licensing act 2003 is the only appropriate action in this case and would seek immediate suspension of the premises licence to avoid further serious injury'.

My representation is concerned with the prevention of crime and disorder and public nuisance licensing objectives.

The premises was described in the past on a previous licensing application as a 'restaurant and bar' yet it would seem that the premises is now operating as a night club and not as the description above when the licence was granted, furthermore the police have stated breaches of the current premises licence conditions and a lack of faith in the current management.

The premises is situated a 'residential area' and the closing times recommended in the Southwark Statement Of licensing Policy for **restaurants; cafes, public houses, wine bars or other drinking establishments is 23:00 hours daily**. Night clubs (with sui generis planning classification) are not considered appropriate for this area

I fully support the review submitted by the metropolitan police and if the licensing sub-committee are not of a mind not to revoke the premises licence I would suggest bringing the opening hours in line with that which is recommended in the Southwark Statement Of licensing Policy for a 'residential area'.

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 the Licensing as a Responsible Authority

**NOTICE OF DECISION****LICENSING SUB-COMMITTEE – 17 NOVEMBER 2016**

LICENSING ACT 2003: SECTION 53A: Wazobia Restaurant, 670 Old Kent Road, London SE1 1JF

1. Decision

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

2. 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.

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

Date: 17 November 2016

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 24 NOVEMBER 2016

LICENSING ACT 2003: WAZOBIA RESTAURANT, 670 OLD KENT ROAD, LONDON SE1 1JF - REPRESENTATIONS AGAINST INTERIM STEPS

1. Decision

The council's licensing sub-committee, having had regard to the representations by the representatives of Wazobia Restaurant, 670 Old Kent Road, London SE1 1JF, against interim steps imposed at the expedited review on 17 November 2016 has agreed to:

Modify the conditions imposed by way of interim steps at the licensing sub-committee on 17 November 2016 be amended as follows:

1. That one member of staff should be on duty at all times, the premises is open and 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.
2. That condition 424 be amended to read: "That whenever there is regulated entertainment after 22:00, a minimum of two SIA registered door supervisors shall be employed and must be provided with and use hand held metal detection units and to ensure that searches are carried out in respect of all admissions to the premises. This applies to all members of the public or performers and their assistants. Mechanical counting devices are also to be used to ensure that the maximum capacity limit of the premises is not exceeded. This condition will also apply if the premises operated beyond 00:00 hours.
3. That a record book of banned individuals containing the banned individual's personal details or a facial image taken from the premises CCTV system shall be held by the SIA registered door supervisors at the front door and will be made available.

2. Reasons

This was a hearing to consider representations from the representatives of Wazobia Restaurant, 670 Old Kent Road, London SE1 1JF against the interim steps imposed at the expedited review on 17 November 2016.

The DPS informed the licensing sub-committee that following the interim steps being imposed on 17 November 2016, it was not possible to have two members of staff working at the same time 7 days a week who can operate the CCTV, as there was insufficient staff. He suggested that this condition should be amended to read one member of staff.

The DPS confirmed that after discussing condition of the interim steps, he withdrew his representation concerning this condition.

He also explained that until the full determination of the review application on 13 December 2016 regulated entertainment had been voluntarily suspended and the premises would operate as a restaurant only. In the circumstances, he was finding it difficult to employ any SIA door staff because of the very limited hours that they would be required for. He therefore asked the committee to remove this condition.

Concerning condition 12 the DPS advised the licensing sub-committee that when removing people from the premises, it was practically impossible to get these persons to cooperate in passing their personal details and therefore asked if this condition could be amended so that only facial images taken from the CCTV system would be sufficient.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who confirmed that he had met with the DPS at the premises the previous day and confirmed that a new comprehensive CCTV system had been installed and the company installing had provided initial training and additional training to all staff would be provided. The officer confirmed that he was happy with the suggested amendments proposed by DPS in respect of the interim steps conditions 6 and 12 and concerning condition 10, this could be amended that one SIA be employed between 20:00 until closing.

The Licensing sub-committee are grateful to the parties to be able to conciliate much of the representations and the amendments to the interim steps conditions 6 and 9 are accepted. The premises are still permitted to provide regulated entertainment. The incidents detailed in the Notice of Decision dated 17 November 2016 demonstrates that alleged incidents of violence occur when regulated entertainment is provided. Therefore, this sub-committee amend the interim steps condition 10, so that SIA staff are only required if regulated entertainment is provided or if the premises are open after 00:00 hours, should the premises have a temporary events notice.

Until the final determination of this review, the licensing sub-committee are of the view that it would be appropriate and proportionate to attach the conditions listed above in order to promote the licensing objectives.

3 Appeal Rights

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

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

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

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

Date: 24 November 2016

Date 16/11/2016



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