

## Licensing Sub-Committee

Thursday 8 February 2024

10.00 am

Room G06 - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Sunny Lambe  
Councillor Sandra Rhule  
Councillor Kath Whittam

### Reserves

Councillor Margy Newens

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#### Contact

Andrew Weir by email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 30 January 2024



# Licensing Sub-Committee

Thursday 8 February 2024  
10.00 am  
Room G06 - 160 Tooley Street, London SE1 2QH

## Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>ELECTION OF CHAIR</b>	
	To elect the chair for this meeting.	
2.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
3.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
4.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
5.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
6.	<b>LICENSING ACT 2003: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET, LONDON SE15 5EG</b>	1 - 96

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
7.	<b>LICENSING ACT 2003: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA</b>	97 - 289

**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: 30 January 2024

# Agenda Item 6

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 8 February 2024	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Licensing Act 2003: Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG	
<b>Ward(s) of group(s) affected</b>		Rye Lane	
<b>From</b>		Strategic Director of Environment, Neighbourhoods and Growth	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Muhammad Baloch for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from 2 responsible authorities and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 12 to 21 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted are attached in Appendix B of this report. A map showing the location of the premises is attached to this report as Appendix G.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing procedure, 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 premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence application**

8. On 14 December 2023, Muhammad Baloch applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG. The premises and purpose is described as follows:
- ‘A convenience store offering a range of groceries and goods in addition to the sale of alcohol’.
9. The hours applied for are summarised as follows:
- The sale by retail of alcohol (off the premises):
    - Monday to Sunday from 00:00 to 00:00 (24 hours)
  - Opening hours:
    - Monday to Sunday from 00:00 to 00:00 (24 hours).
10. The premises licence application form provides the applicant's operating schedule. Parts J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application is attached to this report in Appendix A.

**Designated premises supervisor**

11. The proposed designated premises supervisor is Naseem Baluch who holds a personal licence issued by Southwark Council.

**Representations from responsible authorities**

12. Representations have been submitted by the Metropolitan Police Service and the council's licensing authority as a responsible authority.
13. The police representation states that the premises falls within the Peckham cumulative impact area and the applicant has failed to address cumulative impact within the application. Further to this police state that the hours applied for are outside of that recommended in this area for an off licence/convenience store in the Southwark statement of licensing policy
14. The police further contend that the area of the premises has a large problem with street drinking and alcohol abuse and the associated crime and disorder
15. The police object to the granting of the premises licence as the venue is situated in the Peckham cumulative impact area and the granting of such a licence would only have a negative impact. It is also noted that the conditions offered are vague and do not address the licensing objectives or the problems associated with late night operations in particular the prevention of crime and disorder
16. The representation from the licensing authority as a responsible authority was submitted regarding the prevention of crime and disorder; the prevention of public nuisance, the protection of children from harm and public safety licensing objectives and also provided extra supporting information.
17. The licensing authority as a responsible authority states that he premises fall within Peckham major town centre area and within the Peckham cumulative impact area and that the applicant has not demonstrated that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.
18. The licensing authority as a responsible authority contends that the prior operating history of the premises under the applicant and proposed DPS regarding this application is reason alone not to grant this application.
19. The licensing authority as a responsible authority recommends that the application is refused.
20. The representations from responsible authorities can be found at Appendix B.

**Representations from other persons.**

21. There are no representations received from other persons.

## Application history

22. On 6 August 2006 a premises licence was issued in respect of the premises to Muhammed Islam and Saima Shahzadi. The premises licence allowed for the sale of alcohol 24 hours a day and 24 hours a day opening hours.
23. On 15 June 2009 the licence was transferred to Kiran Israr. Kiran Israr was also specified as the designated premises supervisor on this date.
24. On 19 June 2017, an application was submitted by this council's trading standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Kiran Israr in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG.
25. On 27 June 2017 an application, to have immediate effect, was submitted to specify Aamir Ali as the DPS of the premises. The application was granted and issued on 27 June 2017. The licensee remained Kiran Israr.
26. A licensing sub-committee hearing to determine the review application submitted in respect of the premises on 19 June 2017 took place on 15 September 2017. At the hearing the licensing sub-committee decided to revoke the premises licence issued in respect of the premises.
27. On 4 September 2018 High Street Food Store Limited applied for a premises licence. The application was then withdrawn on 3 October 2018.
28. On 25 April 2021 Mr. Abdul Aziz Umer applied to this council for the grant of a new premises licence in respect of Peckham Food and Wine, 176 Peckham High Street, Peckham, London SE15 5EG. Representations were received from the police, trading standards, environmental protection team and licensing responsible authorities. The application was refused as the applicant did not satisfactorily address cumulative impact.
29. On 20 December 2021 Muhammad Baloch applied for the grant of a new premises licence in respect of Peckham Food and Wine. Representations were received from the police, trading standards, environmental protection team and licensing responsible authorities.
30. The licensing sub-committee determined the application on 17 May 2022 and granted the application with an amendment to change the start time for the sale of alcohol from 07:00 to 09:00 and imposed eight conditions in addition to the conditions in the application operating schedule. (876417)
31. On 8 December 2022 Muhammad Baloch applied for a new premises licence to be granted under the Licensing Act 2003 in respect of Peckham Food and Wine, this application was withdrawn on 10 June 2023.
32. On 28 August 2023 Muhammad Baloch applied to vary the premises licence no 876417. The application sought to remove Asif Ali name from condition 843 so that it would read: "That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: Kiran Israr, Saeeda Yasmeen, Shazia Imran Islam and Mohammad Islam".

33. Furthermore, the application stated that the current licence issued by the council had no conditions attached at Annex 2 and as part of this application the premises licence holder was agreeable to this being corrected and the other conditions offered in the operating schedule when this application to vary the premises licence was made being added onto the licence.
34. The application was subject to representations from two responsible authorities, namely trading standards and the licensing authority as a responsible authority.
35. The licensing sub-committee determined the application on 31 October 2023 and the application was granted. A copy of the notice of decision from that hearing can be found at Appendix C.
36. The existing premises licence (880978) issued in respect of the premises allows the following licensable activities:
- **The sale of alcohol to be consumed off the premises:**
    - Monday to Sunday: 09:00 to 23:00
  - **Opening hours:**
    - Monday to Sunday: 07:00 to 23:00.
37. A copy of the existing premises licence is attached to this report at Appendix D.

### **Temporary event notices**

38. There have been 10 temporary event notices (TENs) submitted in respect of the premises within the last year. A table of TENs is attached to this report at Appendix E.

### **Compliance visits**

39. Details of compliance visits to the premises by council licensing officers/police working on the night time economy within the last year are provided in Appendix F.

### **Map**

40. A map showing the location of the premises is attached to this report as Appendix G. The following are a list of licensed premises shown on the map:

#### **Peckham News, 133 Peckham High Street, London SE15 5SL licensed for:**

- The sale of alcohol to be consumed off the premises:
  - Monday to Sunday: 09:00 to 23:00
- Opening hours:
  - Monday to Sunday: 06:00 - 23:00



**Binder Off Licence, 149 Peckham High Street, London SE15 5SL** licensed for:

- The sale of alcohol to be consumed off the premises:
  - Monday to Sunday: 10:00 to 00:00
- Opening hours:
  - Monday to Sunday: 00:00 to 00:00 (24 hours)

**The Prince of Peckham, 1 Clayton Road, London SE15 5JA** licensed for:

- Films – indoors:
  - Sunday to Thursday: 10:00 to 00:00
  - Friday and Saturday: 10:00 to 02:00
- Indoor sporting events
  - Sunday to Thursday: 10:00 to 00:00
  - Friday and Saturday: 10:00 to 02:00
- Recorded music – indoors:
  - Sunday to Thursday: 10:00 to 00:00
  - Friday and Saturday: 10:00 to 02:00
- Late night refreshment – indoors and outdoors:
  - Sunday to Thursday: 23:00 to 00:00
  - Friday and Saturday: 23:00 to 02:00
- Sale by retail of alcohol to be consumed on and off premises:
  - Sunday to Thursday: 10:00 to 00:00
  - Friday and Saturday: 10:00 to 02:00
- Opening hours
  - Sunday to Thursday: 08:00 to 00:30
  - Friday and Saturday: 08:00 to 02:30

**The Copper Tap, 190-192 Peckham High Street, London SE15 5EG** licensed for:

- Live music – indoors:
  - Friday and Saturday: 23:00 to 01:00

- Recorded music – indoors:
  - Monday to Thursday: 12:00 to 23:00
  - Friday and Saturday: 12:00 to 01:00
  - Sunday 12:00 to 22:30
- Performance of dance – indoors
  - Monday to Thursday: 12:00 to 23:00
  - Friday and Saturday: 12:00 to 01:00
  - Sunday 12:00 to 22:30
- Provisions similar to making music and dancing – indoors:
  - Friday and Saturday: 23:00 to 01:00
- Late night refreshment – indoors:
  - Friday and Saturday: 23:00 to 01:00
- Sale by retail of alcohol to be consumed on premises:
  - Monday to Thursday: 10:00 to 23:00
  - Friday and Saturday: 10:00 to 01:00
  - Sunday 12:00 to 22:30
- Opening hours
  - Monday to Thursday: 10:00 to 23:30
  - Friday and Saturday: 10:00 to 01:30
  - Sunday 10:00 to 23:00

**Peckham Rooms Hotel, 2 Queens Road, London SE15 2PT** licensed for:

- Late night refreshment – indoors:
  - Friday and Saturday: 23:00 to 01:00
- Sale by retail of alcohol to be consumed on and off premises
  - Sunday to Thursday: 07:00 to 23:00
  - Friday and Saturday: 07:00 to 01:00
  - The sale of alcohol to residents and bona fide guests will be permitted with unrestricted hours.

**Southwark Council statement of licensing policy**

41. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and it came into effect on 1 January 2021.

42. 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 licenses 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.
43. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
44. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions. The links for these are below:

Southwark policy:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Section 182 Guidance:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

### **Cumulative impact area (CIA)**

45. The premises falls within the Peckham cumulative impact area (CIA).
46. The types of premises that the CIA applies to are:
  - Night clubs, public houses and bars, off-licences, supermarkets, grocers, convenience stores and similar premises
47. The premises are also situated in Peckham major town centre.
48. Under the Southwark's statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within Peckham major town centre:
  - Off-licenses and alcohol sales in grocers and supermarkets:
    - Monday to Sunday: 00:00.

### **Climate change implications**

49. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
50. Climate change is not a legal factor in the consideration of a grant of a premises license under the current licensing objectives, however members can make enquiries and request an agreement from applicants to promote the reduction of the impact of climate change that may be caused by the operation of the premises.
51. Examples of such an agreement may be:
  - Not to use single use plastics, such as disposable plastic glasses, when selling alcohol at the premises.
  - Encourage patrons not to drive to venues by providing details of public transport on their webpages/tickets.
52. The council's climate change strategy is available at:
 

<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

### **Community, equalities (including socio-economic) and health impacts**

#### **Community impact statement**

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

#### **Equalities (including socio-economic) impact statement**

54. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be

given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the council to consider all individuals when carrying out its functions.

55. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance equality of opportunity and foster good relations between people who have protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.
56. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing policy 2021 – 2026 at:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

57. The equalities impact assessment is available at:

<https://moderngov.southwark.gov.uk/documents/s92016/Appendix%20F%20-%20Equalities%20Impact%20Assessment.pdf>

### **Health impact statement**

58. Health impacts cannot be considered by law when making decisions under the Licensing Act 2003.

### **Resource implications**

59. A fee of £190.00 has been paid by the applicant in respect of this application being the statutory fee payable for premises within non-domestic rateable value B.

### **Consultation**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Assistant Chief Executive – Governance and Assurance**

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

## Principles for making the determination

63. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.
64. The principles which sub-committee members must apply are set out below.
65. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
66. Relevant representations are those which:
  - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
  - Are made by an interested party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
67. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
  - To grant the licence subject to:
    - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
    - Any condition which must under section 19, 20 or 21 be included in the licence.
  - To exclude from the scope of the licence any of the licensable activities to which the application relates.
  - To refuse to specify a person in the licence as the premises supervisor.
  - To reject the application.

## Conditions

68. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
69. The four licensing objectives are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.

70. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
71. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
72. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

### **Reasons**

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

### **Hearing procedures**

74. 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.

75. This matter relates to the determination of an application for a premises licence under Section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

76. 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.
77. 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.
78. 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.
79. 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.
80. 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.
81. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
82. 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.



83. 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

84. 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

85. 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	Southwark Licensing, C/O	Mrs Kirty Read Tel: 020 7525 5748
Home Office Revised Guidance to the Act	Community Safety and Enforcement, 160 Tooley Street, London SE1 2QH	
Secondary Regulations		
Southwark statement of licensing policy		
Case file		

### APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations submitted by responsible authorities
Appendix C	Copy of notice of decision from 31 October 2023
Appendix D	Copy of existing licence
Appendix E	Table of temporary event notices
Appendix F	Log of night time economy team compliance visits
Appendix G	Map of the locality

## AUDIT TRAIL

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment, Neighbourhoods and Growth	
<b>Report Author</b>	Jayne Tear, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	23 January 2024	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		26 January 2024

14/12/2023

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

Ref No. 2142250

## Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	Muhammad Baloch
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## Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - o any entertainment taking place on the hospital premises of the health care provider where the

entertainment is provided by or on behalf of the health care provider;

o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.

11. The application form must be signed.

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.

14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications

from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a

European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
  
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - o evidence of the applicant's own identity – such as a passport,
  
  - o evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  
  - o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
  
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
  
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
  
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
  
- (ii) any page containing the holder's photograph;
  
- (iii) any page containing the holder's signature;

(iv) any page containing the date of expiry; and

(v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

#### Premises Details

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

Non-domestic rateable value of premises in order to see your rateable value [click here](#) (opens in new window)

£	██████
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

#### Premises trading name

	Peckham Food and Wine
--	-----------------------



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

Do you have a Southwark postcode?	Yes
Address Line 1	176 PECKHAM HIGH STREET
Address Line 2	
Town	LONDON
Post code	SE15 5EG
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

## Applicant Details

Please select whether you are applying for a premises licence as

	An individual or individuals
--	------------------------------

If you are applying as an individual or non-individual please select one of the following:-

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

## Details of Individual Applicant

## Personal Details

Title	Mr
If other, please specify	
Surname	Baloch
Forenames	Muhammad
Date of birth	██████████
I am 18 years old or over	Yes
Nationality	██████

## Current Address

Street number or Building name	█
Street Description	██████████
Town	██████

County	██████
Post code	██████

## Contact Details

Daytime contact telephone number	██████████
Email Address	██████████

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see guidance below)

Please enter	
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Note 15: Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who: does not have the right to live and work in the UK; or is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity. Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways: by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance. by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below). Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Do you wish to add a second individual applicant?

	No
--	----

## Operating Schedule

When do you want the premises licence to start?

	12/01/2024
--	------------

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

--	--

General description of premises ( see guidance note 1 )

	A convenience store offering a range of groceries and goods in addition to the sale of alcohol
--	--

If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

	Less than 5000
--	----------------

Note 1

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.

Operating Schedule part 2

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

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 of the Licensing Act 2003)
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Provision of regulated entertainment (Please read guidance note 2)


Provision of late night refreshment

--	--

Supply of alcohol

	j) Supply of alcohol
--	----------------------

In all cases please complete boxes K, L and M.

J - Supply of Alcohol

Will the supply of alcohol be for consumption ( Please read guidance note 8)

	Off the premises
--	------------------

Standard days and timings for Supply of alcohol ( Please read guidance note 7)

Day	Start	Finish
Mon	00:00	00:00
Tues	00:00	00:00
Wed	00:00	00:00
Thur	00:00	00:00
Fri	00:00	00:00
Sat	00:00	00:00
Sun	00:00	00:00

State any seasonal variations for the supply of alcohol ( Please read guidance 5)

--	--

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, ( Please read guidance note 6 )

--	--

Please download and then upload the consent form completed by the designated proposed premises supervisor

--	--

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you

intend the premises to be used for the activity.

8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

Premises Supervisor

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (Please see declaration about the entitlement to work in the check list at the end of the form)

Full name of proposed designated premises supervisor

First names	Naseem
Surname	Baluch

DOB

Date Of Birth	██████████
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Address of proposed designated premises supervisor

Street number or Building name	█
Street Description	██████████
Town	██████
County	████
Post code	██████

Personal licence number of proposed designated premises supervisor, if any,

Personal licence number ( if known )	██████
Issuing authority ( if known )	██████████

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children ( Please read guidance note 9)

	There is no activity of this nature
--	-------------------------------------

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

L - Hours premises are open to public

- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Hours premises are open to the public ( standard timings Please read guidance note 7 )

Day	Start	Finish
Mon	00:00	00:00
Tues	00:00	00:00
Wed	00:00	00:00
Thur	00:00	00:00
Fri	00:00	00:00
Sat	00:00	00:00
Sun	00:00	00:00

State any seasonal variations ( Please read guidance note 5 )

--	--

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, ( Please read guidance note 6 )

--	--

M - Steps to promote four licencing objectives

a) General - all four licensing objectives (b,c,d,e) ( Please read guidance note 10 )

	<p><b>PROPOSED SCHEDULE OF CONDITIONS</b></p> <p>The premises licence holder is a responsible operator who is aware of the 4 Licensing objectives, the Council's licensing policy and their responsibilities under the Licensing Act 2003. The business is run lawfully and in accordance with good business practice and offers the following conditions to be attached to the premises licence.</p> <p>All health &amp; safety, fire and other legal commitments will be complied with under the relevant legislation.</p> <p>1. A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standards. The system shall continually record whilst the venue is open for licensable activity and/or when customers are present on the premises. All CCTV recordings shall be time- &amp; date-stamped and maintained for a minimum of thirty-one (31) days. Cameras shall be installed so as to cover both internal and external areas of the premises. At least one camera shall cover ingress/egress points.</p> <p>2. Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such</p>
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	<p>copies shall, in any event, be provided within forty-eight (48) hours.</p> <p>3. The "Challenge 25"/"Think 25" proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic 'PASS' mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.</p> <p>4. All relevant staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable forms of ID, and using the refusal register. Such training (including any refresher training) will be logged and ongoing.</p> <p>5. The premises licence holder shall ensure that notices shall be displayed in the premises, advising;</p> <ul style="list-style-type: none"> <li>• CCTV is in operation</li> <li>• a 'Challenge 25' scheme operates in the premises</li> <li>• 'No proof of age – no Sale'</li> <li>• Patrons should respect the needs of local residents and leave the area quietly</li> </ul> <p>6. A refusals log must be kept at the premises, and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:</p> <ol style="list-style-type: none"> <li>a) the identity of the member of staff who refused the sale;</li> <li>b) the date and time of the refusal;</li> <li>c) the alcohol requested and reason for refusal;</li> <li>d) description of the person refused alcohol</li> </ol> <p>7. Alcohol shall only be purchased for sale within the premises from reputable sources and not from door-to-door sellers. The premises licence holder shall ensure all receipts for goods brought include the following details:</p> <ol style="list-style-type: none"> <li>i. Seller's name and address</li> <li>ii. Seller's company details, if applicable</li> <li>iii. Seller's VAT details, if applicable</li> </ol> <p>Such receipts are to be made available to officers of the local authority or police service upon reasonable request.</p> <p>8. The area immediately outside the premises shall be monitored to ensure that any litter generated by the premises and/or its customers is regularly cleared.</p> <p>9. Alcohol shall not be sold in an open container or consumed on the premises.</p> <p>10. No alcohol will be stored or displayed within 2-metres of the entrance/exit unless behind the staff counter.</p> <p>11. No beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.</p> <p>12. When the premises are open to the public and the licence is not in operation, all alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.</p> <p>13. Alcohol is displayed as set out in the plan submitted with the application.</p> <p>14. An electronic point of sale system (EPOS or POS) is installed and operated at the premises.</p> <p>15. A written dispersal policy is kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy.</p> <p>16. All previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: Kiran Israr, Saeeda Yasmeen, Shazia Imran Islam and Mohammad Islam.</p> <p>17. Alcohol sales made between the hours of 00:00 and 06:00 will be via the hatch at the front of the premises (marked on the plan). There will be no self service of alcohol between these times.</p>
--	---

b) the prevention of crime and disorder

	Please see box a above
--	------------------------

c) public safety

	Please see box a above
--	------------------------

d) the prevention of public nuisance

	Please see box a above
--	------------------------

e) the protection of children from harm

	Please see box a above
--	------------------------

Guidance note 10

Please list here steps you will take to promote all four licensing objectives together.

Please upload a plan of the premises

	[REDACTED]
--	------------

Please upload any additional information i.e. risk assessments

	[REDACTED]
--	------------

Checklist

	I have enclosed the plan of the premises. I understand that if I do not comply with the above requirements my application  will be rejected. I understand that I must now advertise my application (In the local paper within 14 days of applying
--	--

Home Office Declaration

Please tick to indicate agreement

	I am not a company or limited liability partnership
--	---

Proof of Entitlement to work in the UK

Please upload your proof of entitlement to work in the UK or share code issued by the Home Office online right to work checking service. (Please see guidance below)

	[REDACTED]
--	------------

Note 15: Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability



partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who: does not have the right to live and work in the UK; or is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways: by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance. by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below). Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Declaration


[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK.

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work.

I/We hereby declare the information provided is true and accurate.

I agree to the above statement

	Yes
PaymentDescription	



WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Once you complete form you will be redirected to payments and won't be able to return back.

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.



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21

**Date:** 09/01/2024

Dear Sir/Madam

**Re:- Peckham Food and Wine, 176 Peckham High Street, London SE5 5EG**

Police are in possession of an application from the above premises for a full variation to the premises licence to extend the opening hours and supply of alcohol to 24hrs. The premises operates as an off licence/convenience store and the hours requested far exceed those recommended in the Southwark Statement of licensing policy. The hours requested are  
 Opening to the public  
 Mon-Sun-24hrs

Supply of alcohol off sales  
 Mon-Sun-24hrs

The hours are excessively outside the hours recommended within the Southwark Statement of licensing Policy and it is noted the venue is situated within The Peckham Cumulative Impact Area as designated by Southwark Council. The High Court approval of Cumulative impact policies came in Westminster City Council v Middlesex Crown Court. In brief, it stated 'A licence could be refused on the sole ground that the area was already saturated with licensed premises'

Peckham has a considerable amount of licensed premises including a high number of off licence style premises. The area has a large problem with street drinking and alcohol abuse and the associated crime and disorder, this forms part of the reason their being a designated cumulative impact zone

The applicant has failed to address the cumulative impact in any way within the application and the conditions mentioned in the application are repetitious of those already on the current licence with the exception of condition 17 ' **Alcohol sales made between the hours of 00:00 and 06:00 will be via the hatch at the front of the premises (marked on the plan). There will be no self-service of alcohol between these times**'.

This Condition is vague in that it does not state if the premises will be closed to the public between the hours of 00:00 and 06:00 and if not closed to the public will only lead to conflict with customers.

The metropolitan police object to the granting of the Premises Licence as the venue is situated in the Peckham Cumulative Impact Area and the granting of such a licence would only have a negative impact, it is also noted that the conditions offered are vague and do not address the licensing objectives or the problems associated with late night operations in particular the Prevention of Crime and Disorder.

Submitted for your consideration.  
Yours Sincerely

Mark Lynch Pc 2246AS  
Central South BCU – Southwark | Licensing Team  
Southwark Police Station  
305 Borough High Street, SE1 1JH  
SouthwarkLicensing@met.police.uk

**Tear, Jayne**

---

**From:** McArthur, Wesley  
**Sent:** 11 January 2024 23:53  
**To:** Regen, Licensing  
**Cc:** Tear, Jayne; [REDACTED]  
**Subject:** Application for a premises licence: Peckham Food and Wine, 176 Peckham High Street, Peckham, London, SE15 5EG (our ref:881982) - Loc ID:172186 - Rye Lane ward  
**Attachments:** Peckham Food and Wine NEW (881982) - LRA's rep' v1.pdf  
**Importance:** High

Dear Licensing,

Please find attached a representation regarding the above application.

Regards,

**Wesley McArthur**

Principal Enforcement Officer - Licensing Unit

London Borough of Southwark

**E-mail:** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

**General:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Phone:** 020 7525 5779

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Address:** Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH



<b>To:</b> Licensing Unit	<b>From:</b> Wesley McArthur <a href="mailto:wesley.mcarthur@southwark.gov.uk">wesley.mcarthur@southwark.gov.uk</a> 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	<b>Date:</b> 11 January 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	Peckham Food and Wine, 176 Peckham High Street, Peckham, London, SE15 5EG	
<b>Ref:</b>	<b>881982</b>	

We object to the grant of a premises licence application, submitted by Mr Muhammad Baloch under The Licensing Act 2003 (the Act), in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, Peckham, London, SE15 5EG.

### 1. The application

The application is to allow for the sale of alcohol for consumption off the premises as follows -

- **Monday – Sunday: 00:00 hours – 00:00 hours (24 hour sale of alcohol)**

The proposed opening hours of the premises are:

- **Monday – Sunday: 00:00 hours – 00:00 hours**

The premises, and its intended operation, are described in the application as (verbatim):

- “A convenience store offering a range of groceries and goods in addition to the sale of alcohol.”

### 2. The Locale

The premises are located on Peckham High Street, which is a major thoroughfare and bus transport hub. It is a densely urbanised road with various commercial premises and residential properties. There are **14** premises licensed for the off sale of alcohol on Peckham High Street itself, including **5** that could be described as off-licences, grocers, supermarkets or convenience stores. All of these premises are listed in table 1 as below (off-licences, grocers, supermarkets and convenience stores are high-lit in yellow).

**Table 1.**

No.	Licence number	Name	Address
1	832753	Pricecutter	12 Peckham High Street
2	7818	Kam Foh	19 Peckham High Street
3	840937	Tiwa'n'Tiwa	34 Peckham High Street
4	872440	Tola	56 Peckham High Street
5	843557	Little Hut	59 Peckham High Street
6	881617	Vaalee	66 Peckham High Street
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10	877710	The Red Bull	116 Peckham High Street

11	881133	Tigella	119 Peckham High Street
12	875277	Peckham News	133 Peckham High Street
13	876936	Binder Off Licence	149 Peckham High Street
14	876933	The Copper Tap	190-192 Peckham High Street

There are also another 9 premises in the wider locale which could be described as off-licences, grocers, supermarkets, convenience stores. All of these premises are listed in table 2 as below.

**Table 2.**

No.	Licence number	Name	Address
1	881835	Lidl	Unit 3, Bellenden Road Retail Park
2	878561	Morrisons	Unit 3, The Aylesham Centre
3	875442	Tesco	34 Rye Lane
4	881341	Iceland	87-95 Rye Lane
5	855255	Bims	102 Rye Lane
6	872844	Rye Express	137 Rye Lane
7	880481	A Family Convenience Store	161 Rye Lane
8	877864	Jaffa	168 Rye Lane
9	881458	Tesco	265 Rye Lane

In addition to the above licensed premises, there are other licensed premises of varying description (e.g. pubs, bars, clubs and restaurants) that are licensed for the off sale of alcohol in the wider locale.

A map of the area the premises are locate in is attached as appendix 1.

## **2. Extant premises licence**

The premises already benefits from a premises licence (number 880978), which is issued to the applicant regarding this application (Mr Muhammad Baloch). The designated premises supervisor (DPS) in regards to premises licence number 880978 (Mr Naseem Baluch) is also the DPS proposed in respect of this application.

Premises licence number 880978 allows for alcohol off sales to take place between 09:00 hours and 23:00 hours and for the premises to open between 07:00 hours and 23:00 hours.

Therefore this application, whilst for a new premises licence, would have the effect of varying the existing operating hours to allow for the 24 hour sale of alcohol.

A copy of premises licence number 880978 is attached as appendix 2.

Please note that whenever a premises licence is amended or varied the premises licence number changes and premises licence number 880978 was previously premises licence number 876417 (with the same licensee and DPS).

## **3. The Southwark Statement of Licencing Policy (SoLP)**

The premises fall within Peckham Major Town Centre Area and within the Peckham Cumulative Impact Area (CIA).

The following closing times are recommended in our SoLP in respect of the type of licensed premises located in Peckham Major Town Centre Area as follows –



Off licences and alcohol sales in grocers and supermarkets:

Monday – Sunday: 00:00 (midnight)

Full details of the statement of licensing policy are available via:

[Premises licence \(Licensing Act 2003\) - Southwark Council](#)

**4. Our objection**

Our objection relates to all of the licensing objectives.

The premises fall within, and are subject to, the Peckham Cumulative Impact Area (Peckham CIA).

Paragraph 131 the SoLP 2021 – 2026 states –

- *“Applications made within specified Cumulative Impact Areas (CIAs) are deemed likely to add to the potential impact the policy is intended to avoid. There is therefore an automatic presumption that such applications will be refused, however each application will be judged on its own merits.”*

Paragraph 156 of the SoLP stipulates regarding the Peckham CIA that –

- *“The classes of premises to which the policy applies is defined as follows – night clubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores; and similar premises.”*

Therefore, the above premises is of a type of premises that is subject to the Peckham CIA.

As per paragraph 156 of the SoLP, the council has found that certain types of premises are likely to increase the negative cumulative impact in the Peckham CIA of licensed premises in that area.

**We are in agreement with this stance and are therefore of the opinion that the application be refused.**

Paragraph 132 of the SoLP states that –

- *“It is normally the case that a representation citing a relevant CIA will have to be determined at a Licensing Sub-Committee hearing.”*

We further note that section 136 of the SoLP states –

- *“The effect of publishing a cumulative impact assessment is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations. In such circumstances, it is for the Applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.”*

In our opinion, the applicant has not demonstrated that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

Further, we contend that granting the application **will** further contribute to the negative local cumulative impact of licensed premises in the Peckham CIA.

As stated previously this application is, in effect, a variation to existing operating hours at the premises to allow for the 24 hour sale of alcohol.

We say that the 24 hour sale of alcohol is likely to have a negative effect on the promotion of all of the licensing objectives and be detrimental to the quality of life for local residents.

Premises selling alcohol late at night, or into the early morning, have increased risk factors. We do not think it is appropriate **at all** to allow premises to sell alcohol 24 hours in a cumulative impact area.

We also refer to R (on the application of Westminster City Council) -v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker adjudicated

*“Notwithstanding the applicant being a fit and proper person and the premises would be well run a licence could be refused on the sole ground that the area was already saturated with licence premises....and the cumulative effect of the existing premises was impacting adversely on the area to an unacceptable level.”*

This means that the above application can be refused on the **sole basis** that it is subject to a cumulative impact area.

In addition to the above, it is clear that there are already a large number of off-licensed premises to provide an offering to the local area. We contend that the area is saturated with premises that allow for the off sale of alcohol and that granting any extension of hours for the sale of alcohol at any licensed premises would add to the already considerable problems caused by licensed premises in the locale.

We further add that the full council assembly approved the current version of the SoLP and have maintained the Peckham CIA four times in a row, showing that the problems related to licensed premises in the locale (including off-licences, grocers, supermarkets, convenience stores) are **longstanding and ongoing**.

## **5. Previous operating history of the premises**

On 24 February 2023 the premises were inspected by council licensing officer Barry O’Callaghan. A number of breaches of the existing premises licence were noted as follows:

1. Premises open beyond terminal hour.
2. Condition 343 (training records not available).
3. Condition 841 (ASPAL Premier Cru cider alcohol and Henry Weston’s Cloudy Vontage Cider with alcohol by volume (ABV) of above 6.5% on sale.
4. Condition 842 (alcohol to be in a locked cabinet/cooler when the premises are open to the public and the licence is not in operation).

The following day (25 February 2023) PC Maria O’Mahoney attended the premises and there was non-compliance with conditions 340 and 341 (installation, operation and training concerning CCTV).

PC O’Mahoney returned the next day (26 February 2023) and was informed by the member of staff working that the CCTV still wasn’t working, again in breach of conditions 340 and 341. The same member of staff also stated that the EPOS system wasn’t working meaning none of the alcohol or cigarettes were being scanned (in breach of condition 845).

On 06 February 2023 PC Maria O'Mahoney visited the premises and observed breaches of the following licence conditions:

340, 341, 343, 842, 845 and 846 (dispersal policy). During this visit the person in charge of the premises refused to provide their details to PC O'Mahoney.

We contend that the prior operating history of the premises under the applicant and proposed DPS regarding this application is reason alone not to grant this application.

Witness statements and a notification of alleged offence regarding the above are attached as appendix 3.

## **6. Additional information**

Evidence and data regarding the negative cumulative impact that licensed premises have in the locale has already been analysed by council officers and the full licensing committee, which is why the Peckham CIA was introduced, and why it has been maintained after every review of the Peckham CIA.

In addition to this, however, I would also add that my experience (as a licensing officer for 16 years) is that off-licenses that allow for the 24 hour sale of alcohol often attract problem drinkers (e.g. alcoholics, street drinkers and / or people with substance abuse problems), post club / late night venue attendees who wish to consume alcohol further (to 'carry the party on') after the venues they have attended have shut, and also people from outside the area who wish to purchase alcohol because their locale does not have premises selling alcohol 24 hours a day.

It is worth noting that there are a number of late night bar / club venues in the locale (indeed, the premises are located next to a late night bar venue).

The immediate locale is a known hotspot for the sale and use of drugs, for street drinkers, prostitution (around Peckham Square) and for general street crime. Allowing for the 24 hour sale of alcohol at the premises will inevitably feed into these existing extremely serious problems.

In my experience off-licences allowing for the 24 hour sale of alcohol often become a hub for irresponsible alcohol consumers and often contribute disproportionately to crime and disorder in the area that they are located in.

We therefore refer this application to the council's Licensing Sub-Committee and recommend that the application be refused.

Notwithstanding the above, we note that the applicant has offered various control measures in the operating schedule of the application, which would form the basis of enforceable licence conditions (should a premise licence be issued subsequent to this application).

If the Licensing Sub-Committee is minded to grant this application, we would seek preferred wording for some of the proposed conditions to ensure that they are practicable and enforceable. We will be happy to provide the applicant and Licensing Sub-Committee with a schedule of suitably worded conditions at the hearing to determine the application however, **we strongly re-iterate that it is our opinion that this application be refused.**

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer

**Tear, Jayne**

---

**From:** McArthur, Wesley  
**Sent:** 12 January 2024 10:10  
**To:** Regen, Licensing  
**Cc:** Tear, Jayne [REDACTED]  
**Subject:** RE: Application for a premises licence: Peckham Food and Wine, 176 Peckham High Street, Peckham, London, SE15 5EG (our ref:881982) - Loc ID:172186 - Rye Lane ward  
**Attachments:** Peckham Food and Wine NEW (881982) - LRA's rep' v2 - redacted.pdf  
**Importance:** High

Dear Licensing,

Corrections were required regarding the representation sent as per the email below. An amended version is attached.

**Please replace the version previously sent with the version attached to this email (v2 - redacted).**

For clarity the corrections / amendments are as follows:

1. The last paragraph of section 2 has been amended to include the following sentence: 'The premises are identified by a pin on the map and the written address '176 Peckham High Street'.'
2. The title of part 5 has been amended to state 'operating' instead of 'operatring'.
3. Part 5 now refers to Henry Weston's **Vintage** Cider instead of 'vontage cider'.
4. Part 5 now refers to a visit to the premises on 06 November 2023 instead of 06 February 2023.
5. The map has been amended to show Peckham Square and part of Rye Lane, both of which are referred to on the representation. The map now also includes the written address '176 Peckham High Street' next to where the premises are located on the map.
6. To ensure compliance with GDPR redactions have been made to the police witness statement in appendix 3.

The rest of the representation remains as previously sent.

Regards,

**Wesley McArthur**

Principal Enforcement Officer - Licensing Unit  
London Borough of Southwark

**E-mail:** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

**General:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Phone:** 020 7525 5779

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Address:** Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

---

**From:** McArthur, Wesley

**Sent:** Thursday, January 11, 2024 11:53 PM

**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>

**Cc:** Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>; [REDACTED]

**Subject:** Application for a premises licence: Peckham Food and Wine, 176 Peckham High Street, Peckham, London, SE15 5EG (our ref':881982) - Loc ID:172186 - Rye Lane ward

**Importance:** High

Dear Licensing,

Please find attached a representation regarding the above application.

Regards,

**Wesley McArthur**

Principal Enforcement Officer - Licensing Unit

London Borough of Southwark

**E-mail:** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

**General:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Phone:** 020 7525 5779

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**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Address:** Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

<b>To:</b> Licensing Unit	<b>From:</b> Wesley McArthur <a href="mailto:wesley.mcarthur@southwark.gov.uk">wesley.mcarthur@southwark.gov.uk</a> 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	<b>Date:</b> 11 January 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	Peckham Food and Wine, 176 Peckham High Street, Peckham, London, SE15 5EG	
<b>Ref:</b>	<b>881982</b>	

We object to the grant of a premises licence application, submitted by Mr Muhammad Baloch under The Licensing Act 2003 (the Act), in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, Peckham, London, SE15 5EG.

### 1. The application

The application is to allow for the sale of alcohol for consumption off the premises as follows -

- **Monday – Sunday: 00:00 hours – 00:00 hours (24 hour sale of alcohol)**

The proposed opening hours of the premises are:

- **Monday – Sunday: 00:00 hours – 00:00 hours**

The premises, and its intended operation, are described in the application as (verbatim):

- “A convenience store offering a range of groceries and goods in addition to the sale of alcohol.”

### 2. The Locale

The premises are located on Peckham High Street, which is a major thoroughfare and bus transport hub. It is a densely urbanised road with various commercial premises and residential properties. There are **14** premises licensed for the off sale of alcohol on Peckham High Street itself, including **5** that could be described as off-licences, grocers, supermarkets or convenience stores. All of these premises are listed in table 1 as below (off-licences, grocers, supermarkets and convenience stores are highlighted in yellow).

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There are also another 9 premises in the wider locale that could be described as off-licences, grocers, supermarkets, convenience stores. All of these premises are listed in table 2 as below.

**Table 2.**

No.	Licence number	Name	Address
1	881835	Lidl	Unit 3, Bellenden Road Retail Park
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In addition to the above licensed premises, there are other licensed premises of varying description (e.g. pubs, bars, clubs and restaurants) that are licensed for the off sale of alcohol in the wider locale.

A map of the area the premises are locate in is attached as appendix 1. The premises are identified by a pin on the map and the written address '176 Peckham High Street'.

## **2. Extant premises licence**

The premises already benefits from a premises licence (number 880978), which is issued to the applicant regarding this application (Mr Muhammad Baloch). The designated premises supervisor (DPS) in regards to premises licence number 880978 (Mr Naseem Baluch) is also the DPS proposed in respect of this application.

Premises licence number 880978 allows for alcohol off sales to take place between 09:00 hours and 23:00 hours and for the premises to open between 07:00 hours and 23:00 hours.

Therefore, this application, whilst for a new premises licence, would have the effect of varying the existing operating hours to allow for the 24-hour sale of alcohol.

A copy of premises licence number 880978 is attached as appendix 2.

Please note that whenever a premises licence is amended or varied the premises licence number changes and premises licence number 880978 was previously premises licence number 876417 (with the same licensee and DPS).

## **3. The Southwark Statement of Licencing Policy (SoLP)**

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premises located in Peckham Major Town Centre Area as follows –

Off licences and alcohol sales in grocers and supermarkets:

Monday – Sunday: 00:00 (midnight)

Full details of the statement of licensing policy are available via:

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#### **4. Our objection**

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Paragraph 131 the SoLP 2021 – 2026 states –

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Further, we contend that granting the application **will** further contribute to the negative local cumulative impact of licensed premises in the Peckham CIA.

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We say that the 24-hour sale of alcohol is likely to have a negative effect on the promotion of all of the licensing objectives and be detrimental to the quality of life for local residents.

Premises selling alcohol late at night, or into the early morning, have increased risk factors. We do not think it is appropriate **at all** to allow premises to sell alcohol 24 hours in a cumulative impact area.

We also refer to R (on the application of Westminster City Council) -v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker adjudicated

*“Notwithstanding the applicant being a fit and proper person and the premises would be well run a licence could be refused on the sole ground that the area was already saturated with licence premises....and the cumulative effect of the existing premises was impacting adversely on the area to an unacceptable level.”*

This means that the above application can be refused on the **sole basis** that it is subject to a cumulative impact area.

In addition to the above, it is clear that there are already a large number of off-licensed premises to provide an offering to the local area. We contend that the area is saturated with premises that allow for the off sale of alcohol and that granting any extension of hours for the sale of alcohol at any licensed premises would add to the already considerable problems caused by licensed premises in the locale.

We further add that the full council assembly approved the current version of the SoLP and have maintained the Peckham CIA four times in a row, showing that the problems related to licensed premises in the locale (including off-licences, grocers, supermarkets, convenience stores) are **longstanding and ongoing**.

## **5. Previous operating history of the premises**

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The following day (25 February 2023) PC Maria O’Mahoney attended the premises and there was non-compliance with conditions 340 and 341 (installation, operation and training concerning CCTV).

PC O'Mahoney returned the next day (26 February 2023) and was informed by the member of staff working that the CCTV still wasn't working, again in breach of conditions 340 and 341. The same member of staff also stated that the EPOS system wasn't working meaning none of the alcohol or cigarettes were being scanned (in breach of condition 845).

On 06 November 2023 PC Maria O'Mahoney visited the premises and observed breaches of the following licence conditions:

340, 341, 343, 842, 845 and 846 (dispersal policy). During this visit, the person in charge of the premises refused to provide their details to PC O'Mahoney.

We contend that the prior operating history of the premises under the applicant and proposed DPS regarding this application is reason alone not to grant this application.

Witness statements and a notification of alleged offence regarding the above are attached as appendix 3.

## **6. Additional information**

Evidence and data regarding the negative cumulative impact that licensed premises have in the locale has already been analysed by council officers and the full licensing committee, which is why the Peckham CIA was introduced, and why it has been maintained after every review of the Peckham CIA.

In addition to this, however, I would also add that my experience (as a licensing officer for 16 years) is that off-licenses that allow for the 24 hour sale of alcohol often attract problem drinkers (e.g. alcoholics, street drinkers and / or people with substance abuse problems), post club / late night venue attendees who wish to consume alcohol further (to 'carry the party on') after the venues they have attended have shut, and also people from outside the area who wish to purchase alcohol because their locale does not have premises selling alcohol 24 hours a day.

It is worth noting that there are a number of late night bar / club venues in the locale (indeed, the premises are located next to a late night bar venue).

The immediate locale is a known hotspot for the sale and use of drugs, for street drinkers, prostitution (around Peckham Square) and for general street crime. Allowing for the 24-hour sale of alcohol at the premises will inevitably feed into these existing extremely serious problems.

In my experience, off-licences allowing for the 24-hour sale of alcohol often become a hub for irresponsible alcohol consumers and often contribute disproportionately to crime and disorder in the areas that they are located in.

We therefore refer this application to the council's Licensing Sub-Committee and recommend that the application be refused.

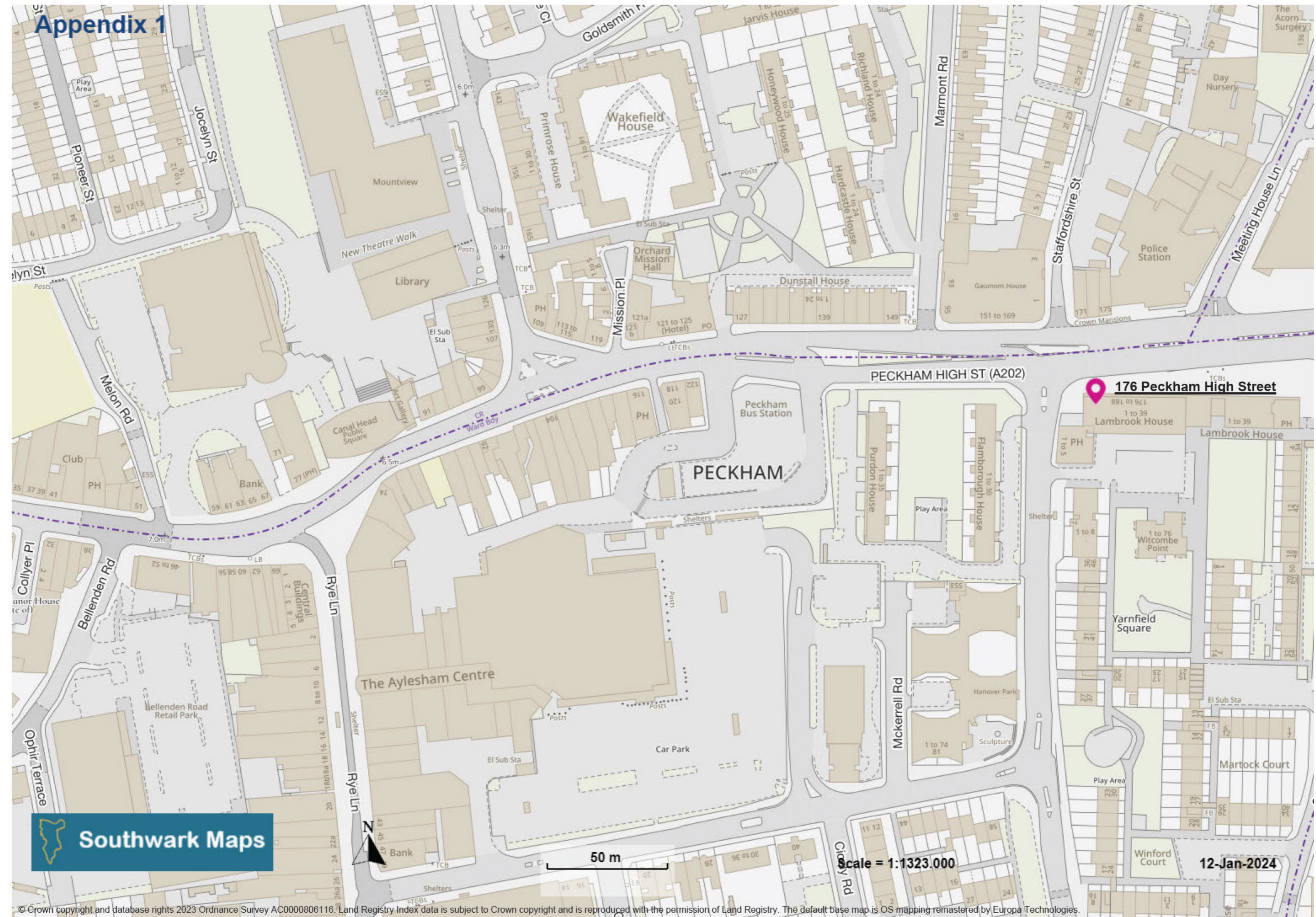
Notwithstanding the above, we note that the applicant has offered various control measures in the operating schedule of the application, which would form the basis of enforceable licence conditions (should a premise licence be issued subsequent to this application).

If the Licensing Sub-Committee were minded to grant this application, we would seek preferred wording for some of the proposed conditions to ensure that they are practicable and enforceable. We will be happy to provide the applicant and Licensing Sub-Committee with a

schedule of suitably worded conditions at the hearing to determine the application however, **we strongly re-iterate that it is our opinion that this application be refused.**

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer



176 Peckham High Street

PECKHAM

PECKHAM HIGH ST (A202)



50 m

Scale = 1:1323,000

12-Jan-2024

# Licensing Act 2003

## Premises Licence



Regulatory Services  
Licensing Unit  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

Premises licence number

880978

### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Peckham Food and Wine 176 Peckham High Street	
Ordnance survey map reference (if applicable): 534464176745	
<b>Post town</b> London	<b>Post code</b> SE15 5EG
<b>Telephone number</b> [REDACTED]	

### Licensable activities authorised by the licence

Sale by retail of alcohol to be consumed off premises

### The opening hours of the premises

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

Monday	07:00 - 23:00
Tuesday	07:00 - 23:00
Wednesday	07:00 - 23:00
Thursday	07:00 - 23:00
Friday	07:00 - 23:00
Saturday	07:00 - 23:00
Sunday	07:00 - 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 off premise

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

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

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

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

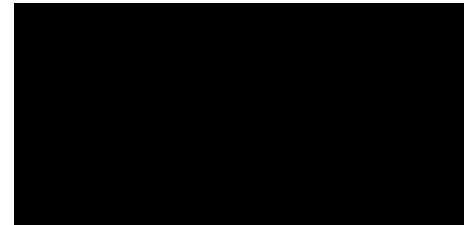
## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**Muhammad Baloch  
[REDACTED]  
[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**Naseem Baluch  
[REDACTED]  
[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: 28/11/2023



Head of Regulatory Services  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
licensing@southwark.gov.uk

### **Annex 1 - Mandatory conditions**

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

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

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

**485** (1) The responsible person 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**

**340** A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standards. The system shall continually record whilst the venue is open for licensable activity and/or when customers are present on the premises. All CCTV recordings shall be time- & date-stamped and maintained for a minimum of thirty-one (31) days. Cameras shall be installed so as to cover both internal and external areas of the premises. At least one camera shall cover ingress/egress points.

**341** Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within forty-eight (48) hours.

**342** The "Challenge 25"/"Think 25" proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic 'PASS' mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.

**343** All relevant staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable forms of ID, and using the refusal register. Such training (including any refresher training) will be logged and ongoing.

**344** The premises licence holder shall ensure that notices shall be displayed in the premises, advising;

- CCTV is in operation
- a 'Challenge 25' scheme operates in the premises
- 'No proof of age – no Sale'
- Patrons should respect the needs of local residents and leave the area quietly

**345** A refusals log must be kept at the premises, and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:

- a) the identity of the member of staff who refused the sale;
- b) the date and time of the refusal;
- c) the alcohol requested and reason for refusal;
- d) description of the person refused alcohol

**346** Alcohol shall only be purchased for sale within the premises from reputable sources and not from door-to-door sellers. The premises licence holder shall ensure all receipts for goods brought include the following details:

- i. Seller's name and address
- ii. Seller's company details, if applicable

iii. Seller's VAT details, if applicable

Such receipts are to be made available to officers of the local authority or police service upon reasonable request.

**347** The area immediately outside the premises shall be monitored to ensure that any litter generated by the premises and/or its customers is regularly cleared.

**348** Alcohol shall not be sold in an open container or consumed on the premises.

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

**840** That no alcohol will be stored or displayed within 2-metres of the entrance/exit unless behind the staff counter.

**841** That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.

**842** That when the premises are open to the public and the licence is not in operation, all alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.

**844** That alcohol is displayed as set out in the plan submitted with the application.

**845** That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.

**846** A written dispersal policy is kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy.

**847** That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: Kiran Israr, Saeeda Yasmeen, Shazia Imran Islam and Mohammad Islam.

**Annex 4 - Plans - Attached**

Licence No. 880978

Plan No. N/A

Plan Date N/A

**WITNESS STATEMENT**

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

Name: Barry O'Callaghan

Occupation: Principal Licensing Officer

Age if over 18: Over 18

This statement (consisting of: 4 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything in it which I know to be false, or do not believe to be true.

Signature: 

Date: 28 February 2023

I am a ~~Principle~~ Licensing Officer for Southwark Council and have been employed as such since November 2022. I am a duly authorised officer for the purposes of the Licensing Act 2003, Gambling Act 2005, London Local Authorities Act 1991 and the Health Act 2006.

Unless otherwise stated to the contrary, the contents of this statement are within my personal knowledge and are true. Where the contents are not within my personal knowledge, the information is true to the best of my information knowledge and belief.

I attach as Exhibits "BOC/1-BOC/3" which I will refer to in the course of my Witness Statement

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

Peckham Food and Wine is a small grocery store and off licence situated at 176 Peckham High Street SE15 5EG. The premises licence number 876417 (granted 17 May 2022) allows for the provision of licensable activities as follows: Sale of alcohol to be consumed off the premises: Monday to Sunday: 09:00 hours to 23:00 hours and opening hours: Monday to

Signed 

Dated 28 February 2023

Sunday 07:00 hours to 23:00 hours.

The current designated premises supervisor (DPS) named on the licence is Naseem BALUCH, who holds a personal licence issued by the [REDACTED] This was issued on 24 May 2021.

The Premises Licence holder is Muhammed BALUCH

I attach as my Exhibit BOC/1 a copy of the premises licence.

On Friday 24 February 2023 I was employed on directed patrols across the borough and at about 23:40 I attended outside the premises and saw that the premises were still open and trading. I stood outside for approximately 10 minutes to see if any customers were coming out with alcohol and did not witness any instances of this.

At about 23:50 I entered the premises and was immediately engaged by the sole member of staff behind the counter a man who later gave his name as Mr [REDACTED] I introduced myself and presented my official identification. He said that he knew the premises should close at 23:00 but that he was waiting for the boss to arrive and close up. He assured me that no alcohol had been sold since 23:00

He did provide me with a copy of the premises licence and a refusals log (last entry 6/2/23) but was unable to provide any training records for staff at the premises.

Due to the fact that there were a number of people outside trying to gain entry I decided to do a small dip sample of the conditions on the licence. I saw displayed in the open chiller cabinets at the rear of the shop a quantity of cans of the following items ASPAL Premier Cru cider alcohol (alcohol 6.8% volume)

Signed [REDACTED]

Dated 28 February 2023



I took a picture of the items displayed and now produce the image as my exhibit BOC/2

Also displayed was a quantity of cans of Henry Weston's Cloudy vintage cider (alcohol 7.3% volume) I took another photo of the display and now produce this image as my exhibit BOC/3

As I was taking photos of the items Mr [REDACTED] said that he had recently purchased the items as he thought they were just new flavours with the same alcohol content as others previously he had previously purchased.

All items were then removed from display by Mr [REDACTED]

The queue from the pub were still congregating around the main door, some shouting why was I allowed in. I left the premises at that stage to diffuse the situation and allow Mr [REDACTED] to close the premises completely

The following conditions attached to the licence appear to have been breached

343 - All relevant staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable forms of ID, and using the refusal register. Such training (including any refresher training) will be logged and ongoing

841 That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.

842 That when the premises are open to the public and the licence is not in operation, all alcohol shall be stored in a locked cabinet / cooler, behind a lockable blind or behind the counter.

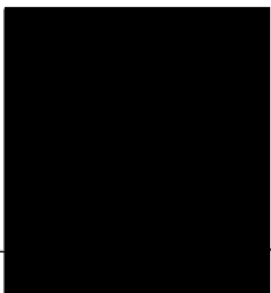
Signed [REDACTED]

Dated 28 February 2023

843 That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: Asif Ali, Kiran Israr, Saeeda Yasmeen and Shazia Imran Islam and Mohammad Islam.



Signed



Dated 28 February 2023

# Licensing Act 2003 Premises Licence



Regulatory Services  
Licensing Unit  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

Premises licence number

876417

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Peckham Food and Wine 176 Peckham High Street London SE15 5EG	
Ordnance survey map reference (if applicable), 534464176745	
<b>Post town</b> London	<b>Post code</b> SE15 5EG
<b>Telephone number</b>	

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

<b>Licensable activities authorised by the licence</b>
Sale by retail of alcohol to be consumed off premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>
Monday            07:00 - 23:00
Tuesday          07:00 - 23:00
Wednesday       07:00 - 23:00
Thursday         07:00 - 23:00
Friday            07:00 - 23:00
Saturday         07:00 - 23:00
Sunday            07:00 - 23:00

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

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

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

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

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

**Part 2**

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

Muhammad Baloch

**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**


Naseem Baluch

**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 17/05/2022



Head of Regulatory Services  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
licensing@southwark.gov.uk

**Annex 1 - Mandatory conditions**

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

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

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

**485** (1) The responsible person 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).

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**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**

**340** A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standards. The system shall continually record whilst the venue is open for licensable activity and/or when customers are present on the premises. All CCTV recordings shall be time- & date-stamped and maintained for a minimum of thirty-one (31) days. Cameras shall be installed so as to cover both internal and external areas of the premises. At least one camera shall cover ingress/egress points.

**341** Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within forty-eight (48) hours.

**342** The "Challenge 25"/"Think 25" proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic 'PASS' mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.

**343** All relevant staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable forms of ID, and using the refusal register. Such training (including any refresher training) will be logged and ongoing.

**344** The premises licence holder shall ensure that notices shall be displayed in the premises, advising;

- CCTV is in operation
- a 'Challenge 25' scheme operates in the premises
- 'No proof of age – no Sale'
- Patrons should respect the needs of local residents and leave the area quietly

**345** A refusals log must be kept at the premises, and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:

- a) the identity of the member of staff who refused the sale;
- b) the date and time of the refusal;
- c) the alcohol requested and reason for refusal;
- d) description of the person refused alcohol

**346** Alcohol shall only be purchased for sale within the premises from reputable sources and not from door-to-door sellers. The premises licence holder shall ensure all receipts for goods brought include the following details:

- i. Seller's name and address
- ii. Seller's company details, if applicable
- iii. Seller's VAT details, if applicable

Such receipts are to be made available to officers of the local authority or police service upon reasonable request.

**347** The area immediately outside the premises shall be monitored to ensure that any litter generated by the premises and/or its customers is regularly cleared.

**348** Alcohol shall not be sold in an open container or consumed on the premises.

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

**840** That no alcohol will be stored or displayed within 2-metres of the entrance/exit unless behind the staff counter.

**841** That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.

**842** That when the premises are open to the public and the licence is not in operation, all alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.

**843** That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: Asif Ali, Kiran Israr, Saeeda Yasmeen and Shazia Imran Islam and Mohammad Islam

**844** That alcohol is displayed as set out in the plan submitted with the application.

**845** That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.

**846** A written dispersal policy is kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy.

**Annex 4 - Plans - Attached**

Licence No. 876417

Plan No. N/A

Plan Date N/A

BOC/2



BOC/3



### WITNESS STATEMENT

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

URN 

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Statement of: PC Maria O'MAHONEY 2321AS

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

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

Witness Signature: ..... Date: 28/02/2023

Before writing this statement I have viewed my BWV footage which I exhibit as MVO/1 and MVO/2.

I am a Police Officer attached to the Night Time Economy Team and part of my duties are checking that licensed premises adhere to their licence conditions. On Saturday the 25<sup>th</sup> February 2023 I was on duty in plain clothes in the company of PC Lorena HAUGHEY 2737AS.

At 23:45 hours I was driving along PECKHAM HIGH STREET when I notice that PECKHAM FOOD AND WINE 176 PECKHAM HIGH STRET SE15 5EG was open. I decided to do an inspection as I was aware that their opening hours were 07:00 hours to 23:00 hours and their granted licensable activities were 09:00 hours to 23:00 hours. At 23:50 hours we approached the shop and I could see a male serving customers through a hatch. I now know this male to be [redacted] date of birth [redacted] who gave an address of [redacted]. I identified myself to Mr [redacted] as Police Officer showing him my warrant card and asked to come in so I could do a licensing inspection.

We entered the shop and I asked Mr [redacted] if he was the DPS and he said no but he was a Personal Licence holder. I asked to see his Personal Licence but Mr [redacted] said that he didn't have it as he had sent it back to Havering Council to have his address changed. I asked him was he still selling alcohol and he said no that he had stopped at 23:00 hours. On checking the Premises Licence I noticed that condition:-

843 - That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: [redacted]

I asked Mr [redacted] had he previously had any dealings or worked at PECKHAM FOOD AND WINE. Mr [redacted] replied "Never had I worked here". He confirmed that it was him named on condition 843 of the Premises Licence. He then said that he could work there as staff but not management. I pointed out to Mr [redacted] that the condition stated that he was "excluded from the premises and to take no part in the operation". He then said that "as the boss told me as a management you can't work but as staff you can". He then said the brother of the owner Mr BALOCH was on holiday and asked him to come in and help. He then said that he thought he was allowed to work there after 23:00 hours when the Premises was no longer allowed to sell alcohol. He also stated that he had never had anything to do with PECKHAM

Witness Signature: .....

Signature Witnessed by Signature: .....

Continuation of Statement of:

FOOD AND WINE and that this condition was from a previous Off Licence he had worked in which was PRESCO FOOD AND WINE SOUTHAMPTON WAY where he had received a caution for selling counterfeit alcohol.

I asked Mr [redacted] if he could show me the CCTV. Mr [redacted] claimed that the CCTV was locked in another room and the boss had left with the key at 23:00 hours. This is a breach of conditions:-

340 - A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standards. The system shall continually record whilst the venue is open for licensable activity and/or when customers are present on the premises. All CCTV recordings shall be time- & date-stamped and maintained for a minimum of thirty-one (31) days. Cameras shall be installed so as to cover both internal and external areas of the premises. At least one camera shall cover ingress/egress points.

341 - Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within forty-eight (48) hours.

As I was leaving I told Mr [redacted] to let Mr BALUCH know that I would be returning Sunday night before 23:00 hours to view the CCTV.

On Sunday the 26<sup>th</sup> February 2023 at 22:15 hours myself and PC HAUGHEY returned to PECKHAM FOOD AND WINE. Working behind the counter was a female who gave her name as [redacted] date of birth [redacted] and resides at [redacted]. We identified ourselves as Police Officers and explained that we were there to carry out a licensing inspection. Ms [redacted] was unable to produce any ID to verify her details but her name appeared on the training records and the authority letter stating she had been authorised by the DPS to sell alcohol. I asked her how long she had worked at PECKHAM FOOD AND WINE and she said she was training and had only been there for two weeks. I asked to view the CCTV and Ms [redacted] claimed it wasn't working as there was a problem with the hard drive. Ms [redacted] was extremely nervous and I had to tell her to calm down and to contact her boss. Ms [redacted] said he was upstairs in the flats above the shop where he lives. I asked her to phone him to come down so we could carry out the inspection with him. She got Mr BALUCH on the phone and he refused to come down as he was eating dinner with his family. As Ms [redacted] was on the phone a customer came in and I noticed that she did not use the till to ring in the sale but was using a calculator to work out the price. I picked up a can of Tyskie beer and asked Ms [redacted] to demonstrate the EPOS or POS sale system. Ms [redacted] then explained that the EPOS sale system wasn't working so that none of the alcohol or cigarettes were being scanned. This was a breach of condition:-

845 - That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.

Ms [redacted] was still on the phone to Mr BALUCH so I asked her to put him on the phone to me as I was concerned that she had only been working there two weeks and was still

Witness Signature: .....

Signature Witnessed by Signature:.....



Continuation of Statement of:

training. There were a number of breaches of the Premises Licence and I would be issuing a Notification of Offences. Ms [redacted] asked Mr BULACH to speak to me on the phone so the issues could be addressed but he refused requesting that I email him. I asked Ms [redacted] to tell Mr BULACH that I would be making a note that he refused to speak to me. I also asked her to ask him why he had Mr [redacted] working in the shop when there is a condition on the Premises Licence that he is not allowed to be involved with the premises. Ms [redacted] relayed this to Mr BULACH who replied that because Mr [redacted] was in there after 23:00 hours the Premises licence conditions are no longer enforceable.

As Mr BULACH refused to either come downstairs or speak to me on the phone I issued the Notification of Offences to [redacted] who signed acknowledging receipt of the form before leaving the premises.

Witness Signature: .....

Signature Witnessed by Signature:.....



METROPOLITAN POLICE

Police Copy

# Notification of alleged offences under the Licensing Act 2003

Venue Name: Peckham Food & Wine REF: (CAD/CRIS etc.) \_\_\_\_\_

Address: 176 Peckham High Street \_\_\_\_\_

SE15 5EG Date: 06/11/23 Time: 00:06

Details of person in charge at the relevant time: Refused

DPS  Personal Licence Holder

### Summary of alleged offences identified

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

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

340 - CCTV not available  
 341 - Staff unable to operate CCTV  
 343 - unable to produce staff training record  
 101 - sales of alcohol not authorised  
 345 - Refusal log not been inspected by DPS  
 842 - Alcohol on display for sale after 2300 hours  
 845 - EPOS/POS not working  
 848 - unable to produce disposal policy

Issuing officer: PC [redacted] 2321AS Print: MARIA SMITH

I acknowledge receipt of this form: (venue) Refused

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



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 31 OCTOBER 2023

#### SECTION 34 LICENSING ACT 2003: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET, LONDON SE15 5EG

##### Decision

That the application made by Muhammad Baloch for a premises licence to be varied under Section 34 of the Licensing Act 2003 in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG be granted.

##### Reasons

This was an application made by Muhammad Baloch for the variation of the premises licence in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG

The licensing sub-committee heard from the applicant's representative who advised that there had been no breach of condition 843 because Asif Ali had never been a member of management of the premises; he was a paid member of staff. His name had been included to the condition erroneously, having been involved in another premises in Southwark. It was accepted that he had received a caution for trading standards offences, but it was disproportionate and unreasonable for an individual to be banned from working at all licensed premises indefinitely within in the borough for transgressions, nine years ago. Further, neither the police nor had any resident objected to the application.

The licensing sub-committee heard from the officer representing licensing as a responsible authority who objected to the application based on all four licensing objectives. The officer explained that the removal of Asif Ali's name from the condition 843 was an attempt to subvert the decision of the licensing sub-committee and employ a person who has previously been found unable to promote the licensing objectives.

Reference was made to the witness statement of Barry O'Callahan who advised that the applicant had employed Asif Ali at the premises in the full knowledge that it would be a breach of the condition when on 24 February 2023, he had been found to be working at the premises. A number of other breaches of the licence were noted including:

- i. Open beyond terminal hour.
- ii. Condition 343 (training records not available).
- iii. Condition 841 (ASPAL Premier Cru cider alcohol (with alcohol of above 6.8% volume) on display).
- iv. Condition 842 (alcohol to be in a locked cabinet/cooler when the premises are open to the public and the licence is not in operation).
- v. Condition 843 (Asif Ali had not been excluded from the premises).

The following day (25 February 2023) PC Maria O'Mahoney attended the premises and again, found Asif Ali working at the premises, in breach of condition 843. There was also non-compliance with conditions 340 and 341 (installation operation and training concerning CCTV).

The officer returned the next day (26 February 2023) and was informed by the member of staff working that the CCTV in breach of wasn't working, again in breach of conditions 340 and 341. The same member of staff also stated that the EPOS system wasn't working meaning none of the alcohol or cigarettes were being scanned (in breach of condition 845).

The licensing sub-committee heard from The trading standards officer, who advised that he had objected to the applications under all of the licensing objectives. The officer advised he had attended 176 Peckham High Street on 9 March 2023 and found that Asif Ali had been authorised to sell alcohol, he had signed the premises training records and made entries in the refusals register. It was explained that condition 843 had been imposed following the new premises licence application previously made, when Asif Ali had been named as the designated premises supervisor (DPS).

The officer confirmed that Asif Ali had not previously been associated with Peckham Food and Wine, but another premises within Southwark, which had its premises licence revoked for a number of issues including allegations of modern day slavery and other breaches of the licence. This resulted in Asif Ali accepting a caution. Concerning the Applicant's legal representative argument that condition 843 had not been breached (because Asif Ali was not a previous member of management), the officer suggested in passing that arguably, Asif Ali had been a member of management when he was the proposed DPS.

The premises is located in the Peckham cumulative impact area (CIA) which applies to off-licences and alcohol sales in grocers and supermarkets. The Peckham CIA was introduced to address serious problems of alcohol fuelled nuisance and disorder arising in the area, including street drinking.

The sub-committee also took into account Westminster City Council v Middlesex Crown Court [2002] EWHC 1104 which confirmed that a premises licence could be refused on the sole ground that the area was already saturated with licensed premises.

The licensing sub-committee had regard to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 (July 2023). Paragraph 2.1 provides:

"Licensing authorities should look to the police as the main source of advice on crime and disorder".

The sub-committee noted that the police had not submitted an objection opposing the application, suggesting that there the removal of Asif Ali's name from condition 843 would not undermine the licensing objectives.

The applicant's legal representative also referred to paragraph 2.5 which provides:

"Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the

licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety”.

The legal representative for the applicant stated that Paragraph 2.5 was equally applicable to the appointment of managers and that it was the Applicant as the employer and licensee to ensure that the manager appointed was competent and appropriately trained. The exclusion condition was only justified in rare circumstances, which this was not.

The sub-committee also had regard to the Ministry of Justice Guidance on the Rehabilitation of Offenders Act 1974 and The Exceptions Order 1975 (31 October 2023) that provides the rehabilitation period for a caution starts from the date the caution penalty was imposed. Regardless, it is deemed spent immediately.

Overall, the licensing sub-committee took the view that this was a case where it could make an exception not to apply the CIA policy. The caution that Mr Ali accepted was historic and in any event, it had long since been spent. The sub-committee makes no finding on the interpretation of “previous management” and condition 843 and agrees that it is unreasonable to hold Asif Ali to this condition any further.

There has been a questionable history of regulatory compliance at the premises, albeit when it was under a different licensee. This is mentioned due to the non-compliance with conditions 340, 241, 343, 841, 842 and 845 (detailed above). The premises being in a CIA means it deal with the most challenging of customers in terms of crime and disorder. This sub-committee therefore expects complete compliance with the premises licence forthwith.

### **Appeal rights**

The applicant may appeal against any decision to modify the conditions of the licence; and:

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The variation ought not to be been granted; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates’ Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices’ clerk for the Magistrates’ Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Assistant Chief Executive –  
Governance and Assurance

Date: 7 November 2023

# Licensing Act 2003 Premises Licence



Regulatory Services  
Licensing Unit  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

Premises licence number

880978

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Peckham Food and Wine 176 Peckham High Street London SE15 5EG	
Ordnance survey map reference (if applicable), 534464176745	
<b>Post town</b> London	<b>Post code</b> SE15 5EG
<b>Telephone number</b> [REDACTED]	

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

<b>Licensable activities authorised by the licence</b>
Sale by retail of alcohol to be consumed off premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>
Monday            07:00 - 23:00
Tuesday           07:00 - 23:00
Wednesday       07:00 - 23:00
Thursday          07:00 - 23:00
Friday             07:00 - 23:00
Saturday          07:00 - 23:00
Sunday            07:00 - 23:00

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

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

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

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

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



## Part 2

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

Muhammad Baloch




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

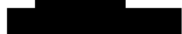
**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Naseem Baluch

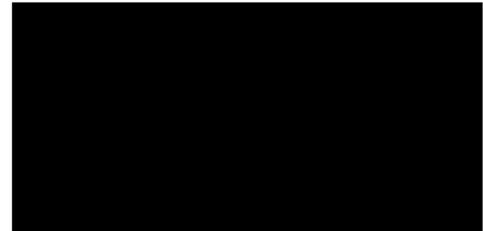


**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence No. 

Authority 

Licence Issue date 28/11/2023



Head of Regulatory Services  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
licensing@southwark.gov.uk

## **Annex 1 - Mandatory conditions**

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

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

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

**485** (1) The responsible person 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**

**340** A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standards. The system shall continually record whilst the venue is open for licensable activity and/or when customers are present on the premises. All CCTV recordings shall be time- & date-stamped and maintained for a minimum of thirty-one (31) days. Cameras shall be installed so as to cover both internal and external areas of the premises. At least one camera shall cover ingress/egress points.

**341** Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within forty-eight (48) hours.

**342** The “Challenge 25”/“Think 25” proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic ‘PASS’ mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.

**343** All relevant staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable forms of ID, and using the refusal register. Such training (including any refresher training) will be logged and ongoing.

**344** The premises licence holder shall ensure that notices shall be displayed in the premises, advising;

- CCTV is in operation
- a ‘Challenge 25’ scheme operates in the premises
- ‘No proof of age – no Sale’
- Patrons should respect the needs of local residents and leave the area quietly

**345** A refusals log must be kept at the premises, and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:

- a) the identity of the member of staff who refused the sale;
- b) the date and time of the refusal;
- c) the alcohol requested and reason for refusal;
- d) description of the person refused alcohol

**346** Alcohol shall only be purchased for sale within the premises from reputable sources and not from door-to-door sellers. The premises licence holder shall ensure all receipts for goods brought include the following details:

- i. Seller's name and address
- ii. Seller's company details, if applicable
- iii. Seller's VAT details, if applicable

Such receipts are to be made available to officers of the local authority or police service upon reasonable request.

**347** The area immediately outside the premises shall be monitored to ensure that any litter generated by the premises and/or its customers is regularly cleared.

**348** Alcohol shall not be sold in an open container or consumed on the premises.

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

**840** That no alcohol will be stored or displayed within 2-metres of the entrance/exit unless behind the staff counter.

**841** That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.

**842** That when the premises are open to the public and the licence is not in operation, all alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.

**844** That alcohol is displayed as set out in the plan submitted with the application.

**845** That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.

**846** A written dispersal policy is kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy.

**847** That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: Kiran Israr, Saeeda Yasmeen, Shazia Imran Islam and Mohammad Islam.

**Annex 4 - Plans - Attached**

Licence No. 880978

Plan No. N/A

Plan Date N/A



## Peckham Food &amp; Wine - TENs

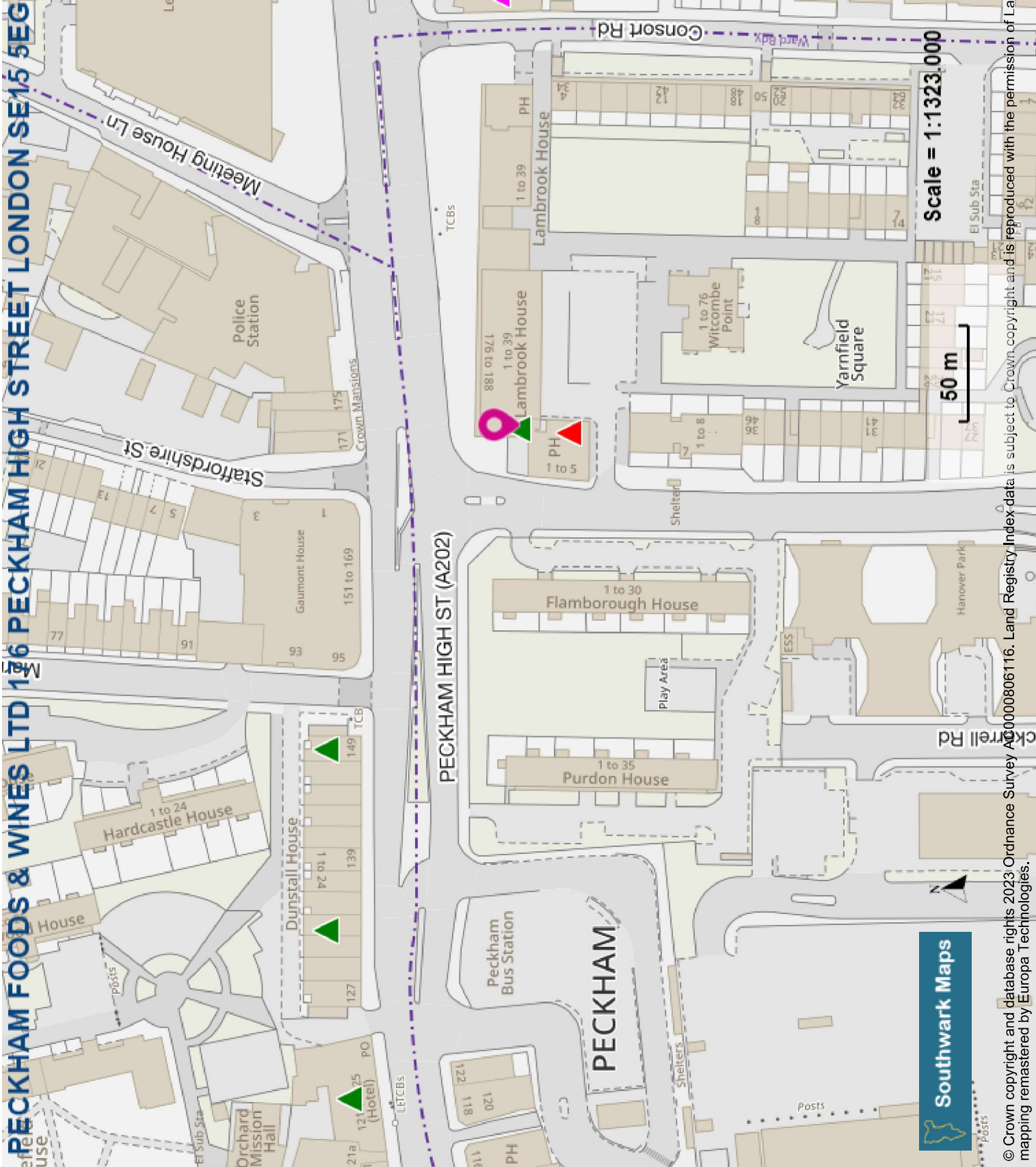
refno	start_date	end_date	times	max no people	sale of alcohol	for consumption	police_obj	ept_obj	desc1
879110	20/12/2022	26/12/2022	23pm - 09am daily	5	Yes	Off Premises	No	No	REJECTED, NO DEDUCTIONS MADE
879120	23/12/2022	25/12/2022	23pm - End 09am daily	5	Yes	Off Premises	No	No	
879107	27/12/2022	02/01/2023	23pm - End 09am) daily	5	Yes	Off Premises	No	No	deduct 2 days from 2023
879106	04/01/2023	11/01/2023	23pm - End 09am) daily	5	Yes	Off Premises	No	No	rejected to many days no deductions made
881785	09/12/2023	13/12/2023	12:01am - 23:59pm daily	5	Yes	Off Premises	No	No	
881784	15/12/2023	20/12/2023	12:01am - 23:59pm daily	5	Yes	Off Premises	No	No	
881783	22/12/2023	27/12/2023	12:01am - 23:59pm daily	5	Yes	Off Premises	No	No	
881782	29/12/2023	03/01/2024	12:01am - 23:59pm daily	5	Yes	Off Premises	No	No	
882058	20/01/2024	25/01/2024	12:01am - 23:59pm daily	5	Yes	Off Premises	No	No	
882057	27/01/2024	01/02/2024	12:01am - 23:59pm daily	5	Yes	Off Premises	No	No	

**APPENDIX F**

NTE Visits – Peckham Food & Wine

adate	desc	aofficer	sourceno	adtext
16/12/2022	20:50 NTE Visit	RM	877678	20/12/2022 9:49 RXM Visit wrt application for a full variation to increase hours to 24/7.Copy of license not available... training records available from recent application for a license etc. Left notice 3160 wrt non availability of license.
16/12/2022	20:50 NTE Visit	RM	879093	20/12/2022 9:52 RXM Full copy of premises license not available.
24/02/2023	NTE Visit	BOC	879093	premises open at 23:45 and high ABV cider on display No training records available
26/02/2023	NTE Visit by Police -		876417	Notification of Offences
09/03/2023	Police Visit -		876417	Notification of Offences
12/05/2023	23:57hrs NTE Visit	RK	876417	Visit to premises with Clarissa O'Toole (ASB Management Officer).Test purchase attempted and no sale of alcohol provided.
10/11/2023	18:45hrs NTE Visit	RK	A10354	Visit to premises with Ken Andrews (Principal Environmental Health Officer). Full Inspection completed with manager of the store/personal licence holder Mr Asif Ali – [REDACTED].Premises compliant at time of inspection. The premises was also inspected in light of Police Section 19 served at the premises on the 6/11/2023.All breaches identified via the Police Section 19 have been rectified and the premises was compliant at the time of inspection.

- Licensed premises**
- Licensed premises - Drinking Establishments
  - Licensed premises - Eateries
  - Licensed premises - Off-Sales
  - Licensed premises - Other
  - Licensed premises - Takeaways
  - Licensed premises - All premises



<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 8 February 2024	<b>Meeting Name</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA	
<b>Ward(s) or groups affected:</b>		Old Kent Road	
<b>From:</b>		Strategic Director of Environment, Neighbourhoods and Growth	

**RECOMMENDATION:**

1. That the licensing sub-committee considers an application made under Section 53CA of the Licensing Act 2003 by the Chief of Police for the Metropolitan Police area, of the premises licences issued in respect of the premises known as the Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA.
2. **Notes:**
  - a) A copy of the current premises licence issued in respect of the premises are attached to this report as Appendix A.
  - b) The grounds for the review are stated in paragraphs 12 to 25 of this report. A copy of the full application and certificate are provided as Appendix B.
  - c) Copies of documentation concerning the history of the premises are contained within Appendices D to H.
  - d) A copy of the notice of decision from the previous Interim Steps Hearing of 19 January 2024, as well as the reasons, can be found in Appendix I.
  - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

**BACKGROUND INFORMATION****The Licensing Act 2003:**

3. The Licensing Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
  
6. In carrying out its licensing functions, a licensing authority must also have regard to:
  - The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
  
7. The summary review powers under sections 53A to 53C of the Act allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

## **KEY ISSUES FOR CONSIDERATION**

### **The Premises Licence:**

8. The premises licence issued in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA allows licensable activities as follows:
  - Plays, films, live music, recorded music, performances of dance, entertainment similar to live or recorded music, the sale of alcohol to be consumed on the premises:
    - Wednesday: 22:00 to 02:00.
    - Thursday to Saturday: 22:00 to 04:00.
    - Sunday: 22:00 to 01:00.
  
  - Late night refreshment (indoors):
    - Wednesday: 23:00 to 02:00.
    - Thursday to Saturday: 23:00 to 04:00.
    - Sunday: 23:00 to 01:00.
  
  - Opening hours:
    - Wednesday: 22:00 to 03:00
    - Thursday to Saturday: 22:00 to 05:00
    - Sunday: 22:00 to 02:00.
  
9. A copy of the current premises licence is attached as Appendix A.

**Designated Premises Supervisor:**

10. The designated premises supervisor (DPS) is Mr George Omozejele.

**The Review Application and Certificate:**

11. On 17 January 2024, the Metropolitan Police Service applied to this licensing authority for a summary review of the premises licence issued in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA.
12. Also, on 17 January 2024, a Superintendent for the Metropolitan Police Service certified that, in their opinion, the premises are associated with serious crime, serious disorder or both.
13. The application is concerned with allegations of a serious incident that took place at the premises on 2 January 2024 between 02:15 and 02.45 when the premises should have been closed.
14. Police stated that they would provide details of the report Ref: 3001447/24 to both Interim Steps and Expedited Review Hearings if requested by the licensing sub-committee. The investigation into this offence is ongoing and, at the time of submitting this report, no arrests have been made.
15. At the time of the alleged offence police say that the premise was open to the public and here is no provision on licence 870760 that permits this premises to be open and providing licensable activities on a Tuesday. There was no other authorisation in place such a temporary event notice or non-standard timings.
16. The police indicated that this took place at a time when the premises were not being operated in accordance with an authorisation permitted by the Licensing Act 2003. The police add that, if the premises had been closed in accordance with the conditions of the premises licence issued in respect of the premises, the incident could have been avoided.
17. Police also stated that in November 2019, there was a serious assault inside the premises. At the time of this offence, the premises was again operating without the correct authorisation and was in breach of the premises licence conditions. As a result of a summary review, the premises licence was suspended. Following the full review hearing, the premises licence was suspended for a period of three months and modifications made including a change of DPS and additional control measures.
18. In December 2022, the premises was again found to be operating without any authorisation provided by way of a premises licence or temporary event notice. A notification of offences was issued by the police.
19. On the 3 January 2024, the police received credible information that an event being held at Club 701 would be attended 'by individuals associated with gangs and would commit serious violence'. After a number of conversations with the premises licence holder, the event was cancelled on voluntary basis, although a closure notice was also issued at the time.

20. In submitting their request for the review (which can be found at Appendix B), the police stated that they had no confidence in the management of the premises and recommend that the licence is suspended until such time that the full licensing review is determined.

### **Operating History:**

21. On 19 February 2016, a premises licence was issued in respect of the premises to Erico Entertainment Limited. The licence number was 851424. For reference, a copy of the licence is attached to this report at Appendix C.
22. On 8 July 2016, a licensing induction was undertaken with the DPS of the premises. At the induction, the terms and conditions of the licence were explained, as were the role and remit of the licensing unit. A copy of an induction checklist signed by the DPS is attached to the report at Appendix D.
23. On 13 August 2016, the police issued a closure notice under section 19 of the Criminal Justice and Police Act 2001 regarding alleged breaches of licence conditions 297, 341, 342 and 297. A copy of the closure notice is attached at Appendix D.
24. On 10 September 2016, the police issued a closure notice under Section 19 of the Criminal Justice and Police Act 2001 over alleged breaches of licence conditions 289, 341 and 342. A copy of the closure notice is attached at Appendix D.
25. On 23 October 2016 the police issued a closure notice under Section 19 of the Criminal Justice and Police Act 2001 regarding an alleged breach of licence condition 359. A copy of this notice can also be found in Appendix D.
26. On 26 November 2016, a second licensing induction was undertaken with the DPS of the premises. At the induction, the terms and conditions of the licence were explained, as were the role and remit of the licensing unit. A copy of an induction checklist signed by the DPS is also attached at Appendix D.
27. On 2 September 2017, a licensing inspection of the premises was undertaken. The premises were found to be being operated in breach of conditions 288, 307, 344, 345, 349, 353, 357, 379, 392, 4A1 and 793 of the premises licence issued in respect of the premises.
28. On 14 October 2017, an application to vary the premises licence was submitted.
29. On 11 November 2017, a licensing re-inspection of the premises was undertaken. The premises were found to be being operated in breach of conditions 289, 307, 341, 342, 364, 377 and 793.
30. On 19 November 2017, the police visited the premises. The premises were found to be being operated in breach of conditions 289 and 373 of the premises licence.
31. On 11 January 2018, following the variation submitted on 14 October 2017, and following a subsequent licensing sub-committee hearing, an amended premises licence was issued to Erico Entertainment Limited. A copy of this licence number 860699 is also attached to this report at Appendix C.

32. On 6 July 2018, the DPS of the premises accepted a simple caution regarding offences under the Licensing Act 2003 that occurred at the premises on 2 September and 11 and 19 November 2017. A copy of the caution is attached at Appendix D.
33. On 28 August 2018, the police issued a Notification of Alleged Offence under the Licensing Act 2003 relating to the unauthorised operation of the premises on 28 August 2018. A copy of the notification is attached at Appendix D.
34. On 11 June 2019, the DPS of the premises accepted a simple caution regarding offences under the Licensing Act 2003 that occurred at the premises on 28 August 2018. A copy of the caution is attached at Appendix D.
35. On 11 June 2019, a third licensing induction was undertaken with the DPS of the premises. At the induction, the terms and conditions of the licence were explained, as were the role and remit of the Licensing Unit. A copy of an induction checklist signed by the DPS is attached at Appendix D.
36. On 5 November 2019 an application for a summary review was made under Section 53A of the Licensing Act 2003 by the chief of police for the metropolitan police. A copy of the application is attached to the report at Appendix E.
37. The licensing sub-committee hearing to consider interim measures was held on 7 November 2019. A copy of the notice of decision for interim measures is attached at Appendix E.
38. The final licensing sub-committee hearing, to consider the review of the premises, was held on 28 November 2019. A copy of the notice of decision from that hearing is attached at Appendix E. Members should note that, due to an administrative error, the clause referring to Eric Doe having no operational involvement in the premises was omitted from the revised licence issued thereafter.
39. Details of any complaints received since the existing licence 870760 was issued are attached at Appendix F.
40. Details of night time visits to the premises by council licensing officers since the existing licence was issued are provided at Appendix G.
41. Details of temporary event notices (TENs) submitted in respect of the premises from the date of the existing licence are attached at Appendix H.
42. Members should also note that, since the Police's original review application of 17 January 2024, the following temporary event notice (TEN) application was also declined (and a counter notice served):
  - Application Received Date: 18 January 2024
  - Start and End Dates: 24 to 25 January 2024
  - Start and End Times: 10:00 to 03:30
  - Number of Persons: 200
  - Licensable Activities: Sale by retail of alcohol (on the premises), provision of regulated entertainment and late night refreshment.
  - Reasons for Refusal: Late TEN declined by the police.



## **Review procedure and interim steps hearing of 19 January 2024**

43. When an application for an expedited summary review is received from the police, under Section 53a of the Licensing Act 2003, the council's licensing authority has a statutory duty to hold a hearing within 48 hours from receipt of the application to consider interim steps that may be placed on the premises licence until such time as the application can be fully determined. In this case this case, the interim steps hearing took place on 19 January 2024, and the expedited review hearing will be taking place on 8 February 2024.
44. The request from the police that the premises licence be suspended pending an expedited review was considered by the licensing sub-committee at an interim steps hearing on 19 January 2024. A link to the papers for this meeting can be found at:  
  
<https://modern.gov.southwark.gov.uk/ieListDocuments.aspx?CId=172&MId=7897&Ver=4>.
45. Having heard all relevant parties, and considered all of the evidence presented, the sub-committee took the decision to suspend the premises licence (pending the holding of the expedited review hearing on 8 February 2024).
46. On 22 January 2024, one working day after the Interim Steps Hearing, the Notice of Decision from the Hearing of 19 January 2024 was issued to all parties. On 23 January 2024, two working days after the hearing, the full list of reasons for that decision was also sent to all parties. Both documents can be found at Appendix I.
47. The review is also currently being consulted on and a public notice is advertised at the premises for 10 days. Responsible authorities and any other persons may make representations that will then be considered at the full expedited review hearing of 8 February 2024.
48. All parties should note that the interim steps reached by the licensing sub-committee on 19 January 2024 will cease to have effect on 8 February 2024 once the review has been determined.

## **Representations from responsible authorities**

49. The Police have indicated they intend to send further documentation in support of their application, at this time, there is a supporting letter dated 25 January 2024 advising of a subsequent visit to the premises, attached to the application for review at Appendix B.
50. Licensing, as a responsible authority, have submitted a representation in support of the review application, asking that the premises licence be revoked, stating the following:  
  
“... [we] have no confidence in the ability of the licensee or premises' management to operate the premises in accordance with the license objectives, and indeed it has been proven that the premises has previously been operated with little regard to promoting the licensing objectives...”

... [taking] into account the seriousness of the alleged offence regarding this review application, the long history of non-compliance in respect of the premises licence issued in respect of the premises, the previous enforcement action that has had to be undertaken regarding the premises and the history of residual complaints, we reiterate our request that the licensing sub-committee revokes the premises licence issued in respect of the premises..."

51. The representation from licensing can be found at Appendix J.

### **Representations from other persons**

52. At the time of writing this report, no representations have been received from any other persons.

### **The Local Area:**

53. A map of the local area is attached at Appendix K and the following premises are within the immediate vicinity of the premises in question:

#### **Asda, 464-500 Old Kent Road, London SE1 5AS:**

- **Late night refreshment - Indoors:**
  - Monday to Sunday: 23:00 to 05:00
- **Sale by retail of alcohol (to be consumed off premises):**
  - Monday to Sunday: 00:00 to 00:00
- **Opening hours:**
  - Monday to Sunday: 00:00 to 00:00

#### **K-CHE VIP Latin Club, First Floor, 516 Old Kent Road, London SE1 5BA:**

- **Live music – indoors:**
  - Sunday to Tuesday: 11:00 to 01:30
  - Wednesday and Thursday: 11:00 to 02:30
  - Friday and Saturday: 11:00 to 04:30
- **Recorded music – indoors:**
  - Sunday to Tuesday: 11:00 to 01:30
  - Wednesday and Thursday: 11:00 to 02:30
  - Friday and Saturday: 11:00 to 04:30
- **Late night refreshment – indoors:**
  - Sunday to Tuesday: 11:00 to 01:30
  - Wednesday and Thursday: 11:00 to 02:30
  - Friday and Saturday: 11:00 to 04:30

- **Sale by retail of alcohol (to be consumed on premises):**
  - Sunday to Tuesday: 11:00 to 01:30
  - Wednesday and Thursday: 11:00 to 02:30
  - Friday and Saturday: 11:00 to 04:30
- **Opening hours:**
  - Sunday to Tuesday: 11:00 to 02:00
  - Wednesday and Thursday: 11:00 to 03:00
  - Friday and Saturday: 11:00 to 05:00

**McDonalds Restaurant, 518 Old Kent Road, London SE1 5BA:**

- **Late night refreshment - indoors:**
  - Monday to Sunday: 23:00 to 05:00
- **Opening hours:**
  - Monday to Sunday: 23:00 to 05:00.

**Southwark Council statement of licensing policy:**

54. Council assembly approved Southwark's statement of licensing policy 2021 - 2026 on 25 November 2020. The policy came into effect on 1 January 2021.
55. 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.
56. 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.
57. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions. The links for these are below:
- Southwark Policy:  
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>
  - Section 182 Guidance:  
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

### **Cumulative impact area (CIA)**

58. The premises is not situated within a CIA.
59. Under the Southwark statement of licensing policy 2021 - 2026 the following closing times apply to the following premises:
- Restaurants, public houses, wine bars or other drinking establishments, off-licences, cinemas, qualifying members have a closing time of 23:00 Monday to Sunday.
  - Hotels have no restrictions in this case.
  - Takeaways and nightclubs are not considered appropriate for this area.

### **Climate change implications**

60. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
61. Climate change is not a legal factor in the consideration of a grant of a premises license under the current licensing objectives, however members can make enquiries and request an agreement from applicants to promote the reduction of the impact of climate change that may be caused by the operation of the premises.

62. Examples of such agreements may be:

- Not use single use plastics, such as disposable plastic glasses, when selling alcohol at the premises.
- Encourage patrons not to drive to venues by providing details of public transport on their webpages/tickets.

63. The council's climate change strategy is available online at

<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

### **Community, equalities (including Socio-Economic) and Health Impacts:**

#### **Community impact statement:**

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

#### **Equalities (including socio-economic) impact statement:**

65. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the Council to consider all individuals when carrying out its functions.

66. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance equality of opportunity and foster good relations between people who have protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.

67. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing policy 2021 – 2026 at:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

68. The equalities impact assessment is available at:

<https://moderngov.southwark.gov.uk/documents/s92016/Appendix%20F%20-%20Equalities%20Impact%20Assessment.pdf>

**Health impact statement:**

69. Health impacts cannot be considered by law when making decisions under the Licensing Act 2003.

**Resource Implications:**

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

**Consultation:**

71. The premises licence holder has been informed of the application for review and of the details of both the Interim Steps and Expedited Review Hearings of 19 January 2024 and 8 February 2024, respectively.

**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS****Assistant Chief Executive – Governance and Assurance**

72. 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.
73. The principles, which sub-committee members must apply, are set out below.

**Principles for making the determination:**

74. 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.
75. 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.
76. 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.
77. The steps will remain in place until the review application is determined at a full hearing of the licensing sub-committee.

78. The authority may decide to take no action if it finds no interim steps are appropriate to promote the licensing objectives.
79. 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.
80. 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:**

81. 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:**

82. 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
    - 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.
- 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**

83. 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.
84. 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.
85. 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.
86. 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.
87. 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.
88. 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.



89. 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.
90. 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:**

91. Members are required to have regard to the Home Office revised 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**

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

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003	Southwark Licensing, C/O	Mrs Kirty Read Tel: 020 7525 5748
Home Office Revised Guidance to the Act	Community Safety and Enforcement, 160 Tooley Street, London SE1 2QH	
Secondary Regulations		
Southwark statement of licensing policy		
Case file		

## APPENDICES

Name	Title
Appendix A	Current premises licence
Appendix B	Review application and certificate and letter from the police
Appendix C	Previous premises licences
Appendix D	Operating history documents
Appendix E	Previous review application
Appendix F	Log of complaints received
Appendix G	Night time economy team visits
Appendix H	Temporary event notice applications
Appendix I	Notice of decision and reasons from 19 and 23 January 2024
Appendix J	Licensing representation
Appendix K	Premises location map

## AUDIT TRAIL

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment, Neighbourhoods and Growth		
<b>Report Author</b>	Matt Tucker, Principal Licensing Officer		
<b>Version</b>	Final		
<b>Dated</b>	25 January 2024		
<b>Key Decision?</b>	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>	
Assistant Chief Executive – Governance and Assurance	Yes	Yes	
Strategic Director of Finance	Yes	Yes	
<b>Cabinet Member</b>	No	No	
<b>Date final report sent to Constitutional Team</b>		26 January 2024	

# Licensing Act 2003

## Premises Licence



Regulatory Services  
Licensing Unit  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

Premises licence number

870760

### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Club 701 Basement and Ground Floors 516 Old Kent Road  <small>Ordnance survey map reference (if applicable): 534180177968</small>	
<b>Post town</b> London	<b>Post code</b> SE1 5BA
<b>Telephone number</b>	

### 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 / dance - 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

Wednesday 22:00 - 03:00  
Thursday 22:00 - 05:00  
Friday 22:00 - 05:00  
Saturday 22:00 - 05:00  
Sunday 22:00 - 02:00

### 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

Wednesday 22:00 - 02:00  
Thursday 22:00 - 04:00  
Friday 22:00 - 04:00  
Saturday 22:00 - 04:00  
Sunday 22:00 - 01:00

**Films - Indoors**

Wednesday 22:00 - 02:00  
Thursday 22:00 - 04:00  
Friday 22:00 - 04:00  
Saturday 22:00 - 04:00  
Sunday 22:00 - 01:00

**Live Music - Indoors**

Wednesday 22:00 - 02:00  
Thursday 22:00 - 04:00  
Friday 22:00 - 04:00  
Saturday 22:00 - 04:00  
Sunday 22:00 - 01:00

**Recorded Music - Indoors**

Wednesday 22:00 - 02:00  
Thursday 22:00 - 04:00  
Friday 22:00 - 04:00  
Saturday 22:00 - 04:00  
Sunday 22:00 - 01:00

**Performance of Dance - Indoors**

Wednesday 22:00 - 02:00  
Thursday 22:00 - 04:00  
Friday 22:00 - 04:00  
Saturday 22:00 - 04:00  
Sunday 22:00 - 01:00

**Entertainment Similar to live/recorded music / dance - Indoors**

Wednesday 22:00 - 02:00  
Thursday 22:00 - 04:00  
Friday 22:00 - 04:00  
Saturday 22:00 - 04:00  
Sunday 22:00 - 01:00

**Late Night Refreshment - Indoors**

Wednesday 23:00 - 02:00  
Thursday 23:00 - 04:00  
Friday 23:00 - 04:00  
Saturday 23:00 - 04:00  
Sunday 23:00 - 01:00

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

Wednesday 23:00 - 02:00  
Thursday 23:00 - 04:00  
Friday 23:00 - 04:00  
Saturday 23:00 - 04:00  
Sunday 23:00 - 01:00

## Part 2

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

Erico Entertainment Limited  
516 Old Kent Road  
London  
SE1 5BA  
[REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)**  
09977040

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

George Omozejele  
[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: 19/03/2020

[REDACTED]  
Head of Regulatory Services  
Hub 1, 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**

**276** That the premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment.

**288** That a CCTV system shall be installed and maintained in full working order. The CCTV system will record footage of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered by the CCTV system including the bar and smoking areas. The premises shall not be open at any time when the CCTV is not operating correctly.

**289** All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request.

**297** That a drugs / weapons amnesty box, approved by the police, shall be installed and maintained in use at the premises at all times that the premises are in operation.

**302** The manager shall notify the police of all drugs or weapons seized and deposited in the amnesty box as soon as possible and arrange for the police to collect the contents of the amnesty box as soon as is practicable to do so.

**303** That the licensee shall require any regular and external promoters or any other 3rd parties hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Police Licensing Unit and, once completed, you shall ensure that a copy of the agreement is provided to the central licensing unit as detailed on the form 696 and to Southwark Police Licensing Unit a minimum of fourteen days prior to the date of hire.

**305** That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.

**307** That an accommodation limit shall be set in respect of the premises. All staff at the premises shall be made aware of the accommodation limit. The SIA security staff employed at the premises shall be responsible for ensuring that the accommodation limit is not exceeded and shall use counting devices to ensure that the accommodation limit is not exceeded. Once the accommodation limit of the premises has been reached the premises shall operate a 'one in, one out' policy.

**309** That a sound limiting device shall be installed, set and maintained, to ensure the maximum levels of volume and bass of music, song or speech from licensed entertainment permitted by the amplification system, does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.

**320** That the sound level of the music being played at the premises will be gradually reduced until no music is audible during the hour before the premises shuts. During this period lighting levels at the premises will be gradually increased until the premises are fully lit.

**336** That a personal licence holder is on the premises and on duty at all times after 22:00 when intoxicating liquor is supplied.

**340** That there shall be at least one member of staff on duty at all times the premises are in operation who is trained and proficient in the operation of the CCTV system and who is capable of operating and retrieving footage at the request of police, council or other authorised officers.

**342** That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system must be operating correctly at all times when the premises are open and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and / or if the person's details are already stored on the system and they are identified using a biometric identification system.

**343** That at all times the premises are in operation under the premises licence there will be at least one member of staff trained to a satisfactory standard able to operate the ID scan system and able to retrieve data from the system on request of police, council or other authorised officers.

**346** That the internal security door leading to the Old Kent Road will be fitted with an automatic security light and sound cut-out device which will automatically shut down all music systems when opened.

**347** That all beverages will be served in plastic / polycarbonate receptacles, no glasses or bottles will be permitted in the public areas of the venue.

**348** That all incidents of violence and / or disorder that result in an injury will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection by police, council or other authorised officers on request.

**349** That acoustic seals, brushes and self-closers (in accordance with BS 6459 Pt. 1 1984) shall be installed to all doors and fire doors leading out into external areas so as to minimise sound escape from the premises.

**350** That sound insulation shall be installed to baffle any vents or air extraction systems to prevent sound escape from the premises.

**351** That all external plant required for the operation of the premises (air handling plant, condensers, kitchen extraction systems, etc.) shall be designed, installed and maintained to ensure that noise output from the external plant does not cause a public nuisance or intrude inside the nearest, or most exposed, noise sensitive premises.

**352** That amplified music, song or speech shall not be broadcast in external areas at any time.

**353** That no drinks shall be permitted outside at any time.

**354** That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting to the effect that patrons do not take drinks outside.

**355** That any queue to enter the premises must be contained within suitable barriers and supervised at all times by door supervisors

**356** That external waste handling and cleaning of external areas, collections and deliveries shall only occur between the hours of 08.00hrs and 23.00hrs.

**357** That a comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and such training records shall be made available to the council or police on request.

**358** That licensable activities shall cease at a minimum 30 minutes before the premises' closing hours.

**359** That on Sunday after 00:30, on Wednesday and Thursday after 01:30 and on Friday and Saturday after 02:00 there shall be no new entry to the premises, other than those who leave the premises for the purpose of smoking a cigarette, those persons shall be subject to a further search on the re-entry to the premises.

**362** That all security staff shall be in radio communication with each other and the duty manager whilst working at the premises.

**363** That clearly legible notices will be prominently displayed where they can easily be seen and read by customers warning of potential criminal activity that may target patrons such as theft.

**364** An incident book / incident recording system shall be kept at the premises to record details of any of the following occurrences at the premises:

- Instances of anti-social or disorderly behaviour
- Violence
- Calls to the police or fire brigade
- Abuse of staff and / or customers
- Ejections of people from the premises
- Visits to the premises by the local authority, police or fire brigade
- Refused sales of alcohol
- Any malfunction in respect of the CCTV system
- Seizures of drugs at the premises
- Any other relevant incidents

The incident book / incident recording system shall record the time, date, location and description of each incident, the printed and signed name of the person reporting the incident and any action taken in respect of the incident. The incident book / incident recording system shall be available / be accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available to officers of the council, police or fire brigade on request.

**365** That clearly legible notices will be prominently displayed where they can easily be seen and read by customers stating that all customers will be searched prior to entering the premises.

**366** That security staff should always attempt to search in front of a witness or, if possible, carry out the search within sight of the CCTV camera at the entrance to the Club.

**367** That any person who appears under the influence of drugs and will be refused entry.

**368** That where there is a suspicion that an individual is in possession of drugs that individual will be requested to submit to a search. If the individual refuses the search they will be ejected from the premises.

Any person found in possession of drugs will be instructed to place the drugs in the drugs amnesty box at the premises.

**369** That the police will be called immediately if a person is found with a large quantity of drugs that suggests intent to supply, or in cases where a particularly dangerous weapon is found such as a firearm. No attempt will be made to force the person to remain at the premises however a good description of the person must be taken and be provided to the police. In all cases where drugs or weapons are found on a person a detailed note shall be made in the incident log.

**370** That any person who appears to any staff member to be intoxicated and will be refused entry to the premises.

**371** That re-entry to the premises will not be permitted to any customer who has been ejected earlier on during a particular night, who has been banned or who has in any way aggressively supported a person being ejected.

**372** That customers shall not be permitted to wear sunglasses, save for prescription glasses, inside the venue.

**373** That customers shall not be permitted to wear hats or hoods whilst inside the venue.

**374** That SIA staff shall periodically monitor who enters and exits parking lot.

**375** That the premises management reserve the right to ban anybody from the premises at any time or refuse entry to the premises by anybody at any time. The premises reserve the right to refused entry without explanation.

**376** That prior to entry or re-entry all customers must be subject to a search by the SIA security staff employed at the premises. Any person refusing such a search will not be permitted entry or re-entry to the premises.

**377** That customers shall be instructed that bulky items such as bulky bags and coats must be left in the cloakroom before entering the main area of the club. Anyone who refuses to place these types of belongings in the cloakroom will not be able to enter the main area of the club

**378** That all promoters hiring and using the premises must have attained a BIIAB Level 2 Award for Music Promoters prior to hiring and using the premises.

**379** That prior to the premises opening, security checks of the premises and the immediate vicinity that the premises are located in shall be undertaken. Details of such checks shall be recorded in the incident log.

**380** That security staff employed at the premises will be trained to be aware of what is happening inside the premises as well as on the door, and shall be instructed that patrols around the premises may be necessary. Consideration must be given to any hot spots within the premises and especially in the smoking area and regular monitoring of such areas must undertake by the security staff.

**381** That security staff shall be trained to be alert to and respond to alarms given by the DJ, toilet attendants or any other staff employed at the premises.

**382** That any customer who engages in anti-social behaviour in the smoking area shall not be permitted re-entry to the premises.

- 383** That customers using the smoking area will be subject to a search upon re-entry to the premises. Clearly legible notices will be prominently displayed where they can easily be seen and read by customers stating that customers using the smoking area will be subject to a search upon re-entry to the premises.
- 384** That staff who arrive early morning or depart late at night will be instructed to conduct themselves in such a manner to avoid causing disturbance or nuisance to nearby residents.
- 386** That staff shall remove drinks receptacles from patrons who are attempting to leave the premises.
- 388** That staff will advise customers not to congregate outside the premises or in the locale and shall be encouraged to disperse from the area. Any customers who are acting in a noisome or anti social manner when leaving the premises or when immediately outside of the premises will be requested to cease such behaviour.
- 389** That two licensed taxi firms in the local area will be available to customers, so they can arrange suitable transportation home. If staff at the premises order a taxi for a customer they shall request that the taxi controller instructs the taxi-driver not to sound the vehicle's horn on arrival, but to approach a staff member and let the staff member know that the driver has arrived. Staff will inform the patron upon the arrival of their taxi.
- 390** That a member of management will be visible with the door team until all customers have dispersed and shall ensure that the door team are acting effectively and in line with their responsibilities.
- 391** That easily identified staff in high visibility vests will be assisting in customer dispersal, the clearing of any waste arising from the operation of the premises (including 'fliers') and the monitoring of customers whilst they move away from the premises.
- 392** That the location of car parks in the area and other travel facilities shall be identified on all promotional materials, including the premises' website.
- 393** That there will be enough staff in the cloakroom to ensure orderly and timely return of coats / possessions to customers.
- 394** That details of transport links in the area (e.g. public transport options, taxi ranks etc.) shall be made available to customers on request.
- 395** That the document titled 'Operational Policies for Club 701' as submitted on application for this licence shall be amended to reflect the conditions stated in this licence.
- 396** That on Sundays prior to Bank Holiday Mondays, Christmas Eve and New Years Eve the permitted opening hours of the premises are between 22:00 to 05:00 and licensable activities must cease at 04:00 on these days.
- 431** That during any licensed entertainment on the premises all doors and windows leading out to external areas shall remain closed.
- 430** That there shall be no movement of musical or amplification equipment to and from the premises between the hours of 23.00hrs and 08.00hrs.

**4AA** That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

**4AK** That the licensee, premises' management or premises' DPS shall attend local 'Pub Watch' meetings if a 'Pub Watch' scheme exists in the local area.

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

**840** That all directors and management of MYTRIBE Limited shall not be allowed any involvement in the running of the premises at any time that licensable activities are taking place.

**841** That a minimum of 3 SIA registered door supervisors shall be employed at the premises if the premises open before 00:00 hours, one of whom shall be female, at all times that the premises are in use. They will be employed each night that the premises are in operation and will be on duty to receive patrons at the stated opening time of 22:00; after 00:00 hours, a minimum of 6 SIA registered door supervisors shall be employed, one of whom shall be female, at all times that the premises are in use. At least two will be provided with, and will use, electronic search wands. The electronic search wands shall be used at all times that the premises are open in respect of the search of all persons who wish to enter the premises. This includes all DJ's and associated staff and their equipment

**842** That the premises will be closed on Wednesdays.

**843** That the measures set out in the licensing compliance plan submitted by the premises licence holder shall be implemented in full prior to the reopening of the premises.

#### Licensing Compliance Plan

The proposal is in five parts; (1) set up the policies and procedures,(2) provide staff training, (3) conduct regular licensing audits to measure performance and provide due diligence evidence, (4) to provide ongoing advice, support and to review any incidents / issues that arise & (5) conclusions.

#### 1. Policies and Procedures

I. A qualified licensing consultant shall undertake a full review of the operation of the premises and produce a comprehensive licensing Operational Manual which would contain licensing policies and procedures. The manual would demonstrate best practice in all areas. It would also form part of induction for new members of staff and the ongoing training of existing staff.

II. The Operational Manual will set out the premises minimum operating standards and the policies and procedures to be followed by all staff.

III. The Operational Manual shall be a 'living' document and will be reviewed regularly to ensure current best practice and that any changes at the premises or to licensing laws are addressed.

IV. The Operational Manual shall include, but not be limited to, the following policies and procedures.

- Customer Vetting and Terms of Entry
- Young People
- Searching and Seizure of Prohibited Items
- Preventing and Dealing with Intoxication
- Drugs
- Crime Prevention and Intervention
- Guest Welfare
- Ejections
- Security Roles, Responsibilities and Code of Conduct

- Security Code of Conduct
- Dealing with Serious Incidents
- Sexual Assaults
- Crime Scene Preservation
- Theft Prevention
- Staff Behaviour and Code of Conduct
- Events & Private Hire
- Management of Outside & Dispersal
- Smoking
- Incident Reporting & Due Diligence Records
- CCTV, Body Worn Cameras and Identity Scanning Systems

## 2. Staff Training

V. All serving staff will participate in the RASPFLO on-line training course (Responsible Alcohol Sales and Promoting the Four Licensing Objectives -[www.raspflo.co.uk](http://www.raspflo.co.uk)). This is specifically aimed at serving staff, with a focus on the practicalities of their work role and responsibilities under the Licensing Act 2003.

VI. Each member of staff will complete RASPFLO training every year with a six month refresher session.

VII. A written record will be kept of all staff training and be available for inspection by the statutory authorities.

VIII. The RASPFLO course covers the following areas:

### Unit 1 - An Introduction to the Licensing Act 2003

- Understanding the importance of compliance and protecting your Licence.
- The requirements for having a Licence
- The difference between a personal and a premises Licence
- Mandatory and venue specific conditions
- The penalties for breaching conditions

### Unit 2 - The Four Licensing Objectives

- The importance of promoting the objectives at all times
- The meaning and significance of each objective
- Learning methods to promote the objectives.

### Unit 3 – Intoxication

- The dangers intoxication poses, the requirements of the law and the tools to deal with the issue effectively.
- The effects of alcohol on the body
- How to identify and deal with intoxicated guests
- The best methods to prevent intoxication.

### Unit 4 – Age

- The law in relation to children
- How to check IDs



- Recognising valid forms of ID
- Identifying invalid IDs.

#### Unit 5 - Crime Scene Preservation

- When a crime scene should be preserved
- Actions to take following a serious incident
- How to ensure the preservation of a crime scene.

#### Unit 6 - Factors that Affect Drinking Behaviour

- The factors that affect irresponsible alcohol consumption
- How to promote a safe and responsible environment
- How to positively influence a responsible and safe drinking culture.

IX. All managers, and staff involved in a supervisory role, will undergo RASPFLO managers training, and advanced version of the course.

X. The managers' version of RASPFLO also includes the six units in the staff course and also covers the following areas:

- Closure Powers
- Preventing Drug Use / Dealing
- Crime Prevention and Intervention
- Guest Welfare
- Ejections
- Conflict Management
- Dealing with Serious Incidents
- Incident Reporting
- Daily Due Diligence Records

XI. A qualified licensing consultant shall also be supplementary bespoke training for staff and managers on the Operational Manual. This training will use the incident of 31st October 2019 as an example of the dangers that can arise as well as the lessons learnt and procedures implemented to prevent further issues following that incident.

### 3. Licensing Audits

XII. Comprehensive licensing audits of the premises would be conducted by a qualified licensing consultant to ensure compliance with the Licensing Act 2003, the promotion of the four licensing objectives and any specific conditions attached to the premises licence.

XIII. The audits will measure the success and effectiveness of operational procedures and aim to build a body of positive due diligence evidence for the premises. They also serve as a management tool; giving confidence that the premises is compliant and acts as an early warning system if issues are identified.

XIV. The audits would cover the following areas:

- Licences and Signage
- Licence Compliance

- Door Supervisors
- Outside Management
- Fire Safety
- Record Keeping
- Internal Management
- Toilets
- CCTV & ID Scanning Equipment

XV. The audits would be conducted twice a month for the first 6 months after the premises re-opens.

XVI. The audits would be unannounced and be carried out whilst the venue was trading at peak times.

#### 4. Ongoing Support

XVII. A qualified licensing consultant shall regularly re-evaluate the compliance regime at the premises, taking into account shifting circumstances, changes in legislation, best practice and current guidance from the authorities.

XVIII. A qualified licensing consultant shall review all incident reports and provide an assessment of the incident, giving recommendations, advice and support as applicable. This may include reviewing CCTV, writing additional policies / action plans and providing additional staff training plans.

XIX. A qualified licensing consultant shall provide record books regarding licensing due diligence compliance (refusals, clicker counts, pre-opening checks etc.). The record books shall provide a comprehensive system that is simple to use.

#### 5. Conclusions

XX. The measures detailed in this plan have proven highly effective and successful at many busy late licensed clubs and bars.

XXI. The compliance plan requires a clear commitment from the leadership of the business. The licensee has assured the licensing sub-committee that the licensee is fully committed to implementing and following the compliance plan.

**844** That there shall be no shisha smoking equipment on the premises at any time.

**845** That all security staff at the premises shall be supplied by an SIA approved contractor.

**Annex 4 - Plans - Attached**

Licence No. 870760

Plan No. 01

Plan Date 11.12.13

## PROTECTIVE MARKING


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

Form 693

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

Use additional sheets if necessary.

**Insert name and address of relevant licensing authority and its reference number:**
**Name:** London Borough Of Southwark Licensing Authority

**Address:**

3rd Floor 160 Tooley Street

**Post town:** Southwark

**Post code:** SE1 2QH

**Ref. No.:**
**I Police Constable Ian Clements**

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:**

Club 701, 516 Old Kent Road

**Post town:** Southwark

**Post code:** SE1 5BA  
 (if known)

**2. Premises licence details**
**Name of premises licence holder or club holding club premises certificate (if known):**

Erico Entertainment Limited

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

870760

**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)

It is alleged that on the 2<sup>nd</sup> January 2024 between 0215 and 02.45 a serious crime was committed inside the above mentioned licensed premises. Ref 3001447/24. I will provide details of this report if requested by the licensing sub committee

The investigation into this offence is ongoing, at the time of submitting this report no arrests have been made.

The current premises licence 870760 permits the premises to be open to the public Wednesday To Sunday with licensable activities including the sale of alcohol, regulated entertainment, late night refreshment and dancing. There is no provision that permits this premises to be open and providing licensable activities on a Tuesday. There was no other authorisation in place such a temporary event notice or non standard timings.

The alleged offence took place in a licensed premises that at the time was operating without the correct authorisation, by way of a premises licence or a temporary event notice. This offence would not have occurred had the premises been closed as per the current authorisation.

In November 2019 there was a serious assault inside the premises, at the time of this offence the premises was again operating without the correct authorisation and was in breach of the premises licence conditions. As a result of a summary review the premises licence was suspended. Following the full review hearing the premises licence was suspended for a period of three months and modifications made including a change of DPS and additional control measures.

In December 2022 the premises was again found to be operating without any authorisation provided by way of a premises licence or temporary event notice. A notification of offences was issued by the Police.

On the 3<sup>rd</sup> January 2024 Police received credible information that an event being held at Club 701 would be attended by individuals associated with gangs and would commit serious violence. After a number of conversations with the premises licence holder the event was cancelled on voluntary basis although a closure notice was also issued at the time.

The alleged offence is a very serious one and occurred at a time when the premises should have been closed. I have no confidence in the management of this venue and ask that the licensing sub committee suspend the premises licence as an interim measure pending the outcome of a full premises licence review.

**Signature of applicant**

Signature:

Date:

17<sup>th</sup> January 2024

Capacity:

Police Licensing Officer

**Contact details for matters concerning this application**

Surname:

Clements

First Names:

Ian

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


**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:

**Club 701, 516 Basement & Ground Floor Old Kent Road**

Post town:	<b>Southwark</b>	Post code: (if known)	<b>SE1 5BA</b>
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Premises licence number (if known):

**870760**

Name of premises supervisor (if known):

**Mr George Omozejele**

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

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

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

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

The trigger offence for this summary review is one of a very serious nature. I am aware of the details of this offence recorded on CRIS 3001447/24

At the time of the alleged offence the premises was operating without the authorisation provided by a premises licence or temporary event notice. The premises should have been closed to the public.

Considering the serious nature of the reported crime, the non compliance of the venue at the time of the alleged offence. I am of the opinion immediate action is required by way of a summary review. All other options have been considered, this is the most appropriate under the circumstances.

**Signature**

Signature:

Date:

17/01/2024



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

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

Tel: [REDACTED]  
Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/24/64

**Date:** 07 25/01/2024

Dear Sir/Madam

**Re: Club 701 Basement & Ground Floor 516 Old Kent Road SE1 5BA**

Review of the above premises licence under Section 53a of the licensing act 2003.

Following the application to review the above premises, I provide the following additional information.

The investigation into the offence that triggered the summary review is very much still under investigation. The victim has provided a video recorded statement detailing the incident in full to the investigating officers.

Following this statement the suspect for the offence has been circulated as being wanted and arrestable for the offence.

Due to the sensitivity of this case, at the time of writing this additional information I am unable to disclose further detail regarding the offence or suspect.

I can confirm that PC Clements and I attended club 701 in an attempt to view and retrieve CCTV evidence. It has been established that the premises were operating at the time of the offence and licensable activities provided. We can therefore confirm the premises were in operation without authorisation by way of a premises licence and or Temporary event notice.

There are a number of issues with the CCTV recordings, I have detailed this in an additional statement exhibit (MAL 13)

Condition 843 of the current premises licence relates to the premises compliance plan and continuous training

843 - That the measures set out in the licensing compliance plan submitted by the premises licence holder shall be implemented in full prior to the reopening of the premises. Licensing Compliance Plan The proposal is in five parts; (1) set up the policies and procedures, (2) provide staff training, (3) conduct regular licensing audits to measure performance and provide due diligence evidence, (4) to provide ongoing advice, support and to review any incidents / issues that arise & (5) conclusions.

1. Policies and Procedures I. A qualified licensing consultant shall undertake a full review of the operation of the premises and produce a comprehensive licensing Operational Manual which would contain licensing policies and procedures. The manual would demonstrate best practice in all areas. It would also form part of induction for new members of staff and the ongoing training of existing staff. II. The Operational Manual will set out the premises minimum operating standards and the policies and procedures to be followed by all staff. III. The Operational Manual shall be a 'living' document and will be reviewed regularly to ensure current best practice and that any changes at the premises or to licensing laws are addressed. IV. The Operational Manual shall include, but not be limited to, the following policies and procedures. ♦ Customer Vetting and Terms of Entry ♦ Young People ♦ Searching and Seizure of Prohibited Items ♦ Preventing and Dealing with Intoxication ♦ Drugs ♦ Crime Prevention and Intervention ♦ Guest Welfare ♦ Ejections ♦ Security Roles, Responsibilities and Code of Conduct ♦ Security Code of Conduct ♦ Dealing with Serious Incidents ♦ Sexual Assaults ♦ Crime Scene Preservation ♦ Theft Prevention ♦ Staff Behaviour and Code of Conduct ♦ Events & Private Hire ♦ Management of Outside & Dispersal ♦ Smoking ♦ Incident Reporting & Due Diligence Records ♦ CCTV, Body Worn Cameras and Identity Scanning Systems

2. Staff Training V. All serving staff will participate in the RASPFLO on-line training course (Responsible Alcohol Sales and Promoting the Four Licensing Objectives - [www.raspflo.co.uk](http://www.raspflo.co.uk)). This is specifically aimed at serving staff, with a focus on the practicalities of their work role and responsibilities under the Licensing Act 2003. VI. Each member of staff will complete RASPFLO training every year with a six month refresher session. VII. A written record will be kept of all staff training and be available for inspection by the statutory authorities. VIII. The RASPFLO course covers the following areas: Unit 1 - An Introduction to the Licensing Act 2003 ♦ Understanding the importance of compliance and protecting your Licence. ♦ The requirements for having a Licence ♦ The difference between a personal and a premises Licence ♦ Mandatory and venue specific conditions ♦ The penalties for breaching conditions

This condition was placed on the premises licence following the previous summary review in 2019. I have requested details and documented proof from the premises licence holder that this training has taken place and is updated every 6 months as per the condition.

Condition 845 of the premises licence

845 - That all security staff at the premises shall be supplied by an SIA approved contractor.

I have asked the premises licence holder for the details of the SIA company that provided security for the venue.

It could be said that any breach of these conditions would be irrelevant in this case as there was no authorisation in place at the time of the incident that triggered these review proceedings. We do know that the premises have been operating since the 2019 review, any breach of the above conditions are relevant to the overall compliance of the premises. I await a response from the premises licence holder.

There are a number of addition enquiries to be made and any evidence of further breaches or evidence to support this review will be submitted prior to the full review hearing on the 8<sup>th</sup> February 2024.



Yours Sincerely

**PC Mark Lynch**

Southwark Police Licensing Unit

Tel: [REDACTED]

# Licensing Act 2003 Premises Licence



Regulatory Services  
Licensing Unit  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

Premises licence number

860699

## Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Club 701 Basement And Ground Floors 516 Old Kent Road London SE1 5BA  Ordnance survey map reference (if applicable), 177968534180	
<b>Post town</b> London	<b>Post code</b> SE1 5BA
<b>Telephone number</b>	

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 / dance - 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 <b>Annex 2</b>	
Wednesday	22:00 - 03:00
Thursday	22:00 - 05:00
Friday	22:00 - 05:00
Saturday	22:00 - 05:00
Sunday	22:00 - 02:00

**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**

Wednesday	22:00 - 02:00
Thursday	22:00 - 04:00
Friday	22:00 - 04:00
Saturday	22:00 - 04:00
Sunday	22:00 - 01:00

**Films - Indoors**

Wednesday	22:00 - 02:00
Thursday	22:00 - 04:00
Friday	22:00 - 04:00
Saturday	22:00 - 04:00
Sunday	22:00 - 01:00

**Live Music - Indoors**

Wednesday	22:00 - 02:00
Thursday	22:00 - 04:00
Friday	22:00 - 04:00
Saturday	22:00 - 04:00
Sunday	22:00 - 01:00

**Recorded Music - Indoors**

Wednesday	22:00 - 02:00
Thursday	22:00 - 04:00
Friday	22:00 - 04:00
Saturday	22:00 - 04:00
Sunday	22:00 - 01:00

**Performance of Dance - Indoors**

Wednesday	22:00 - 02:00
Thursday	22:00 - 04:00
Friday	22:00 - 04:00
Saturday	22:00 - 04:00
Sunday	22:00 - 01:00

**Entertainment Similar to live/recorded music / dance - Indoors**

Wednesday	22:00 - 02:00
Thursday	22:00 - 04:00
Friday	22:00 - 04:00
Saturday	22:00 - 04:00
Sunday	22:00 - 01:00

**Late Night Refreshment - Indoors**

Wednesday	23:00 - 02:00
Thursday	23:00 - 04:00
Friday	23:00 - 04:00
Saturday	23:00 - 04:00
Sunday	23:00 - 01:00

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

Wednesday	23:00 - 02:00
Thursday	23:00 - 04:00
Friday	23:00 - 04:00
Saturday	23:00 - 04:00
Sunday	23:00 - 01:00

## Part 2

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

Erico Entertainment Limited  
516 Old Kent Road  
London  
SE1 5BA  
[REDACTED]

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

09977040

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

Alfred Mansaray  
[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 11/01/2018

[REDACTED]  
Head of Regulatory Services  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
[licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Annex 1 - Mandatory conditions**

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

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

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

**485** (1) The responsible person 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**

**276** That the premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment.

**288** That a CCTV system shall be installed and maintained in full working order. The CCTV system will record footage of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered by the CCTV system including the bar and smoking areas.

**289** All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request.

**297** That a drugs / weapons amnesty box, approved by the police, shall be installed and maintained in use at the premises at all times that the premises are in operation.

**302** The manager shall notify the police of all drugs or weapons seized and deposited in the amnesty box as soon as possible and arrange for the police to collect the contents of the amnesty box as soon as is practicable to do so.

**303** That the licensee shall require any regular and external promoters or any other 3rd parties hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Police Licensing Unit and, once completed, you shall ensure that a copy of the agreement is provided to the central licensing unit as detailed on the form 696 and to Southwark Police Licensing Unit a minimum of fourteen days prior to the date of hire.

**305** That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.

**307** That an accommodation limit shall be set in respect of the premises. All staff at the premises shall be made aware of the accommodation limit. The SIA security staff employed at the premises shall be responsible for ensuring that the accommodation limit is not exceeded and shall use counting devices to ensure that the accommodation limit is not exceeded. Once the accommodation limit of the premises has been reached the premises shall operate a 'one in, one out' policy.

**309** That a sound limiting device shall be installed, set and maintained, to ensure the maximum levels of volume and bass of music, song or speech from licensed entertainment permitted by the amplification system, does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.

**320** That the sound level of the music being played at the premises will be gradually reduced until no music is audible during the hour before the premises shuts. During this period lighting levels at the premises will be gradually increased until the premises are fully lit.

**336** That a personal licence holder is on the premises and on duty at all times after 22:00 when intoxicating liquor is supplied.

**340** That there shall be at least one member of staff on duty at all times the premises are in operation who is trained and proficient in the operation of the CCTV system and who is capable of operating and retrieving footage at the request of police, council or other authorised officers.

**342** That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 22:00 when the premises are in operation and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and / or if the person's details are already stored on the system and they are identified using a biometric identification system.

**343** That at all times the premises are in operation under the premises licence there will be at least one member of staff trained to a satisfactory standard able to operate the ID scan system and able to retrieve data from the system on request of police, council or other authorised officers.

**346** That the internal security door leading to the Old Kent Road will be fitted with an automatic security light and sound cut-out device which will automatically shut down all music systems when opened.

**347** That all beverages will be served in plastic / polycarbonate receptacles, no glasses or bottles will be permitted in the public areas of the venue.

**348** That all incidents of violence and / or disorder that result in an injury will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection by police, council or other authorised officers on request.

**349** That acoustic seals, brushes and self-closers (in accordance with BS 6459 Pt. 1 1984) shall be installed to all doors and fire doors leading out into external areas so as to minimise sound escape from the premises.

**350** That sound insulation shall be installed to baffle any vents or air extraction systems to prevent sound escape from the premises.

**351** That all external plant required for the operation of the premises (air handling plant, condensers, kitchen extraction systems, etc.) shall be designed, installed and maintained to ensure that noise output from the external plant does not cause a public nuisance or intrude inside the nearest, or most exposed, noise sensitive premises.

**352** That amplified music, song or speech shall not be broadcast in external areas at any time.

**353** That no drinks shall be permitted outside at any time.

**354** That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting to the effect that patrons do not take drinks outside.

**355** That any queue to enter the premises must be contained within suitable barriers and supervised at all times by door supervisors

**356** That external waste handling and cleaning of external areas, collections and deliveries shall only occur between the hours of 08.00hrs and 23.00hrs.

**357** That a comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and such training records shall be made available to the council or police on request.

**358** That licensable activities shall cease at a minimum 30 minutes before the premises' closing hours.

**359** That on Sunday after 00:30, on Wednesday and Thursday after 01:30 and on Friday and Saturday after 02:00 there shall be no new entry to the premises, other than those who leave the premises for the purpose of smoking a cigarette, those persons shall be subject to a further search on the re-entry to the premises.

**362** That all security staff shall be in radio communication with each other and the duty manager whilst working at the premises.

**363** That clearly legible notices will be prominently displayed where they can easily be seen and read by customers warning of potential criminal activity that may target patrons such as theft.

**364** An incident book / incident recording system shall be kept at the premises to record details of any of the following occurrences at the premises:

- Instances of anti-social or disorderly behaviour
- Violence
- Calls to the police or fire brigade
- Abuse of staff and / or customers
- Ejections of people from the premises
- Visits to the premises by the local authority, police or fire brigade
- Refused sales of alcohol
- Any malfunction in respect of the CCTV system
- Seizures of drugs at the premises
- Any other relevant incidents

The incident book / incident recording system shall record the time, date, location and description of each incident, the printed and signed name of the person reporting the incident and any action taken in respect of the incident. The incident book / incident recording system shall be available / be accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available to officers of the council, police or fire brigade on request.

**365** That clearly legible notices will be prominently displayed where they can easily be seen and read by customers stating that all customers will be searched prior to entering the premises.

**366** That security staff should always attempt to search in front of a witness or, if possible, carry out the search within sight of the CCTV camera at the entrance to the Club.

**367** That any person who appears under the influence of drugs and will be refused entry.

**368** That where there is a suspicion that an individual is in possession of drugs that individual will be requested to submit to a search. If the individual refuses the search they will be ejected from the premises. Any person found in possession of drugs will be instructed to place the drugs in the drugs amnesty box at the premises.

**369** That the police will be called immediately if a person is found with a large quantity of drugs that suggests intent to supply, or in cases where a particularly dangerous weapon is found such as a firearm. No attempt will be made to force the person to remain at the premises however a good description of the person must be taken and be provided to the police. In all cases where drugs or weapons are found on a person a detailed note shall be made in the incident log.

**370** That any person who appears to any staff member to be intoxicated and will be refused entry to the premises.

**371** That re-entry to the premises will not be permitted to any customer who has been ejected earlier on during a particular night, who has been banned or who has in any way aggressively supported a person being ejected.

**372** That customers shall not be permitted to wear sunglasses, save for prescription glasses, inside the venue.

**373** That customers shall not be permitted to wear hats or hoods whilst inside the venue.

**374** That SIA staff shall periodically monitor who enters and exits parking lot.

**375** That the premises management reserve the right to ban anybody from the premises at any time or refuse entry to the premises by anybody at any time. The premises reserve the right to refused entry without explanation.

**376** That prior to entry or re-entry all customers must be subject to a search by the SIA security staff employed at the premises. Any person refusing such a search will not be permitted entry or re-entry to the premises.

**377** That customers shall be instructed that bulky items such as bulky bags and coats must be left in the cloakroom before entering the main area of the club. Anyone who refuses to place these types of belongings in the cloakroom will not be able to enter the main area of the club

**378** That all promoters hiring and using the premises must have attained a BIIAB Level 2 Award for Music Promoters prior to hiring and using the premises.

**379** That prior to the premises opening, security checks of the premises and the immediate vicinity that the premises are located in shall be undertaken. Details of such checks shall be recorded in the incident log.

**380** That security staff employed at the premises will be trained to be aware of what is happening inside the premises as well as on the door, and shall be instructed that patrols around the premises may be necessary. Consideration must be given to any hot spots within the premises and especially in the smoking area and regular monitoring of such areas must undertake by the security staff.

**381** That security staff shall be trained to be alert to and respond to alarms given by the DJ, toilet attendants or any other staff employed at the premises.

- 382** That any customer who engages in anti-social behaviour in the smoking area shall not be permitted re-entry to the premises.
- 383** That customers using the smoking area will be subject to a search upon re-entry to the premises. Clearly legible notices will be prominently displayed where they can easily be seen and read by customers stating that customers using the smoking area will be subject to a search upon re-entry to the premises.
- 384** That staff who arrive early morning or depart late at night will be instructed to conduct themselves in such a manner to avoid causing disturbance or nuisance to nearby residents.
- 386** That staff shall remove drinks receptacles from patrons who are attempting to leave the premises.
- 388** That staff will advise customers not to congregate outside the premises or in the locale and shall be encouraged to disperse from the area. Any customers who are acting in a noisome or anti social manner when leaving the premises or when immediately outside of the premises will be requested to cease such behaviour.
- 389** That two licensed taxi firms in the local area will be available to customers, so they can arrange suitable transportation home. If staff at the premises order a taxi for a customer they shall request that the taxi controller instructs the taxi-driver not to sound the vehicle's horn on arrival, but to approach a staff member and let the staff member know that the driver has arrived. Staff will inform the patron upon the arrival of their taxi.
- 390** That a member of management will be visible with the door team until all customers have dispersed and shall ensure that the door team are acting effectively and in line with their responsibilities.
- 391** That easily identified staff in high visibility vests will be assisting in customer dispersal, the clearing of any waste arising from the operation of the premises (including 'fliers') and the monitoring of customers whilst they move away from the premises.
- 392** That the location of car parks in the area and other travel facilities shall be identified on all promotional materials, including the premises' website.
- 393** That there will be enough staff in the cloakroom to ensure orderly and timely return of coats / possessions to customers.
- 394** That details of transport links in the area (e.g. public transport options, taxi ranks etc.) shall be made available to customers on request.
- 395** That the document titled 'Operational Policies for Club 701' as submitted on application for this licence shall be amended to reflect the conditions stated in this licence.
- 396** That on Sundays prior to Bank Holiday Mondays, Christmas Eve and New Years Eve the permitted opening hours of the premises are between 22:00 to 05:00 and licensable activities must cease at 04:00 on these days.
- 431** That during any licensed entertainment on the premises all doors and windows leading out to external areas shall remain closed.
- 430** That there shall be no movement of musical or amplification equipment to and from the premises between the hours of 23.00hrs and 08.00hrs.

**4AA** That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

**4AK** That the licensee, premises' management or premises' DPS shall attend local 'Pub Watch' meetings if a 'Pub Watch' scheme exists in the local area.

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

**840** That all directors and management of MYTRIBE Limited shall not be allowed any involvement in the running of the premises at any time that licensable activities are taking place.

**841** That a minimum of 3 SIA registered door supervisors shall be employed at the premises if the premises open before 00:00 hours, one of whom shall be female, at all times that the premises are in use. They will be employed each night that the premises are in operation and will be on duty to receive patrons at the stated opening time of 22:00; after 00:00 hours, a minimum of 6 SIA registered door supervisors shall be employed, one of whom shall be female, at all times that the premises are in use. At least two will be provided with, and will use, electronic search wands. The electronic search wands shall be used at all times that the premises are open in respect of the search of all persons who wish to enter the premises. This includes all DJ's and associated staff and their equipment

**Annex 4 - Plans - Attached**

Licence No. 860699  
Plan No. 01  
Plan Date 11.12.13



# Licensing Act 2003

## Premises Licence



Regulatory Services  
Licensing Unit  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

Premises licence number

851424

### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Club 701 Basement And Ground Floors 516 Old Kent Road	
<small>Ordnance survey map reference (if applicable): 177968534180</small>	
<b>Post town:</b> London	<b>Post code:</b> SE1 5BA
<b>Telephone number</b>	

#### 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 / dance - 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**

Wednesday	22:00 - 03:00
Thursday	22:00 - 05:00
Friday	22:00 - 05:00
Saturday	22:00 - 05:00
Sunday	22:00 - 02:00

#### 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

Wednesday	22:00 - 02:00
Thursday	22:00 - 04:00
Friday	22:00 - 04:00
Saturday	22:00 - 04:00

Sunday 22:00 - 01:00

**Films - Indoors**

Wednesday 22:00 - 02:00  
 Thursday 22:00 - 04:00  
 Friday 22:00 - 04:00  
 Saturday 22:00 - 04:00  
 Sunday 22:00 - 01:00

**Live Music - Indoors**

Wednesday 22:00 - 02:00  
 Thursday 22:00 - 04:00  
 Friday 22:00 - 04:00  
 Saturday 22:00 - 04:00  
 Sunday 22:00 - 01:00

**Recorded Music - Indoors**

Wednesday 22:00 - 02:00  
 Thursday 22:00 - 04:00  
 Friday 22:00 - 04:00  
 Saturday 22:00 - 04:00  
 Sunday 22:00 - 01:00

**Performance of Dance - Indoors**

Wednesday 22:00 - 02:00  
 Thursday 22:00 - 04:00  
 Friday 22:00 - 04:00  
 Saturday 22:00 - 04:00  
 Sunday 22:00 - 01:00

**Entertainment Similar to live/recorded music / dance - Indoors**

Wednesday 22:00 - 02:00  
 Thursday 22:00 - 04:00  
 Friday 22:00 - 04:00  
 Saturday 22:00 - 04:00  
 Sunday 22:00 - 01:00

**Late Night Refreshment - Indoors**

Wednesday 23:00 - 02:00  
 Thursday 23:00 - 04:00  
 Friday 23:00 - 04:00  
 Saturday 23:00 - 04:00  
 Sunday 23:00 - 01:00

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

Wednesday 23:00 - 02:00  
 Thursday 23:00 - 04:00  
 Friday 23:00 - 04:00  
 Saturday 23:00 - 04:00  
 Sunday 23:00 - 01:00

**Part 2**

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

Erico Entertainment Limited  
801 California Building  
Deals Gateway  
London  
SE13 7SF  
[REDACTED]

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

09977040

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

Alfred Mansaray  
[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: 08/06/2016

[REDACTED]  
Head of Regulatory Services  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
[licensing@southwark.gov.uk](mailto: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 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**

**276** That the premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment.

**288** That a CCTV system shall be installed and maintained in full working order. The CCTV system will record footage of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered by the CCTV system including the bar and smoking areas.

**289** All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request.

**297** That a drugs / weapons amnesty box, approved by the police, shall be installed and maintained in use at the premises at all times that the premises are in operation.

**302** The manager shall notify the police of all drugs or weapons seized and deposited in the amnesty box as soon as possible and arrange for the police to collect the contents of the amnesty box as soon as is practicable to do so.

**303** That the licensee shall require any regular and external promoters or any other 3rd parties hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Police Licensing Unit and, once completed, you shall ensure that a copy of the agreement is provided to the central licensing unit as detailed on the form 696 and to Southwark Police Licensing Unit a minimum of fourteen days prior to the date of hire.

**305** That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.

**307** That an accommodation limit shall be set in respect of the premises. All staff at the premises shall be made aware of the accommodation limit. The SIA security staff employed at the premises shall be responsible for ensuring that the accommodation limit is not exceeded and shall use counting devices to ensure that the accommodation limit is not exceeded. Once the accommodation limit of the premises has been reached the premises shall operate a 'one in, one out' policy.

**309** That a sound limiting device shall be installed, set and maintained, to ensure the maximum levels of volume and bass of music, song or speech from licensed entertainment permitted by the amplification system, does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.

**320** That the sound level of the music being played at the premises will be gradually reduced until no music is audible during the hour before the premises shuts. During this period lighting levels at the premises will be gradually increased until the premises are fully lit.

**336** That a personal licence holder is on the premises and on duty at all times after 22:00 when intoxicating liquor is supplied.

**340** That there shall be at least one member of staff on duty at all times the premises are in operation who is trained and proficient in the operation of the CCTV system and who is capable of operating and retrieving footage at the request of police, council or other authorised officers.

**341** That a minimum of 6 SIA registered door supervisors shall be employed at the premises, one of whom shall be female, at all times that the premises are in use. They will be employed each night that the premises are in operation and will be on duty to receive patrons at the stated opening time of 22:00. At least two will be provided with, and will use, electronic search wands in respect of the search of all persons who wish to enter the premises. This includes all DJ's and associated staff and their equipment.

**342** That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 22:00 when the premises are in operation and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and / or if the person's details are already stored on the system and they are identified using a biometric identification system.

**343** That at all times the premises are in operation under the premises licence there will be at least one member of staff trained to a satisfactory standard able to operate the ID scan system and able to retrieve data from the system on request of police, council or other authorised officers.

**344** That all staff concerned in the sale or supply of intoxicating liquor shall undertake a recognised training scheme for such duties. Records of such training should be kept at the premises and made available for inspection to police, council or other authorised officers on request.

**345** That no beverages will be consumed in the smoking area. Patrons will be encouraged to leave this area as soon as practicable. At least one member of SIA staff will be situated in the smoking area at all times the premises are in operation.

**346** That the internal security door leading to the Old Kent Road will be fitted with an automatic security light and sound cut-out device which will automatically shut down all music systems when opened.

**347** That all beverages will be served in plastic / polycarbonate receptacles, no glasses or bottles will be permitted in the public areas of the venue.

**348** That all incidents of violence and / or disorder that result in an injury will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection by police, council or other authorised officers on request.

**349** That acoustic seals, brushes and self-closers (in accordance with BS 6459 Pt. 1 1984) shall be installed to all doors and fire doors leading out into external areas so as to minimise sound escape from the premises.



**350** That sound insulation shall be installed to baffle any vents or air extraction systems to prevent sound escape from the premises.

**351** That all external plant required for the operation of the premises (air handling plant, condensers, kitchen extraction systems, etc.) shall be designed, installed and maintained to ensure that noise output from the external plant does not cause a public nuisance or intrude inside the nearest, or most exposed, noise sensitive premises.

**352** That amplified music, song or speech shall not be broadcast in external areas at any time.

**353** That no drinks shall be permitted outside at any time.

**354** That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting to the effect that patrons do not take drinks outside.

**355** That any queue to enter the premises must be contained within suitable barriers and supervised at all times by door supervisors

**356** That external waste handling and cleaning of external areas, collections and deliveries shall only occur between the hours of 08.00hrs and 23.00hrs.

**357** That a comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and such training records shall be made available to the council or police on request.

**358** That licensable activities shall cease at a minimum 30 minutes before the premises' closing hours.

**359** That on Sunday after 00:30, on Wednesday and Thursday after 01:30 and on Friday and Saturday after 02:00 there shall be no new entry to the premises, other than those who leave the premises for the purpose of smoking a cigarette, those persons shall be subject to a further search on the re-entry to the premises.

**360** That customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area. No more than 7 customers will be permitted to remain in the designated smoking area at any one time.

**361** That all security staff employed at the premises will hold a current valid SIA license.

**362** That all security staff shall be in radio communication with each other and the duty manager whilst working at the premises.

**363** That clearly legible notices will be prominently displayed where they can easily be seen and read by customers warning of potential criminal activity that may target patrons such as theft.

**364** An incident book / incident recording system shall be kept at the premises to record details of any of the following occurrences at the premises:

- Instances of anti-social or disorderly behaviour
- Violence
- Calls to the police or fire brigade
- Abuse of staff and / or customers
- Ejections of people from the premises
- Visits to the premises by the local authority, police or fire brigade
- Refused sales of alcohol
- Any malfunction in respect of the CCTV system
- Seizures of drugs at the premises
- Any other relevant incidents

The incident book / incident recording system shall record the time, date, location and description of each incident, the printed and signed name of the person reporting the incident and any action taken in respect of the incident. The incident book / incident recording system shall be available / be accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available to officers of the council, police or fire brigade on request.

**365** That clearly legible notices will be prominently displayed where they can easily be seen and read by customers stating that all customers will be searched prior to entering the premises.

**366** That security staff should always attempt to search in front of a witness or, if possible, carry out the search within sight of the CCTV camera at the entrance to the Club.

**367** That any person who appears under the influence of drugs and will be refused entry.

**368** That where there is a suspicion that an individual is in possession of drugs that individual will be requested to submit to a search. If the individual refuses the search they will be ejected from the premises.

Any person found in possession of drugs will be instructed to place the drugs in the drugs amnesty box at the premises.

**369** That the police will be called immediately if a person is found with a large quantity of drugs that suggests intent to supply, or in cases where a particularly dangerous weapon is found such as a firearm. No attempt will be made to force the person to remain at the premises however a good description of the person must be taken and be provided to the police. In all cases where drugs or weapons are found on a person a detailed note shall be made in the incident log.

**370** That any person who appears to any staff member to be intoxicated and will be refused entry to the premises.

**371** That re-entry to the premises will not be permitted to any customer who has been ejected earlier on during a particular night, who has been banned or who has in any way aggressively supported a person being ejected.

**372** That customers shall not be permitted to wear sunglasses, save for prescription glasses, inside the venue.

**373** That customers shall not be permitted to wear hats or hoods whilst inside the venue.

**374** That SIA staff shall periodically monitor who enters and exits parking lot.

**375** That the premises management reserve the right to ban anybody from the premises at any time or refuse entry to the premises by anybody at any time. The premises reserve the right to refused entry without explanation.

**376** That prior to entry or re-entry all customers must be subject to a search by the SIA security staff employed at the premises. Any person refusing such a search will not be permitted entry or re-entry to the premises.

**377** That customers shall be instructed that bulky items such as bulky bags and coats must be left in the cloakroom before entering the main area of the club. Anyone who refuses to place these types of belongings in the cloakroom will not be able to enter the main area of the club

**378** That all promoters hiring and using the premises must have attained a BIIAB Level 2 Award for Music Promoters prior to hiring and using the premises.

**379** That prior to the premises opening, security checks of the premises and the immediate vicinity that the premises are located in shall be undertaken. Details of such checks shall be recorded in the incident log.

**380** That security staff employed at the premises will be trained to be aware of what is happening inside the premises as well as on the door, and shall be instructed that patrols around the premises may be necessary. Consideration must be given to any hot spots within the premises and especially in the smoking area and regular monitoring of such areas must undertake by the security staff.

**381** That security staff shall be trained to be alert to and respond to alarms given by the DJ, toilet attendants or any other staff employed at the premises.

**382** That any customer who engages in anti-social behaviour in the smoking area shall not be permitted re-entry to the premises.

**383** That customers using the smoking area will be subject to a search upon re-entry to the premises. Clearly legible notices will be prominently displayed where they can easily be seen and read by customers stating that customers using the smoking area will be subject to a search upon re-entry to the premises.

**384** That staff who arrive early morning or depart late at night will be instructed to conduct themselves in such a manner to avoid causing disturbance or nuisance to nearby residents.

**385** That towards the end of trade on each day announcements will be made via the premises' PA system requesting that customers leave the premises in a quiet and orderly manner and reminding customer that they cannot take drinks outside of the premises.

**386** That staff shall remove drinks receptacles from patrons who are attempting to leave the premises.

**387** That patrons will be requested to leave the premises in a quiet and orderly manner.

**388** That staff will advise customers not to congregate outside the premises or in the locale and shall be encouraged to disperse from the area. Any customers who are acting in a noisome or anti social manner when leaving the premises or when immediately outside of the premises will be requested to cease such

behaviour.

**389** That two licensed taxi firms in the local area will be available to customers, so they can arrange suitable transportation home. If staff at the premises order a taxi for a customer they shall request that the taxi controller instructs the taxi-driver not to sound the vehicle's horn on arrival, but to approach a staff member and let the staff member know that the driver has arrived. Staff will inform the patron upon the arrival of their taxi.

**390** That a member of management will be visible with the door team until all customers have dispersed and shall ensure that the door team are acting effectively and in line with their responsibilities.

**391** That easily identified staff in high visibility vests will be assisting in customer dispersal, the clearing of any waste arising from the operation of the premises (including 'fliers') and the monitoring of customers whilst they move away from the premises.

**392** That the location of car parks in the area and other travel facilities shall be identified on all promotional materials, including the premises' website.

**393** That there will be enough staff in the cloakroom to ensure orderly and timely return of coats / possessions to customers.

**394** That details of transport links in the area (e.g. public transport options, taxi ranks etc.) shall be made available to customers on request.

**395** That the document titled 'Operational Policies for Club 701' as submitted on application for this licence shall be amended to reflect the conditions stated in this licence.

**396** That on Sundays prior to Bank Holiday Mondays, Christmas Eve and New Years Eve the permitted opening hours of the premises are between 22:00 to 05:00 and licensable activities must cease at 04:00 on these days.

**431** That during any licensed entertainment on the premises all doors and windows leading out to external areas shall remain closed.

**426** That customers must be at least 21 years old to gain entry to the premises.

**430** That there shall be no movement of musical or amplification equipment to and from the premises between the hours of 23.00hrs and 08.00hrs.

**4AA** That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

**4AI** That a register of refused sales of alcohol shall be maintained at the premises and shall include the time and date of any refused sale of alcohol, the reason the sale was refused and the name of the member of staff who refused the sale. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be made immediately available for inspection at the premises to council or police officers on request.

**4AK** That the licensee, premises' management or premises' DPS shall attend local 'Pub Watch' meetings if a 'Pub Watch' scheme exists in the local area.

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

**793** That all staff involved in the sale of alcohol or the operation of the premises under this licence shall be trained in their responsibilities under the Licensing Act 2003 and trained in respect of the full terms and conditions of this licence. Records pertaining to such training shall be kept and be accessible at the premises at all times and will be updated every six months. The training records shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training, a basic summary of what the training included and a declaration that the training has been received. The training records shall be made immediately available to officers of the police and / or the council upon request.

**840** That all directors and management of MYTRIBE Limited shall not be allowed any involvement in the running of the premises at any time that licensable activities are taking place.

**Annex 4 - Plans - Attached**

Licence No. 851424

Plan No. 01

Plan Date 11.12.13

Licensing Unit induction checklist for new licensees / management.Premises Name & address: **Club 701, Basement and Ground Floors, 516 Old Kent Road, SE1 5BA**Licensee: **Erico Entertainment Limited**DPS: **Alfred Mansaray**

## 1. INTRODUCTION

- Who Licensing Unit are
- Why meeting is being held – to ensure every licensee / DPS is fully aware of his / her responsibilities from the onset

## 2. THE LICENCE

- Introduce the licence document & the special & standard licence conditions
- How long the licence lasts & what happens when it is time for renewal
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary

## 3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Risk assessment
- Will conduct additional inspections where problems found and complaints made
- Explain inspections aim to help but that persistent and serious safety failures will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation

## 4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss
- Leave calling cards

Officer(s) Attending:

(Sign)

(Print) **Wesley McArthur**

Person(s) Present:

(Sign)



(Print)

*Alfred Mansaray*

(Sign)

(Print)

Date of Meeting: **8 July 2016**



**CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001**

Date of the Closure Notice: 13/08/16 Time Served: 23 05 hours

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC LYNN H 246ND

Signature: [Redacted] 246ND

Name (if applicable) and address of the affected premises:  
701, 516 OLD HEATH ROAD, SE15BA

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

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

- 297 - DRUGS WEAPONS PURSUIT BOX SHOULD BE IN USE.
- 341 - 6 SIX VIA STAFF SHOULD BE ON DUTY FROM 2200hrs
- 342 - ID SCANNER TO BE USED STAFF, PUBLIC, PROMOTERS DJS.

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

- 297 - NO DRUGS WEAPONS BOX / 342 - ONLY TWO 2
- SIA SECURITY STAFF ON DUTY AT 2200 HOURS / 342 - STAFF
- PROMOTERS DJS NOT BEING SCANNED PRIOR TO ENTRY

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

- 297 - OBTAIN DRUGS BOX / 341 ENSURE 6 SIX SIA STAFF
- ARE ON DUTY AS OF 2200 HOURS / 342 - ID SCAN ALL PERSONS
- ENTERING PREMISES STAFF AND OTHERWISE.

**Third party consideration (section 19.4)**

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

Yes/No (details) ALFOOD MANSARAY.

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

**Effect of section 20, Application for closure order.**

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

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

Name ERIC DOE

Signature

Date 13 08 16.

**CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001**

Date of the Closure Notice: 10/09/16 Time Served: 03:10h

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PLYNCH 246MD

Signature: [Redacted] 246MD

Name (if applicable) and address of the affected premises:  
701 CLUB Sib Old Hart Road S97  
S97 5BA

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

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

289 - All CCTV footage shall be kept for 31 DAYS / 341 - minimum 6 Sec  
area scanning system / 342 - ID SCANNING SYSTEM TO BE USED  
FOR ALL PERSONS ENTERING

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

289 - UNABLE TO PRODUCE CCTV FOOTAGE 29 DAYS / 341 - MINIMUM 6 SEC  
241 - ONLY IF DOOR SW ON DUTY / 342 - NO ID NO ENTRY NOT BEING  
ADVISED TO - SOME PHOTO NO ID

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

MAINTAIN CCTV TO MEET CONDITIONS 31 DAYS RECORDING / 341  
SIA DOOR SW TO BE ON DUTY FROM 22:00 / 342 SCANNING  
TO BE USED AS PER LICENCE

**Third party consideration (section 19.4)**

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

Yes/No (details) YES ALK DUB

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

**Effect of section 20, Application for closure order.**

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

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

Name ALFREDO MANISARY

Signature: [Redacted]

Date 10/09/16

**CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001**

Date of the Closure Notice: 23/10/16 Time Served: 02:54

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC LYNCH 246MD

Signature: [Redacted] 246MD

Name (if applicable) and address of the affected premises:

CLOS 701 - 516 AND KENT ROAD  
SE1 8BA

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

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

359-11A ON SATURDAY AROUND 02:00AM THERE SHOULD BE NO NEW ENTRY TO PREMISES.

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

OBSERVED A NUMBER OF MALES ENTER PREMISES ON NIGHT TIME - SEEN TO BUY AND BE SOLD THEN ALCOHOL

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

NO ENTRY AFTER 02:00 ON SATURDAY/SUNDAY MORNING

**Third party consideration (section 19.4)**

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

Yes/No (details): YES DOG

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

**Effect of section 20, Application for closure order.**

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

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

Name: ALFRED WILSON

Signature: [Redacted]

Date: 23/10/2016

Licensing Unit induction checklist for new licensees / management.

Premises Name & address: 701 Club, 516 Old Kent Road SE1 5BA  
Licensee: Erigo Entertainment Limited  
DPS: Ahmed Mansaray

1. INTRODUCTION

- Who Licensing Unit are
- Why meeting is being held – to ensure every licensee is fully aware of his / her responsibilities from the onset

2. THE LICENCE

- Introduce the licence document & the special & standard licence conditions
- How long the licence lasts & what happens when it is time for renewal
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary

3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Risk assessment
- Will conduct additional inspections where problems found and complaints made
- Explain inspections aim to help but that persistent and serious safety failures will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss
- Leave calling cards

Officer(s) Attending: (Sign) \_\_\_\_\_

(Print) Richard Kahn

Person(s) Present: (Sign) \_\_\_\_\_

(Print) Ahmed Mansaray

(Sign) \_\_\_\_\_

(Print) \_\_\_\_\_

Date of Meeting: 26 November 2016



Eric Doe  
Club 701  
Basement and Ground Floors  
516 Old Kent Road  
London  
SE1 5BA

Licensing Unit  
Direct Dial - 020 7525 5748  
Facsimile - 020 7525 5705

16 May 2018

Dear Mr Doe

**Simple Caution**  
**Section 136 (1) (a) and (b) of the Licensing Act 2003**

The facts surrounding the alleged offence(s), briefly described in the attached document, have been reported to me by an officer of this service. I have carefully considered these facts and concluded that there are sufficient grounds to institute legal proceedings under the above legislation.

However, on this occasion I am proposing to issue a simple caution in respect of the allegation. This course of action is subject to your agreement and admission of the alleged offence.

Before making your decision I recommend you seek independent legal advice about this matter and ensure you are aware of the consequences of accepting a simple caution. These are listed on the attached document.

If you agree you need to attend our office and sign the declaration attached or an officer may be able to meet you elsewhere. A countersigned copy of the caution will then be issued to you in due course.

If you have any queries about this matter please do not hesitate to contact us.

Yours faithfully,



David Littleton  
Head of Regulatory Services

Licensing Unit - Environment & Social Regeneration, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 Website - [www.southwark.gov.uk](http://www.southwark.gov.uk)

Strategic Director Environment & Social Regeneration - Deborah Collins

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

# SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

CASE REFERENCE:	[REDACTED]
OFFENDER'S SURNAME:	[REDACTED]
FORENAME(S):	[REDACTED]
NATIONAL INSURANCE No.	[REDACTED]
OCCUPATION:	PREMISES LICENCE HOLDER
ADDRESS:	[REDACTED]
DATE OF BIRTH:	Insert: [REDACTED]

DATE OF OFFENCE(S):	2 September 2017 19 November 2017 11 November 2017
PLACE OF OFFENCE(S):	CLUB 701, 516 OLD KENT ROAD LONDON SE1 5BA
BRIEF CIRCUMSTANCES OF OFFENCE(S):	2 September 2017 at 00:20hrs 19 November 2017 at 01:51hrs 11 November 2017 at 00:55hrs  Breach of licensing conditions  This matter potentially constitutes a breach of the licence issued under the Licensing Act 2003 by this Council in respect of the above named premises.  Relevant offence breach: <u>Section 136 (1) (a) and (b) of the Licensing Act 2003</u>

### Ministry of Justice guidance on simple cautions (issued 8<sup>th</sup> April 2013)

Please read the guidance below and the attached declaration. Make sure you understand it before you sign. You may seek independent legal advice before you accept the caution. Some of these points are applicable to cautions issued by the Police and will not be relevant to this matter.

1. A simple caution is an admission of guilt to committing an offence and forms part of an offender's criminal record. A record will be retained by the Council for future use. It may also be disclosed in a court in any future proceedings.
2. If after the simple caution has been administered, new evidence comes to light suggesting that the offence(s) committed are more serious, a prosecution may still be brought.
3. A simple caution may be disclosed to a current or prospective employer in certain circumstances. Separate guidance governs the disclosure of criminal record information

Licensing Unit - Environment & Social Regeneration, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

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4. Simple cautions become spent immediately they are administered. This means that you do not need to disclose a simple caution when asked unless you are seeking work in an occupation that is listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974 such as working with children and vulnerable adults or for other excepted purposes such as seeking to obtain certain licences. Police Cautions will also be disclosed under Disclosure and Barring Service (DBS) standard and enhanced checks. Further information can be obtained from the DBS.
5. The DBS maintains the lists of those barred from working with children and vulnerable groups, including adults. A simple caution may be taken into account by the DBS when reaching a decision about the suitability of persons to work with children and adults. Accepting a simple caution for certain offences may lead to the offender's inclusion on such a list which will prevent them from working in a regulated post with children and vulnerable groups. Further information should be obtained from the DBS.
6. If the offence(s) involve a victim or victims they might still take civil action or bring a private prosecution against you. The Council may provide your details to the victims if this is necessary for legal action to take place.
7. Countries requiring foreign nationals to obtain entry visas may require applicants to declare simple cautions on their application forms or at interview. Other country's immigration rules may mean that a person who has received a simple caution is refused entry as though they have a criminal conviction. The Rehabilitation of Offenders Act 1974 only applies within the UK which means simple cautions, even if spent, may still need to be disclosed to some countries in some circumstances. This will vary from country to country and may apply to people who want to emigrate permanently or those who simply want to visit for short term purposes, such as on business, for a holiday or to study. For specific information on what an individual may be required to disclose, the relevant embassy of the country of travel should be contacted.

#### **Further information relating to certain cautions**

If this caution relates to the sale of age restricted products (ARPs) or services please note that further covert test purchases will be attempted by the Council at your business. This means we will send in underage, or young looking, volunteers to attempt to buy ARPs or services. Such test purchasing may be covertly observed and recorded. You should also advise all sales staff of this.

**Licensing Unit** - Environment & Social Regeneration, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Strategic Director Environment & Social Regeneration** - Deborah Collins

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

# SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

## DECLARATION:

I have read and understand all this information.  
I hereby declare that I (insert name)

[REDACTED]

admit the offences described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME: [REDACTED] SIGNED: [REDACTED]  
(Block capitals)

DATED THIS 06/0 DAY of JULY 2018

After a signature has been added above, an officer of Southwark Council will countersign and return a copy.

NAME: David Littleton SIGNED: [REDACTED]

DESIGNATION: HEAD OF REGULATORY SERVICES

DATED THIS 7 DAY of JUNE 2018

Licensing Unit - Environment & Social Regeneration, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 Website - [www.southwark.gov.uk](http://www.southwark.gov.uk)

Strategic Director Environment & Social Regeneration - Deborah Collins

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



# Request to Authorise the Instigation of Legal Proceedings / Or a Simple Caution

CASE London Borough of Southwark V Mr Eric Doe

Location ID 9232

## PART A:

### 1. Alleged Offence(s) including statute details

Licensable activities were carried on at the premises without authorisation contrary to Section 136(1) (a) and (b) of The Licensing Act 2003.

A person commits an offence if -

he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or knowingly allows a licensable activity to be so carried on.

### 2. Place and Date of Offence

**Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA**

**2 September 2017 at 00:20hrs**

**19 November 2017 at 01:51hrs**

**11 November 2017 at 00:55hrs**

The alleged activities taking place at the premises were contrary to Section 136 (1) (a) and (b) of the Licensing Act 2003 which states that:

A person commits an offence if;

(a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or

(b) Knowingly allows a licensable activity to be so carried on

### 3. Offender(s)

Mr Eric Doe – Premises Licence Holder (Person in charge)

Offence date - **2 September 2017 at 00:20hrs**

**19 November 2017 at 01:51hrs**

**11 November 2017 at 00:55hrs**

Case Officer	Richard Kalu	Date :	26/04/2018
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Team Leader	David Franklin	Date :	26/04/2018
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Unit Manager	(Sarah Newman)	Date :	4/05/2018
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Service Manager	(David Littleton)	Date :	
Comments			

## PART B

### 1 Background

The premises consist of a ground floor premises leading into an open plan bar and dancing area via a front entrance into the premises.

The current licence in respect of the premises known as the Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA was issued on the 19 February 2016. The premises licence granted permitted the following licensable activities:

#### Plays - Indoors

Wednesday	22:00 - 02:00
Thursday	22:00 - 04:00
Friday	22:00 - 04:00
Saturday	22:00 - 04:00
Sunday	22:00 - 01:00

#### Films - Indoors

Wednesday	22:00 - 02:00
Thursday	22:00 - 04:00
Friday	22:00 - 04:00
Saturday	22:00 - 04:00
Sunday	22:00 - 01:00

**Live Music - Indoors**

Wednesday	22:00 - 02:00
Thursday	22:00 - 04:00
Friday	22:00 - 04:00
Saturday	22:00 - 04:00
Sunday	22:00 - 01:00

**Recorded Music - Indoors**

Wednesday	22:00 - 02:00
Thursday	22:00 - 04:00
Friday	22:00 - 04:00
Saturday	22:00 - 04:00
Sunday	22:00 - 01:00

**Performance of Dance - Indoors**

Wednesday	22:00 - 02:00
Thursday	22:00 - 04:00
Friday	22:00 - 04:00
Saturday	22:00 - 04:00
Sunday	22:00 - 01:00

**Entertainment Similar to live/recorded music / dance - Indoors**

Wednesday	22:00 - 02:00
Thursday	22:00 - 04:00
Friday	22:00 - 04:00
Saturday	22:00 - 04:00
Sunday	22:00 - 01:00

**Late Night Refreshment - Indoors**

Wednesday	23:00 - 02:00
Thursday	23:00 - 04:00
Friday	23:00 - 04:00
Saturday	23:00 - 04:00
Sunday	23:00 - 01:00

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

Wednesday	23:00 - 02:00
Thursday	23:00 - 04:00
Friday	23:00 - 04:00
Saturday	23:00 - 04:00
Sunday	23:00 - 01:00

On the 28 September 2017 a warning letter was sent to the operator of the premises Mr Eric Doe in relation to breaches of his premises licence following a visit to the premises on the 2 September 2017.

On the 19 November 2017 a Section 19 Closure Notice under the Criminal Justice and Police Act 2001 was issued to Mr Eric Doe by night time economy police officers carrying out an inspection of his premises.

On the 12 December 2017 a warning letter was sent to the premises licence holder in relation to breaches of the premises licence following a visit to the premises on the 11 November 2017.

On the 18 December 2017 a variation application was determined at licensing sub - committee to refuse a variation application to extend their permitted licensable hours and to add electronic shisha smoking at the premises. The Licensing Sub – Committee resolved to allow some amendment to the conditions on the premises licence in relation to SIA staffing.

A letter of alleged offence was sent to the premises licence holder Mr Eric Doe on the 28 September 2017 alleging offences at his premises and inviting him in to attend a PACE interview.

On the 14 February 2018 Mr Eric Doe attended offices at Southwark Council on 160 Tooley Street, London, SE1 2QH. Under PACE interview conditions Mr Eric Doe was asked about the offences which were witnessed taking place at his premises. Mr Eric Doe admitted that all the offences put to him had occurred at his premises. Mr Eric Doe confirmed that as Premises Licence Holder he took full managerial responsibility for allowing these offences to take place at his premises.

## 2 Brief Summary

On the **2 September 2017 at 00:20hrs** council officers undertook an inspection to determine whether the licensable activities at your premises were carried out in accordance with the premises licence issued in respect of your premises.

In the course of the inspection officers witnessed the below breaches of the premises licence issued in respect of your premises;

The clock on your CCTV within your premises was three minutes slow which is a breach of **Condition 288** of your premises licence which states;

That a CCTV system shall be installed and maintained in full working order. The CCTV system will record footage of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered by the CCTV system including the bar and smoking areas.

No accommodation limit had been set or was in use at the premises. Only one counting device (to count customers 'in') was being used at the premises. No 'out' clicker was being used in conjunction with the 'in' clicker, so there was no way to ascertain an accurate tally of customers at the premises.

This was in breach of **Condition 307** of your premises licence which states;

That an accommodation limit shall be set in respect of the premises. All staff at the premises shall be made aware of the accommodation limit. The SIA security staff employed at the premises shall be responsible for ensuring that the accommodation limit is not exceeded and shall use counting devices to ensure that the accommodation limit is not exceeded. Once the accommodation limit of the premises has been reached the premises shall operate a 'one in, one out' policy. Staff at the premises hadn't undertaken a recognised training scheme in regards to the sale of alcohol.

This was a breach of **Condition 344** of your premises licence which states;

That all staff concerned in the sale or supply of intoxicating liquor shall undertake a recognised training scheme for such duties. Records of such training should be kept at the premises and made available for inspection to police, council or other authorised officers on request.

Beverages were witnessed being consumed in the smoking area.

This was a breach of **Condition 345** of your premises licence which states;

That no beverages will be consumed in the smoking area. Patrons will be encouraged to leave this area as soon as practicable. At least one member of SIA staff will be situated in the smoking area at all times the premises are in operation.

Acoustic seals, brushes & self closers were not installed on relevant doors.

This was a breach of **Condition 349** of your premises licence which states;

That acoustic seals, brushes and self-closers (in accordance with BS 6459 Pt. 1 1984) shall be installed to all doors and fire doors leading out into external areas so as to minimise sound escape from the premises.

Drinks were being permitted outside (in the smoking area).

This was a breach of **Condition 353** of your premises licence which states;

That no drinks shall be permitted outside at any time.

There was no dispersal policy in place at the premises.

This was a breach of **Condition 357** of your premises licence which states;

That a comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and such training records shall be made available to the council or police on request.

No pre-opening security checks had been undertaken or logged at your premises.

This was a breach of **Condition 379** of your premises licence which states;

That prior to the premises opening, security checks of the premises and the immediate vicinity that the premises are located in shall be undertaken. Details of such checks shall be recorded in the incident log.

Not all promotional material identified the location of car parks in the area or other travel facilities

This was a breach of **Condition 392** of your premises licence which states;

That the location of car parks in the area and other travel facilities shall be identified on all promotional materials, including the premises' website.

There was no refusal register available at your premises.

This was a breach of **Condition 4A1** of your premises licence which states;

That a register of refused sales of alcohol shall be maintained at the premises and shall include the time and date of any refused sale of alcohol, the reason the sale was refused and the name of the member of staff who refused the sale. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be made immediately available for inspection at the premises to council or police officers on request.

No staff training records were available in respect of the Licensing Act 2003 or the terms and conditions of the premises licence issued in respect of the premises.

This was a breach of **Condition 793** of your premises licence which states;

That all staff involved in the sale of alcohol or the operation of the premises under this licence shall be trained in their responsibilities under the Licensing Act 2003 and trained in respect of the full terms and conditions of this licence. Records pertaining to such training shall be kept and be accessible at the premises at all times and will be updated every six months.

The training records shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training, a basic summary of what the training included and a declaration that the training has been received. The training records shall be made immediately available to officers of the police and / or the council upon request.

On the **19 November 2017 at 01:51hrs** Metropolitan Police officers visited your premises to carry out a routine licensing inspection. In the course of the inspection officers witnessed breaches of your premises licence.

When officers entered your premises they witnessed patrons within your premises wearing hats.

This was a breach of **Condition 373** of your premises licence which states;

That customers shall not be permitted to wear hats or hoods whilst inside the venue.

Officers all requested to see footage from the CCTV system installed at your premises. Officers were advised that CCTV footage for 31 days could not be shown as the premises had changed over its hard - drive.

This was a breach of **Condition 289** of your premises licence which states;

All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request.

On **Friday 11 November 2017 at 00:55hrs** council officers visited your premises to undertake an inspection of your premises and witnessed only three SIA staff working within your premises.

This was a breach of **Condition 341** of your premises licence which states;

That a minimum of 6 SIA registered door supervisors shall be employed at the premises, one of whom shall be female, at all times that the premises are in use. They will be employed each night that the premises are in operation and will be on duty to receive patrons at the stated opening time of 22:00. At least two will be provided with, and will use, electronic search wands in respect of the search of all persons who wish to enter the premises. This includes all DJ's and associated staff and their equipment.

Officers undertook a check of the ID scanning system in operation at the premises and noted that patrons and staff entering into the premises were not being scanned through the ID scanning system required to be in place and in operation at the premises.

This was a breach of **Condition 342** of your premises licence which states;

That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 22:00 when the premises are in operation and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and/or if the person's details are already stored on the system and they are identified using a biometric identification system.

Officers also requested to see footage from the CCTV system installed at the premises. At the time of the inspection no staff were able to gain access to the CCTV system and did not know how to operate the CCTV system within the premises.

This was a Breach of **Condition 289** which reads;

All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request. At the time of the inspection officers requested to know the approximate numbers of patrons within the premises. It was noted that comprehensive records were not available detailing patrons entering into the premises.

This was a breach of **Condition 307** which reads;

That an accommodation limit shall be set in respect of the premises. All staff at the premises shall be made aware of the accommodation limit. The SIA security staff employed at the premises shall be responsible for ensuring that the accommodation limit is not exceeded and shall use counting devices to ensure that the accommodation limit is not exceeded. Once the accommodation limit of the premises has been reached the premises shall operate a 'one in, one out' policy.

In the course of the inspection officers requested to see staff training records and were advised that these could not be provided;

This was a breach of **Condition 793** which states;

That all staff involved in the sale of alcohol or the operation of the premises under this licence shall be trained in their responsibilities under the Licensing Act 2003 and trained in respect of the full terms and conditions of this licence. Records pertaining to such training shall be kept and be accessible at the premises at all times and will be updated every six months. The training records shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training, a basic summary of what the training included and a declaration that the training has been received. The training records shall be made immediately available to officers of the police and/or the council upon request.

Mr Eric Doe has shown remorse for his actions and has accepted that changes are required at his premises. The licensing unit have been informed that Mr Eric Doe proposes that he will no longer leave day to day management control of the premises to his Designated Premises Supervisor. Mr Eric Doe has confirmed that when the premises is operational he will be at the premises.

Mr Eric Doe has accepted full responsibility for the offences which have been committed at his premises.

Discussion has taken place with Mr Eric Doe and he has been advised that should further offences or breaches of his premises licence be witnessed at the premises, the licensing unit would need to consider if instigating legal proceedings would be appropriate.

Mr Eric Doe has been informed that in this particular case the officer recommendation will be for a Simple Caution and he has indicated a willingness to accept the caution. Mr Eric Doe has been advised that in the event of a similar offence re-occurring at the premises and a decision to prosecute taken, this offence would be cited as a first offence.

**3 Other Matters (including brief details of special circumstances and/or previous convictions)**

A licensing inspection was carried out at the premises on the 14 April 2018. Officers carried out a full licensing inspection and the premises was found to be compliant. A compliance letter was issued to the Premises Licence Holder on the 14 April 2018.

**4 Conclusions**

Mr Eric Doe has admitted to the offence of breach of licensing conditions – Contrary to Section 136 (1)(a) and (b) of the Licensing Act 2003 at his premises when he had active control of the premises as the Premises Licence Holder.

**5 Recommendations**

Taking into consideration that Mr Eric Doe has admitted the offence, and now implemented measures to ensure that breaches of his premises licence conditions do not occur again.

Under these circumstances it seems contrary to the public good to proceed to prosecution and incur the loss of officer time and expenses in doing so, when in this case a simple caution would seem to provide an expedited conclusion.

I recommend that a Simple Caution is offered to Mr Eric Doe for the offences witnessed at the Club 701 on the **2 September 2017 at 00:20hrs, 19 November 2017 at 01:51hrs & 11 November 2017 at 00:55hrs.**



**METROPOLITAN  
POLICE**

Book 694

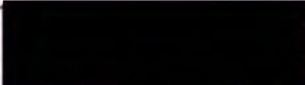
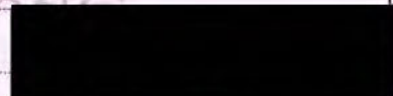
Licensing Authority Copy

**Notification of alleged offences under the Licensing Act 2003**Venue Name: Club 701 REF: (CAD/CRIS etc.)Address: S16 OLD Kent Road, LondonSE15BA Date: 28/8/18 Time: 01:19Details of person in charge at the relevant time: Mr Alfred MansourcyDPS  Personal Licence Holder **Summary of alleged offences identified**

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

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

Opening the club on a Bank holiday Monday 27th August 2018 going into Tuesday 28th August 2018 with out a license todo so.

Issuing officer: Print: PC GERTY 7821CI acknowledge receipt of this form: (venue) 

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



Mr Alfred Mansaray  
 [REDACTED]

Licensing Unit  
 Direct Dial - 020 7525 2436  
 Facsimile - 020 7525 5705

10 June 2019

**Dear Mr Mansaray,**

**Simple Caution**

Section 136 (1) (a) of The Licensing Act 2003, which states that:

*"A person commits an offence if -*

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or*
- (b) knowingly allows a licensable activity to be so carried on.*

The facts surrounding the alleged offences, briefly described in the attached document, have been reported to me by an Officer of this service. I have carefully considered these facts and concluded that there are sufficient grounds to institute legal proceedings under the above legislation.

However, on this occasion I am proposing to issue a simple caution in respect of the allegations. This course of action is subject to your agreement and admission of the alleged offences.

Before making your decision I recommend you seek independent legal advice about this matter and ensure you are aware of the consequences of accepting a simple caution. These are listed on the attached document.

If you agree you need to sign the declaration attached. A countersigned copy of the caution will then be issued to you in due course.

If you have any queries about this matter please do not hesitate to contact us.

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

Yours faithfully,



**David Littleton**  
**Head of Regulatory Services**  
licensing@southwark.gov.uk

**Licensing Unit** - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH  
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**Strategic Director Environment & Housing** - Deborah Collins  
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	Section 138 of the Licensing Act 2003 – Keeping Alcohol on a premises for an unauthorised sale.
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	On the 18 <sup>th</sup> February 2019, Mr Mansaray attended our office for an interview under caution where the allegations were put to him. Mr Mansaray made a full and frank admission and has therefore accepted the offence as his responsibility.
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### Ministry of Justice guidance on simple cautions (issued 8<sup>th</sup> April 2013)

Please read the guidance below and the attached declaration. Make sure you understand it before you sign. You may seek independent legal advice before you accept the caution. Some of these points are applicable to cautions issued by the Police and will not be relevant to this matter.

1. A simple caution is an admission of guilt to committing an offence and forms part of an offender's criminal record. A record will be retained by the Council for future use. It may also be disclosed in a court in any future proceedings.
2. If after the simple caution has been administered, new evidence comes to light suggesting that the offence(s) committed are more serious, a prosecution may still be brought.
3. A simple caution may be disclosed to a current or prospective employer in certain circumstances. Separate guidance governs the disclosure of criminal record information
4. Simple cautions become spent immediately they are administered. This means that you do not need to disclose a simple caution when asked unless you are seeking work in an occupation that is listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974 such as working with children and vulnerable adults or for other excepted purposes such as seeking to obtain certain licences. Police Cautions will also be disclosed under Disclosure and Barring Service (DBS) standard and enhanced checks. Further information can be obtained from the DBS.
5. The DBS maintains the lists of those barred from working with children and vulnerable groups, including adults. A simple caution may be taken into account by the DBS when reaching a decision about the suitability of persons to work with children and adults. Accepting a simple caution for certain offences may lead to the offender's inclusion on such a list which will prevent them from working in a regulated post with children and vulnerable groups. Further information should be obtained from the DBS.
6. If the offence(s) involve a victim or victims they might still take civil action or bring a private prosecution against you. The Council may provide your details to the victims if this is necessary for legal action to take place.
7. Countries requiring foreign nationals to obtain entry visas may require applicants to declare simple cautions on their application forms or at interview. Other country's immigration rules may mean that a person who has received a simple

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**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Strategic Director Environment & Housing** - Deborah Collins

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

## SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

CASE REFERENCE:	
OFFENDER'S SURNAME:	[REDACTED]
FORENAME(S):	[REDACTED]
NATIONAL INSURANCE No.	[REDACTED]
OCCUPATION:	Designated Premises Supervisor
ADDRESS:	[REDACTED]
DATE OF BIRTH:	[REDACTED]

DATE OF OFFENCES:	28 August 2018
PLACE OF OFFENCE(S):	Club 701, 516 Old Kent Road SE1 5BA
BRIEF CIRCUMSTANCES OF OFFENCE(S):	<p>On the 28<sup>th</sup> August 2018 during a police visit from the Night Time Economy Team following the Notting Hill Carnival it was witnessed that the above premises was operating licensable activities without authorisation. On the premises licence condition 396 stipulates: <b>That on Sundays prior to Bank Holiday Mondays, Christmas Eve and New Year's Eve the permitted opening hours of the premises are between 22:00 to 05:00 and licensable activities must cease at 04:00 on these days.</b></p> <p>The following breaches to the premises licence were committed contrary to:</p> <p>Section 136 (1) (1) of the Licensing Act 2003 states that:</p> <p>"A person commits an offence if –</p> <p>(a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or</p> <p>(b) knowingly allows a licensable activity to be so carried on."</p> <p>Section 137 of the Licensing Act 2003 – Exposing Alcohol for retail without authorisation, and;</p>

# SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

## DECLARATION:

I have read and understand all this information.  
I hereby declare that I (insert name)

Alfred Mansaray

I admit the offence described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME:   
(Block capitals)

SIGNED: 

DATED THIS 11 DAY of June 2019

After a signature has been added above, an officer of Southwark Council will countersign and return a copy.

NAME: DAVID LITTLETON

SIGNED: 

DESIGNATION: Environmental Health & Trading Standards Business Manager

DATED THIS 11 DAY of June 2019

caution is refused entry as though they have a criminal conviction. The Rehabilitation of Offenders Act 1974 only applies within the UK which means simple cautions, even if spent, may still need to be disclosed to some countries in some circumstances. This will vary from country to country and may apply to people who want to emigrate permanently or those who simply want to visit for short term purposes, such as on business, for a holiday or to study. For specific information on what an individual may be required to disclose, the relevant embassy of the country of travel should be contacted.

#### **Further information relating to certain cautions**

If this caution relates to the sale of age restricted products (ARPs) or services please note that further covert test purchases will be attempted by the Council at your business. This means we will send in underage, or young looking, volunteers to attempt to buy ARPs or services. Such test purchasing may be covertly observed and recorded. You should also advise all sales staff of this.

Licensing Unit induction checklist for new licensees / management.

Premises Name: Club 701

Address: Basement and Grounds Floors, 516 Old Kent Road SE1 5BA

Licensee: Erico Entertainment Limited

DPS: Alfred Masarous

### 1. INTRODUCTION

- Who staff are.
- Why meeting is being held – to ensure every licensee is fully aware of his / her responsibilities from the onset

### 2. THE LICENCE

- Introduce the licence document & the Annexes.
- Explain the mandatory conditions in Annex 1.
- Explain the special conditions in Annex 2 and 3.
- Give details of what happens if the conditions are breached.
- Explain about responsible authorities or interested parties, what their role is and how they can call a review. Give full details of what is involved with a review and what the outcomes can be.
- Explain that there is an annual maintenance fee to be paid for the licence.
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary
- Explain in detail about when you need to apply for a variation, what is involved and what the procedure is. Also about varying the dps.
- Advise them that if they leave about surrendered the licence and the consequences for the licensee and the dps if they leave without surrendered the licence.
- Door Supervisors requirements that must be SIA registered.
- Drugs Misuse, drug policy.
- Challenge 21, suitable identification.
- Covert inspections by police, licensing and trading standards.
- Noise nuisance.

### 3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Early inspection(s) conducted and thereafter risk-assessed. Give details of what we look for and what documents we will need to see. Also the outcome if we find things wrong – what happens next?



- Will conduct additional inspections where problems found and complaints made.
- Will listen to proposals for putting right. Will give timescale for matters that cannot be rectified easily.
- Explain inspections aim to help but that continually to operate outside of the terms of the licence will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation
- Make sure any special arrangements at premises are understood (i.e. lobby door arrangements / removal of bolts / numbers control etc)

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss

Leave calling cards:

Officer(s) Attending: (Sign).....

[Redacted Signature]

(Print).....

[Redacted Name]

Persons Present: (Sign)....

(Sign)....

[Redacted Signature]

(Print).....

[Redacted Name]

Date of Meeting: .....

11 June 2019


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

Form 693

## Form for Applying for a Summary Licence Review

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

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

Use additional sheets if necessary.

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

Name: **Southwark Licensing Team**

Address:

**3rd Floor 160 Tooley Street**

Post town: **Southwark**

Post code: **SE1 2QH**

Ref. No.:

#### I **Police Constable Ian Clements**

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:

**Club 701, 516 Old Kent Road**

Post town: **Southwark**

Post code:  
(if known)

**SE1 5BA**

#### 2. Premises licence details

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

**Erico Entertainment Limited**

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

**860699**

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

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

Please tick the box to confirm:

## PROTECTIVE MARKING

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

(Please read guidance note 2)

On the 31<sup>st</sup> August 2019 Police responded to a call to a fight inside club 701, 516 Old Kent Road. On arrival of Police a male victim was found in the smoking area at the rear of the club. He was unconscious and unresponsive and bleeding from the head. LAS arrived on scene and worked on the victim for approximately 45 minutes before putting him an induced coma and convey him to Kings College Hospital.

I have viewed the CCTV from the smoking area and note that the timing shows the incident taking place at 02:17. This is inconsistent with the timing of the calls to the emergency services. This either means that the premises were open to the public beyond their terminal hour of 03:00 or they waited an hour to call the emergency services.

I made contact with the investigating officer to advise him that the premises should have an ID scan system in operation at all times that the premises are in operation under the premises licence. The investigating officer got in touch with Eric Doe and was told that on the night they discovered a software fault with the ID scan and were unable to get an engineer out to fix it before they opened. This would appear to be in contradiction of the details I have been provided, the fault was first reported Thursday morning, this was confirmed in an email from Mr Doe.

I have an email chain between Mr Doe and ID scan, one of which describes the system to have physical damage and needs replacing. According to ID scan the issues with the system only started Wednesday night, Thursday morning, prior to that they have no issues logged on their system or faults reported.

Condition 373: That customers shall not be permitted to wear hats or hoods whilst inside the venue.

I have viewed the CCTV and note a number involved in the fight either had hoods up or wearing hats.

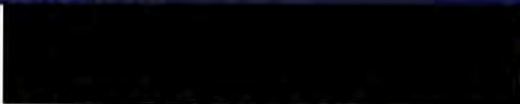
This incident largely took place in the smoking area in the rear courtyard of the premises. A section of the courtyard is set aside as a covered shisha smoking area. The smoking of Shisha using Cole is prohibited at this venue. I note from the crime report that the use of Coles appears to be taking place. The premises licence holder stated at an earlier hearing that only electronic Shisha devices would be used.

This incident took place in a licensed premises that at the time was operating without the correct authorisation, by way of a premises licence or a temporary event notice. If the premises had have closed on time and had been operating in line with the conditions on the premises licence, I believe this incident could have been avoided.

I have no confidence in the management of this premises, they have a number of control measures on the licence that were breached on the night in question. The addition of further conditions in my opinion is not appropriate on this occasion. I recommend that the licence is suspended pending the outcome of a full review of the premises licence.

**Signature of applicant**

Signature:



Date:

5<sup>th</sup> November 2019

Capacity:

Police Licensing Officer

**Contact details for matters concerning this application**

Surname:

Clements

First Names:

Ian

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



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

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

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

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

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

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

**Club 701, 516 Basement & Ground Floor Old Kent Road**

Post town:

**Southwark**

Post code:  
(if known)

**SE1 5BA**

Premises licence number (if known):

**860699**

Name of premises supervisor (if known):

**Mr Alfred Mansaray**

**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)

PROTECTIVE MARKING

On Thursday the 31<sup>st</sup> October at approximately 03:15 Police were called to the above venue following reports of a fight inside the premises.

A male victim was identified in the smoking area at the rear of the club, he was unconscious and bleeding from the head.

On initial investigation it would appear the victim has been attacked by a number of suspects and struck over the head with a metal bar or section of a shisha pipe.

He remained unconscious and was placed in an induced coma before being transferred to Kings College Hospital.

The premises appears to have been operating in breach of their premises licence, no ID scan system was in place when the premises were in operation under the premises licence.

The lack of ID scan has had a detrimental impact on the initial investigation and the timely identification of suspects involved in a serious assault.

It would also appear that the premises were operating beyond the terminal hour for licensable activities.

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

Signature

Signature:

SLATE  
HOLLIS

Date:

5/11/19

## WITNESS STATEMENT

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

URN 

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Statement of: PC Ian Clements 2363AS

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

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

Witness Signature



2362 AS

Date: 06/11/2019

I have been a Police constable for over 26 years, I have been in my current role as the Police licensing officer for Southwark for over 9 years.

On the 6<sup>th</sup> November 2019, as part of my investigation into a serious assault at Club 701, 516 Old Kent Road I viewed the venues CCTV which covers the smoking area, and the body worn video from officers responding to the assault.

At 03:17 the CCTV shows a large disturbance taking place in the smoking area of the venue, the camera shows a large seated area with several red leather sofas, some tables and at least one shisha pipe on its stand. During the fight one of the suspects picks up this Shisha bar and strikes the victim who had been knocked to the floor.

A number of other suspects join in the fight and appear to be attacking the victim, it should be noted a number of the suspects are wearing hoods or hats, making facial recognition very difficult.

Condition 373: That customers shall not be permitted to wear hats or hoods whilst inside the venue.

I am aware of the terminal hours and conditions on the premises licence, the premises should be closed to the public at 0300 and the assault took place at 0318.

With regard to the smoking are and the presence of Shisha. On the 14<sup>th</sup> October 2017 the premises licence holder submitted an application to vary the premises licence, one of the variation sort was to amend the conditions relating to the consumption of drinks outside in the smoking area. This was to allow for the introduction of a Shisha bar in order to increase revenue.

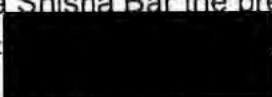
The responsible authorities objected to this particular variation on the grounds of public safety and the prevention of crime and disorder.

This section of the variation was rejected by the licensing subcommittee and the variation to allow drinks outside was refused.

This is covered by condition 353: That no drinks shall be permitted outside at any time.

In response the representations from the responsible authorities with regard to the introduction of a Shisha Bar the premises licence holder provided the following response.

Witness Signature:



2362 AS

Signature Witnessed by Signature

Continuation of Statement of:

**The smoking of shisha pipes will be of the electronic variety only, akin to e-cigarettes, and so no coal storage will be required. The issue of shisha fumes and their possible inhaling by staff and guests alike, will, accordingly, be made redundant.**

The CCTV shows the victim being attacked with what appears to be a free standing Shisha pipe and possibly one that uses Coles to heat. The following is a direct lift from the crime report relating to the assault on Wednesday and is a statement from a member of staff.

**He stated that XXXXX was misusing the shisha pipes. XXXXX tried to warn XXXXX about the way he was using it and some of the coal from it fell in front of XXXXX which caused him to become angry and he said that XXXXX didn't care about his life. XXXXX then started to be abusive about XXXXX family and started swearing. XXXXX grabbed the pipe from XXXXX and XXXXX has then put his hand on XXXXX chest.**

This statement would appear to support the evidence that despite the promises not to use anything but electronic Shisha the venue have been using the Shisha Coles.

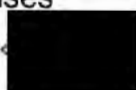
In addition to the CCTV I also viewed the body worn video from one of the police officers on scene and dealing with the victim of the assault. This shows the broken Shisha pipe lying next to the victim along with what appears to be a glass bottle of beer.

Condition 353: No drinks permitted outside at any time.

Condition 347: That all beverages will be served in plastic/polycarbonate receptacles, no glasses or bottles will be permitted in the public area of the venue.

The above footage would appear to contradict these conditions.

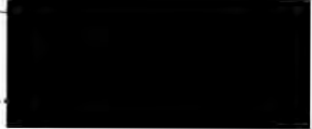
All of the above are in my opinion contributory factors that have resulted in a victim being seriously assaulted, in my opinion a situation that could have been avoided if the premises were operating responsibly and within the restrictions of the current premises licence.



Witness Signature:



*2362*



Signature Witnessed by Signature:

## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE - 7 November 2019.

#### **LICENSING ACT 2003: SECTION 53A: Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA**

This was a hearing to consider if it is appropriate to take interim steps pursuant to section 53B of the Licensing Act 2003, to promote the licensing objectives upon receipt of an application on 5 November 2019 by the Metropolitan Police Service, for a summary review of the premises licence relating to an incident that occurred in the early hours of 31 October 2019.

#### **1. Decision**

That the premises licence in respect of Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA be suspended with immediate effect as an interim step to promote the licensing objectives, pending the determination of the review application at a full hearing, to be held on 28 November 2019. The sub-committee urge the parties to investigate and provide evidence at the full hearing of the timings both of the incident and CCTV footage and the operation of the ID scanning system in the days leading up to and following the incident.

#### **2. Reasons**

The sub-committee was satisfied on the evidence that a serious assault had taken place on the premises and had been contributed to by multiple breaches of premises licence conditions. In particular, either the premises should have been closed before the incident took place or the police should have been called much earlier, the premises should not have been operating in circumstances where the ID scanner was not working, no drinks or glassware should have been in the area where the incident occurred and no patrons should have been wearing hats or hoods.

The sub-committee considered that the suspension was necessary and proportionate to promote the licensing objective of the prevention of crime and disorder. The sub-committee considered that other measures short of this were insufficient given the seriousness of the incident, the breaches of licence conditions on this occasion, and the previous operating history of the premises.

#### **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.



The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination

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: 7 November 2019

## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 28 NOVEMBER 2019

#### LICENSING ACT 2003: SECTION 53A: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA

#### 1. Decision

That the council's licensing sub-committee, having considered an application made under section 53A of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence in respect of Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA and having had regard to all relevant representations decided to suspend the licence for a period of three months, to remove Alfred Manseray as the designated premises supervisor and to modify the conditions of the licence as follows:

1. That the premises will be closed on Wednesdays.
2. That the measures set out in the licensing compliance plan attached to the premises licence as annex 5 shall be implemented in full prior to the reopening of the premises.
3. That there shall be no shisha smoking equipment on the premises at any time.
4. That all security staff at the premises shall be supplied by an SIA approved contractor.
5. That condition 288 of the licence shall be amended by the addition of the following: "The premises shall not be open at any time when the CCTV is not operating correctly."
6. That condition 342 of the license shall be reworded as follows:

"That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. **The system must be operating correctly at all times when the premises are open** and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and / or if the person's details are already stored on the system and they are identified using a biometric identification system."

7. That Eric Doe shall play no part in the day-to-day management or operation of the premises.

#### 2. Reasons

The licensing sub-committee heard from the representative of the Metropolitan Police Service, the applicant for the review, who referred to his previous representations (considered at the interim steps hearing on 7<sup>th</sup> November 2019) and to his further witness statement dated 22<sup>nd</sup> November 2019, in which he exhibits CCTV stills from the night of the incident showing the licence holder Eric Doe behind the bar in the outside shisha area where the assault occurred. In his view, this undermined Mr Doe's assertion that the incident had been the fault of others, in particular the designated premises supervisor, who had let him down. Mr Doe had been in

that area of the premises himself that night, yet had allowed multiple breaches of licence conditions to occur. It was clarified that the CCTV appeared to be 1 hour behind actual time, so that the incident had occurred after 3.00 a.m. by which time the premises should have been closed. In the view of the police, Mr Doe had shown a disregard for the licensing objectives and they had no confidence that he could manage the premises safely in future. The licence should therefore be revoked. If the sub-committee did not agree with that, the licence should be suspended for 3 months, the designated premises supervisor changed and an SIA approved contract team appointed.

The sub-committee heard from the representative of the licensing authority, who referred to written representations submitted on her behalf. These traced the chronology of previous interventions by licensing officers attempting to secure compliance at the premises. It was clear that despite three separate licensing induction visits breaches of licence conditions had continued to occur, eventually leading to police cautions being issued for licensing offences. She urged the sub-committee to revoke the licence or, at the least, suspend the licence for 3 months while all the remedial measures proposed by the licence holder were put in place.

The representative of the licence holder entirely accepted that a serious incident had occurred. However, the sub-committee had to distinguish between a history of long-running minor non-compliance at the premises and this serious incident of violence, which was a one-off and could not in itself justify revocation of the licence, particularly where – as here – it was possible for the premises to be run in future in a compliant way. The proposal was for Mr Doe to play no further part in managing the premises. A new designated premises supervisor had been identified. A comprehensive licensing compliance plan had been devised and would be implemented. The premises could cease trading on a Wednesday, as this had attracted an unfamiliar crowd. There would be no shisha smoking henceforth. The premises would be closed if either the CCTV or ID scanning system were not working. A 6 week suspension was volunteered, which would allow time for the new regime to bed in.

The sub-committee took account of the fact that a serious assault had taken place on the premises which had been caused or contributed to by multiple breaches of premises licence conditions. The premises should have been closed before the incident took place, the ID scanner was not working, no drinks or glassware should have been in the shisha area and no patrons should have been allowed to wear hats or hoods.

Revocation was considered, but on balance the sub-committee took the view that a 3 month suspension of the licence, the removal of the designated premises supervisor and the additional conditions set out above would be sufficient in this case to promote the licensing objectives, in particular the prevention of crime and disorder. The sub-committee considered that other measures short of suspension were insufficient given the seriousness of the incident, the multiple breaches of licence conditions and the previous operating history of the premises.

The sub-committee noted with approval the applicant's willingness to eliminate single-use plastics in glasses and straws.

In reaching its decision, the sub-committee had regard both to the revised guidance and to its own statement of licensing policy, and considered that its decision was appropriate and proportionate in order to promote the licensing objectives, in particular the prevention of crime and disorder.

### **3. Appeal rights**

This decision is open to appeal by either

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

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

This decision does not have effect until either

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

#### **4. Review of interim steps pending appeal**

At the conclusion of the review hearing the licensing sub-committee reviewed the interim steps to determine which interim steps were appropriate for the promotion of the licensing objectives, pursuant to section 53D of the Licensing Act 2003. The sub-committee concluded that these interim steps were appropriate:

- To suspend the premises licence.

The interim steps are open to appeal by:

- a) The chief officer of police for the police area in which the premises is situated; or
- b) The holder of the premises licence

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

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

Date: 28 November, 2019.

Club 701 – Complaints

rdate	refno	catg	ioff	unit	Notes
27/01/2020	918418	L70 Lic General Enquiry	WM	LIC Southwark Licensing	
04/03/2022	972192	L72 Public nuisance	RK	LIC Southwark Licensing	
04/03/2022	972228	L72 Public nuisance	RK	LIC Southwark Licensing	
03/05/2022	975874	L72 Public nuisance	RK	LIC Southwark Licensing	
30/12/2022	991433	L72 Public nuisance	RK	LIC Southwark Licensing	
12/06/2023	A00979	L72 Public nuisance	SK	LIC Southwark Licensing	
21/08/2023	A05514	N05 People Noise - Adjacent to Licensed Premises	CH	NTT Noise Team	
16/01/2024	A14022	L73 Unlicensed Premises / activity	SK	LIC Southwark Licensing	

## CLUB 701 - NTE Visits

adate	desc	officer	adtext
18/01/2020	00:55 NTE Visit	FC	18/ 1/2020 00:55 FRC closed.
14/02/2020	23:38 NTE Visit	FC	14/ 2/2020 23:38 FRCno activity all shut.
11/01/2020	00:01 NTE Visit	FC	Closed.
12/01/2020	02:05 NTE Visit	FC	Closed.
31/01/2020	23:00 NTE Visit	AH	Premises closed.
02/02/2020	00:40 NTE Visit	AH	Premises closed.
07/02/2020	23:00 NTE Visit	CJ	Visit to the premises with Ken Andrews, the premises was closed ATOV.K-Che was open but quiet. Action: Append to APP
08/02/2020	00:35 NTE Visit	CJ	Visit to the premises with Ken Andrews, the premises was closed nomovement in or out. I waited around for 20 minutes and no one enteredor left the premises. Action: Append to APP.
21/02/2020	23:30 NTE Visit	AH	Premises closed.
28/02/2020	00:18 NTE Visit	RK	Compliance Visit with Adam Burchett & PC Maria O'Mahoney premisesclosed and non – operational.
08/03/2020	01:32 NTE Visit	CJ	Visit to the premises with Ketchi, to check the premises were closed.ATOV the premises were quiet and closed.Action: Append to APP
14/03/2020	00:43 NTE Visit	RK	Compliance visit with Ken Andrews (Principal Health & Safety Officer)to check if premises was closed due to licence suspension from reviewhearing.Premises closed and non – operational ATOV.
24/10/2020	23:06 NTE Visit	CJ	Premises closed ATOV
25/10/2020	22:32 NTE Visit	CJ	Premises closed ATOV
01/11/2020	23:01 NTE Visit	CJ	Premises closed ATOV
09/02/2020	01:58 NTE Visit	CJ	Visit to the premises with Roy Fielding and Jonathan Ducker, thepremises was closed ATOV, no movement in or out of the premises lightswere of and the area directly outside the premises was quiet. Action:Append to APP
23/02/2020	01:05 NTE Visit	FC	Closed no activity.
24/06/2023	00:55hrs NTE Visit	RM	00:55hrs No BBQ. Visited Kent Lounge with the owner and it was notopen and had not been open all night due to re-decoration work beingunder taken... it smelt very strongly of new paint.Visited Club 701 again with owner and went into the basement to viewthe CCTV. The system seems to have a huge storage now and has muchmore than 31 days that can be viewed... in fact there was footageavailable going back to the beginning of May.

26/09/2020	22:10 NTE Visit	FC	26/ 9/2020 22:00 FRCpremises open, lots of students leaving some sort of party tonight.Called Charlie Jerrom as the premises licence was suspended for lastfew months surprised to see them open. Charlie said they haverecently been allowed to open again. watched customers gather outsideand not leaving quickly poor social distancing group of 50 youths.
01/11/2020	22:50 NTE Visit	FC	1/11/2020 22:50 FRCclosed shutters down lights on, a group of people on the corner oficelands waiting for taxi.
08/04/2022	22:48 NTE Visit	RK	Premises closed and non-operational ATOV.
15/04/2022	00:21 NTE Visit	RK	Premises closed and non-operational ATOV.
22/04/2022	23:57 NTE Visit	RK	Premises closed and non-operational ATOV.
13/05/2022	23:42 NTE Visit	RK	Visit to premises with Farhad Chowdhury (Principal Health & SafetyEnvironmental Health Officer).Premises operational with X2 SIA at entrance searching X4 patronsbefore entering the premises. No sound escape from premises fromfront or side of premises ATOV.No ASB witnessed in the immediate vicinity of the premises.
12/01/2024	NTE Visit	SK	Drove past the Location of the Club at around 23:30 No Issues withParking, Case to be closed and reopened if we receive anothercomplaint of a similiar nature

CLUB 701 TENS

refno	start_date	end_date	times	personal lic holder	max no people	sale of alcohol	for consump	reg ent	late night refreshment	late ten	police obj	ept obj	desc1
875157	01/08/2021	02/08/2021	22:00 - 05:00	Yes	250	Yes	On Premises	Yes	Yes	No	No	No	
875462	12/09/2021	13/09/2021	01:00AM - 04:00AM	Yes	250	Yes	On Premises	Yes	Yes	Yes	No	No	
876222	05/12/2021	06/12/2021	01:00 - 04:00	Yes	250	Yes	On Premises	Yes	Yes	Yes	No	No	
876351	19/12/2021	20/12/2021	01:00 - 04:00	Yes	265	Yes	On Premises	Yes	Yes	Yes	No	No	
876418	02/01/2022	03/01/2022	01:00 - 04:00	Yes	250	Yes	On Premises	Yes	Yes	Yes	No	No	
877084	03/04/2022	04/04/2022	01:00 - 04:00	Yes	250	Yes	On Premises	Yes	Yes	Yes	No	No	
877201	18/04/2022	19/04/2022	22:00 - 04:00	Yes	380	Yes	On Premises	Yes	Yes	Yes	No	No	
877507	22/05/2022	23/05/2022	01:00 - 04:00	Yes	250	Yes	On Premises	Yes	Yes	Yes	No	No	
877948	17/07/2022	18/07/2022	01:00 - 04:00	Yes	250	Yes	On Premises	Yes	Yes	Yes	No	No	
878194	24/08/2022	25/08/2022	22:00 - 04:00	Yes	175	Yes	On Premises	Yes	Yes	Yes	No	No	
878214	29/08/2022	30/08/2022	22:00 - 04:00	Yes	200	Yes	On Premises	Yes	Yes	Yes	No	Yes	EPT OBJECTION LATE TEN
880302	30/05/2023	30/05/2023	00: 05-- 04:00	Yes	200	Yes	On Premises	Yes	Yes	Yes	No	No	Less than five days notice rejected
880634	19/07/2023	20/07/2023	21:00 - 02:00	Yes	140	Yes	On Premises	Yes	Yes	Yes	No	No	
880779	02/08/2023	03/08/2023	21:00 - 03:00	Yes	250	Yes	On Premises	Yes	Yes	Yes	No	No	
880831	12/08/2023	13/08/2023	04:00 -- 05:00 AM each day	Yes	350	Yes	On Premises	Yes	Yes	Yes	No	No	
880865	16/08/2023	17/08/2023	22:00 -- 03:00	Yes	250	Yes	On Premises	Yes	Yes	Yes	No	No	



880917	28/08/2023	29/08/2023	23:00 - 05:00	Yes	300	Yes	On Premises	Yes	Yes	Yes	No	No	
880961	30/08/2023	31/08/2023	22:00 -- 03:00	Yes	300	Yes	On Premises	Yes	Yes	Yes	No	No	rejected no 24hr gap between tens.
881128	20/09/2023	21/09/2023	22:00 - 03:00	Yes	300	Yes	On Premises	Yes	Yes	Yes	No	No	
881256	11/10/2023	12/10/2023	21:00 -- 03:00	Yes	300	Yes	On Premises	Yes	Yes	Yes	No	No	
881333	22/10/2023	23/10/2023	01:00 - 04:00	Yes	275	Yes	On Premises	Yes	Yes	Yes	No	No	
881433	01/11/2023	02/11/2023	21:00 -- 03:00	Yes	250	Yes	On Premises	Yes	Yes	No	No	No	
881819	06/12/2023	07/12/2023	21:00 - 03:30	Yes	250	Yes	On Premises	Yes	Yes	Yes	No	No	
881941	20/12/2023	21/12/2023	10:00 -- 03:30	Yes	250	Yes	On Premises	Yes	Yes	Yes	No	No	
881987	26/12/2023	28/12/2023	26/12 10:00 - 04:00 27/12 10:00 - 03:30	Yes	300	Yes	On Premises	Yes	Yes	Yes	No	No	
882040	10/01/2024	11/01/2024	22:00 -- 03:00	Yes	200	Yes	On Premises	Yes	Yes	Yes	No	No	
882103	17/01/2024	18/01/2024	10:00 - 03:30	Yes	200	Yes	On Premises	Yes	Yes	Yes	No	No	rejected less than 5 days notice
882181	24/01/2024	25/01/2024	22:00 -- 03:30	Yes	200	Yes	On Premises	Yes	Yes	Yes	No	No	

**From:** Heron, Andrew <Andrew.Heron@southwark.gov.uk>  
**Sent:** Monday, January 22, 2024 12:31 PM  
**Cc:** Allday, Debra <debra.allday@southwark.gov.uk>; Tucker, Matt <Matt.Tucker@southwark.gov.uk>  
**Subject:** Club 701 - Notice of Decision

Dear Sir/Madam,

Please find attached a copy of the Notice of Decision from the Hearing.

Regards,

Andrew Heron

*Pronouns: He/Him*

Team Leader - Licensing

London Borough of Southwark

Regulatory Services – Environment, Neighbourhoods and Growth

020 7525 5767

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)



## **NOTICE OF DECISION**

### **LICENSING SUB-COMMITTEE –19 JANUARY 2024**

#### **SECTION 53A LICENSING ACT 2003: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA**

#### **1. Decision**

That as an interim step to promote the licensing objectives, pending the determination of the review application in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA at the full hearing, to be held on 8 February 2024 , the licence be suspended.

#### **2. Reasons TO FOLLOW**

#### **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. The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination.

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

Issued by the Constitutional Team on behalf of the Assistant Chief Executive – Governance and Assurance

Date: 19 January 2024

**From:** Tucker, Matt  
**Sent:** Tuesday, January 23, 2024 5:32 PM  
**Subject:** Club 701 Expedited Review Notice of Decision  
**Importance:** High

Dear Sirs – please find attached.

Kind regards

**Matt Tucker**  
**Principal Licensing Officer**  
**London Borough of Southwark**

**T.** 02075 251848

**M.** 07842 322466

**E.** [matt.tucker@southwark.gov.uk](mailto:matt.tucker@southwark.gov.uk)

***Please note – I work Wednesdays and Thursdays. Any urgent queries outside this time should be sent to [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk).***

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

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**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)



## **NOTICE OF DECISION**

### **LICENSING SUB-COMMITTEE –19 JANUARY 2024**

#### **SECTION 53A LICENSING ACT 2003: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA**

##### **1. Decision**

That as an interim step to promote the licensing objectives, pending the determination of the full review application in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA at the full hearing, to be held on 8 February 2024, the licence be suspended.

##### **2. Reasons**

This was an application made by the Metropolitan Police Service for a summary review under Section 53A Licensing Act 2003 in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Rd, London SE1 5BA and to decide, whether, it was appropriate to take interim steps pending the determination of the full application for review under Section 53C of the Licensing Act 2003.

The licensing sub-committee heard from the Metropolitan Police Service, who advised that a Superintendent certified, that in their opinion, the premises were associated with serious crime, serious disorder or both, on 17 January 2024. An application was therefore, submitted for a summary review of the premises licence issued in respect of Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA. The application concerned an allegation of a serious incident that took place between 02:15 hours and 02:45 hours on 2 January 2024, when the premises should have been closed, detailed in the crime report number 3001447/24.

Pursuant to regulation 14(2) of The Licensing Act 2003 (Hearings) Regulations 2003, the members of the sub-committee heard evidence from the police. This was done in the absence of all other members of the public, including representatives from the premises, as it was considered the public interest in doing so outweighed the public interest in that part of the hearing taking place in publicly. Further, as at the time of the sub-committee, no arrests had been made, and the premature disclosure of the details to the representatives for the premises, could jeopardise the on-going investigation. The police requested that, as an interim step, to suspend this premises licence pending the outcome of a full review on 8 February 2024.

The licensing Sub-Committee then heard from the designated premises supervisor (DPS) who confirmed that the premises was open to the public for ticketed event on 1 into 2 January 2024,

and there was no temporary event notice for the event, which was on a Tuesday. However, the DPS was genuinely surprised that a serious crime had taken place, because he had been at the premises himself that night. He stated that it was not busy, with no more than 50 patrons in the premises. It was therefore decided to close at 02:30 hours, with all patrons out of the premises by 03:00 hours. The DPS was unable to comment any further than this, particularly how a potential future incident could be avoided, because the premises had not been made party as to what the allegation(s) was/were.

The DPS stated that he had inspected the CCTV footage from that night, but he had observed nothing untoward. Furthermore, no complaint had been made from any person concerning the events of that night and there was a loyal, long term, team of eight SIA officers and three stewards working that night, none of whom had observed anything that could resemble serious crime or serious disorder.

The DPS also accepted he was personally responsible that no TEN was in place for the event. He, however, stated that he did not know that the premises was not authorised to open, stating that he had never been inducted about it. He stated that, when required, TENS were ordinarily submitted and it was not worth the risk to operate without one. If there had been any doubt, staff would have approached him to ensure that the TEN was in place, but nobody ever informed him. He further added that the conditions of the licence were already complicated. Internationally, 1 January was considered a bank holiday and for that reason, the DPS thought that the premises was permitted to open.

It was explained to the DPS that, the premises licence permitted the premises to remain open longer on New Year's day morning, but there was nothing in the premises licence that permitted opening on 1 January 2024 after 05:00 hours and, therefore, should not have been opened that evening or on 2 January 2024. This was provided for in condition 396 on the premises licence.

It was also noted, by members, that the event had been advertised on the Internet in advance and was ticketed. The DPS accepted this, but stated that the event was a New Year's Day party, that was meant to run until 02:00-03:00 hours. The Chair of the sub-committee stated that this was at odds with the event being advertised as admission until 04:00 hours. The DPS attempted to explain that this was a '*promoter thing*', stating that he never planned to open that late because he knew people were tired and the promoter was aware of this.

The licensing sub-committee then heard from the owner of the premises, who since 2019, had a very restricted role in the premises following condition 840 being placed on the licence. The owner stated that he was out of the country on 1 and 2 January 2024. The concerns from the police, were only brought to his attention on 18 January.

Since that time, he had been told that there had been only 50 patrons at the premises, he had met with his staff, including the SIA door staff and no-one was aware of any incident that may have happened. He had also viewed the CCTV, but there was nothing to show of any serious crime as indicated on the police. It was unfair to close the premises, potentially for months, due to an alleged offence which would have a devastating impact on staff and the business.

The licensing sub-committee was satisfied because the premises was open when it was not permitted to be, serious crime and/or serious disorder had taken place. The premises has history of operating without the necessary permissions in place as detailed in the operating history set out in the agenda.

The premises was also subject to a summary review in 2019 following an incident when the premises was operating without the correct authorisation in place, whether by way of a premises licence or TEN.

The police also informed the sub-committee that on or around 3 January 2024 credible information had been received by the police that members of a gang would be attending the premises and committing serious violence, although, in respect of this, the premises did not open voluntarily.

Although the DPS stated that he was an experienced DPS and had held a personal licence since 2016, he contradicted himself in his verbal submission, his explanation for not submitting a TENS was poor and he had demonstrated that he did not have a full understanding with the terms of the premise licence.

The sub-committee concluded that the suspension was necessary and proportionate to promote the licensing objective of the prevention of crime and disorder and no other modifications to the premises licence would be appropriate at this time. This was due to the seriousness of the incident, the breaches of licence conditions on this occasion, and the previous operating history of the premises.

### **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. The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination.

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

Issued by the Constitutional Team on behalf of the Assistant Chief Executive – Governance and Assurance

Date: 23 January 2024

**APPENDIX J**

<b>To:</b> Licensing Unit	<b>From:</b> Wesley McArthur <a href="mailto:wesley.mcarthur@southwark.gov.uk">wesley.mcarthur@southwark.gov.uk</a> 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	<b>Date:</b> 23 January 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA	
<b>Ref:</b>	<b>882199</b>	

We support the application for the review of the premises licence, submitted by the Metropolitan Police Service under The Licensing Act 2003 (the Act), in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA.

The grounds for the review in the application are as follows (copied verbatim):

- *“It is alleged that on the 2nd January 2024 between 0215 and 02.45 a serious crime was committed inside the above - mentioned licensed premises. Ref 300144 7 /24. I will provide details of this report if requested by the licensing sub committee.*

*The investigation into this offence is ongoing, at the time of submitting this report no arrests have been made.*

*The current premises licence 870760 permits the premises to be open to the public Wednesday To Sunday with licensable activities including the sale of alcohol, regulated entertainment, late night refreshment and dancing.*

*There is no provision that permits this premises to be open and providing licensable activities on a Tuesday. There was no other authorisation in place such a temporary event notice or non standard timings.*

*The alleged offence took place in a licensed premises that at the time was operating without the correct authorisation, by way of a premises licence or a temporary event notice. This offence would not have occurred had the premises been closed as per the current authorisation.*

*In November 2019 there was a serious assault inside the premises, at the time of this offence the premises was again operating without the correct authorisation and was in breach of the premises licence conditions. As a result of a summary review the premises licence was suspended. Following the full review hearing the premises licence was suspended for a period of three months and modifications made including a change of DPS and additional control measures.*

*In December 2022 the premises was again found to be operating without any authorisation provided by way of a premises licence or temporary event notice. A notification of offences was issued by the Police.*

*On the 3rd January 2024 Police received credible information that an event being held at Club 701 would be attended 'by individuals associated with gangs and would commit serious violence. After a number of conversations with the premises licence*



*holder the event was cancelled on voluntary basis although a closure notice was also issued at the time.*

*The alleged offence is a very serious one and occurred at a time when the premises should have been closed. I have no confidence in the management of this venue and ask that the licensing sub committee suspend the premises licence as an interim measure pending the outcome of a full premises licence review.”*

Our objection relates to the promotion of all of the licensing objectives.

We can confirm that the premises licence issued in respect of the premises does not allow the premises to operate on Tuesdays, and that at the time of the alleged offence referred to in this review application, no temporary event notice had been submitted regarding the premises allowing it to operate on 2 January 2024.

If the alleged offence is substantiated, then it has been facilitated **solely** by the premises operating when it should have been shut. This is an absolute failing on behalf of the licensee and management of the premises and as such, we feel that the premises licence issued in respect of the premises should be revoked.

A copy of the current premises licence is attached as appendix 1.

In addition to the above, the premises has a long history of being operated in breach of the premises licence issued in respect of it. This shows that there is a long term and ongoing inability of the licensee and management team of the premises to operate the premises legally and responsibly, and thus further underlines the need to revoke the premises licence issued in respect of the premises.

We have no confidence in the ability of the licensee or premises' management to operate the premises in accordance with the license objectives, and indeed it has been proven that the premises has previously been operated with little regard to promoting the licensing objectives.

The premises was subject to a prior summary review regarding a serious incident that took place at the premises. At the hearing to determine the review, the licensing sub-committee gave the licensee a chance to rectify previous problems regarding the operation of the premises when the licensing sub-committee chose to suspend the premises licence, rather than revoke the licence. The new issue of non-compliance regarding the Licensing Act 2003 described in this review application shows that the licensee has scant regard for the previous leniency of the licensing sub-committee, and therefore the most robust approach is now required.

We contend that allowing the premises to continue to operate would pose a significant risk to the public. The prior history of non-compliance regarding the Licensing Act 2003, and other legislation, should be taken into account and is detailed below.

### **Prior history of non-compliance**

1. A premises licence was issued in respect of the premises to Erico Entertainment Limited on 19 February 2016.
2. On 8 July 2016 a licensing induction was undertaken with the DPS of the premises. At the induction the terms and conditions of the licence were explained, as were the role

and remit of the Licensing Unit. A copy of an induction checklist signed by the DPS is attached in Appendix 2.

3. On the 25 of July 2016 the Metropolitan Police Service visited the premises and observed breaches of licence conditions 376 and 841. A witness statement pertaining to these breaches is attached in Appendix 2.
4. On 13 August 2016 the Metropolitan Police Service issued a closure notice under section 19 of the Criminal Justice and Police Act 2001 regarding alleged breaches of licence conditions 297, 341, 342 and 297. A copy of the closure notice is attached in Appendix 2.
5. On 10 September 2016 the Metropolitan Police Service issued a closure notice under section 19 of the Criminal Justice and Police Act 2001 regarding alleged breaches of licence conditions 289, 341 and 342. A copy of the closure notice, and associated witness statements, are attached in Appendix 2.
6. On 23 October 2016 the Metropolitan Police Service issued a closure notice under section 19 of the Criminal Justice and Police Act 2001 regarding an alleged breach of licence condition 359. A copy of the closure notice, and associated witness statements, are attached in Appendix 2.
7. On 26 November 2016 a second licensing induction was undertaken with the DPS of the premises. At the induction the terms and conditions of the licence were explained, as were the role and remit of the Licensing Unit. A copy of an induction checklist signed by the DPS is attached in Appendix 2.
8. On 2 September 2017 a licensing inspection of the premises was undertaken. The premises were found to be being operated in breach of conditions 288, 307, 344, 345, 349, 353, 357, 379, 392, 4AI & 793 of the premises licence issued in respect of the premises. Warning letters pertaining to this inspection is attached in Appendix 2.
9. On 11 November 2017 a licensing re-inspection of the premises was undertaken. The premises were found to be being operated in breach of conditions 289, 307, 341, 342, 364, 377 and 793. A warning letter pertaining to this inspection is attached in Appendix 2.
10. On 19 November 2017 the Metropolitan Police Service visited the premises. The premises were found to be being operated in breach of conditions 289 and 373 of the premises licence issued in respect of the premises. A witness statement pertaining to this visit is attached in Appendix 2.
11. On 6 July 2018 Mr Eric Doe, the sole director of the company that holds the premises licence issued in respect of the premises, accepted a simple caution regarding offences under the Licensing Act 2003 that occurred at the premises on 2 September 2017 and 11 and 19 November 2017. A copy of the caution is attached in Appendix 2.
12. On 29 July the Metropolitan Police Service visited the premises and observed a breach of licence condition 359. A witness statement pertaining to this breach is attached in Appendix 2.
13. On 28 August 2018 the Metropolitan Police Service issued a Notification of Alleged Offence under the Licensing Act 2003 relating to the unauthorised operation of the

premises on 28 August 2018. Copies of the notification, and a related witness statement, are attached in Appendix 2.

14. On 13 April 2019 a licensing enforcement officer visited the premises and observed breaches of licence conditions 309 and 357. A warning letter pertaining to these breaches is attached in Appendix 2.
15. On 11 June 2019 the DPS of the premises accepted a simple caution regarding offences under the Licensing Act 2003 that occurred at the premises on 28 August 2018. A copy of the caution is attached in Appendix 2.
16. On 11 June 2019 a third licensing induction was undertaken with the DPS of the premises. At the induction the terms and conditions of the licence were explained, as were the role and remit of the Licensing Unit. A copy of an induction checklist signed by the DPS is attached in Appendix 2.
17. On 5 November 2019 the Metropolitan Police Service applied to this licensing authority for the summary review of the premises licence issued in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA. In the review application the Metropolitan Police Service suggested that, as an interim step prior to the full review hearing to take place on 28 November 2019, the premises licence issued in respect of the premises should be suspended until the full review hearing of 28 November 2019.
18. An expedited review hearing was held on 7 November 2019 to decide whether to implement the interim step suggested by the Metropolitan Police Service in their summary review application of 5 November 2019. The licensing sub-committee decided to implement the interim step suggested by the Metropolitan Police Service and suspended the premises licence until the full review hearing was to be held on 28 November 2019. A copy of the Notice of Decision pertaining to the expedited review hearing of 7 November 2019 is included in Appendix 3.
19. At the full review hearing of 28 November 2019 the licensing subcommittee decided to suspend the premises licence for a period of three months (**the maximum suspension period**), to remove Alfred Manseray as the designated premises supervisor of the premises and to modify the conditions of the licence. A copy of the Notice of Decision pertaining to the full review hearing of 28 November 2019 is included in Appendix 3.
20. On 17 January 2024 the Metropolitan Police Service applied to this licensing authority for the summary review of the premises licence issued in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA. In the review application the Metropolitan Police Service suggested that, as an interim step prior to the full review hearing to take place on 8 February 2024, the premises licence issued in respect of the premises should be suspended until the full review hearing of 8 February 2024.
21. An expedited review hearing was held on 19 January 2024 to decide whether to implement the interim step suggested by the Metropolitan Police Service in their summary review application of 17 January 2024. The licensing sub-committee decided to implement the interim step suggested by the Metropolitan Police Service and suspended the premises licence until the full review hearing is to be held on 8 February

2024. A copy of the Notice of Decision pertaining to the expedited review hearing of 19 January 2024 is included in Appendix 3.

## **Complaints**

In addition to the above, the Licensing Unit has received the following complaints regarding the operation of the premises (see table 1 below).

Table 1:

<b>Complaint reference</b>	<b>Date received</b>	<b>Source</b>	<b>Details</b>
861784	30 August 2018	Local resident 1	Noise nuisance
875217	09 April 2018	Local Councillor	Noise nuisance, Anti-social behaviour, crime & disorder, no control of customers and illegal parking by customers
895682	19 February 2019	Local resident 2	Noise nuisance, Anti-social behaviour, crime & disorder, no control of customers and illegal parking by customers
897694	28 March 2019	Local resident 2	Noise nuisance
898663	10 April 2019	Local resident 2	Noise nuisance
909002	27 August 2019	Local resident 2	Noise nuisance, Anti-social behaviour, crime & disorder, no control of customers and illegal parking by customers
910414	16 September 2019	Local resident 2	Noise nuisance and illegal parking by customers
918418	27 January 2020	Local resident 2	Noise nuisance
972192	04 March 2020	Council Noise officer	Advisory email stating that the Noise and Nuisance Team had received 3 complaints from 3 different complainants regarding noise nuisance (local residents 3, 4 & 5) and that the officer had witnessed loud music emanating

			from the premises which had been turned down by the time he was able to attend the residents' premises.
972228	04 March 2020	Local resident 2	Noise nuisance
975874	03 May 2022	Local resident 6	Noise nuisance
C/A00979	12 June 2023	Anonymous complaint	Large crowd outside the premises standing up to 3 persons deep in the road, partially blocking traffic and blocking the pavement
C/A14022	16 January 2024	Police	Premises operating without an authorisation under the Licensing Act 2003

Although the complaints are unsubstantiated, we contend that the complaints are indicative of the operation of the premises causing residual problems in the locale, and that the complaints provide further reason to revoke the premises licence issued in respect of the premises.

Please note that 'unsubstantiated' simply means that we were not able to investigate the complaints at the time we received them. We received the complaints after the alleged problems had occurred. It means that we cannot verify whether the alleged incidents detailed in the complaints occurred, **not that they did not occur.**

We say that the imposition of further licence conditions would not be appropriate. The premises licence already has a very comprehensive set of conditions, which the licensee and premises' management have failed to comply with numerous times previously. There is no indication that imposing further, or more robust conditions, will increase the likelihood of the licensing objectives being met.

We say that a change of management will not be sufficient because this has been imposed by the licensing sub-committee before. As per the Notice of Decision in appendix 3 relating to a licensing sub-committee hearing of 28 November 2019, the licensing sub-committee removed the then DPS from the premises. The licensing sub-committee also imposed a condition stipulating that Mr Eric Doe\*, who is the director of the company that holds the premises licence issued in respect of the premises, ceases to have any part in the day-to-day management or operation of the premises.

A suspension of the premises licence is not sufficient, because a suspension was previously imposed by the licensing sub-committee at the same hearing of 28 November 2019 referred to above.

Taking into account the seriousness of the alleged offence regarding this review application, the long history of non-compliance in respect of the premises licence issued in respect of the premises, the previous enforcement action that has had to be undertaken regarding the

premises and the history of residual complaints, **we reiterate our request that the licensing sub-committee revokes the premises licence issued in respect of the premises.**

**\*NB:** please note that regarding the previous summary review in respect of Club 701 the licensing sub-committee issued a Notice of Decision that included the following condition:

- *“That Eric Doe shall play no part in the day-to-day management or operation of the premises.”*

The condition was mistakenly left off the premises licence issued subsequent to the NoD.

A copy of the NoD was sent to Mr Doe at both of his known email addresses, and also to his solicitor (see email message attached as Appendix 4), therefore Mr Doe would have been aware of the condition, the fact that it is missing from the issued premises licence notwithstanding.

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer

# Licensing Act 2003

## Premises Licence



Regulatory Services  
Licensing Unit  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

Premises licence number

870760

### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Club 701 Basement and Ground Floors 516 Old Kent Road  <small>Ordnance survey map reference (if applicable): 534180177968</small>	
<b>Post town</b> London	<b>Post code</b> SE1 5BA
<b>Telephone number</b>	

<b>Licensable activities authorised by the licence</b>
Plays - Indoors Films - Indoors Live Music - Indoors Recorded Music - Indoors Performance of Dance - Indoors Entertainment Similar to live/recorded music / dance - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises

<b>The opening hours of the premises.</b> For any non standard timings see <b>Annex 2</b>
Wednesday 22:00 - 03:00 Thursday 22:00 - 05:00 Friday 22:00 - 05:00 Saturday 22:00 - 05:00 Sunday 22:00 - 02:00

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

<b>The times the licence authorises the carrying out of licensable activities</b>
For any non standard timings see Annex 2 of the full premises licence
<b>Plays - Indoors</b>
Wednesday 22:00 - 02:00 Thursday 22:00 - 04:00 Friday 22:00 - 04:00 Saturday 22:00 - 04:00 Sunday 22:00 - 01:00

**Films - Indoors**

Wednesday 22:00 - 02:00  
 Thursday 22:00 - 04:00  
 Friday 22:00 - 04:00  
 Saturday 22:00 - 04:00  
 Sunday 22:00 - 01:00

**Live Music - Indoors**

Wednesday 22:00 - 02:00  
 Thursday 22:00 - 04:00  
 Friday 22:00 - 04:00  
 Saturday 22:00 - 04:00  
 Sunday 22:00 - 01:00

**Recorded Music - Indoors**

Wednesday 22:00 - 02:00  
 Thursday 22:00 - 04:00  
 Friday 22:00 - 04:00  
 Saturday 22:00 - 04:00  
 Sunday 22:00 - 01:00

**Performance of Dance - Indoors**

Wednesday 22:00 - 02:00  
 Thursday 22:00 - 04:00  
 Friday 22:00 - 04:00  
 Saturday 22:00 - 04:00  
 Sunday 22:00 - 01:00

**Entertainment Similar to live/recorded music / dance - Indoors**

Wednesday 22:00 - 02:00  
 Thursday 22:00 - 04:00  
 Friday 22:00 - 04:00  
 Saturday 22:00 - 04:00  
 Sunday 22:00 - 01:00

**Late Night Refreshment - Indoors**

Wednesday 23:00 - 02:00  
 Thursday 23:00 - 04:00  
 Friday 23:00 - 04:00  
 Saturday 23:00 - 04:00  
 Sunday 23:00 - 01:00

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

Wednesday 23:00 - 02:00  
 Thursday 23:00 - 04:00  
 Friday 23:00 - 04:00  
 Saturday 23:00 - 04:00  
 Sunday 23:00 - 01:00



**Part 2**

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

Erico Entertainment Limited

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

09977040

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

George Omozejele

**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: 19/03/2020

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Head of Regulatory Services  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
[licensing@southwark.gov.uk](mailto: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**

**276** That the premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment.

**288** That a CCTV system shall be installed and maintained in full working order. The CCTV system will record footage of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered by the CCTV system including the bar and smoking areas. The premises shall not be open at any time when the CCTV is not operating correctly.

**289** All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request.

**297** That a drugs / weapons amnesty box, approved by the police, shall be installed and maintained in use at the premises at all times that the premises are in operation.

**302** The manager shall notify the police of all drugs or weapons seized and deposited in the amnesty box as soon as possible and arrange for the police to collect the contents of the amnesty box as soon as is practicable to do so.

**303** That the licensee shall require any regular and external promoters or any other 3rd parties hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Police Licensing Unit and, once completed, you shall ensure that a copy of the agreement is provided to the central licensing unit as detailed on the form 696 and to Southwark Police Licensing Unit a minimum of fourteen days prior to the date of hire.

**305** That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.

**307** That an accommodation limit shall be set in respect of the premises. All staff at the premises shall be made aware of the accommodation limit. The SIA security staff employed at the premises shall be responsible for ensuring that the accommodation limit is not exceeded and shall use counting devices to ensure that the accommodation limit is not exceeded. Once the accommodation limit of the premises has been reached the premises shall operate a 'one in, one out' policy.

**309** That a sound limiting device shall be installed, set and maintained, to ensure the maximum levels of volume and bass of music, song or speech from licensed entertainment permitted by the amplification system, does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.

**320** That the sound level of the music being played at the premises will be gradually reduced until no music is audible during the hour before the premises shuts. During this period lighting levels at the premises will be gradually increased until the premises are fully lit.

**336** That a personal licence holder is on the premises and on duty at all times after 22:00 when intoxicating liquor is supplied.

**340** That there shall be at least one member of staff on duty at all times the premises are in operation who is trained and proficient in the operation of the CCTV system and who is capable of operating and retrieving footage at the request of police, council or other authorised officers.

**342** That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system must be operating correctly at all times when the premises are open and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and / or if the person's details are already stored on the system and they are identified using a biometric identification system.

**343** That at all times the premises are in operation under the premises licence there will be at least one member of staff trained to a satisfactory standard able to operate the ID scan system and able to retrieve data from the system on request of police, council or other authorised officers.

**346** That the internal security door leading to the Old Kent Road will be fitted with an automatic security light and sound cut-out device which will automatically shut down all music systems when opened.

**347** That all beverages will be served in plastic / polycarbonate receptacles, no glasses or bottles will be permitted in the public areas of the venue.

**348** That all incidents of violence and / or disorder that result in an injury will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection by police, council or other authorised officers on request.

**349** That acoustic seals, brushes and self-closers (in accordance with BS 6459 Pt. 1 1984) shall be installed to all doors and fire doors leading out into external areas so as to minimise sound escape from the premises.

**350** That sound insulation shall be installed to baffle any vents or air extraction systems to prevent sound escape from the premises.

**351** That all external plant required for the operation of the premises (air handling plant, condensers, kitchen extraction systems, etc.) shall be designed, installed and maintained to ensure that noise output from the external plant does not cause a public nuisance or intrude inside the nearest, or most exposed, noise sensitive premises.

**352** That amplified music, song or speech shall not be broadcast in external areas at any time.

**353** That no drinks shall be permitted outside at any time.

**354** That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting to the effect that patrons do not take drinks outside.

**355** That any queue to enter the premises must be contained within suitable barriers and supervised at all times by door supervisors

**356** That external waste handling and cleaning of external areas, collections and deliveries shall only occur between the hours of 08.00hrs and 23.00hrs.

**357** That a comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and such training records shall be made available to the council or police on request.

**358** That licensable activities shall cease at a minimum 30 minutes before the premises' closing hours.

**359** That on Sunday after 00:30, on Wednesday and Thursday after 01:30 and on Friday and Saturday after 02:00 there shall be no new entry to the premises, other than those who leave the premises for the purpose of smoking a cigarette, those persons shall be subject to a further search on the re-entry to the premises.

**362** That all security staff shall be in radio communication with each other and the duty manager whilst working at the premises.

**363** That clearly legible notices will be prominently displayed where they can easily be seen and read by customers warning of potential criminal activity that may target patrons such as theft.

**364** An incident book / incident recording system shall be kept at the premises to record details of any of the following occurrences at the premises:

- Instances of anti-social or disorderly behaviour
- Violence
- Calls to the police or fire brigade
- Abuse of staff and / or customers
- Ejections of people from the premises
- Visits to the premises by the local authority, police or fire brigade
- Refused sales of alcohol
- Any malfunction in respect of the CCTV system
- Seizures of drugs at the premises
- Any other relevant incidents

The incident book / incident recording system shall record the time, date, location and description of each incident, the printed and signed name of the person reporting the incident and any action taken in respect of the incident. The incident book / incident recording system shall be available / be accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available to officers of the council, police or fire brigade on request.

**365** That clearly legible notices will be prominently displayed where they can easily be seen and read by customers stating that all customers will be searched prior to entering the premises.

**366** That security staff should always attempt to search in front of a witness or, if possible, carry out the search within sight of the CCTV camera at the entrance to the Club.

**367** That any person who appears under the influence of drugs and will be refused entry.

**368** That where there is a suspicion that an individual is in possession of drugs that individual will be requested to submit to a search. If the individual refuses the search they will be ejected from the premises.

Any person found in possession of drugs will be instructed to place the drugs in the drugs amnesty box at the premises.

**369** That the police will be called immediately if a person is found with a large quantity of drugs that suggests intent to supply, or in cases where a particularly dangerous weapon is found such as a firearm. No attempt will be made to force the person to remain at the premises however a good description of the person must be taken and be provided to the police. In all cases where drugs or weapons are found on a person a detailed note shall be made in the incident log.

**370** That any person who appears to any staff member to be intoxicated and will be refused entry to the premises.

**371** That re-entry to the premises will not be permitted to any customer who has been ejected earlier on during a particular night, who has been banned or who has in any way aggressively supported a person being ejected.

**372** That customers shall not be permitted to wear sunglasses, save for prescription glasses, inside the venue.

**373** That customers shall not be permitted to wear hats or hoods whilst inside the venue.

**374** That SIA staff shall periodically monitor who enters and exits parking lot.

**375** That the premises management reserve the right to ban anybody from the premises at any time or refuse entry to the premises by anybody at any time. The premises reserve the right to refused entry without explanation.

**376** That prior to entry or re-entry all customers must be subject to a search by the SIA security staff employed at the premises. Any person refusing such a search will not be permitted entry or re-entry to the premises.

**377** That customers shall be instructed that bulky items such as bulky bags and coats must be left in the cloakroom before entering the main area of the club. Anyone who refuses to place these types of belongings in the cloakroom will not be able to enter the main area of the club

**378** That all promoters hiring and using the premises must have attained a BIIAB Level 2 Award for Music Promoters prior to hiring and using the premises.

**379** That prior to the premises opening, security checks of the premises and the immediate vicinity that the premises are located in shall be undertaken. Details of such checks shall be recorded in the incident log.

**380** That security staff employed at the premises will be trained to be aware of what is happening inside the premises as well as on the door, and shall be instructed that patrols around the premises may be necessary. Consideration must be given to any hot spots within the premises and especially in the smoking area and regular monitoring of such areas must undertake by the security staff.

**381** That security staff shall be trained to be alert to and respond to alarms given by the DJ, toilet attendants or any other staff employed at the premises.

**382** That any customer who engages in anti-social behaviour in the smoking area shall not be permitted re-entry to the premises.



**383** That customers using the smoking area will be subject to a search upon re-entry to the premises. Clearly legible notices will be prominently displayed where they can easily be seen and read by customers stating that customers using the smoking area will be subject to a search upon re-entry to the premises.

**384** That staff who arrive early morning or depart late at night will be instructed to conduct themselves in such a manner to avoid causing disturbance or nuisance to nearby residents.

**386** That staff shall remove drinks receptacles from patrons who are attempting to leave the premises.

**388** That staff will advise customers not to congregate outside the premises or in the locale and shall be encouraged to disperse from the area. Any customers who are acting in a noisome or anti social manner when leaving the premises or when immediately outside of the premises will be requested to cease such behaviour.

**389** That two licensed taxi firms in the local area will be available to customers, so they can arrange suitable transportation home. If staff at the premises order a taxi for a customer they shall request that the taxi controller instructs the taxi-driver not to sound the vehicle's horn on arrival, but to approach a staff member and let the staff member know that the driver has arrived. Staff will inform the patron upon the arrival of their taxi.

**390** That a member of management will be visible with the door team until all customers have dispersed and shall ensure that the door team are acting effectively and in line with their responsibilities.

**391** That easily identified staff in high visibility vests will be assisting in customer dispersal, the clearing of any waste arising from the operation of the premises (including 'fliers') and the monitoring of customers whilst they move away from the premises.

**392** That the location of car parks in the area and other travel facilities shall be identified on all promotional materials, including the premises' website.

**393** That there will be enough staff in the cloakroom to ensure orderly and timely return of coats / possessions to customers.

**394** That details of transport links in the area (e.g. public transport options, taxi ranks etc.) shall be made available to customers on request.

**395** That the document titled 'Operational Polices for Club 701' as submitted on application for this licence shall be amended to reflect the conditions stated in this licence.

**396** That on Sundays prior to Bank Holiday Mondays, Christmas Eve and New Years Eve the permitted opening hours of the premises are between 22:00 to 05:00 and licensable activities must cease at 04:00 on these days.

**431** That during any licensed entertainment on the premises all doors and windows leading out to external areas shall remain closed.

**430** That there shall be no movement of musical or amplification equipment to and from the premises between the hours of 23.00hrs and 08.00hrs.

**4AA** That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

**4AK** That the licensee, premises' management or premises' DPS shall attend local 'Pub Watch' meetings if a 'Pub Watch' scheme exists in the local area.

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

**840** That all directors and management of MYTRIBE Limited shall not be allowed any involvement in the running of the premises at any time that licensable activities are taking place.

**841** That a minimum of 3 SIA registered door supervisors shall be employed at the premises if the premises open before 00:00 hours, one of whom shall be female, at all times that the premises are in use. They will be employed each night that the premises are in operation and will be on duty to receive patrons at the stated opening time of 22:00; after 00:00 hours, a minimum of 6 SIA registered door supervisors shall be employed, one of whom shall be female, at all times that the premises are in use. At least two will be provided with, and will use, electronic search wands. The electronic search wands shall be used at all times that the premises are open in respect of the search of all persons who wish to enter the premises. This includes all DJ's and associated staff and their equipment

**842** That the premises will be closed on Wednesdays.

**843** That the measures set out in the licensing compliance plan submitted by the premises licence holder shall be implemented in full prior to the reopening of the premises.

#### Licensing Compliance Plan

The proposal is in five parts; (1) set up the policies and procedures, (2) provide staff training, (3) conduct regular licensing audits to measure performance and provide due diligence evidence, (4) to provide ongoing advice, support and to review any incidents / issues that arise & (5) conclusions.

#### 1. Policies and Procedures

I. A qualified licensing consultant shall undertake a full review of the operation of the premises and produce a comprehensive licensing Operational Manual which would contain licensing policies and procedures. The manual would demonstrate best practice in all areas. It would also form part of induction for new members of staff and the ongoing training of existing staff.

II. The Operational Manual will set out the premises minimum operating standards and the policies and procedures to be followed by all staff.

III. The Operational Manual shall be a 'living' document and will be reviewed regularly to ensure current best practice and that any changes at the premises or to licensing laws are addressed.

IV. The Operational Manual shall include, but not be limited to, the following policies and procedures.

- Customer Vetting and Terms of Entry
- Young People
- Searching and Seizure of Prohibited Items
- Preventing and Dealing with Intoxication
- Drugs
- Crime Prevention and Intervention
- Guest Welfare
- Ejections
- Security Roles, Responsibilities and Code of Conduct

- Security Code of Conduct
- Dealing with Serious Incidents
- Sexual Assaults
- Crime Scene Preservation
- Theft Prevention
- Staff Behaviour and Code of Conduct
- Events & Private Hire
- Management of Outside & Dispersal
- Smoking
- Incident Reporting & Due Diligence Records
- CCTV, Body Worn Cameras and Identity Scanning Systems

## 2. Staff Training

V. All serving staff will participate in the RASPFLO on-line training course (Responsible Alcohol Sales and Promoting the Four Licensing Objectives -[www.raspflo.co.uk](http://www.raspflo.co.uk)). This is specifically aimed at serving staff, with a focus on the practicalities of their work role and responsibilities under the Licensing Act 2003.

VI. Each member of staff will complete RASPFLO training every year with a six month refresher session.

VII. A written record will be kept of all staff training and be available for inspection by the statutory authorities.

VIII. The RASPFLO course covers the following areas:

### Unit 1 - An Introduction to the Licensing Act 2003

- Understanding the importance of compliance and protecting your Licence.
- The requirements for having a Licence
- The difference between a personal and a premises Licence
- Mandatory and venue specific conditions
- The penalties for breaching conditions

### Unit 2 - The Four Licensing Objectives

- The importance of promoting the objectives at all times
- The meaning and significance of each objective
- Learning methods to promote the objectives.

### Unit 3 – Intoxication

- The dangers intoxication poses, the requirements of the law and the tools to deal with the issue effectively.
- The effects of alcohol on the body
- How to identify and deal with intoxicated guests
- The best methods to prevent intoxication.

### Unit 4 – Age

- The law in relation to children
- How to check IDs

- Recognising valid forms of ID
- Identifying invalid IDs.

#### Unit 5 - Crime Scene Preservation

- When a crime scene should be preserved
- Actions to take following a serious incident
- How to ensure the preservation of a crime scene.

#### Unit 6 - Factors that Affect Drinking Behaviour

- The factors that affect irresponsible alcohol consumption
- How to promote a safe and responsible environment
- How to positively influence a responsible and safe drinking culture.

IX. All managers, and staff involved in a supervisory role, will undergo RASPFLO managers training, and advanced version of the course.

X. The managers' version of RASPFLO also includes the six units in the staff course and also covers the following areas:

- Closure Powers
- Preventing Drug Use / Dealing
- Crime Prevention and Intervention
- Guest Welfare
- Ejections
- Conflict Management
- Dealing with Serious Incidents
- Incident Reporting
- Daily Due Diligence Records

XI. A qualified licensing consultant shall also be supplementary bespoke training for staff and managers on the Operational Manual. This training will use the incident of 31st October 2019 as an example of the dangers that can arise as well as the lessons learnt and procedures implemented to prevent further issues following that incident.

### 3. Licensing Audits

XII. Comprehensive licensing audits of the premises would be conducted by a qualified licensing consultant to ensure compliance with the Licensing Act 2003, the promotion of the four licensing objectives and any specific conditions attached to the premises licence.

XIII. The audits will measure the success and effectiveness of operational procedures and aim to build a body of positive due diligence evidence for the premises. They also serve as a management tool; giving confidence that the premises is compliant and acts as an early warning system if issues are identified.

XIV. The audits would cover the following areas:

- Licences and Signage
- Licence Compliance

- Door Supervisors
- Outside Management
- Fire Safety
- Record Keeping
- Internal Management
- Toilets
- CCTV & ID Scanning Equipment

XV. The audits would be conducted twice a month for the first 6 months after the premises re-opens.

XVI. The audits would be unannounced and be carried out whilst the venue was trading at peak times.

#### 4. Ongoing Support

XVII. A qualified licensing consultant shall regularly re-evaluate the compliance regime at the premises, taking into account shifting circumstances, changes in legislation, best practice and current guidance from the authorities.

XVIII. A qualified licensing consultant shall review all incident reports and provide an assessment of the incident, giving recommendations, advice and support as applicable. This may include reviewing CCTV, writing additional policies / action plans and providing additional staff training plans.

XIX. A qualified licensing consultant shall provide record books regarding licensing due diligence compliance (refusals, clicker counts, pre-opening checks etc.). The record books shall provide a comprehensive system that is simple to use.

#### 5. Conclusions

XX. The measures detailed in this plan have proven highly effective and successful at many busy late licensed clubs and bars.

XXI. The compliance plan requires a clear commitment from the leadership of the business. The licensee has assured the licensing sub-committee that the licensee is fully committed to implementing and following the compliance plan.

**844** That there shall be no shisha smoking equipment on the premises at any time.

**845** That all security staff at the premises shall be supplied by an SIA approved contractor.

**Annex 4 - Plans - Attached**

Licence No. 870760

Plan No. 01

Plan Date 11.12.13

**Appendix 2**

Licensing Unit induction checklist for new licensees / management.

Premises Name & address: **Club 701, Basement and Ground Floors, 516 Old Kent Road, SE1 5BA**  
Licensee: **Erico Entertainment Limited**  
DPS: **Alfred Mansaray**

1. INTRODUCTION

- Who Licensing Unit are
- Why meeting is being held – to ensure every licensee / DPS is fully aware of his / her responsibilities from the onset

2. THE LICENCE

- Introduce the licence document & the special & standard licence conditions
- How long the licence lasts & what happens when it is time for renewal
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary

3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Risk assessment
- Will conduct additional inspections where problems found and complaints made
- Explain inspections aim to help but that persistent and serious safety failures will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss
- Leave calling cards

Officer(s) Attending: (Sign) \_\_\_\_\_  
 (Print) **Wesley McArthur**

Person(s) Present: (Sign) \_\_\_\_\_  
 (Print) *Alfred Mansaray*

(Sign) \_\_\_\_\_  
 (Print) \_\_\_\_\_

Date of Meeting: **8 July 2016**



### WITNESS STATEMENT

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

Statement of Mark Lynch Pc 246MD ..... URN: 

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

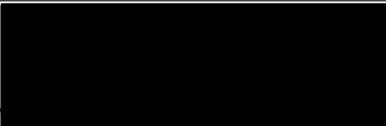
This statement (consisting of: ... 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: ..... 

Date: 28<sup>th</sup> September 2016

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

On Sunday 25th July 2016 I was on duty in full uniform, I was attached to Southwark Night time Economy Team. My duties include visiting various licensed premises on the borough to carry out licence inspections and respond to disorder, I was in the company of Pc 393md AND Southwark Council officers. At 0140hours we attended a venue by the name of Club 701 516 Old Kent Road SE1. The venue had on previous visits been in breach of its licence and this visit was a joint exercise with Council officers to check that the breaches had been rectified. On entering the caged area of the venue I noticed that the SIA security staff were searching patrons prior to entering the venue however there were no search wands being used which is part of the Licence Condition 341. I entered the hall way of the venue and walked through a metal detector arch which sounded an alarm as I passed, I then stood to the side and observed patrons passing through the arch and the alarm sounding however there were no SIA staff in the area to carry our additional security searching. A few minutes later we were joined by the manager Eric Doe who asked why we were there, it was explained that it was a joint visit to carry out a licence check, we then went to walk into the club but Mr Doe prevented us saying he did not want us in there as it scared his customers, it was explained that we were entering the premises and Mr Doe Relented and allowed us to enter whereby we went straight to the basement office accompanied by Mr Doe. Whilst in the basement Mr Doe stated again that he did not want police coming to the venue all the time and it was explained that we would not have to return so frequently if he actually abided by his licence conditions, it was also pointed out that the premises was still in breach of its licence and the SIA staff were not carrying out full searches using search wands. Mr Doe was advised regarding this and he stated he would get it sorted, we then left the basement and walked out of the building where we were met by Mr Alfred Mansray who is the DPS of the premises who said "what is the problem this week?" and then laughed. We advised him of our findings and requested he rectify the breach. We then left and continued our duties.

Signature: 

Signature witnessed by: .....

**CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001**

Date of the Closure Notice: 13/08/16 Time Served: 23 05 hours

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PCV NCH 246ND

Signature:  246ND

Name (if applicable) and address of the affected premises:  
701, 516 OLD HEATH ROAD, SE1 5BA

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

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

247 - DRUGS WEARERS UNIDENTIFIED SHOULD BE IN USE  
341 - 6 SIX VIA STAFF SHOULD BE ON DUTY FROM 2200hrs  
342 - ID SCANNER TO BE USED STAFF, PUBLIC PREMISES DJS.

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

2-17 - NO DRUGS WEARERS / 347 - ONLY TWO 2  
SIA SECURITY STAFF ON DUTY AT 2200 hours / 347 - STAFF  
PREMISES DJS NOT BEING SCANNED PRIOR TO ENTRY

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

247 - OBTAIN DRUGS BUY / 341 ENSURE 6 SIX SIA STAFF  
ARE ON DUTY AS OF 2200 hours / 342 - ID SCAN ALL AREAS  
ENTERING PREMISES STAFF AND OTHERWISE.

**Third party consideration (section 19.4)**

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

Yes/No (details) ALFONS MANSALAN

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

**Effect of section 20, Application for closure order.**

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

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

Name ERIC DOE

Signature

Date 13 08 16

**CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001**

Date of the Closure Notice: 10/09/16 Time Served: 03:10h

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PLYNCH 246MD

Signature: [Redacted]

Name (if applicable) and address of the affected premises:  
701 CLUB Sib Old Hart Road S97  
S97 5BA

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

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

289 - All CCTV footage shall be kept for 31 DAYS / 391 - minimum 6 SIA  
area standards manual / 347 - ID SCANNING SYSTEM TO BE USED  
FOR ALL PERSONS ENTERING

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

289 - UNABLE TO PRODUCE CCTV FOOTAGE 29 DAYS AFTER INCIDENT - SIA TO BE ADVISED  
291 - ONLY IF DOOR SIA ON DUTY / 342 - NO ID NO ENTRY NOT BEING  
ADVISED TO - SOME PHOTO NO ID

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

MAINTAIN CCTV TO MEET CONDITIONS 31 DAYS RECORDING / SIA  
SIA DOOR STAFF TO BE ON DUTY FROM 22:00. / 10 SCANNING  
TO BE USED AS PER LICENCE

**Third party consideration (section 19.4)**

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

Yes/No (details) YES DUB

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

**Effect of section 20, Application for closure order.**

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

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

Name ALFREDO MANUSARY

Signature: [Redacted]

Date 10/09/16

### WITNESS STATEMENT

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

Statement of Mark Lynch Pc 246MD..... URN: 








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

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

Signature: .....  Date: Tuesday 13th September 2016

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

On Saturday 10th September 2016 I was on duty in full uniform, I was attached to Southwark Night Time Economy Team, I was in the company of Pc 393MD, as part of my duties we attend licensed premises to ensure they are operating within their licence conditions. At 0300hours we attended the venue by the name of 701 club 516 Old Kent Road SE17 5BA , in order to obtain cctv which had been requested on the 6th September , the footage requested was from the 13tyh August 2016. On entering the premises I spoke to the manager  who escorted us to the basement area where the cctv screens/hardrive were kept. I explained to Mr  that I was there to collect the cctv to which he informed me that the cctv was not available as there was a technical problem and that the cctv could not be accessed despite it being within the 31 days storage time depicted in licence condition 289, he then said that he had called an engineer out and that if I wish to I can speak to the engineer regarding the cctv not being available. This was in clear breach of condition 289. I then carried out further checks of the licence conditions to which I found that there were only four SIA door staff on duty, three of which were stood at the entrance of the premises none of whom were wearing hi visibility vests a breach of conditions 341 and 391. The ID scan system was checked and it was found that not all persons had been scanned into the system and those that had been scanned had not produced or not had scanned their identification, thus rendering the identification system of no use, a breach of condition 342. There was also no weapons drugs amnesty safe box at the premises, this was a breach of condition 297. The conditions breached 341,391,342,297 were all breached on a previous visit made on the 13th August 2016 in which a section 19 was issued. At 0310hours I issued Mr  with a section 19 Closure Notice-Criminal Justice Act 2001. I then returned to outside the venue where my colleague Pc 393MD was stood speaking with a male SIA security staff I now know to be Mr  I approached Pc 393MD and was present to their conversation to which I heard Pc 393MD request to see Mr  SIA identification to which Mr  refused insisting that Pc 393MD carried out an inspection at the adjacent club called Khe-Che and once this had been done he would show Pc 393MD his SIA identification , Pc 393MD again asked for Mr  SIA identification to which he said he

Signature: .....  Signature witnessed by: .....

**RESTRICTED (when completed)**

Continuation of Statement of .....

would give police his SIA number and he started to give a number to Pc 393MD , the SIA identification was again requested and again Mr [redacted] refused to present his identification upon request , during this time he was laughing and behaved in such a manner I would only describe as unprofessional and detrimental to the security industry , my colleague Pc 393MD issued Mr [redacted] with an SIA offence notification form and the management of the venue were informed of the behaviour of their security. [redacted]

[redacted]

[redacted]

Signature:

Signature witnessed by: .....

### WITNESS STATEMENT


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

Statement of **Stuart Wythe PC 393MD** ..... URN: 

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

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

Signature: 

Date:

13 September 2016.....

015 9743681 01 6797  
16:44 TU 13 SEP 2016

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


I am assigned to the Night-Time Economy Team based at Southwark Police Station, my primary role being the Policing of licensed premises in the Borough of Southwark. I have been a Police Officer for over 20 years and was authorised as a licensing Officer on 25 January 2016.

On Saturday 10 September 2016 at about 0330 hrs I was on duty in full uniform accompanied by PC 246MD Lynch. We were undertaking a licensing visit at Club 701, 516, Old Kent Road, London, SE1 5BA.

I carried out an inspection of the venue's Identification Scan system. Condition 342 of the premises license states; **'That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 22:00 when the premises are in operation and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and / or if the persons details are already stored on the system and they are identified using a biometric identification system.'** My inspection of the system yielded that a significant number of customers had not scanned suitable identification into the system, they had simply had their photograph taken with no means of further identifying who they are. I explained that this was not correct use of the system and a breach of the premises' license.

Condition 341 of the premises license states, **'That a minimum of 6 SIA registered door**

015 9743681 01 6797  
16:44 TU 13 SEP 2016

Signature: 

Signature witnessed by: .....

Continuation of Statement of **Stuart wythe PC 393MD**.....

**supervisors shall be employed at the premises, one of whom shall be female, at all times that the premises are in use. They will be employed each night that the premises are in operation and will be on duty to receive patrons at the stated opening time of 22:00. At least two will be provided with, and will use, electronic search wands in respect of the search of all persons who wish to enter the premises. This includes all DJs and associated staff and their equipment.'**

As part of this licensing visit I determined that there were four door staff on duty and undertook to ascertain their details. At the main entrance to the venue I spoke to a female whom I know now as [REDACTED] Upon request by me she took her Security Industry Agency (SIA) badge out of its sleeve allowing me to examine it & determine her SIA number.

I then spoke to a male whom I know now as [REDACTED] and asked him to produce his SIA badge. He said that he had seen us undergoing our inspection at the venue & that we should undertake the same inspection at the venue next door (Khe Che) & once that was done, he'd do as I ask. I explained that we were inspecting Club 701 & that I required to see his SIA accreditation. He said he would not produce it until we had undertaken an inspection next door. I said we had already conducted an inspection there (this was done some weeks previously). At this [REDACTED] started shouting at the door staff next door asking if we had checked their licenses.

Again I asked for his SIA accreditation, [REDACTED] refused, saying he would tell me and started to say some numbers. I explained that this was not what I'd asked for, that I needed to see his license. [REDACTED] again refused, saying that we hadn't done next door, that he would not produce his license, that he'd tell me the number. This conversation went on for several moments; [REDACTED] was obstructing me in my licensing inspection.

I said to [REDACTED] to 'wait there' & headed towards my marked Police transport to collect an SIA warning notification pad; PC Lynch provided me with his pad.

I started to fill out the form, number 445981. As I completed the form, I again asked for [REDACTED] SIA badge, to which he replied, 'Now you ask,' & he produced his license from its sleeve. I made a note of his licence number, [REDACTED]. As I completed the form, [REDACTED] carried on talking in a similar vein. A second male whom I know now as [REDACTED] asked why the inspection is taking place, I explained that it's a licensing visit & that the venue is a prominent location, at which both [REDACTED] and [REDACTED] started to laugh in animated fashion, saying that nothing happens at the venue.

At about 0335hrs I issued [REDACTED] with a copy of serial number 445981 SIA warning notification, saying I'd be reporting him to the SIA, to which he replied, 'Go on then.'

I was present when PC Lynch spoke to the manager, [REDACTED] regarding the venue not possessing a drugs and weapons amnesty box as per condition 297 of the premises license which states, **That a drugs /**

15714 IN 12592115 STD

Signature

Signature witnessed by: .....

2003(1)

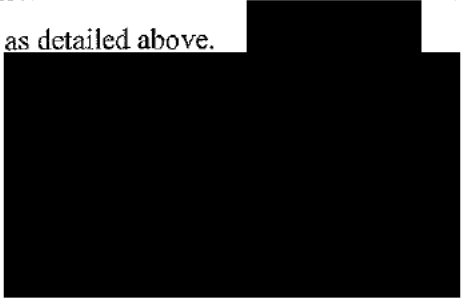


Continuation of Statement of **Stuart wythe PC 393MD** .....

**weapons amnesty box, approved by the police, shall be installed and maintained in use at the premises at all times that the premises are in operation.**

█ was not able to access the venues CCTV system from 29 days previously. Condition 289 of the premises license states **All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request.**

I was present when PC Lynch issued █ with a closure notice under section 19 of the criminal justice and Police act 2001 for the alleged unauthorised use of the premises as detailed above. █



16:14 7/1 13SEP16 STD

Signature █ nature witnessed by: .....



Witness contact details

Home address: **Southwark Police Station 323 Borough High Street London**.....

Postcode: **SE1 1JL**.....

Home telephone number ..... Work telephone number [redacted].....

Mobile/pager number ..... Email address: [redacted].....

Preferred means of contact: [redacted].....

**Male / Female** (delete as applicable) ..... Date and place of birth: [redacted].....

Former name: ..... Ethnicity Code (16+1): [redacted] ..... Religion/belief: [redacted].....

Dates of witness non-availability as per MG10

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?  
**No**. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes  No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: ..... Print name: .....

Signature of parent/guardian/appropriate adult: ..... Print name: .....

Address and telephone number if different from above: .....

Statement taken by (print name): **PC 393MD 230234 Stuart Wythe** ..... Station: **Southwark**.....

Time and place statement taken: **1154hrs, Southwark Police Station** .....

# CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 23/10/16 Time Served: 02:34

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC LYNCH 246MD

Signature: [Redacted] 246MD

Name (if applicable) and address of the affected premises:  
Club 701 - 516 Old Kent Road  
SE1 8BA

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

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

359-11A ON PREMISES AT 02:00 AM THERE  
WAS NO NEW ENTRY TO PREMISES.

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

OBSERVED A NUMBER OF MALES ENTER PREMISES  
ON NEW ENTRY TO PREMISES AND BE SERVED  
THE ALCOHOL

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

NO ENTRY AT 02:00 ON SATURDAY/SUNDAY  
MORNING

### Third party consideration (section 19.4)

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

Yes/No (details) ALE DOE

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

### Effect of section 20, Application for closure order.

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

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

Name DAVID MANSOUR

Signature [Redacted]

Date 23/10/2016

### WITNESS STATEMENT

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

Statement of Mark Lynch Pc 246MD ..... URN: 

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

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

Signature: ..... Date: Sunday 23<sup>rd</sup> October 2016

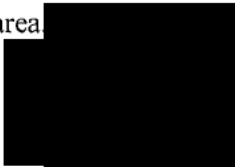
Tick if witness evidence is visually recorded  (supply witness details on rear)

On Sunday 23rd October 2016 I was on duty in full uniform, I was attached to Southwark Night time Economy Team to which I was the driver of a marked police vehicle. I was in the company of Msc5321MD. My duties include visiting various licensed premises on the borough to carry out licence inspections and respond to disorder, . At 0220hours we parked our vehicle outside Club 701 516 Old Kent Road SE1 where we observed a number of people queuing for entry to the club , I am aware that the venue has a condition on its licence which states no new entry to the venue after 0200hrs, I also saw two males approach the payment booth and then they were searched before entering the club. I along with msc5321MD then left the vehicle and approached the security where I requested to see the Dps [redacted] I stood in the cage area and then entered the foyer and awaited Mr [redacted] Whilst waiting there another male came into the club foyer area whom spoke to a female staff member who produced a pink wrist band and applied it to his wrist and then allowed entry I was then joined by [redacted] and we went outside the club and I explained to him what I had seen in regards to late entry. He stated that the reason for the late entry was that there had been a big queue and he didn't want to turn people away as they had queued. Whilst waiting there were still people attempting to gain entry to the venue and security were now telling them they could not enter which contradicted what [redacted] had said about people waiting in the long queue. He then offered to have staff show me the last entry on ID scan. We were led into the id scan room which was situated within the main entrance to the club K-Chee however upon entering the outside area I could smell the strong aroma of cannabis, I am aware of this aroma due to my experience as a police officer, we then entered the ID Scan room where I was shown the screen which showed last entry at 0205hrs which did not tally up with the fact we had seen people enter at 0220hrs and later and can only mean those that entered after 0205hrs had not been ID scanned . On leaving the room I said to my colleague Pc5321MD "can you smell cannabis?" to which he replied " yes", I said "where is it coming from?", we then looked around the courtyard area as this area is for clients of K-Chee but confirmed the smell was not coming from this venue, however in the corner is a fenced off smoking area with a roof covering it which is for clients of Club701. There is a metal staircase which runs up the side of the smoking area to

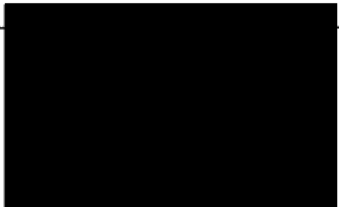
Signature: [redacted] Signature witnessed by: .....

Continuation of Statement of Mark Wynn

which we walked up, as we did so there were plumes of smoke and strong smell of cannabis coming from within the smoking area. I saw at least 2 males rolling what in my opinion appeared to be large roll ups containing cannabis, I also saw people smoking cigarettes but did not see any vaps, there were no SIA security in the smoking area. We observed the area for a few minutes to see if the smell disappeared however this was not the case. We left the stairwell and went to the main entrance of Club 701 and requested to see the DPS who came outside. I then took him to the stairwell and told him what we had seen, to which he stated that there should be a member of security in that area monitoring clients, this was not the case. However on walking up the stairs with the DPS there was a member of security in the area and the smell of cannabis was not as strong. Whilst stood on the stairwell we observed a member of security and 2males leave the smoking area via the emergency exit which entered into the courtyard of K-Chee and then leave the main entrance to K-Chee. A few minutes later we left the stairwell and on doing so saw the member of security and 2 clients re-enter though the K-Chee entrance and then re-enter club 701 smoking area via the emergency exit , I did not observe any of the males being re searched as per condtion 359. We then walked out of the court yard area where I informed the dps that I would be issuing a section 19 closure notice for the breach of his licence condition 359- That on Sunday after 00:30, on Wednesday and Thursday after 01:30 and on Friday and Saturday after 02:00 there shall be no new entry to the premises, other than those who leave the premises for the purpose of smoking a cigarette, those persons shall be subject to a further search on the re-entry to the premises, we were then joined by a member of security who stated along with the dps that they were unaware of the condition that prevented clients who had been queueing from entering the club after 0200hrs and that they thought that if clients had been queueing before 0200hrs they could enter this was despite a notice in their foyer that stated no admission after 0200hrs which was pointed out to both security and dps. I also informed the dps that I would be making a statement in regards to the smoking of cannabis on the premises. I then issued the section 19 and returned to my vehicle where I sat until 0310hrs, during this time I saw a number of people arrive at club 701 and attempt admission and when declined they loitered in the area , I also noted that a number of people attempted entry to club K-Chee to which they appeared to be refused though again they loitered in the area



Signature:



Signature witnessed by:

Licensing Unit induction checklist for new licensees / management.

Premises Name & address: 701 Club, 516 Old Kent Road SE1 5BA  
Licensee: Erico Entertainment Limited  
DPS: Ahmed Mansaray

1. INTRODUCTION

- Who Licensing Unit are
- Why meeting is being held – to ensure every licensee is fully aware of his / her responsibilities from the onset

2. THE LICENCE

- Introduce the licence document & the special & standard licence conditions
- How long the licence lasts & what happens when it is time for renewal
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary

3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Risk assessment
- Will conduct additional inspections where problems found and complaints made
- Explain inspections aim to help but that persistent and serious safety failures will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss
- Leave calling cards

Officer(s) Attending: (Sign) \_\_\_\_\_

(Print) Richard Kahn

Person(s) Present: (Sign) \_\_\_\_\_

(Print) Ahmed Mansaray

(Sign) \_\_\_\_\_

(Print) \_\_\_\_\_

Date of Meeting: 26 November 2016



**Eric Doe**  
Club 701  
Ground Floor  
516 Old Kent  
Road London  
SE1 5BA

**Licensing Unit**  
Direct Line: 020 7525 5779  
Direct Fax: 020 7525 5705  
Our ref: INU 077789

28 September 2017

Dear Eric,

**RE: THE LICENSING ACT 2003 – WARNING LETTER**

**(Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA)**

---

On 2 September 2017 at 00:20 hours council officers undertook an inspection to determine whether the licensable activities at the above premises were carried out in accordance with premises licence issued in respect of the premises.

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

During the inspection the officers witnessed the following:

1. Breach of licence condition 288: The clock on the CCTV was three minutes slow. For evidential purposes please ensure that the time shown is accurate.
2. Breach of condition 307: No accommodation limit had been set or was in use at the premises. Only one counting device (to count customers 'in') was being used at the premises. Unless an 'out' clicker is used in conjunction with the 'in' clicker, there is no way to ascertain an accurate tally of customers at the premises, however it is noted that during the inspection the premises was very under occupied.
3. Breach of condition 344: Staff at the premises hadn't undertaken a recognised training scheme in regards to the sale of alcohol. You may wish to consider making relevant staff undertake the BIIAB Level 1 Award in Responsible Alcohol Retailing (QCF) qualification. More information is available via: <https://www.biiab.org/qualifications/licensed-hospitality/biiab-level-1-award-in-responsible-alcohol-retailing-qcf/>
4. Breach of condition 345: Beverages were being consumed in the smoking area.
5. Breach of condition 349: Acoustic seals, brushes & self closers were not installed on all relevant doors.

**Licensing Unit** - Environment & Housing, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)  
**Strategic Director Environment & Housing** - Deborah Collins

6. Breach of condition 353: Drinks were being permitted outside (in the smoking area).

7. Beach of condition 357: There was no dispersal policy in place at the premises. A written dispersal policy should be devised and be kept at the premises. All relevant staff should be trained in respect of the policy. The policy should include (but not necessarily be limited to) the following:

- Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
- Details of public transport in the vicinity and how customers will be advised in respect of it.
- Details of the management of taxis to and from the premises.
- Details of the management of any 'winding down' period at the premises.
- Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
- Details of any cloakroom facility at the premises and how it is managed.
- Details of road safety in respect of customers leaving the premises.
- Details of the management of ejections from the premises.
- Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).

8. Beach of condition 379: No pre-opening security checks had been undertaken or logged.

9. Beach of condition 392: Not all promotional material identified the location of car parks in the area or other travel facilities (see flyer attached).

10. Beach of condition 4A1: There was no refusal register available (however it is noted that an ID scanning system was in use at the premises).

11. Beach of condition 793: No staff training records were available in respect of the Licensing Act 2003 or the terms and conditions of the premises licence issued in respect of the premises.

In addition to the above please be mindful of the following conditions: 303 (requiring the submission of '696' forms for external promoters) and 383 (requiring that all promoters hiring the premises are suitably qualified). These conditions were not an issue during the inspection as an internal promotion was being undertaken, but please bare them in mind should any external promoter be used at the premises. Please also ensure that the premises licence **summary** is displayed in the bar area and not kept in your files.

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

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

**Licensing Unit** - Environment & Housing, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)  
**Strategic Director Environment & Housing** - Deborah Collins

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

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

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) or by telephone on 020 7525 5779 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the address below.

Yours sincerely,



**Wesley McArthur**

Licensing Enforcement Officer

[wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

cc Erico Entertainment Limited, licensee



**ERICO ENTERTAINMENT LTD**  
PRESENTS

**UB**  
*Collabo*

**ALL  
WHITE  
PARTY**



516 OLD KENT ROAD  
LONDON SE1 5BA  
10.00PM - 4.00AM  
(LAST ENTRY 2AM)

SATURDAY  
**28TH**  
OCT '2017

£10 IN ADVANCE, MORE AT THE DOOR

DJS: [REDACTED] & [REDACTED]

FOR MORE INFO, BIRTHDAY & VIP BIRTHDAY BOOKING, PLEASE CALL [REDACTED]

21+

ID  
REQUIRED  
NO ID NO ENTRY

*EVERY LAST SATURDAY OF THE MONTH*



**Erico Entertainment Limited**

[REDACTED]  
[REDACTED]  
London  
[REDACTED]

**Licensing Unit**

Direct Line: 020 7525 5779

Direct Fax: 020 7525 5705

Our ref: INU 077789

28 September 2017

Dear Sirs,

**RE: THE LICENSING ACT 2003 – WARNING LETTER**

**(Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA)**

---

On 2 September 2017 at 00:20 hours council officers undertook an inspection to determine whether the licensable activities at the above premises were carried out in accordance with premises licence issued in respect of the premises.

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

During the inspection the officers witnessed the following:

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3. Breach of condition 344: Staff at the premises hadn't undertaken a recognised training scheme in regards to the sale of alcohol. You may wish to consider making relevant staff undertake the BIIAB Level 1 Award in Responsible Alcohol Retailing (QCF) qualification. More information is available via: <https://www.biiab.org/qualifications/licensed-hospitality/biiab-level-1-award-in-responsible-alcohol-retailing-qcf/>
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**Licensing Unit** - Environment & Housing, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Strategic Director Environment & Housing** - Deborah Collins

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- Details of the management of taxis to and from the premises.
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- Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
- Details of any cloakroom facility at the premises and how it is managed.
- Details of road safety in respect of customers leaving the premises.
- Details of the management of ejections from the premises.
- Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).

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In addition to the above please be mindful of the following conditions: 303 (requiring the submission of '696' forms for external promoters) and 383 (requiring that all promoters hiring the premises are suitably qualified). These conditions were not an issue during the inspection as an internal promotion was being undertaken, but please bare them in mind should any external promoter be used at the premises. Please also ensure that the premises licence **summary** is displayed in the bar area and not kept in your files.

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

**Licensing Unit** - Environment & Housing, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)  
**Strategic Director Environment & Housing** - Deborah Collins

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

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

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) or by telephone on 020 7525 5779 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the address below.

Yours sincerely,



**Wesley McArthur**

Licensing Enforcement Officer

[wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

cc Eric Doe, Manager

Club 701  
Basement And Ground  
Floors  
516 Old Kent Road  
London  
SE1 5BA

**Licensing Unit**  
Direct Line:  
Direct Fax:

12 December 2017

Dear Mr Eric Doe

**RE: THE LICENSING ACT 2003 – WARNING LETTER**  
**(Club 701, Basement And Ground Floors, 516 Old Kent Road, London, SE1 5BA)**

On 11 November 2017 at 00:55 Licensing Enforcement Officers and Metropolitan Police Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

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

During the inspection the officers witnessed the following:

**1. Breach of condition 289-** All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request. **There was no member of staff available to access CCTV until owner of business was called and arrived on site.**

**2. Breach of condition 307** That an accommodation limit shall be set in respect of the premises. All staff at the premises shall be made aware of the accommodation limit. The SIA security staff employed at the premises shall be responsible for ensuring that the accommodation limit is not exceeded and shall use counting devices to ensure that the accommodation limit is not exceeded. Once the accommodation limit of the premises has been reached the premises shall operate a 'one in, one out' policy. **There was no member of staff available that was able to give an accurate number of patrons present at time of visit.**

**3. Breach of condition 342** That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at

**Licensing Unit** - Environment & Housing, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Strategic Director Environment & Social Regeneration** - Deborah Collins

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the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 22:00 when the premises are in operation and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and/or if the person's details are already stored on the system and they are identified using a biometric identification system. **When I requested to see how many persons had been scanned in to the system, the staff were only able to show 4 male persons despite there being approximately 20 persons in the premises including female staff and patrons. Staff could not tell me why this was the case.**

#### 4.

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

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

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

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

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

Yours sincerely,

c.c P.C. Ian Clements/ P.C. Graham White  
Southwark Police Licensing Office  
SE1

**Licensing Unit** - Environment & Housing, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)  
**Strategic Director Environment & Social Regeneration** - Deborah Collins  
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### WITNESS STATEMENT

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

Statement of Mark Lynch Pc 246MD ..... URN: 


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

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

Signature: .....  Date: Thursday 23<sup>rd</sup> November 2017

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

On Sunday 19<sup>th</sup> November 2017 I was on duty in full uniform, I was attached to Southwark Night time Economy Team to which I was the driver of an unmarked vehicle. I was in the company of Pc Ducker 494MD. My duties include visiting various licensed premises on the borough to carry out licence inspections and respond to disorder, . At 0151 hours we parked our vehicle nearby to Club 701 516 Old Kent Road SE1 and walked to the forecourt area that led to clubs K-Che and Club 701. We entered club K-che and carried out a licence inspection which was compliant at the time of visiting. We then entered club 701 foyer and requested to speak to the Dps or owner of the premises to which a member of SIA door staff went to locate them. A few minutes later we were joined by the Dps  and owner Eric Doe. We introduced ourselves to both parties and explained that we were at the venue to carry out a follow up inspection as the venue had been non-compliant with its licence conditions the previous week. Mr Doe was not happy that we were at the venue and stated that its wrong and unfair that we should be at his venue as there were people being shot at the ministry of sound and they stay open until 6am, this information was not correct in regards to the ministry of sound. It was pointed out to him that if he was compliant with his licence conditions we would not need to carry out a follow up inspection. We were then led by Mr Doe through the club, as we did so I could smell the distinct aroma of cannabis however I could not ascertain exactly where in the club this smell was coming from however I could not smell it outside the club or in the foyer area and therefore believe it may have been smoked somewhere in the club. I also noted on walking through the club that some of the patrons were wearing hats which is a breach of condition 373. We then went to the basement office with Mr Doe and my colleague Pc Ducker explained the licence conditions to Mr Doe. Mr Doe was requested to show us the cctv operating however he stated that the hardrive had been changed two weeks prior and that it would not have recordings for the full 31 days as per licence condition 289, the cctv system showed recordings for days this was in breach of condition 289. Mr Doe was asked for staff training records to which he produced some paperwork however he seemed to be a little confused as to what kind of training he should give staff and how often the training should take place . We then left the basement and returned to the main club area

Signature: .....  Signature witnessed by: .....



Eric Doe  
Club 701  
Basement and Ground Floors  
516 Old Kent Road  
London  
SE1 5BA

Licensing Unit  
Direct Dial - 020 7525 5748  
Facsimile - 020 7525 5705

16 May 2018

Dear Mr Doe

**Simple Caution**  
**Section 136 (1) (a) and (b) of the Licensing Act 2003**

The facts surrounding the alleged offence(s), briefly described in the attached document, have been reported to me by an officer of this service. I have carefully considered these facts and concluded that there are sufficient grounds to institute legal proceedings under the above legislation.

However, on this occasion I am proposing to issue a simple caution in respect of the allegation. This course of action is subject to your agreement and admission of the alleged offence.

Before making your decision I recommend you seek independent legal advice about this matter and ensure you are aware of the consequences of accepting a simple caution. These are listed on the attached document.

If you agree you need to attend our office and sign the declaration attached or an officer may be able to meet you elsewhere. A countersigned copy of the caution will then be issued to you in due course.

If you have any queries about this matter please do not hesitate to contact us.



David Littleton  
Head of Regulatory Services

Licensing Unit - Environment & Social Regeneration, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 Website - [www.southwark.gov.uk](http://www.southwark.gov.uk)

Strategic Director Environment & Social Regeneration - Deborah Collins

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# SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

CASE REFERENCE:	[REDACTED]
OFFENDER'S SURNAME:	DOE
FORENAME(S):	ERIC
NATIONAL INSURANCE No.	Insert:
OCCUPATION:	PREMISES LICENCE HOLDER
ADDRESS:	[REDACTED]
DATE OF BIRTH:	[REDACTED]

DATE OF OFFENCE(S):	2 September 2017 19 November 2017 11 November 2017
PLACE OF OFFENCE(S):	CLUB 701, 516 OLD KENT ROAD LONDON SE1 5BA
BRIEF CIRCUMSTANCES OF OFFENCE(S):	<p>2 September 2017 at 00:20hrs 19 November 2017 at 01:51hrs 11 November 2017 at 00:55hrs</p> <p>Breach of licensing conditions</p> <p>This matter potentially constitutes a breach of the licence issued under the Licensing Act 2003 by this Council in respect of the above named premises.</p> <p>Relevant offence breach: <u>Section 136 (1) (a) and (b) of the Licensing Act 2003</u></p>

### Ministry of Justice guidance on simple cautions (issued 8<sup>th</sup> April 2013)

Please read the guidance below and the attached declaration. Make sure you understand it before you sign. You may seek independent legal advice before you accept the caution. Some of these points are applicable to cautions issued by the Police and will not be relevant to this matter.

1. A simple caution is an admission of guilt to committing an offence and forms part of an offender's criminal record. A record will be retained by the Council for future use. It may also be disclosed in a court in any future proceedings.
2. If after the simple caution has been administered, new evidence comes to light suggesting that the offence(s) committed are more serious, a prosecution may still be brought.
3. A simple caution may be disclosed to a current or prospective employer in certain circumstances. Separate guidance governs the disclosure of criminal record information

**Licensing Unit** - Environment & Social Regeneration, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)

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4. Simple cautions become spent immediately they are administered. This means that you do not need to disclose a simple caution when asked unless you are seeking work in an occupation that is listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974 such as working with children and vulnerable adults or for other excepted purposes such as seeking to obtain certain licences. Police Cautions will also be disclosed under Disclosure and Barring Service (DBS) standard and enhanced checks. Further information can be obtained from the DBS.
5. The DBS maintains the lists of those barred from working with children and vulnerable groups, including adults. A simple caution may be taken into account by the DBS when reaching a decision about the suitability of persons to work with children and adults. Accepting a simple caution for certain offences may lead to the offender's inclusion on such a list which will prevent them from working in a regulated post with children and vulnerable groups. Further information should be obtained from the DBS.
6. If the offence(s) involve a victim or victims they might still take civil action or bring a private prosecution against you. The Council may provide your details to the victims if this is necessary for legal action to take place.
7. Countries requiring foreign nationals to obtain entry visas may require applicants to declare simple cautions on their application forms or at interview. Other country's immigration rules may mean that a person who has received a simple caution is refused entry as though they have a criminal conviction. The Rehabilitation of Offenders Act 1974 only applies within the UK which means simple cautions, even if spent, may still need to be disclosed to some countries in some circumstances. This will vary from country to country and may apply to people who want to emigrate permanently or those who simply want to visit for short term purposes, such as on business, for a holiday or to study. For specific information on what an individual may be required to disclose, the relevant embassy of the country of travel should be contacted.

#### **Further information relating to certain cautions**

If this caution relates to the sale of age restricted products (ARPs) or services please note that further covert test purchases will be attempted by the Council at your business. This means we will send in underage, or young looking, volunteers to attempt to buy ARPs or services. Such test purchasing may be covertly observed and recorded. You should also advise all sales staff of this.

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# SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

## DECLARATION:


I have read and understand all this information.  
I hereby declare that I (insert name)

ERIC DOE

admit the offences described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME: ERIC DOE SIGNED:   
(Block capitals)

DATED THIS 06/0 DAY of JULY 2018

After a signature has been added above, an officer of Southwark Council will countersign and return a copy. 

NAME: David Littleton SIGNED: 

DESIGNATION: HEAD OF REGULATORY SERVICES

DATED THIS 7 DAY of JUNE 2018

Licensing Unit - Environment & Social Regeneration, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

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### WITNESS STATEMENT

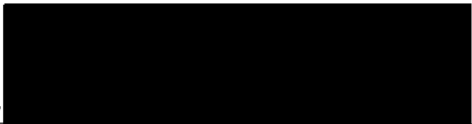
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Mark Lynch Pc 246MD** ..... URN: 

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


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

Signature: .....  Date: **Tuesday 08<sup>th</sup> May 2018**

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

On Sunday 29th July 2018 I was on duty in full uniform, I was attached to Southwark Night time Economy Team to which I was the driver of an unmarked vehicle. My duties include visiting various licensed premises on the borough to carry out licence inspections and respond to disorder, At 0235hours i parked my vehicle opposite Club 701 516 Old Kent Road SE1 and club K-Chee 516 Old Kent Road se1 as we had received reports that patrons were causing noise nuisance and ASB on leaving. I am aware that club K-Chee has a last entry time of 0300hrs and Club 701 a last entry time of 0200hrs. I then saw a mixed group of 5 male and females approach the side gate which is operated by SIA a conversation appeared to take place and at 0245 hours the group were allowed entry via the side gate, following this another group of 4 persons arrived some in a cab and they too entered the venue via the side gate I was not able to see if these persons were searched or if they produced identification, these persons were not re-entering the venue. this is a clear breach again of condition 359 - That on Sunday after 00:30, on Wednesday and Thursday after 01:30 and on Friday and Saturday after 02:00 there shall be no new entry to the premises, other than those who leave the premises for the purpose of smoking a cigarette, those persons shall be subject to a further search on the re-entry to the premises, I waited a few moments and then left the area



Signature:  Signature witnessed by: .....



Licensing Authority Copy

## Notification of alleged offences under the Licensing Act 2003

Venue Name: Club 701 REF: (CAD/CRIS etc.)

Address: 516 Old Kent Road, London

SE15BA Date: 28/8/18 Time: 01:19

Details of person in charge at the relevant time: Mr Alfred Mansoury

DPS  Personal Licence Holder

### Summary of alleged offences identified

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

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

Opening the club on a Bank holiday Monday 27th August 2018 going into Tuesday 28th August 2018 with out a license todo so.

Issuing officer:

Print: PC GERS 7 782 R.

I acknowledge receipt of this form: (venue)

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

### WITNESS STATEMENT

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


Statement of **Jason ROSE (Police Licensing Officer)**

N/A			
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.....URN:

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 194898** .....

This statement (consisting of: .... 4..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.



Signature:  ..... Date: **28/08/2018**.....



Tick if witness evidence is given in details on rear)

I am a serving Police Officer employed by the Metropolitan Police Service (MPS) with 24 years' experience in various posts. I am currently attached to Licensing Partnership and Governance Hub employed as a Police Licensing Officer dealing with many allegations relating to licensing premises throughout the MPS. I have carried out this role since March 2016, prior to that I was a Borough based Police Licensing officer.

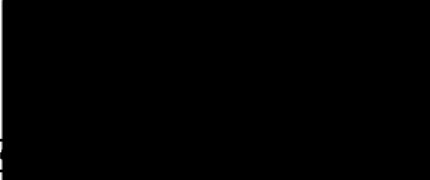

This statement relates to a Licensing inspection conducted by Pc Nick GERRY 782PL, Pc Kevin DE VIELL 3516SW and I on Tuesday 28<sup>th</sup> AUGUST 2018 in SOUTHWALK AREA of London as part of a PAN LONDON response to the night time economy after parties for Notting Hill Carnival Celebrations. On this particular morning we had occasion to visit the Club 701, 516 Old Kent Road, SE1

We arrived at the venue at approximately 00:02 hours (28/08/2018), I instantly noticed that the venue was not particularly busy outside and could see 2 door staff members (wearing black clothing, one with Hi Vis jacket) present controlling a small queue of approx. 6 patrons. I also noticed another male in a white jacket was standing at the front of the premises speaking with patrons beside a roped off area and passing items from patrons into the premises through a small letter sized box hole. The door staff appeared to be SIA approved. I observed the entrance procedure for patrons, this appeared to be correct. I later learnt the small letter hole box was where I.D's of patrons were being checked by staff members inside the premises then handed back and payment of £10 being passed through the hole per person as entry fee into the premises.

Pc GERRY, Pc DE VIELL and I approached the male member of the door staff, showed her our warrant cards and identified ourselves explaining the reason for our visit. I asked to speak to the Designated Premises Supervisor (DPS) of the premises and he was called to the front of house to speak with me. A few moments later a black male approx. 5'10" tall, slim build wearing a beanie style hat and grey cardigan / jumper arrived in the entrance area. He introduced himself to us as Mr  he confirmed to me that he was the registered DPS. Once again Pc GERRY, Pc DE VIELL and I introduced ourselves and explained who we were, the department we worked for and the fact we were on scene to make sure the event they had planned was running smoothly. Mr  welcomed this, being friendly and helpful throughout our visit.

We spoke for some time in the entrance hall in relation to the event they had planned, clientele and any issues that Mr  was facing at the premises. I asked Mr  what time the premises were due to close and this question appeared to confuse him, initially saying 0400hrs then changing it to 0300hrs as it was bank holiday trading. Due to this confusion I entered the premises and immediately requested to see the Part B of the premises licence. This paperwork was displayed behind the bar.

On the route to inspecting Part B of the licence, I glanced around the premises, this entrance floor was the main

Signature:  Signature witnessed by:  .....

Continuation of Statement of **Jason ROSE (Police Licensing Officer)** .....

area dedicated to licensable activity. I walked the length of the bar in a systematic way. During this time I noticed the premises wasn't overly busy, approx. 30-40 persons present (Inc Staff) both male and female. The music was playing and very loud, the premises was dark with flashing lights supporting the music that was being played. It was clear that those patrons present had drinks either around them or in their hands and there were customers standing at the bar purchasing alcohol related beverages, this would be present on Pc GERRY and Pc DE VIELL body worn cameras throughout our deployment at the premises. This venue was fully open for business and carrying out licensable activity namely supply of alcohol and regulated entertainment. I did not see any food for sale or being eaten at the time of entry. Due to the time of the visit clearly being close to opening time, I could not detect any high levels of intoxication.

I viewed the part B on the bar wall and instantly identified a potential issue with the licensing hours as neither Monday nor Tuesday were displayed on the licence. The main points relating to our visit were shown as:

**Opening hours:**

Wednesday 22:00 to 03:00  
 Thursday 22:00 to 05:00  
 Friday 22:00 to 05:00  
 Saturday 22:00 to 05:00  
 Sunday 22:00 to 02:00

**Granted licensable activities:****Entertainment similar to live/recorded music - indoors**

Wednesday 22:00 to 02:00  
 Thursday 22:00 to 04:00  
 Friday 22:00 to 04:00  
 Saturday 22:00 to 04:00  
 Sunday 22:00 to 01:00

**Late night refreshment - indoors**

Wednesday 23:00 to 02:00  
 Thursday 23:00 to 04:00  
 Friday 23:00 to 04:00  
 Saturday 23:00 to 04:00  
 Sunday 23:00 to 01:00

**Live music - indoors**

Wednesday 22:00 to 02:00  
 Thursday 22:00 to 04:00  
 Friday 22:00 to 04:00  
 Saturday 22:00 to 04:00  
 Sunday 22:00 to 01:00

**Recorded music - indoors**

Wednesday 22:00 to 02:00  
 Thursday 22:00 to 04:00  
 Friday 22:00 to 04:00  
 Saturday 22:00 to 04:00  
 Sunday 22:00 to 01:00

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

Wednesday 23:00 to 02:00  
 Thursday 23:00 to 04:00  
 Friday 23:00 to 04:00  
 Saturday 23:00 to 04:00

Signature: ..... Signature witnessed by: .....

Continuation of Statement of Jason ROSE (Police Licensing Officer) .....

Sunday 23:00 to 01:00

I asked Mr [redacted] if this was the current licence. He said "yes, I think so, I don't think we have received a new one". Due to the music noise in this area of the premises we proceeded through the bar area to the rear hall way (deepfreeze freezer area) to speak so we could hear one another clearer, both Pc GERRY, Pc DE VIELL were present with me. I explained to Mr [redacted] I had concerns over the non-licensable hours displayed for Mondays/Tuesdays on the Part B and asked [redacted] to bring me the full premises licence, he went to the basement to retrieve this paperwork from a folder. Whilst he was doing this I loaded the licence via my laptop.

As we were waiting, It became apparent we were in the way where we were standing as staff was passing through so was directed by a female who later introduced herself as the owners wife, a Mrs [redacted] to a side room that appeared to be a small storage / Kitchen area beside the deepfreeze hallway. No food was being prepared in this area.

Pc GERRY and I then examined both the electronic copy and Hard copy of the premises licence (that had now been handed to us by Mr [redacted] and it became obvious that NO authorisation was in place relating to the premises licence for trading on a Monday into a Tuesday. I asked Mr [redacted] if there was any other licensing authorisation in place for this evenings trading such as a club premises cert or Temporary event notice and he said "No we are covered by the licence" (pointing to the hard copy in front of us).

I then explained to him that there was no authorisation on the licence for Monday / Tuesday and the only reference to a Bank holiday on the licence was listed as:

**396 - That on Sundays prior to Bank Holiday Mondays, Christmas Eve and New Year's Eve the permitted opening hours of the premises are between 22:00 to 05:00 and licensable activities must cease at 04:00 on these days.**

As I was about to explain it, he said unprompted "yeah 396 I know, our bank holiday opening" which indicated to me he was aware of the condition. Unfortunately the condition does not cover the venue for the date and time officers were on scene carrying out their inspection. This particular condition relates to a Sunday PRIOR to a bank holiday. We were now in the Tuesday morning AFTER the bank holiday Monday. I took time to read this condition word by word to Mr [redacted] several times and observed it dawning on him that he and the owners had clearly misread and misunderstood this condition. I then worked through the licence educating him around the licence.

Again I asked if there was any other form of authority in place for this sessions trading. He confirmed "NO". I then explained without an authority in place offences under the Licensing act were being committed namely:

**s136 – Carrying on or attempting to carry on licensable activity on or from any premises otherwise in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.**

**s137 - Exposing alcohol for retail without and authorisation**

**s138 – Keeping Alcohol on a premises for an unauthorised sale**

Mr [redacted] stated he understood. At this point Mrs [redacted] was called to the store / Kitchen room so it could be explained to a second person on scene. Once again I fully explained the issue to her working through the licence, showing her the times and conditions on the licence. They both understood the explanation and it was clear they presumed they were coved under the premises licence issued to Erico Entertainment Limited, ref 860699. This is however NOT the case.

I was aware that Pc DE VIELL had left the premises to go outside and make contact with the local boroughs Night duty officer to make them aware of the situation. I then contacted Bronze Licensing (Ps JARRED) and explained the situation giving him a full update and discussing the matter.

Signature

Signature witnessed by: .....



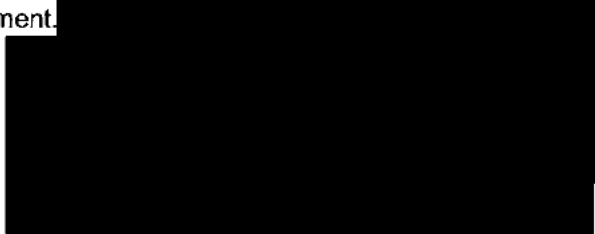
**RESTRICTED (when completed)**

Continuation of Statement of **Jason ROSE (Police Licensing Officer)** .....

Officers then explained to Mr [redacted] and Mrs. [redacted] that it was completely their decision what they do next, pointing out that any further unauthorised licensable activity would also be an offence. Police also explained they accepted (by this point) they had a large amount of paid patrons present in the club who were now being entertained and supplied alcohol too. At no point did police tell Mr [redacted] or Mrs [redacted] close their venue, police merely pointed out the offences and highlighted that further offences may be committed, issuing them with a from 694 (completed by Pc GERRY). Officers explained the potential disorder an instant close down could cause if handled incorrectly by staff once again Mr [redacted] stated he understood and went outside with Mrs [redacted]

Whilst officers were awaiting a call back from Night Duty officer, Mr [redacted] took it upon his self to stop serving alcohol and close the bar, again, police did not tell Mr [redacted] do this. Whilst further calls were being made to Bronze Licensing by officers on scene, police heard a males voice (later identified as Mr [redacted] using a microphone stating to all patrons that the venue was closing. This caused a small percentage of patrons to be disgruntled but in the main, everyone left the premises quite quickly and quietly. Mr [redacted] returned to the kitchen area and said, I have decided to close and I have told everyone, they are leaving now. Officers then liaised with MD2 (Night Duty Section Sergeant) to fully appraise them of the situation and the fact the venue had decided to close and a large number of patrons were leaving the area.

Pc Nick GERRY, Pc Kevin DE VIELL and I remained on scene to observe dispersal eventually leaving at 01:50 hours. Only a few patrons remained (approx. 10-15) at the front of house who were trying to be refunded their entrance fees. Advice given to patrons to speak with the management. [redacted]



[A large, faint, illegible signature or scribble that spans across the lower half of the page, possibly representing the signature of the officer mentioned in the text.]

Signature: [redacted]

Signature witnessed by: [redacted]

**Witness contact details**

Home address: .....  
..... Postcode: .....

Home telephone number ..... Work telephone number .....

Mobile/pager number ..... Email address: .....

Preferred means of contact: .....

Male / Female (delete as applicable) Date and place of birth: .....

Former name: ..... Ethnicity Code (16+1): ..... Religion/belief: .....

Dates of witness non-availability .....  
.....

**Witness care**

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? **No.** If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

**Witness Consent (for witness completion)**

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes  No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: ..... Print name: .....

Signature of parent/guardian/appropriate adult: ..... Print name: .....

Address and telephone number if different from above: .....

Statement taken by (print name): **282KD 194898 Jason ROSE**..... Station: **ROMFORD**.....

Time and place statement taken: .....

Club 701  
Basement And Ground  
Floors  
516 Old Kent Road  
London  
SE1 5BA

**Licensing Unit**  
Direct Line: 02075257529  
Direct Fax: 020 7525 5735

24 April 2019

Dear Erico Entertainment Limited

**RE: THE LICENSING ACT 2003 – WARNING LETTER**  
**(Club 701, Basement And Ground Floors, 516 Old Kent Road, London, SE1 5BA)**

On 13 April 2019 at 23:20 a Licensing Enforcement Officer carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

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

During the inspection the officers witnessed the following:

1. That a sound limiting device shall be installed, set and maintained, to ensure the maximum levels of volume and bass of music, song or speech from licensed entertainment permitted by the amplification system, does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.. **Contrary to condition 309 on the premises licence**
2. That a comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and such training records shall be made available to the council or police on request. **Contrary to condition 357 on the premises licence**

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


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

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

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

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

Yours sincerely,

  
Licensing Enforcement Officer  
[Cahlie.jerrom@southwark.gov.uk](mailto:Cahlie.jerrom@southwark.gov.uk)



Mr Alfred Mansaray  
 [REDACTED]

Licensing Unit  
 Direct Dial - 020 7525 2436  
 Facsimile - 020 7525 5705

10 June 2019

**Dear Mr Mansaray,**

**Simple Caution**

Section 136 (1) (a) of The Licensing Act 2003, which states that:

*"A person commits an offence if -*

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or*
- (b) knowingly allows a licensable activity to be so carried on.*

The facts surrounding the alleged offences, briefly described in the attached document, have been reported to me by an Officer of this service. I have carefully considered these facts and concluded that there are sufficient grounds to institute legal proceedings under the above legislation.

However, on this occasion I am proposing to issue a simple caution in respect of the allegations. This course of action is subject to your agreement and admission of the alleged offences.

Before making your decision I recommend you seek independent legal advice about this matter and ensure you are aware of the consequences of accepting a simple caution. These are listed on the attached document.

If you agree you need to sign the declaration attached. A countersigned copy of the caution will then be issued to you in due course.

If you have any queries about this matter please do not hesitate to contact us.

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

Yours faithfully,



**David Littleton**  
**Head of Regulatory Services**  
licensing@southwark.gov.uk

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	<p>Section 138 of the Licensing Act 2003 – Keeping Alcohol on a premises for an unauthorised sale.</p> <p>On the 18<sup>th</sup> February 2019, Mr Mansaray attended our office for an interciuew under caution where the allegations were put to him. Mr Mansaray made a full and frank admission has therefore accepted the offence as his responsibility.</p>
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### Ministry of Justice guidance on simple cautions (issued 8<sup>th</sup> April 2013)

Please read the guidance below and the attached declaration. Make sure you understand it before you sign. You may seek independent legal advice before you accept the caution. Some of these points are applicable to cautions issued by the Police and will not be relevant to this matter.

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2. If after the simple caution has been administered, new evidence comes to light suggesting that the offence(s) committed are more serious, a prosecution may still be brought.
3. A simple caution may be disclosed to a current or prospective employer in certain circumstances. Separate guidance governs the disclosure of criminal record information
4. Simple cautions become spent immediately they are administered. This means that you do not need to disclose a simple caution when asked unless you are seeking work in an occupation that is listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974 such as working with children and vulnerable adults or for other excepted purposes such as seeking to obtain certain licences. Police Cautions will also be disclosed under Disclosure and Barring Service (DBS) standard and enhanced checks. Further information can be obtained from the DBS.
5. The DBS maintains the lists of those barred from working with children and vulnerable groups, including adults. A simple caution may be taken into account by the DBS when reaching a decision about the suitability of persons to work with children and adults. Accepting a simple caution for certain offences may lead to the offender's inclusion on such a list which will prevent them from working in a regulated post with children and vulnerable groups. Further information should be obtained from the DBS.
6. If the offence(s) involve a victim or victims they might still take civil action or bring a private prosecution against you. The Council may provide your details to the victims if this is necessary for legal action to take place.
7. Countries requiring foreign nationals to obtain entry visas may require applicants to declare simple cautions on their application forms or at interview. Other country's immigration rules may mean that a person who has received a simple

**Licensing Unit** - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Strategic Director Environment & Housing** - Deborah Collins

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

## SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

CASE REFERENCE:	
OFFENDER'S SURNAME:	Mansaray
FORENAME(S):	Alfred
NATIONAL INSURANCE No.	
OCCUPATION:	Designated Premises Supervisor
ADDRESS:	
DATE OF BIRTH:	

DATE OF OFFENCES:	28 August 2018
PLACE OF OFFENCE(S):	Club 701, 516 Old Kent Road SE1 5BA
BRIEF CIRCUMSTANCES OF OFFENCE(S):	<p>On the 28<sup>th</sup> August 2018 during a police visit from the Night Time Economy Team following the Notting Hill Carnival it was witnessed that the above premises was operating licensable activities without authorisation. On the premises licence condition 396 stipulates: <b>That on Sundays prior to Bank Holiday Mondays, Christmas Eve and New Year's Eve the permitted opening hours of the premises are between 22:00 to 05:00 and licensable activities must cease at 04:00 on these days.</b></p> <p>The following breaches to the premises licence were committed contrary to:</p> <p>Section 136 (1) (1) of the Licensing Act 2003 states that:</p> <p>"A person commits an offence if –</p> <p>(a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or</p> <p>(b) knowingly allows a licensable activity to be so carried on."</p> <p>Section 137 of the Licensing Act 2003 – Exposing Alcohol for retail without authorisation, and;</p>



# SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

## DECLARATION:

I have read and understand all this information.  
I hereby declare that I (insert name)

### Alfred Mansaray

I admit the offence described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME:  
(Block

SIGNED:

DATED THIS 11 DAY of June 2019

After a signature has been added above, an officer of Southwark Council will countersign and return a copy.

NAME: DAVID LITTLETON

SIGNED

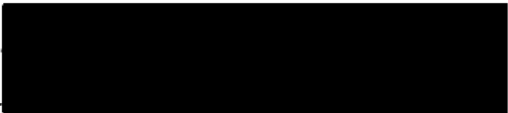
DESIGNATION: Environmental Health & Trading Standards Business Manager

DATED THIS 11 DAY of June 2019

caution is refused entry as though they have a criminal conviction. The Rehabilitation of Offenders Act 1974 only applies within the UK which means simple cautions, even if spent, may still need to be disclosed to some countries in some circumstances. This will vary from country to country and may apply to people who want to emigrate permanently or those who simply want to visit for short term purposes, such as on business, for a holiday or to study. For specific information on what an individual may be required to disclose, the relevant embassy of the country of travel should be contacted.

#### **Further information relating to certain cautions**

If this caution relates to the sale of age restricted products (ARPs) or services please note that further covert test purchases will be attempted by the Council at your business. This means we will send in underage, or young looking, volunteers to attempt to buy ARPs or services. Such test purchasing may be covertly observed and recorded. You should also advise all sales staff of this.

Licensing Unit induction checklist for new licensees / management.Premises Name: Club 701.....Address: Basement and Ground Floor, 516 Old Kent Road SE1 5BA.....Licensee: Erico Entertainment Limited.....DPS: .....

## 1. INTRODUCTION

- Who staff are.
- Why meeting is being held – to ensure every licensee is fully aware of his / her responsibilities from the onset

## 2. THE LICENCE

- Introduce the licence document & the Annexes.
- Explain the mandatory conditions in Annex 1.
- Explain the special conditions in Annex 2 and 3.
- Give details of what happens if the conditions are breached.
- Explain about responsible authorities or interested parties, what their role is and how they can call a review. Give full details of what is involved with a review and what the outcomes can be.
- Explain that there is an annual maintenance fee to be paid for the licence.
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary
- Explain in detail about when you need to apply for a variation, what is involved and what the procedure is. Also about varying the dps.
- Advise them that if they leave about surrendered the licence and the consequences for the licensee and the dps if they leave without surrendered the licence.
- Door Supervisors requirements that must be SIA registered.
- Drugs Misuse, drug policy.
- Challenge 21, suitable identification.
- Covert inspections by police, licensing and trading standards.
- Noise nuisance.

## 3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Early inspection(s) conducted and thereafter risk-assessed. Give details of what we look for and what documents we will need to see. Also the outcome if we find things wrong – what happens next?

- Will conduct additional inspections where problems found and complaints made.
- Will listen to proposals for putting right. Will give timescale for matters that cannot be rectified easily.
- Explain inspections aim to help but that continually to operate outside of the terms of the licence will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation
- Make sure any special arrangements at premises are understood (i.e. lobby door arrangements / removal of bolts / numbers control etc)

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss

Leave calling cards:

Officer(s) Attending: (Sign) *Justin Williams* .....

(Print)  .....

Persons Present: (Sign)  .....

(Print)  .....

Date of Meeting: *11 June 2019* .....

## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE - 7 November 2019.

#### **LICENSING ACT 2003: SECTION 53A: Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA**

This was a hearing to consider if it is appropriate to take interim steps pursuant to section 53B of the Licensing Act 2003, to promote the licensing objectives upon receipt of an application on 5 November 2019 by the Metropolitan Police Service, for a summary review of the premises licence relating to an incident that occurred in the early hours of 31 October 2019.

#### **1. Decision**

That the premises licence in respect of Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA be suspended with immediate effect as an interim step to promote the licensing objectives, pending the determination of the review application at a full hearing, to be held on 28 November 2019. The sub-committee urge the parties to investigate and provide evidence at the full hearing of the timings both of the incident and CCTV footage and the operation of the ID scanning system in the days leading up to and following the incident.

#### **2. Reasons**

The sub-committee was satisfied on the evidence that a serious assault had taken place on the premises and had been contributed to by multiple breaches of premises licence conditions. In particular, either the premises should have been closed before the incident took place or the police should have been called much earlier, the premises should not have been operating in circumstances where the ID scanner was not working, no drinks or glassware should have been in the area where the incident occurred and no patrons should have been wearing hats or hoods.

The sub-committee considered that the suspension was necessary and proportionate to promote the licensing objective of the prevention of crime and disorder. The sub-committee considered that other measures short of this were insufficient given the seriousness of the incident, the breaches of licence conditions on this occasion, and the previous operating history of the premises.

#### **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.

The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination

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: 7 November 2019

**NOTICE OF DECISION****LICENSING SUB-COMMITTEE – 28 NOVEMBER 2019****LICENSING ACT 2003: SECTION 53A: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA****1. Decision**

That the council's licensing sub-committee, having considered an application made under section 53A of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence in respect of Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA and having had regard to all relevant representations decided to suspend the licence for a period of three months, to remove Alfred Manseray as the designated premises supervisor and to modify the conditions of the licence as follows:

1. That the premises will be closed on Wednesdays.
2. That the measures set out in the licensing compliance plan attached to the premises licence as annex 5 shall be implemented in full prior to the reopening of the premises.
3. That there shall be no shisha smoking equipment on the premises at any time.
4. That all security staff at the premises shall be supplied by an SIA approved contractor.
5. That condition 288 of the licence shall be amended by the addition of the following: "The premises shall not be open at any time when the CCTV is not operating correctly."
6. That condition 342 of the license shall be reworded as follows:

"That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. **The system must be operating correctly at all times when the premises are open** and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and / or if the person's details are already stored on the system and they are identified using a biometric identification system."

7. That Eric Doe shall play no part in the day-to-day management or operation of the premises.

**2. Reasons**

The licensing sub-committee heard from the representative of the Metropolitan Police Service, the applicant for the review, who referred to his previous representations (considered at the interim steps hearing on 7<sup>th</sup> November 2019) and to his further witness statement dated 22<sup>nd</sup> November 2019, in which he exhibits CCTV stills from the night of the incident showing the licence holder Eric Doe behind the bar in the outside shisha area where the assault occurred. In his view, this undermined Mr Doe's assertion that the incident had been the fault of others, in particular the designated premises supervisor, who had let him down. Mr Doe had been in

that area of the premises himself that night, yet had allowed multiple breaches of licence conditions to occur. It was clarified that the CCTV appeared to be 1 hour behind actual time, so that the incident had occurred after 3.00 a.m. by which time the premises should have been closed. In the view of the police, Mr Doe had shown a disregard for the licensing objectives and they had no confidence that he could manage the premises safely in future. The licence should therefore be revoked. If the sub-committee did not agree with that, the licence should be suspended for 3 months, the designated premises supervisor changed and an SIA approved contract team appointed.

The sub-committee heard from the representative of the licensing authority, who referred to written representations submitted on her behalf. These traced the chronology of previous interventions by licensing officers attempting to secure compliance at the premises. It was clear that despite three separate licensing induction visits breaches of licence conditions had continued to occur, eventually leading to police cautions being issued for licensing offences. She urged the sub-committee to revoke the licence or, at the least, suspend the licence for 3 months while all the remedial measures proposed by the licence holder were put in place.

The representative of the licence holder entirely accepted that a serious incident had occurred. However, the sub-committee had to distinguish between a history of long-running minor non-compliance at the premises and this serious incident of violence, which was a one-off and could not in itself justify revocation of the licence, particularly where – as here – it was possible for the premises to be run in future in a compliant way. The proposal was for Mr Doe to play no further part in managing the premises. A new designated premises supervisor had been identified. A comprehensive licensing compliance plan had been devised and would be implemented. The premises could cease trading on a Wednesday, as this had attracted an unfamiliar crowd. There would be no shisha smoking henceforth. The premises would be closed if either the CCTV or ID scanning system were not working. A 6 week suspension was volunteered, which would allow time for the new regime to bed in.

The sub-committee took account of the fact that a serious assault had taken place on the premises which had been caused or contributed to by multiple breaches of premises licence conditions. The premises should have been closed before the incident took place, the ID scanner was not working, no drinks or glassware should have been in the shisha area and no patrons should have been allowed to wear hats or hoods.

Revocation was considered, but on balance the sub-committee took the view that a 3 month suspension of the licence, the removal of the designated premises supervisor and the additional conditions set out above would be sufficient in this case to promote the licensing objectives, in particular the prevention of crime and disorder. The sub-committee considered that other measures short of suspension were insufficient given the seriousness of the incident, the multiple breaches of licence conditions and the previous operating history of the premises.

The sub-committee noted with approval the applicant's willingness to eliminate single-use plastics in glasses and straws.

In reaching its decision, the sub-committee had regard both to the revised guidance and to its own statement of licensing policy, and considered that its decision was appropriate and proportionate in order to promote the licensing objectives, in particular the prevention of crime and disorder.

### **3. Appeal rights**



This decision is open to appeal by either

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

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

This decision does not have effect until either

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

#### **4. Review of interim steps pending appeal**

At the conclusion of the review hearing the licensing sub-committee reviewed the interim steps to determine which interim steps were appropriate for the promotion of the licensing objectives, pursuant to section 53D of the Licensing Act 2003. The sub-committee concluded that these interim steps were appropriate:

- To suspend the premises licence.

The interim steps are open to appeal by:

- a) The chief officer of police for the police area in which the premises is situated; or
- b) The holder of the premises licence

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

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

Date: 28 November, 2019.



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE –19 JANUARY 2024

#### **SECTION 53A LICENSING ACT 2003: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA**

#### **1. Decision**

That as an interim step to promote the licensing objectives, pending the determination of the review application in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA at the full hearing, to be held on 8 February 2024 , the licence be suspended.

#### **2. Reasons TO FOLLOW**

#### **3. Appeal Rights**

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

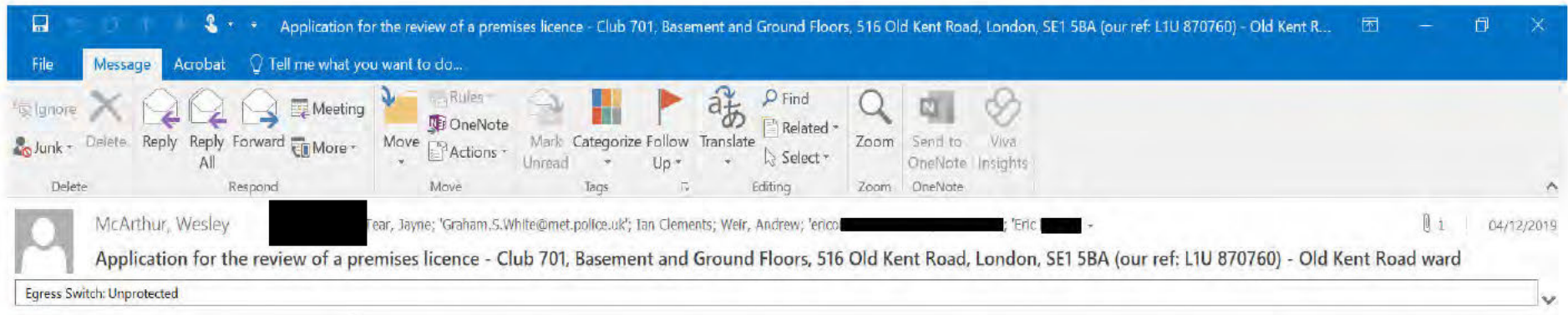
The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation. The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination.

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

Issued by the Constitutional Team on behalf of the Assistant Chief Executive – Governance and Assurance

Date: 19 January 2024

## Appendix 4



Dear All,

Please find attached the Notice of Decision in respect of the hearing to determine the above application.

Regards,

**Wesley McArthur**

Principal Enforcement Officer  
London Borough of Southwark

**E-mail:** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

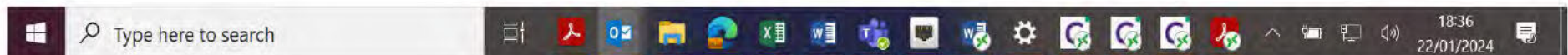
**General:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Phone:** 020 7525 5779

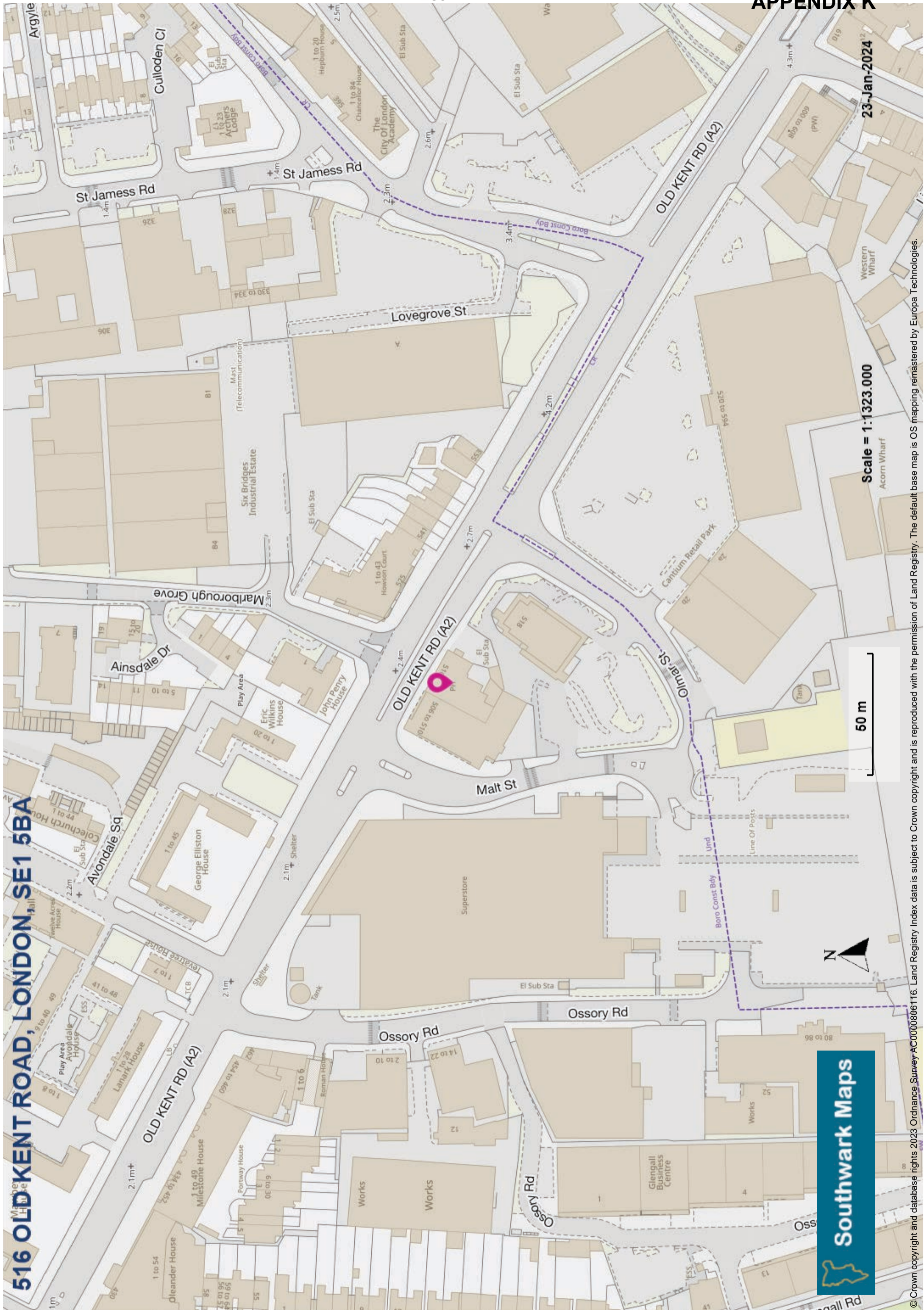
**Fax:** 020 7525 5705

**Address:** Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>



516 OLD KENT ROAD, LONDON, SE1 5BA



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**Southwark Maps**

23-Jan-2024

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**LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2023-24**

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

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