

## Licensing Sub-Committee

Thursday 6 June 2024

10.00 am

Online/Virtual

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Barrie Hargrove  
Councillor Charlie Smith

### Reserves

Councillor Sunny Lambe

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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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: 24 May 2024



## Licensing Sub-Committee

Thursday 6 June 2024  
10.00 am  
Online/Virtual

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA - TRANSFER OF PREMISES LICENCE</b>	1 - 55
	<b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.</b>	

**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: 24 May 2024

<b>Meeting name:</b>	Licensing Sub-Committee
<b>Date:</b>	6 June 2024
<b>Report Title</b>	Licensing Act 2003: Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA - Transfer of Premises Licence
<b>Ward(s) or groups affected:</b>	Old Kent Road
<b>Classification:</b>	Open
<b>Reasons for lateness (if applicable):</b>	N/a

## RECOMMENDATION

1. That the licensing sub-committee consider an objection notice served by the Metropolitan Police Service in regards to an application submitted by Eddie Hanson to transfer the premises licence, submitted under Section 42 of the Licensing Act 2003 in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA.
2. Notes:
  - a) The application is subject to an objection notice from the Metropolitan Police Service and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 9 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the application is attached as Appendix A.
  - c) Paragraphs 12 to 16 of this report deal with the police objection notice received to the transfer application. A copy of the relevant police objection notice is attached as Appendix B.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## **BACKGROUND INFORMATION**

### **The Licensing Act 2003**

3. The Licensing Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:
  - The Act itself
  - The Guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
7. The application to transfer a premises licence involves the provision of all relevant information required under the Act to the licensing authority. If the licensing authority receives a police objection notice that is not withdrawn, it must hold a hearing to consider the objection notice (unless all parties agree that this is unnecessary).
8. The police may submit an objection notice to an application to transfer a premises licence when relevant to the promotion of the four licensing objectives.

## KEY ISSUES FOR CONSIDERATION

### Premises licence transfer

9. On 4 April 2024 a premises licence transfer application was submitted by Eddie Hanson to transfer the premises licence issued in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA from Erico Entertainment Limited to Eddie Hanson. Consent to the transfer from Erico Entertainment Limited was submitted with the application.
10. The transfer application was applied for with immediate interim effect.
11. A copy of the transfer application is attached as Appendix A

### Objection notice

12. On 12 April 2024 the Metropolitan Police Service submitted an objection notice in respect of the application.
13. The police state this premises licence was subject of a summary review under Section 53a of the Licensing Act 2003 following a serious incident that occurred whilst the premises was in operation under this premise licence. On 8 February 2024 the licensing sub-committee decided that after hearing evidence from all parties concerned that it was appropriate to revoke the premises licence.
14. The police contend that this matter is now subject to an ongoing appeal to be heard at the magistrate's court. The practice of transferring a premises licence following applications to review premises licenses has become a concern for the police and the licensing authority. It has been used as a method to circumvent the review process and subsequent appeals process. It has become such a concern that it was included in the latest version of Southwark's statement of licensing policy. Paragraphs 94 & 95 of the policy state:

'Applications for transfer of a premises licence following application for a Review

94. This Authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made following an application for a review of that same licence being lodged.

95. Where, such applications are made, this Authority will require documented proof of transfer of the business / lawful occupancy of the premises (such as a lease), to the new proposed licence holder to

support the contention that the business is now under new management control'.

15. The police take no issue with the applicant as an individual. They state that the applicant has failed to submit any documented proof of the true transfer of the business, lawful occupancy of the premises or anything similar to support the inference that this premises is now under new management control. It could be considered at this time that the premises known as Club 701 is still under the overall control of Erico Entertainment Ltd. Police object to the transfer of this premises licence on the grounds that it would undermine the review/appeal process and therefore undermine the original review application made under the prevention of crime and disorder
16. A copy of the objection notice is attached to this report as Appendix B.

### **Premises licence**

17. The premises licence issued to Erico Entertainment Limited on 19 March 2020 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.

### **Designated premises supervisor**

18. The designated premises supervisor (DPS) stated on that licence is Mr George Omozejele.

19. A copy of the current premises licence is attached as Appendix C to this report.

### **Premises history**

20. A premises licence was issued in respect of the premises to Erico Entertainment Limited on 19 February 2016.
21. 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.
22. 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.
23. 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,
24. 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.
25. 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.
26. 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 & 793 of the premises licence issued in respect of the premises.
27. On 14 October 2017 an application to vary the premises licence was submitted.
28. 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.
29. 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.
30. On 11 January 2018 subsequent to the application to vary the premises licence submitted on 14 October 2017, and following a licensing sub-



committee hearing, an amended premises licence was issued to Erico Entertainment Limited.

31. 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 2017 and 11 and 19 November 2017
32. 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.
33. 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.
34. 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.
35. 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.
36. On 7 November 2019 the licensing sub-committee took the interim steps decision to suspend the premises licence until the full review hearing on 28 November 2019.
37. On 28 November 2019 at the full review licensing sub-committee hearing, it was the decision of the licensing sub-committee to suspend the premises licence for 3 months.
38. On 17 January 2024 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 Service.
39. The licensing sub-committee hearing to consider interim steps took place on 19 January 2024 whereby the licensing sub-committee took the decision to suspend the licence until the full hearing on 8 February 2024.
40. On 8 February 2024 at the licensing sub-committee hearing for the full review it was the decision of the licensing sub-committee to revoke the premises licence. The licensing sub-committee also continued the interim steps imposed on 19 January 2024, to suspend the licence,
41. Copies of the licensing sub-committee notices of decision from 19 January 2024 and 8 February 2024 to this report are attached as Appendix D.

42. On 23 February 2024, appeals were lodged at Croydon Magistrates' Court appealing both the interim steps suspension of the premises licence and the revocation of the licence at the full hearing.
43. On 4 April 2024 this application to transfer the premises licence was received by the council licensing unit.
44. On 18 April 2024 the appeal against the interim steps was withdrawn at Croydon Magistrates' Court. On the same day the appeal for the revocation of the premises licence was set to be heard at Croydon Magistrates' Court for 24 September 2024.
45. On 18 April 2024 an application to vary the designated premises supervisor (DPS) was submitted by Eddie Hanson to vary the DPS from George Omozejele to himself. At the time of writing this report there has been no objection notice received against the application.

### **Consideration by the sub-committee**

46. Members are advised that under the Act, the only matter to which consideration may be given in this instance is the pursuit of the crime and disorder licensing objective.

### **Map**

47. A map showing the location of the premises is attached to this report as Appendix E.

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

48. Council assembly approved Southwark's statement of licensing policy 2021 - 2026 on 25 November 2020. The policy came into effect on 1 January 2021. 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 of 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.
49. 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.
50. 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>

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

### **Community impact statement**

51. 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**

52. 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.
53. 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.
54. 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>.
55. The equalities impact assessment is available at:

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

### **Health impact statement**

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

### **Resource implications**

57. A fee of £23.00 has been paid by the applicant in respect of this application being the statutory fee payable for the transfer of a premises licence.

## **Consultation**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

59. The sub-committee is asked to determine the application for the transfer of a premises licence under Section 42 of the Licensing Act 2003.
60. The principles which sub-committee members must apply are set out below.

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

61. The general principle is that applications for the transfer of a premises licence must be granted unless a police objection notice is received. This is subject to the proviso that the applicant has complied with regulations in submitting the application.
62. An application to transfer a premises licence under section 42 shall be in the form and shall contain the information set out in the application and accompanied by the prescribed fee.
63. If a relevant police objection notice is received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives.

### **Reasons**

64. If the sub-committee determines that it is necessary to refuse the application to transfer the premises licence, it must give reasons for its decision.

### **Hearing procedures**

65. Subject to the licensing hearing regulations, the licensing sub-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.

66. This matter relates to the determination of an application for a premises licence under section 42 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**

67. 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.

68. 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.

69. 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.
70. 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.
71. The sub-committee can only consider matters within the application that have been raised through the objection notice submitted by the police. This will be decided on a case to case basis.
72. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making objection 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.
73. All interested parties 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**

74. 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**

75. 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**

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

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Copy of the transfer application
Appendix B	Copy of the police objection notice
Appendix C	Copy of the premises licence
Appendix D	Copies of notices of decision from 19 January 2024 and 8 February 2024
Appendix E	Map

**AUDIT TRAIL**

<b>Lead Officer</b>	Toni Ainge, Strategic Director Environment, Neighbourhoods and Growth	
<b>Report Author</b>	Jayne Tear, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	2 May 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>	2 May 2024	



04/04/2024

Application to transfer premises licence to be granted under the Licensing Act 2003  
Ref No. 2207829

Please enter the name/s who wishes to apply to transfer the premises licence under the section 42 of the Licensing Act 2003

Full name	Eddie Hanson
Full name ( 2nd Applicant if appropriate)	

Premises licence number

	870760
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## Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.

2. Right 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 which is not a limited liability partnership 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 on or after 6 April 2017 will lapse 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 licensing 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 apply].
- 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, together 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 do the work in question.
  - A current Residence Card issued by the Home Office to a person who is not a national of an EEA 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 an EEA 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 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 an EEA 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 EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
    - o evidence that the EEA 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 EEA nationals who are studying or financially independent must also provide evidence that the EEA 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.

3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. This is the address which we shall use to correspond with you about this application.

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

Address Line 1	C/O Eddie Hanson
Address Line 2	[REDACTED]
Town	London
County	
Post code	[REDACTED]
ordnance survey map reference	

Telephone Numbers ( at premises )

Telephone number	
------------------	--

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

	Licensed Premises
--	-------------------

Name of current premises licence holder

	Erico Entertainment Limited
--	-----------------------------

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.

In what capacity are you applying for the premises licence to be transferred to you?

	a) an individual or individuals
--	---------------------------------

If you have selected a) or b) above, 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
--	---

## Personal Details

Title	Mr
If other, please specify	
Surname	Hanson
First Names	Eddie
Date of birth (dd/mm/yyyy)	████████
Nationality	██████
I am 18 years old or over	Yes

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	
--------------	--

## Current Postal address if different from Premises address

Address Line 1	████████████████
Address Line 2	
Town	██████
County	
Post code	██████

## Contact Details

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

## Guidance notes

Do you wish to add a second individual applicant?

	No
--	----

[Click here to download consent form which must be signed by the previous licence holder and then scanned and upload here](#)

Are you the holder of the premises licence under an interim authority notice?

	No
--	----


Do you wish the transfer to have an immediate effect?

	Yes
--	-----

If not, when would you like the transfer to take effect?

--	--

I have submitted the consent form signed by the existing premises licence holder

	Yes
Upload consent form	

Please give reasons for not providing the consent form

--	--

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence ( see section 43 of the Licensing Act 2003 )

	Yes
--	-----

I will post the existing Premises Licence back

	Yes
--	-----

If you unable to post us the original premises licence referred to above please give the reasons why not.

	N/A
--	-----

Checklist

	I have posted the premises licence or relevant part of it or explanation I understand that if I do not comply with the above requirements my application will be rejected I have submitted the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
--	---

I confirm the Information I have submitted is true and accurate

	I agree
--	---------

PaymentDescription	Application to Transfer a Premises Licence
PaymentAmountInMinorUnits	██████
AuthCode	██████
LicenceReference	██████████

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Please tick to indicate agreement

<input type="checkbox"/>	I am not a company or limited liability partnership
--------------------------	---

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

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

I agree to the above statement

<input type="checkbox"/>	Yes
--------------------------	-----

Please upload your right to work documents. For more information see note 2.

Please upload	██████████
---------------	------------

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment, will be liable for 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.

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 (please read guidance note 2)

Note 2: Right to work/immigration status

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. You have complied with this guidance.

Name of applicant or applicant's solicitor or other duly authorised agent. If submitting on behalf of the applicant please state in what capacity. (Please read guidance note 4)

Name of Applicant	Eddie Hanson
Applicant's solicitor or other duly authorised agent	[REDACTED]
Capacity	Solicitors on Behalf of Applicant
Date	04/04/2024

Joint Applicants Names or Joint Applicant's solicitor or other duly authorised agent (Please read guidance notes 5)

Joint names	
Capacity	
Date	04/04/2024

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Contact name	[REDACTED]
Telephone	[REDACTED]
Email	[REDACTED]

Postal address for correspondence associated with this application

Address Line 1	[REDACTED]
Address Line 2	[REDACTED]
Town	[REDACTED]



County	
Post code	████████

Guidance Notes

4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. This is the address which we shall use to correspond with you about this application.

## Consent of premises licence holder to transfer

I/we	ERICO ENTERTAINMENT LIMITED
	<i>[full name of premises licence holder(s)]</i>
the premises licence holder of premises licence number	870760
	<i>[insert premises licence number]</i>
relating to	Basement and Ground Floors 516 Old Kent Road, London, SE1 5BA
	<i>[name and address of premises to which the application relates]</i>
hereby give my consent for the transfer of premises licence number	870760
	<i>[insert premises licence number]</i>
to	Eddie Hanson
	<i>[full name of transferee].</i>

signed

name  
(please print)

Eric Doe

dated

22 Mar 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: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/349/24

**Date:** 12<sup>th</sup> April 2024

**Re:- Mr Eddie Hanson Club 701, 516 Old Kent Road SE1 5BA**

Dear Sir/Madam

On the 4<sup>th</sup> April 2024 the Metropolitan Police received an application from Mr Eddie Hanson to transfer premises licence 870760 for Club 701, 516 Old Kent Road SE1 5BA, currently held by Erico Entertainment Ltd.

This premises licence was subject of a summary review under section 53a of the licensing act 2003 following a serious incident that occurred whilst the premises was in operation under this premise licence. On the 8<sup>th</sup> February 2024 the licensing sub-committee decided that after hearing evidence from all parties concerned that it was appropriate to revoke the premises licence.

This matter is now subject to an ongoing appeal to be heard at the magistrate's court. The practice of transferring a premises licence following applications to review premises licenses has become a concern for the police and the licensing authority. It has been used as a method to circumvent the review process and subsequent appeals process. It has become such a concern that it was included in the latest version of Southwark's statement of licensing policy. Paragraphs 94 & 95 of the policy state:

**Applications for transfer of a premises licence following application for a review**

**94. This Authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made following an application for a review of that same licence being lodged.**

**95. Where, such applications are made, this Authority will require documented proof of transfer of the business / lawful occupancy of the premises (such as a lease), to the new proposed licence holder to support the contention that the business is now under new management control**

The application for transfer received from Mr Hanson has a number of supporting character and previous employment documents. The Police welcome this approach and take no issue with the applicant as an individual.

The applicant has failed to submit any documented proof of the true transfer of the business, lawful occupancy of the premises or anything similar to support the inference that this premises is now under new management control.

It could be considered at this time that the premises known as Club 701 is still under the overall control of Erico Entertainment Ltd. Police object to the transfer of this premises licence on the grounds that it would undermine the review/appeal process and therefore undermine the original review application made under the prevention of crime and disorder.

Yours Sincerely

**PC Mark Lynch 2246 AS**  
Southwark Police Licensing Unit  
Tel: 0207 232 6756

# 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



## 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 s.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 whether it was appropriate to take interim steps pending the determination of the full application for review under s.53C of the Licensing Act 2003.

The Licensing Sub-Committee heard from the Metropolitan Police Service who advised that following a Superintendent certifying it was that in their opinion the premises were associated with serious crime, serious disorder or both, on 17 January 2024, an application was 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 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 jeopardize 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 ticketed event on 1 into 2 January 2024 and there was no temporary event notice for the event, which was a Tuesday. However, the DPS was genuinely surprised that the a serious crime had taken place because he had been at the premises himself that night, it wasn't busy, with no more than 50 patrons in premises that night, so it was 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.

The DPS stated that he had inspected the CCTV footage from that night, but he had observed nothing untoward. Furthermore, no complaint was made had been made from any person concerning the events of that night and there was a loyal team of eight SIA officers and three stewards working that night, none of whom had observed anything that could resembling serious crime or serious disorder.

The DPS also accepted he was personally responsible that no TEN was in place for the event and stated that he did not know that the premises was not authorised to open, stating that he had never been inducted about it because TENs were ordinarily submitted and it was not worth the risk to operate without it. If there had been any doubt, staff would have approached him to ensure that the TEN was in place, but nobody ever informed him and stated that the conditions of the premises was 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 morning, but there was nothing that in the premises licence that permitted opening on 1 January 2024 after 05:00 hours and should not have been opened that evening or on 2 January 2024 which 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 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 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 none 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, serious crime and/or serious disorder had taken place. The premises has history of operating without the necessary permissions in place as detailed in operating history of 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 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 Assistant Chief Executive – Governance and Assurance

Date: 19 January 2024





## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 8 FEBRUARY 2024

#### **SECTION 53C LICENSING ACT 2003: 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 53C of the Licensing Act 2003 by the Metropolitan Police Service for the 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 and having had regard to all relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the premises licence.

##### **2. Reasons for the decision**

This was an application made by the Metropolitan Police Service for a review of the premises licence in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA.

The licensing sub-committee heard from the representative for the Metropolitan Police Service who advised that on 17 January 2024, the Metropolitan Police Service applied for a summary review of the premises licence issued in respect of the premises following a Police Superintendent certifying that, in their opinion, the premises are associated with serious crime, serious disorder or both.

The application concerned an allegation of a very serious incident of assault that took place at the premises on 2 January 2024 between 02:15 and 02:45 at a time the premises was not authorised to be open. The premises licence did not permit the premises to be open on Tuesdays nor was there a Temporary Event Notice (TEN) in place for the premises to operate. The Police stated the incident would not have occurred had the premises been closed. Regarding the incident, it remained an on-going criminal investigation and charges had yet to be laid.

The police stated that Club 701 was a serially non-compliant premises, and that stating that the early morning of 2 January formed part of its trading day of 1 January, was not credible. They referred to condition 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". The premises had a poor compliance history and had been given many chances over the years to comply. The premises was not capable of being run as a compliant venue which flew in the face of the prevention of crime and disorder licensing objective.

A similar serious incident had occurred after licensed hours in 2019 which had left a man in an induced coma. This resulted in the Police submitting a summary review of the premises licence. On that occasion, the licensing sub-committee suspended the

premises licence for three months, Mr Doe was prohibited from playing any part in the day-to-day management of the premises and the licence conditions were modified. The sub-committee had been lenient in 2019; the license holder had told members that the 2019 incident had been a one-off and did not justify the revocation of the licence. The 2019 incident was clearly not a one-off. The incident in the early hours of 2 January 2024 had taken place in a similar fashion and the sub-committee could not treat the breach as minor.

The police informed the sub-committee that as a result of their investigation into the incident on 2 January 2024, additional breaches of licence conditions had transpired, demonstrating wider non-compliance:

- i. CCTV footage could not be found following a flood on 17 December at the Kent Restaurant and Lounge. Police were only able to access part of CCTV as there was a missing camera and what was provided was grainy, poor quality, and incorrectly timestamped.
- ii. Males had been seen (on the CCTV) wearing hats and hoods which is a breach of condition 373 “That customers shall not be permitted to wear hats or hoods whilst inside the venue”.
- iii. The alleged perpetrator of the assault on 2 January 2024 had also not been registered on the ID scanner in breach of condition 342 which had been accepted by the venue.
- iv. Due to financial constraints, the venue had not completed training yet and had refresher training completed at speed in the previous seven days. This included “staff complete licensing SAVI training last year”. SAVI is an accreditation; it does not supply training. Enquiries made by the police, found that the venue had been historically accredited, but this had lapsed in August 2022. The premises stated that there was approximately 10 staff and that they had focussed on essential training.

The licensing sub-committee heard from licensing as a responsible authority who outlined the premises licence history and also sought a revocation of the premises licence.

The licensing sub-committee then heard from the representative for the premises who advised that it was too simplistic for the police to state that the incident would not have occurred if the premises had been closed. The incident may have occurred if a TEN was in operation or on a night when the venue was operating under the premises licence.

Regarding the incidents, the alleged suspect knew the victim in his private capacity and at the time was an off-duty doorman. The alleged assault had taken place in a separate location; accessible only to the off-duty doorman through his knowledge of the premises. The representative for the premises asserted that the incident could not have been foreseen.

When the venue was under operation as MyTribe, the venue had a proven history of violence; this was not the case now. The Police no longer regarded Club 701 as a

venue blighted with crime and disorder. The trigger incident in 2019 (that was subject to the previous expedited review) was an assault and the DPS was not effective and did not support the premises licence conditions. Furthermore, since 2019 it was a condition that Mr Doe, who was present on the day of the assault in 2019, not take part in direct day to day affairs, which he had not. In light of this, the sub-committee were invited to disregard the 2019 incident and matters raised up to 2019 had been dealt with by the licensing sub-committee at that time.

When asked about violent incidents since 2019, the DPS accepted that there had been some minor incidents, but the police had been informed of them each time and had been offered the relevant CCTV footage. The venue had always co-operated with the police and by way of example, when the police advised of the potential gang activity on 3 January 2024, the DPS voluntarily did not open. The police stated that they had been aware of nine incidents and that reports had been made by both the DPS and victims. The representative for the premises added that seven of the nine incidents resulted in no further action being taken and two were on-going. It was also made clear that the incident of 2 January took place in the adjoining Kent Restaurant and Lounge, not Club 701. The DPS was responsible only for Club 701 and not Kent Restaurant and Lounge.

Under the new DPS, the location had had a much needed revamp. New strict rules had been introduced as to how the venue was policed, such as the number of door staff. Under condition 841, six SIA door staff were required, but the new DPS had introduce eight to ten door staff on average.

The CCTV time lag had been explained to the police when the footage was provided to them. It was a minor issue that required the premises to call an IT engineer to sort out, but the police required the recordings before it could be addressed. The police had been provided with all the information needed alongside the CCTV recordings. Regarding the error with one of the CCTV cameras not being included on the USB, the police had been offered extensive opportunities to view the CCTV in situ and a further copy was supplied later.

The IT engineer was asked why the police would have said the quality wasn't good, the CCTV footage was not time stamped, some was too "grainy" or set at the wrong speed and some not time stamped, but the IT engineer was unable to explain and stated that it could be a network issue. Regardless, the DPS confirmed that the CCTV was now up to specification.

With regard to non-compliance with the ID scanner in condition 342, the sub-committee were advised that while the exact wording had not been complied with, the requirements had been. Staff were all checked in via a written record. Moving forward, the venue said door staff would go through the ID scanner and also register in the written record.

In discussions, the police advised members that they had not received the log of staff on duty for the 1-2 January and that it was the first time they had heard that the alleged perpetrator of the assault was off duty that night. The venue stated that he attended the venue for a night out as he often did. Because he was not staff that night, the representative for the premises said he would not have required to go

through the ID scanner in any event. It was confirmed that he didn't because staff knew him, but acknowledged that this was a mistake.

The police stated that people were in the venue with hoodies and hats, but the sub-committee were reminded that it was cold, it was a January night. Customers had been told to remove the offending items prior to going through the ID scanner. The police may have cited that customers wearing hoodies/hats as an example of a breach of conditions, but it was something that could be explained.

The police stated that the CCTV showed that customers were wearing hats/hoodies on the dance floor. However, because there was no time stamp on the CCTV, officers could not link those customers with the hats/hoodies with other cameras, so it couldn't be established who came into the premises' foyer wearing them and who took them off for the ID scanner and then put them back on later. Regardless, condition 373 of the premises licence provided: "Customers will not be permitted to wear hats or hoods while in the venue". Under the premises licence, the foyer was within the premises and therefore none should be worn there in any event.

The representative for the premises said that there had been 13 TENs in 2023, none of which had been objected to; so there was no reason to assume a TEN for the 2 January would be an issue. If a TEN had been submitted there was no reason it would have been objected to yet the incident may have occurred regardless. The lack of TEN was an honest mistake. The DPS assumed that a TEN wasn't needed, it was a national holiday and he believed that one was not required.

The DPS accepted that he couldn't do everything and a named member of staff ordinarily submitted on the DPS' behalf. The DPS accepted that the oversight of the TEN was his responsibility, but stressed to the sub-committee that he turned the venue around and achieved a lot of positives since he had taken over the DPS role. Ultimately, Mr Doe accepted Club 701 was his business and it was he who had to take responsibility for the lack of a TEN.

Concerning the delayed payment of the license fee, it transpired that the licensing authority had the incorrect email address and unfortunately, post was being sent to the church rather than Club 701 and the church were returning it. As soon as the premises realised the non-payment of the licence fee, it was rectified immediately.

The police had advised the sub-committee that there had been "numerous complaints from residents". This was a misleading statement. There had been complaints from residents, but this was prior to the 2019 change in management. Since that time, there had been virtually no such complaints.

This was an application made by the Metropolitan Police Service for the 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.

The licensing sub-committee's role in the review application is to look at the venue's past operation and determine whether the venue was safe to reopen and whether the venue is capable of promoting the licensing objectives. It is not for the sub-committee to determine whether the incident that triggered the summary review on 2 January 2024 did or did not occur. The sub-committee is also mindful of the

sensitivity of the incident alleged to have taken place and this decision should not be taken to be determinative of the police criminal investigation.

Having heard the submissions from the police, licensing as a responsible authority, the premises and having considered all of the written representations this sub-committee found:

1. The venue previously operated under previous management as MyTribe and had its premises licence revoked.
2. In February 2016, a premises licence was issued in respect of the premises to Erico Entertainment Limited.
3. Licensing induction meetings took place with the premises on 8 July 2016, 26 November 2016, 11 June 2019. The purposes of the induction meetings is to explain the terms and conditions of the premises licence.
4. Closure Notices had been issued by the Police under section 19 of the Criminal Justice and Police Act 2001 on 13 August 2016, 10 September 2016, 23 October 2016 as a result of breaches of licence conditions.
5. Following licensing inspections, breaches of licence conditions were identified on the 2 September 2017 and 11 November 2017.
6. On 5 November 2019 an application for a summary review was made following a serious incident. At the final licensing sub-committee hearing on 28 November 2019, the premises licence was suspended for three months, the DPS was removed and licence modified with conditions, amongst which Eric Doe was to have no operational involvement in the premises.
7. On the night of 1-2 January 2024:
  - i. The suspect of the assault had not been registered through the ID scanner in breach of condition 342. The premises accepted that it had not been compliant.
  - ii. Males had been seen on CCTV wearing hats/hoods in breach of condition 373. This was accepted in part by the premises.
  - iii. The CCTV was inadequate in that CCTV footage could not be found (following a flood on 17 December at the Kent Restaurant and Lounge), there was a time lag on the CCTV, the footage was not time stamped, the quality of it was of no evidential value and the CCTV provided was missing footage from one camera. This was in breach of conditions 288, 340 and 343. Again, this was partially accepted by the premises.
  - iv. The premises also accepted that as of the 1-2 January 2024 was not up to date with its staff training, in part due to financial pressure brought by the pandemic. Although the sub-committee recognised

the impact the pandemic had on the hospitality industry, this was a breach of condition 843.

- v. The venue operated with no authorisation in place (whether under the premises licence or under a TENs).
- vi. The premises did not pay their annual license payment therefore, the premises licence was effectively suspended. The venue continued to operate regardless.
- vii. On 17 January 2024, the Metropolitan Police applied for a summary review of the premises licence relating to Club 701 under section 53A of the Licensing Act 2003. The application was accompanied by a certificate signed by a Superintendent who expressed they were of the opinion that the premises is associated with serious crime and/or serious disorder.
- viii. A remote interim steps hearing was held on 19 January 2024 to consider whether it was necessary to impose interim steps pending the full determination of that review application. Having heard representations made on behalf of both the Metropolitan Police and the Premises Licence Holder, the sub-committee determined it was necessary to suspend the premises licence until the main review hearing which took place on 8 February 2024.
- ix. The venue were used to applying for TENs and they had not exceeded its annual TENs allowance. The sub-committee found the absence of a TEN was a deliberate act of avoidance.

The incident in the early hours of 2 January may not have been foreseen, but its occurrence resulted in the discovery of breaches (of licence conditions). Attempts were made to explain the breaches, however, the sub-committee were not impressed with the explanations provided. The breaches are not “minor” and cumulatively could have a detrimental effect on the police investigation.

The police referred to the breaches as akin to the culture of non-compliance that led to incidents in 2019; the sub-committee are duty bound to consider. Compliance with licence conditions is not optional.

Under Southwark’s statement of licensing policy 2021- 2026 the premises is located in a residential area and (with the exception of hotels), the appropriate closing time for all drinking establishments in this area is recommended as appropriate within this area as 23:00 daily.

A significant number of licence breaches have taken place at this premises over a considerable period of time. The breaches in 2019 replicate those in 2024. Paragraph 4.97 of the Section 182 guidance provides:

“.....the management committee will collectively be responsible for ensuring compliance with licence conditions and the law”.

There have been issues at the premises since well before 2019. The premises licence holder was given opportunities to rectify those issues in 2019, yet the same issues and licence breaches remain five years after the previous review brought by the Police. The venue has been given ample opportunity to rectify the recurring issues, but it either has been unable or unwilling to do. Its compliance has been reactive, rather than proactive which does not promote the licensing objectives.

Both the police and licensing as a responsible authority have given the premises many chances to operate in compliance with the premises licence. Neither have confidence in the management of the venue and are of the view that it is only a matter of time before another serious incident will occur, if the premises licence is modified.

The options available to this sub-committee are:

i. **Take no action**

The licensing sub-committee have found a significant number of breaches have taken place and taking no action is not an option.

ii. **Modify the conditions of the licence by altering, omitting or adding any conditions**

The premises licence already contains extensive conditions. The representative for the premises suggested modifications of the licence, which included conditioning the operational door between the venue and the Kent Lounge being locked (save for when the Kent Lounge is operational), hourly checks on all members of staff to ensure they are in post and performing their duties and All front of house staff attending Southwark's VAWG training. The licensing authority were also informed that the venue would establish a PO Box and provided an email address.

The premises has been in breach of its licence conditions on a number of occasions and the sub-committee were not satisfied that the addition of further conditions would be complied with given that the premises were unable to comply with the conditions that already exists on its licence.

iii. **Exclude a licensable activity**

The only activity that could be excluded from the licence would be the sale of alcohol. This would be tantamount to a revocation of the licence.

iv. **Remove the designated premises supervisor**

The licensing sub-committee did consider removing the DPS. However, the sub-committee concluded that in order for there to be a material change in Club 701, there needed to be a complete overhaul of senior management of the venue.

v. **Suspend the licence**

With the specifics of this case, a suspension of the licence was considered punitive only and this sub-committee took the view that this was not an appropriate course of action given all the circumstances.

vi. **Revoke the licence**

Paragraph 11.10 of the Section 182 guidance provides “Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

Paragraph 11.20 of the Section 182 Guidance provides:

“In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.”

It is fundamental to the operation of a well-run venue that it has the proper senior management in place who understand their roles and responsibilities. It is quite apparent that this is not the case at Club 701. This sub-committee is not satisfied that the venue has the senior management that have adequately addressed the reasons for their failings following the alleged incident on 2 January 2024. This licensing sub-committee is also not satisfied that any further measures could be put in place to ensure future compliance that would promote the licensing objectives, in particular, the prevention of crime and disorder licensing objective.

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

### **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 District Judge’s 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: that the premises licence be suspended.

The licensing sub-committee were satisfied that these interim steps are appropriate and proportionate to promote the licensing objectives to modify the interim steps, as detailed above.

The interim steps are open to appeal by:

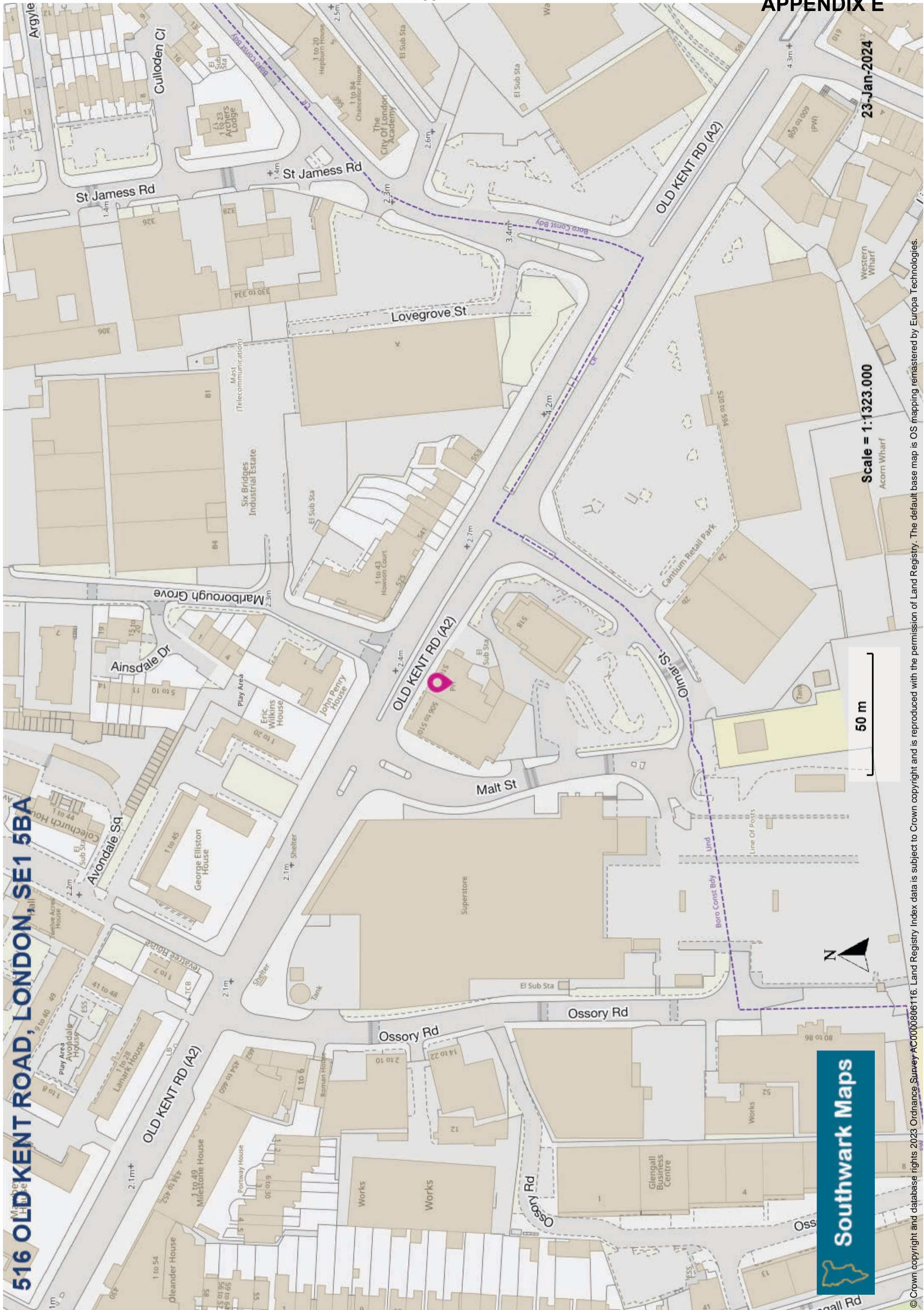
- a) The chief officer of police for the police area in which the premises is situated;  
or
- b) The holder of the premises licence

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 Assistant Chief Executive – Governance and Assurance.

Date: 20 February 2024

516 OLD KENT ROAD, LONDON, SE1 5BA



23-Jan-2024

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**Southwark Maps**

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