

APPENDIX J

To: Licensing Unit	From: Wesley McArthur wesley.mcarthur@southwark.gov.uk 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	Date: 23 January 2024
Subject:	Representation	
Act:	The Licensing Act 2003 (the Act)	
Premises:	Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA	
Ref:	882199	

We support the application for the review of the premises licence, submitted by the Metropolitan Police Service under The Licensing Act 2003 (the Act), in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA.

The grounds for the review in the application are as follows (copied verbatim):

- *“It is alleged that on the 2nd January 2024 between 0215 and 02.45 a serious crime was committed inside the above - mentioned licensed premises. Ref 300144 7 /24. I will provide details of this report if requested by the licensing sub committee.*

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

The current premises licence 870760 permits the premises to be open to the public Wednesday To Sunday with licensable activities including the sale of alcohol, regulated entertainment, late night refreshment and dancing.

There is no provision that permits this premises to be open and providing licensable activities on a Tuesday. There was no other authorisation in place such a temporary event notice or non standard timings.

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

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

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

On the 3rd January 2024 Police received credible information that an event being held at Club 701 would be attended 'by individuals associated with gangs and would commit serious violence. After a number of conversations with the premises licence

holder the event was cancelled on voluntary basis although a closure notice was also issued at the time.

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

Our objection relates to the promotion of all of the licensing objectives.

We can confirm that the premises licence issued in respect of the premises does not allow the premises to operate on Tuesdays, and that at the time of the alleged offence referred to in this review application, no temporary event notice had been submitted regarding the premises allowing it to operate on 2 January 2024.

If the alleged offence is substantiated, then it has been facilitated **solely** by the premises operating when it should have been shut. This is an absolute failing on behalf of the licensee and management of the premises and as such, we feel that the premises licence issued in respect of the premises should be revoked.

A copy of the current premises licence is attached as appendix 1.

In addition to the above, the premises has a long history of being operated in breach of the premises licence issued in respect of it. This shows that there is a long term and ongoing inability of the licensee and management team of the premises to operate the premises legally and responsibly, and thus further underlines the need to revoke the premises licence issued in respect of the premises.

We have no confidence in the ability of the licensee or premises' management to operate the premises in accordance with the license objectives, and indeed it has been proven that the premises has previously been operated with little regard to promoting the licensing objectives.

The premises was subject to a prior summary review regarding a serious incident that took place at the premises. At the hearing to determine the review, the licensing sub-committee gave the licensee a chance to rectify previous problems regarding the operation of the premises when the licensing sub-committee chose to suspend the premises licence, rather than revoke the licence. The new issue of non-compliance regarding the Licensing Act 2003 described in this review application shows that the licensee has scant regard for the previous leniency of the licensing sub-committee, and therefore the most robust approach is now required.

We contend that allowing the premises to continue to operate would pose a significant risk to the public. The prior history of non-compliance regarding the Licensing Act 2003, and other legislation, should be taken into account and is detailed below.

Prior history of non-compliance

1. A premises licence was issued in respect of the premises to Erico Entertainment Limited on 19 February 2016.
2. On 8 July 2016 a licensing induction was undertaken with the DPS of the premises. At the induction the terms and conditions of the licence were explained, as were the role

and remit of the Licensing Unit. A copy of an induction checklist signed by the DPS is attached in Appendix 2.

3. On the 25 of July 2016 the Metropolitan Police Service visited the premises and observed breaches of licence conditions 376 and 841. A witness statement pertaining to these breaches is attached in Appendix 2.
4. On 13 August 2016 the Metropolitan Police Service issued a closure notice under section 19 of the Criminal Justice and Police Act 2001 regarding alleged breaches of licence conditions 297, 341, 342 and 297. A copy of the closure notice is attached in Appendix 2.
5. On 10 September 2016 the Metropolitan Police Service issued a closure notice under section 19 of the Criminal Justice and Police Act 2001 regarding alleged breaches of licence conditions 289, 341 and 342. A copy of the closure notice, and associated witness statements, are attached in Appendix 2.
6. On 23 October 2016 the Metropolitan Police Service issued a closure notice under section 19 of the Criminal Justice and Police Act 2001 regarding an alleged breach of licence condition 359. A copy of the closure notice, and associated witness statements, are attached in Appendix 2.
7. On 26 November 2016 a second licensing induction was undertaken with the DPS of the premises. At the induction the terms and conditions of the licence were explained, as were the role and remit of the Licensing Unit. A copy of an induction checklist signed by the DPS is attached in Appendix 2.
8. On 2 September 2017 a licensing inspection of the premises was undertaken. The premises were found to be being operated in breach of conditions 288, 307, 344, 345, 349, 353, 357, 379, 392, 4AI & 793 of the premises licence issued in respect of the premises. Warning letters pertaining to this inspection is attached in Appendix 2.
9. On 11 November 2017 a licensing re-inspection of the premises was undertaken. The premises were found to be being operated in breach of conditions 289, 307, 341, 342, 364, 377 and 793. A warning letter pertaining to this inspection is attached in Appendix 2.
10. On 19 November 2017 the Metropolitan Police Service visited the premises. The premises were found to be being operated in breach of conditions 289 and 373 of the premises licence issued in respect of the premises. A witness statement pertaining to this visit is attached in Appendix 2.
11. On 6 July 2018 Mr Eric Doe, the sole director of the company that holds the premises licence issued in respect of the premises, accepted a simple caution regarding offences under the Licensing Act 2003 that occurred at the premises on 2 September 2017 and 11 and 19 November 2017. A copy of the caution is attached in Appendix 2.
12. On 29 July the Metropolitan Police Service visited the premises and observed a breach of licence condition 359. A witness statement pertaining to this breach is attached in Appendix 2.
13. On 28 August 2018 the Metropolitan Police Service issued a Notification of Alleged Offence under the Licensing Act 2003 relating to the unauthorised operation of the

premises on 28 August 2018. Copies of the notification, and a related witness statement, are attached in Appendix 2.

14. On 13 April 2019 a licensing enforcement officer visited the premises and observed breaches of licence conditions 309 and 357. A warning letter pertaining to these breaches is attached in Appendix 2.
15. On 11 June 2019 the DPS of the premises accepted a simple caution regarding offences under the Licensing Act 2003 that occurred at the premises on 28 August 2018. A copy of the caution is attached in Appendix 2.
16. On 11 June 2019 a third licensing induction was undertaken with the DPS of the premises. At the induction the terms and conditions of the licence were explained, as were the role and remit of the Licensing Unit. A copy of an induction checklist signed by the DPS is attached in Appendix 2.
17. On 5 November 2019 the Metropolitan Police Service applied to this licensing authority for the summary review of the premises licence issued in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA. In the review application the Metropolitan Police Service suggested that, as an interim step prior to the full review hearing to take place on 28 November 2019, the premises licence issued in respect of the premises should be suspended until the full review hearing of 28 November 2019.
18. An expedited review hearing was held on 7 November 2019 to decide whether to implement the interim step suggested by the Metropolitan Police Service in their summary review application of 5 November 2019. The licensing sub-committee decided to implement the interim step suggested by the Metropolitan Police Service and suspended the premises licence until the full review hearing was to be held on 28 November 2019. A copy of the Notice of Decision pertaining to the expedited review hearing of 7 November 2019 is included in Appendix 3.
19. At the full review hearing of 28 November 2019 the licensing subcommittee decided to suspend the premises licence for a period of three months (**the maximum suspension period**), to remove Alfred Manseray as the designated premises supervisor of the premises and to modify the conditions of the licence. A copy of the Notice of Decision pertaining to the full review hearing of 28 November 2019 is included in Appendix 3.
20. On 17 January 2024 the Metropolitan Police Service applied to this licensing authority for the summary review of the premises licence issued in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA. In the review application the Metropolitan Police Service suggested that, as an interim step prior to the full review hearing to take place on 8 February 2024, the premises licence issued in respect of the premises should be suspended until the full review hearing of 8 February 2024.
21. An expedited review hearing was held on 19 January 2024 to decide whether to implement the interim step suggested by the Metropolitan Police Service in their summary review application of 17 January 2024. The licensing sub-committee decided to implement the interim step suggested by the Metropolitan Police Service and suspended the premises licence until the full review hearing is to be held on 8 February

2024. A copy of the Notice of Decision pertaining to the expedited review hearing of 19 January 2024 is included in Appendix 3.

Complaints

In addition to the above, the Licensing Unit has received the following complaints regarding the operation of the premises (see table 1 below).

Table 1:

Complaint reference	Date received	Source	Details
861784	30 August 2018	Local resident 1	Noise nuisance
875217	09 April 2018	Local Councillor	Noise nuisance, Anti-social behaviour, crime & disorder, no control of customers and illegal parking by customers
895682	19 February 2019	Local resident 2	Noise nuisance, Anti-social behaviour, crime & disorder, no control of customers and illegal parking by customers
897694	28 March 2019	Local resident 2	Noise nuisance
898663	10 April 2019	Local resident 2	Noise nuisance
909002	27 August 2019	Local resident 2	Noise nuisance, Anti-social behaviour, crime & disorder, no control of customers and illegal parking by customers
910414	16 September 2019	Local resident 2	Noise nuisance and illegal parking by customers
918418	27 January 2020	Local resident 2	Noise nuisance
972192	04 March 2020	Council Noise officer	Advisory email stating that the Noise and Nuisance Team had received 3 complaints from 3 different complainants regarding noise nuisance (local residents 3, 4 & 5) and that the officer had witnessed loud music emanating

			from the premises which had been turned down by the time he was able to attend the residents' premises.
972228	04 March 2020	Local resident 2	Noise nuisance
975874	03 May 2022	Local resident 6	Noise nuisance
C/A00979	12 June 2023	Anonymous complaint	Large crowd outside the premises standing up to 3 persons deep in the road, partially blocking traffic and blocking the pavement
C/A14022	16 January 2024	Police	Premises operating without an authorisation under the Licensing Act 2003

Although the complaints are unsubstantiated, we contend that the complaints are indicative of the operation of the premises causing residual problems in the locale, and that the complaints provide further reason to revoke the premises licence issued in respect of the premises.

Please note that 'unsubstantiated' simply means that we were not able to investigate the complaints at the time we received them. We received the complaints after the alleged problems had occurred. It means that we cannot verify whether the alleged incidents detailed in the complaints occurred, **not that they did not occur.**

We say that the imposition of further licence conditions would not be appropriate. The premises licence already has a very comprehensive set of conditions, which the licensee and premises' management have failed to comply with numerous times previously. There is no indication that imposing further, or more robust conditions, will increase the likelihood of the licensing objectives being met.

We say that a change of management will not be sufficient because this has been imposed by the licensing sub-committee before. As per the Notice of Decision in appendix 3 relating to a licensing sub-committee hearing of 28 November 2019, the licensing sub-committee removed the then DPS from the premises. The licensing sub-committee also imposed a condition stipulating that Mr Eric Doe*, who is the director of the company that holds the premises licence issued in respect of the premises, ceases to have any part in the day-to-day management or operation of the premises.

A suspension of the premises licence is not sufficient, because a suspension was previously imposed by the licensing sub-committee at the same hearing of 28 November 2019 referred to above.

Taking into account the seriousness of the alleged offence regarding this review application, the long history of non-compliance in respect of the premises licence issued in respect of the premises, the previous enforcement action that has had to be undertaken regarding the

premises and the history of residual complaints, **we reiterate our request that the licensing sub-committee revokes the premises licence issued in respect of the premises.**

***NB:** please note that regarding the previous summary review in respect of Club 701 the licensing sub-committee issued a Notice of Decision that included the following condition:

- *“That Eric Doe shall play no part in the day-to-day management or operation of the premises.”*

The condition was mistakenly left off the premises licence issued subsequent to the NoD.

A copy of the NoD was sent to Mr Doe at both of his known email addresses, and also to his solicitor (see email message attached as Appendix 4), therefore Mr Doe would have been aware of the condition, the fact that it is missing from the issued premises licence notwithstanding.

Yours sincerely,

Wesley McArthur
Principal Enforcement Officer

Licensing Act 2003 Premises Licence



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

Premises licence number

870760

Part 1 - Premises details

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

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
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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
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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

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

09977040

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

George Omozejele

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

Licence No.:

Authority.:

Licence Issue date: 19/03/2020

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 Polices for Club 701' as submitted on application for this licence shall be amended to reflect the conditions stated in this licence.

396 That on Sundays prior to Bank Holiday Mondays, Christmas Eve and New Years Eve the permitted opening hours of the premises are between 22:00 to 05:00 and licensable activities must cease at 04:00 on these days.

431 That during any licensed entertainment on the premises all doors and windows leading out to external areas shall remain closed.

430 That there shall be no movement of musical or amplification equipment to and from the premises between the hours of 23.00hrs and 08.00hrs.

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

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

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

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

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

842 That the premises will be closed on Wednesdays.

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

Licensing Compliance Plan

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

1. Policies and Procedures

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

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

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

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

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

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

2. Staff Training

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

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

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

VIII. The RASPFLO course covers the following areas:

Unit 1 - An Introduction to the Licensing Act 2003

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

Unit 2 - The Four Licensing Objectives

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

Unit 3 – Intoxication

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

Unit 4 – Age

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

- Recognising valid forms of ID
- Identifying invalid IDs.

Unit 5 - Crime Scene Preservation

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

Unit 6 - Factors that Affect Drinking Behaviour

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

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

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

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

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

3. Licensing Audits

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

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

XIV. The audits would cover the following areas:

- Licences and Signage
- Licence Compliance

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

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

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

4. Ongoing Support

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

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

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

5. Conclusions

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

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

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

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

Annex 4 - Plans - Attached

Licence No. 870760

Plan No. 01

Plan Date 11.12.13

Appendix 2

Licensing Unit induction checklist for new licensees / management.

Premises Name & address: **Club 701, Basement and Ground Floors, 516 Old Kent Road, SE1 5BA**

Licensee: **Erico Entertainment Limited**

DPS: **Alfred Mansaray**

1. INTRODUCTION

- Who Licensing Unit are
- Why meeting is being held – to ensure every licensee / DPS is fully aware of his / her responsibilities from the onset

2. THE LICENCE

- Introduce the licence document & the special & standard licence conditions
- How long the licence lasts & what happens when it is time for renewal
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary

3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Risk assessment
- Will conduct additional inspections where problems found and complaints made
- Explain inspections aim to help but that persistent and serious safety failures will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss
- Leave calling cards

Officer(s) Attending: (Sign) _____

(Print) **Wesley McArthur**

Person(s) Present: (Sign) _____

(Print) *Alfred Mansaray*

(Sign) _____

(Print) _____

Date of Meeting: **8 July 2016**

WITNESS STATEMENT

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

Statement of Mark Lynch Pc 246MD URN:

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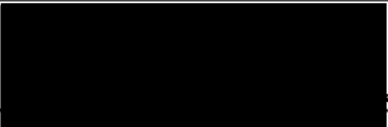
Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

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

Signature:  Date: 28th September 2016

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

On Sunday 25th July 2016 I was on duty in full uniform, I was attached to Southwark Night time Economy Team. My duties include visiting various licensed premises on the borough to carry out licence inspections and respond to disorder, I was in the company of Pc 393md AND Southwark Council officers. At 0140hours we attended a venue by the name of Club 701 516 Old Kent Road SE1. The venue had on previous visits been in breach of its licence and this visit was a joint exercise with Council officers to check that the breaches had been rectified. On entering the caged area of the venue I noticed that the SIA security staff were searching patrons prior to entering the venue however there were no search wands being used which is part of the Licence Condition 341. I entered the hall way of the venue and walked through a metal detector arch which sounded an alarm as I passed, I then stood to the side and observed patrons passing through the arch and the alarm sounding however there were no SIA staff in the area to carry our additional security searching. A few minutes later we were joined by the manager Eric Doe who asked why we were there, it was explained that it was a joint visit to carry out a licence check, we then went to walk into the club but Mr Doe prevented us saying he did not want us in there as it scared his customers, it was explained that we were entering the premises and Mr Doe Relented and allowed us to enter whereby we went straight to the basement office accompanied by Mr Doe. Whilst in the basement Mr Doe stated again that he did not want police coming to the venue all the time and it was explained that we would not have to return so frequently if he actually abided by his licence conditions, it was also pointed out that the premises was still in breach of its licence and the SIA staff were not carrying out full searches using search wands. Mr Doe was advised regarding this and he stated he would get it sorted, we then left the basement and walked out of the building where we were met by Mr Alfred Mansray who is the DPS of the premises who said "what is the problem this week?" and then laughed. We advised him of our findings and requested he rectify the breach. We then left and continued our duties.

Signature:  Signature witnessed by:

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 13/08/16 Time Served: 23 05 hours

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC LYNN H 246ND

Signature:  246ND

Name (if applicable) and address of the affected premises: 701, 516 OLD HEATH ROAD, SE1 5BA

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

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

247 - DRUGS WEARERS UNIDENTIFIED SHOULD BE IN USE
341 - 6 SIX VIA STAFF SHOULD BE ON DUTY FROM 2200hrs
342 - ID SCANNER TO BE USED STAFF, PUBLIC PREMISES DJS.

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

2-17 - NO DRUGS WEARERS / 347 - ONLY TWO 2
SIA SECURITY STAFF ON DUTY AT 2200 hours / 347 - STAFF
PREMISES DJS NOT BEING SCANNED PRIOR TO ENTRY

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

247 - OBTAIN DRUGS BUY / 341 ENSURE 6 SIX SIA STAFF
ARE ON DUTY AS OF 2200 hours / 342 - ID SCAN ALL AREAS
ENTERING PREMISES STAFF AND OTHERWISE.

Third party consideration (section 19.4)

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

Yes/No (details) ALFONS MANSALAN

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

Effect of section 20, Application for closure order.

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

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

Name ERIC DOE

Signature

Date 13 08 16

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 10/09/16 Time Served: 03:10h

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PLYNCH 246MD

Signature: [Redacted]

Name (if applicable) and address of the affected premises:
701 CLUB Sib Old Hart Road S97
S97 5BA

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

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

289 - All CCTV footage shall be kept for 31 DAYS / 341 - minimum 6 Sec
area scanned / 347 - ID SCANNING SYSTEM TO BE USED
FOR ALL PERSONS ENTERING

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

289 - UNABLE TO PRODUCE CCTV FOOTAGE 29 DAYS / 342 - NO ID NO ENTRY NO BANK
ADMITTED TO - SOME PHOTO NO ID

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

MAINTAIN CCTV TO MEET CONDITIONS 31 DAYS RECORDING / 341
SIA DOOR STAFF TO BE ON DUTY FROM 22:00 / 342 - NO ID NO ENTRY NO BANK
TO BE USED AS PER LICENCE

Third party consideration (section 19.4)

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

Yes/No (details) YES DUB

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

Effect of section 20, Application for closure order.

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

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

Name ALFREDO MANUSARY

Signature: [Redacted]

Date 10/09/16

WITNESS STATEMENT

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

Statement of Mark Lynch Pc 246MD..... URN:








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

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

Signature:  Date: Tuesday 13th September 2016

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

On Saturday 10th September 2016 I was on duty in full uniform, I was attached to Southwark Night Time Economy Team, I was in the company of Pc 393MD, as part of my duties we attend licensed premises to ensure they are operating within their licence conditions. At 0300hours we attended the venue by the name of 701 club 516 Old Kent Road SE17 5BA , in order to obtain cctv which had been requested on the 6th September , the footage requested was from the 13tyh August 2016. On entering the premises I spoke to the manager  who escorted us to the basement area where the cctv screens/hardrive were kept. I explained to Mr  that I was there to collect the cctv to which he informed me that the cctv was not available as there was a technical problem and that the cctv could not be accessed despite it being within the 31 days storage time depicted in licence condition 289, he then said that he had called an engineer out and that if I wish to I can speak to the engineer regarding the cctv not being available. This was in clear breach of condition 289. I then carried out further checks of the licence conditions to which I found that there were only four SIA door staff on duty, three of which were stood at the entrance of the premises none of whom were wearing hi visibility vests a breach of conditions 341 and 391. The ID scan system was checked and it was found that not all persons had been scanned into the system and those that had been scanned had not produced or not had scanned their identification, thus rendering the identification system of no use, a breach of condition 342. There was also no weapons drugs amnesty safe box at the premises, this was a breach of condition 297. The conditions breached 341,391,342,297 were all breached on a previous visit made on the 13th August 2016 in which a section 19 was issued. At 0310hours I issued Mr  with a section 19 Closure Notice-Criminal Justice Act 2001. I then returned to outside the venue where my colleague Pc 393MD was stood speaking with a male SIA security staff I now know to be Mr  I approached Pc 393MD and was present to their conversation to which I heard Pc 393MD request to see Mr  SIA identification to which Mr  refused insisting that Pc 393MD carried out an inspection at the adjacent club called Khe-Che and once this had been done he would show Pc 393MD his SIA identification , Pc 393MD again asked for Mr  SIA identification to which he said he

Signature:  Signature witnessed by:

Continuation of Statement of [redacted]

would give police his SIA number and he started to give a number to Pc 393MD , the SIA identification was again requested and again Mr [redacted] refused to present his identification upon request , during this time he was laughing and behaved in such a manner I would only describe as unprofessional and detrimental to the security industry , my colleague Pc 393MD issued Mr [redacted] with an SIA offence notification form and the management of the venue were informed of the behaviour of their security. [redacted]

Signature:

[redacted]

Signature witnessed by:

WITNESS STATEMENT


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

Statement of **Stuart Wythe PC 393MD** URN:

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

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

Signature: 

Date:

13 September 2016.....

015 9743681 01 5797
16/09/16 10:36:16 STD

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


I am assigned to the Night-Time Economy Team based at Southwark Police Station, my primary role being the Policing of licensed premises in the Borough of Southwark. I have been a Police Officer for over 20 years and was authorised as a licensing Officer on 25 January 2016.

On Saturday 10 September 2016 at about 0330 hrs I was on duty in full uniform accompanied by PC 246MD Lynch. We were undertaking a licensing visit at Club 701, 516, Old Kent Road, London, SE1 5BA.

I carried out an inspection of the venue's Identification Scan system. Condition 342 of the premises license states; **'That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 22:00 when the premises are in operation and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and / or if the persons details are already stored on the system and they are identified using a biometric identification system.'** My inspection of the system yielded that a significant number of customers had not scanned suitable identification into the system, they had simply had their photograph taken with no means of further identifying who they are. I explained that this was not correct use of the system and a breach of the premises' license.

Condition 341 of the premises license states, **'That a minimum of 6 SIA registered door**

015 9743681 01 5797
16/09/16 10:36:16 STD

Signature: 

Signature witnessed by:

Continuation of Statement of **Stuart wythe PC 393MD**.....

supervisors shall be employed at the premises, one of whom shall be female, at all times that the premises are in use. They will be employed each night that the premises are in operation and will be on duty to receive patrons at the stated opening time of 22:00. At least two will be provided with, and will use, electronic search wands in respect of the search of all persons who wish to enter the premises. This includes all DJs and associated staff and their equipment.'

As part of this licensing visit I determined that there were four door staff on duty and undertook to ascertain their details. At the main entrance to the venue I spoke to a female whom I know now as [REDACTED] Upon request by me she took her Security Industry Agency (SIA) badge out of its sleeve allowing me to examine it & determine her SIA number.

I then spoke to a male whom I know now as [REDACTED] and asked him to produce his SIA badge. He said that he had seen us undergoing our inspection at the venue & that we should undertake the same inspection at the venue next door (Khe Che) & once that was done, he'd do as I ask. I explained that we were inspecting Club 701 & that I required to see his SIA accreditation. He said he would not produce it until we had undertaken an inspection next door. I said we had already conducted an inspection there (this was done some weeks previously). At this [REDACTED] started shouting at the door staff next door asking if we had checked their licenses.

Again I asked for his SIA accreditation, [REDACTED] refused, saying he would tell me and started to say some numbers. I explained that this was not what I'd asked for, that I needed to see his license. [REDACTED] again refused, saying that we hadn't done next door, that he would not produce his license, that he'd tell me the number. This conversation went on for several moments; [REDACTED] was obstructing me in my licensing inspection.

I said to [REDACTED] to 'wait there' & headed towards my marked Police transport to collect an SIA warning notification pad; PC Lynch provided me with his pad.

I started to fill out the form, number 445981. As I completed the form, I again asked for [REDACTED] SIA badge, to which he replied, 'Now you ask,' & he produced his license from its sleeve. I made a note of his licence number, [REDACTED]. As I completed the form, [REDACTED] carried on talking in a similar vein. A second male whom I know now as [REDACTED] asked why the inspection is taking place, I explained that it's a licensing visit & that the venue is a prominent location, at which both [REDACTED] and [REDACTED] started to laugh in animated fashion, saying that nothing happens at the venue.

At about 0335hrs I issued [REDACTED] with a copy of serial number 445981 SIA warning notification, saying I'd be reporting him to the SIA, to which he replied, 'Go on then.'

I was present when PC Lynch spoke to the manager, [REDACTED] regarding the venue not possessing a drugs and weapons amnesty box as per condition 297 of the premises license which states, **That a drugs /**

15714 IN 12592115 STD

Signature

Signature witnessed by:

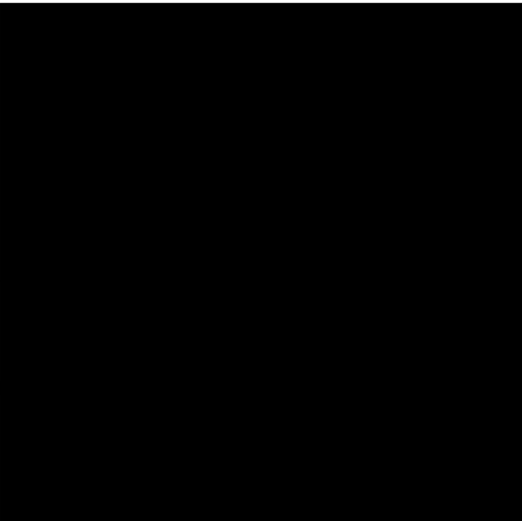
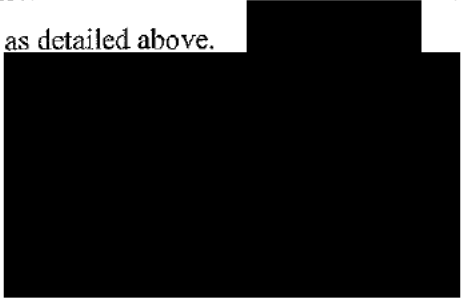
2003(1)

Continuation of Statement of **Stuart wythe PC 393MD**

weapons amnesty box, approved by the police, shall be installed and maintained in use at the premises at all times that the premises are in operation.

█ was not able to access the venues CCTV system from 29 days previously. Condition 289 of the premises license states **All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request.**

I was present when PC Lynch issued █ with a closure notice under section 19 of the criminal justice and Police act 2001 for the alleged unauthorised use of the premises as detailed above. █



16:14 7/1 13SEP16 STD

Signature █ nature witnessed by:

Witness contact details

Home address: **Southwark Police Station 323 Borough High Street London**.....

Postcode: **SE1 1JL**.....

Home telephone number Work telephone number [redacted].....

Mobile/pager number Email address: [redacted].....

Preferred means of contact: [redacted].....

Male / Female (delete as applicable) Date and place of birth: [redacted].....

Former name: Ethnicity Code (16+1): [redacted] Religion/belief: [redacted].....

Dates of witness non-availability as per MG10

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 393MD 230234 Stuart Wythe** Station: **Southwark**.....

Time and place statement taken: **1154hrs, Southwark Police Station**

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 23/10/16 Time Served: 02:14

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC LYNCH 246MD

Signature:  246MD

Name (if applicable) and address of the affected premises:
Club 701 - 516 Old Kent Road
SE1 8BA

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

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

359-11A EN SPECIFIC AREA 02:00AM TRUCK
NO NO ENTRY TO PREMISES

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

DISCOVERED A NUMBER OF MALICIOUS ENTRY POINTS
ON THE PREMISES TO BE MADE AND BE SECURED
THE AREA

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

NO ENTRY POINTS OPEN ON SATURDAY/SUNDAY
MORNING

Third party consideration (section 19.4)

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

Yes/No (details) ALIC DOE

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

Effect of section 20, Application for closure order.

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

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

Name ALIC DOE

Signature 

Date 23/10/2016

WITNESS STATEMENT

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

Statement of Mark Lynch Pc 246MD URN: [] [] [] []

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

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

Signature: [Redacted] Date: Sunday 23rd October 2016

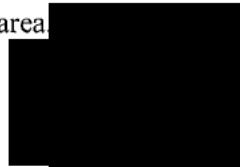
Tick if witness evidence is visually recorded [] (supply witness details on rear)

On Sunday 23rd October 2016 I was on duty in full uniform, I was attached to Southwark Night time Economy Team to which I was the driver of a marked police vehicle. I was in the company of Msc5321MD. My duties include visiting various licensed premises on the borough to carry out licence inspections and respond to disorder, . At 0220hours we parked our vehicle outside Club 701 516 Old Kent Road SE1 where we observed a number of people queuing for entry to the club , I am aware that the venue has a condition on its licence which states no new entry to the venue after 0200hrs, I also saw two males approach the payment booth and then they were searched before entering the club. I along with msc5321MD then left the vehicle and approached the security where I requested to see the Dps [Redacted] I stood in the cage area and then entered the foyer and awaited Mr [Redacted] Whilst waiting there another male came into the club foyer area whom spoke to a female staff member who produced a pink wrist band and applied it to his wrist and then allowed entry I was then joined by [Redacted] and we went outside the club and I explained to him what I had seen in regards to late entry. He stated that the reason for the late entry was that there had been a big queue and he didn't want to turn people away as they had queued. Whilst waiting there were still people attempting to gain entry to the venue and security were now telling them they could not enter which contradicted what [Redacted] had said about people waiting in the long queue. He then offered to have staff show me the last entry on ID scan. We were led into the id scan room which was situated within the main entrance to the club K-Chee however upon entering the outside area I could smell the strong aroma of cannabis, I am aware of this aroma due to my experience as a police officer, we then entered the ID Scan room where I was shown the screen which showed last entry at 0205hrs which did not tally up with the fact we had seen people enter at 0220hrs and later and can only mean those that entered after 0205hrs had not been ID scanned . On leaving the room I said to my colleague Pc5321MD "can you smell cannabis?" to which he replied " yes", I said "where is it coming from?", we then looked around the courtyard area as this area is for clients of K-Chee but confirmed the smell was not coming from this venue, however in the corner is a fenced off smoking area with a roof covering it which is for clients of Club701. There is a metal staircase which runs up the side of the smoking area to

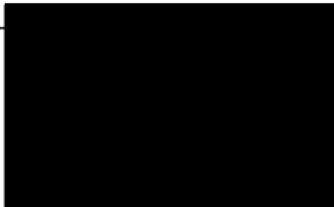
Signature: [Redacted] Signature witnessed by:

Continuation of Statement of Mark Wynn

which we walked up, as we did so there were plumes of smoke and strong smell of cannabis coming from within the smoking area. I saw at least 2 males rolling what in my opinion appeared to be large roll ups containing cannabis, I also saw people smoking cigarettes but did not see any vaps, there were no SIA security in the smoking area. We observed the area for a few minutes to see if the smell disappeared however this was not the case. We left the stairwell and went to the main entrance of Club 701 and requested to see the DPS who came outside. I then took him to the stairwell and told him what we had seen, to which he stated that there should be a member of security in that area monitoring clients, this was not the case. However on walking up the stairs with the DPS there was a member of security in the area and the smell of cannabis was not as strong. Whilst stood on the stairwell we observed a member of security and 2males leave the smoking area via the emergency exit which entered into the courtyard of K-Chee and then leave the main entrance to K-Chee. A few minutes later we left the stairwell and on doing so saw the member of security and 2 clients re-enter though the K-Chee entrance and then re-enter club 701 smoking area via the emergency exit , I did not observe any of the males being re searched as per condtion 359. We then walked out of the court yard area where I informed the dps that I would be issuing a section 19 closure notice for the breach of his licence condition 359- That on Sunday after 00:30, on Wednesday and Thursday after 01:30 and on Friday and Saturday after 02:00 there shall be no new entry to the premises, other than those who leave the premises for the purpose of smoking a cigarette, those persons shall be subject to a further search on the re-entry to the premises, we were then joined by a member of security who stated along with the dps that they were unaware of the condition that prevented clients who had been queueing from entering the club after 0200hrs and that they thought that if clients had been queueing before 0200hrs they could enter this was despite a notice in their foyer that stated no admission after 0200hrs which was pointed out to both security and dps. I also informed the dps that I would be making a statement in regards to the smoking of cannabis on the premises. I then issued the section 19 and returned to my vehicle where I sat until 0310hrs, during this time I saw a number of people arrive at club 701 and attempt admission and when declined they loitered in the area , I also noted that a number of people attempted entry to club K-Chee to which they appeared to be refused though again they loitered in the area



Signature:



Signature witnessed by:

Licensing Unit induction checklist for new licensees / management.

Premises Name & address: 701 Club, 516 Old Kent Road SE1 5BA
Licensee: Erico Entertainment Limited
DPS: Ahmed Mansaray

1. INTRODUCTION

- Who Licensing Unit are
- Why meeting is being held – to ensure every licensee is fully aware of his / her responsibilities from the onset

2. THE LICENCE

- Introduce the licence document & the special & standard licence conditions
- How long the licence lasts & what happens when it is time for renewal
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary

3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Risk assessment
- Will conduct additional inspections where problems found and complaints made
- Explain inspections aim to help but that persistent and serious safety failures will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss
- Leave calling cards

Officer(s) Attending:

(Sign)

(Print)

Richard Kahn

Person(s) Present:

(Sign)

(Print)

Ahmed Mansaray

(Sign)

(Print)

Date of Meeting:

26 November 2016

Eric Doe
Club 701
Ground Floor
516 Old Kent
Road London
SE1 5BA

Licensing Unit
Direct Line: 020 7525 5779
Direct Fax: 020 7525 5705
Our ref: INU 077789

28 September 2017

Dear Eric,

RE: THE LICENSING ACT 2003 – WARNING LETTER

(Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA)

On 2 September 2017 at 00:20 hours council officers undertook an inspection to determine whether the licensable activities at the above premises were carried out in accordance with premises licence issued in respect of the premises.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

1. Breach of licence condition 288: The clock on the CCTV was three minutes slow. For evidential purposes please ensure that the time shown is accurate.
2. Breach of condition 307: No accommodation limit had been set or was in use at the premises. Only one counting device (to count customers 'in') was being used at the premises. Unless an 'out' clicker is used in conjunction with the 'in' clicker, there is no way to ascertain an accurate tally of customers at the premises, however it is noted that during the inspection the premises was very under occupied.
3. Breach of condition 344: Staff at the premises hadn't undertaken a recognised training scheme in regards to the sale of alcohol. You may wish to consider making relevant staff undertake the BIIAB Level 1 Award in Responsible Alcohol Retailing (QCF) qualification. More information is available via: <https://www.biiab.org/qualifications/licensed-hospitality/biiab-level-1-award-in-responsible-alcohol-retailing-qcf/>
4. Breach of condition 345: Beverages were being consumed in the smoking area.
5. Breach of condition 349: Acoustic seals, brushes & self closers were not installed on all relevant doors.

6. Breach of condition 353: Drinks were being permitted outside (in the smoking area).

7. Beach of condition 357: There was no dispersal policy in place at the premises. A written dispersal policy should be devised and be kept at the premises. All relevant staff should be trained in respect of the policy. The policy should include (but not necessarily be limited to) the following:

- Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
- Details of public transport in the vicinity and how customers will be advised in respect of it.
- Details of the management of taxis to and from the premises.
- Details of the management of any 'winding down' period at the premises.
- Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
- Details of any cloakroom facility at the premises and how it is managed.
- Details of road safety in respect of customers leaving the premises.
- Details of the management of ejections from the premises.
- Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).

8. Beach of condition 379: No pre-opening security checks had been undertaken or logged.

9. Beach of condition 392: Not all promotional material identified the location of car parks in the area or other travel facilities (see flyer attached).

10. Beach of condition 4A1: There was no refusal register available (however it is noted that an ID scanning system was in use at the premises).

11. Beach of condition 793: No staff training records were available in respect of the Licensing Act 2003 or the terms and conditions of the premises licence issued in respect of the premises.

In addition to the above please be mindful of the following conditions: 303 (requiring the submission of '696' forms for external promoters) and 383 (requiring that all promoters hiring the premises are suitably qualified). These conditions were not an issue during the inspection as an internal promotion was being undertaken, but please bare them in mind should any external promoter be used at the premises. Please also ensure that the premises licence **summary** is displayed in the bar area and not kept in your files.

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

Licensing Unit - Environment & Housing, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 5779 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the address below.

Yours sincerely,



Wesley McArthur

Licensing Enforcement Officer

wesley.mcarthur@southwark.gov.uk

cc Erico Entertainment Limited, licensee

ERICO ENTERTAINMENT LTD
PRESENTS

UB
Collabo

ALL
WHITE
PARTY



516 OLD KENT ROAD
LONDON SE1 5BA
10.00PM - 4.00AM
(LAST ENTRY 2AM)

SATURDAY
28TH
OCT '2017

£10 IN ADVANCE, MORE AT THE DOOR

DJS: [REDACTED] & [REDACTED]

FOR MORE INFO, BIRTHDAY & VIP BIRTHDAY BOOKING, PLEASE CALL [REDACTED]

21+

ID
REQUIRED
NO IDNO ENTRY

EVERY LAST SATURDAY OF THE MONTH

Erico Entertainment Limited

[REDACTED]
[REDACTED]
London
[REDACTED]

Licensing Unit

Direct Line: 020 7525 5779
Direct Fax: 020 7525 5705
Our ref: INU 077789

28 September 2017

Dear Sirs,

RE: THE LICENSING ACT 2003 – WARNING LETTER

(Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA)

On 2 September 2017 at 00:20 hours council officers undertook an inspection to determine whether the licensable activities at the above premises were carried out in accordance with premises licence issued in respect of the premises.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

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3. Breach of condition 344: Staff at the premises hadn't undertaken a recognised training scheme in regards to the sale of alcohol. You may wish to consider making relevant staff undertake the BIIAB Level 1 Award in Responsible Alcohol Retailing (QCF) qualification. More information is available via: <https://www.biiab.org/qualifications/licensed-hospitality/biiab-level-1-award-in-responsible-alcohol-retailing-qcf/>
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- Details of public transport in the vicinity and how customers will be advised in respect of it.
- Details of the management of taxis to and from the premises.
- Details of the management of any 'winding down' period at the premises.
- Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
- Details of any cloakroom facility at the premises and how it is managed.
- Details of road safety in respect of customers leaving the premises.
- Details of the management of ejections from the premises.
- Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).

8. Beach of condition 379: No pre-opening security checks had been undertaken or logged.

9. Beach of condition 392: Not all promotional material identified the location of car parks in the area or other travel facilities (see flyer attached).

10. Beach of condition 4A1: There was no refusal register available (however it is noted that an ID scanning system was in use at the premises).

11. Beach of condition 793: No staff training records were available in respect of the Licensing Act 2003 or the terms and conditions of the premises licence issued in respect of the premises.

In addition to the above please be mindful of the following conditions: 303 (requiring the submission of '696' forms for external promoters) and 383 (requiring that all promoters hiring the premises are suitably qualified). These conditions were not an issue during the inspection as an internal promotion was being undertaken, but please bare them in mind should any external promoter be used at the premises. Please also ensure that the premises licence **summary** is displayed in the bar area and not kept in your files.

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

Licensing Unit - Environment & Housing, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 5779 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the address below.

Yours sincerely,



Wesley McArthur

Licensing Enforcement Officer

wesley.mcarthur@southwark.gov.uk

cc Eric Doe, Manager

Club 701
Basement And Ground
Floors
516 Old Kent Road
London
SE1 5BA

Licensing Unit
Direct Line:
Direct Fax:

12 December 2017

Dear Mr Eric Doe

RE: THE LICENSING ACT 2003 – WARNING LETTER
(Club 701, Basement And Ground Floors, 516 Old Kent Road, London, SE1 5BA)

On 11 November 2017 at 00:55 Licensing Enforcement Officers and Metropolitan Police Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

1. Breach of condition 289- All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request. **There was no member of staff available to access CCTV until owner of business was called and arrived on site.**

2. Breach of condition 307 That an accommodation limit shall be set in respect of the premises. All staff at the premises shall be made aware of the accommodation limit. The SIA security staff employed at the premises shall be responsible for ensuring that the accommodation limit is not exceeded and shall use counting devices to ensure that the accommodation limit is not exceeded. Once the accommodation limit of the premises has been reached the premises shall operate a 'one in, one out' policy. **There was no member of staff available that was able to give an accurate number of patrons present at time of visit.**

3. Breach of condition 342 That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at

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Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director Environment & Social Regeneration - Deborah Collins

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the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 22:00 when the premises are in operation and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and/or if the person's details are already stored on the system and they are identified using a biometric identification system. **When I requested to see how many persons had been scanned in to the system, the staff were only able to show 4 male persons despite there being approximately 20 persons in the premises including female staff and patrons. Staff could not tell me why this was the case.**

4.

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your licence or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

c.c P.C. Ian Clements/ P.C. Graham White
Southwark Police Licensing Office
SE1

Licensing Unit - Environment & Housing, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Social Regeneration - Deborah Collins
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WITNESS STATEMENT

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

Statement of Mark Lynch Pc 246MD URN: [] [] [] []

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

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

Signature: [Redacted] Date: Thursday 23rd November 2017

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

On Sunday 19th November 2017 I was on duty in full uniform, I was attached to Southwark Night time Economy Team to which I was the driver of an unmarked vehicle. I was in the company of Pc Ducker 494MD. My duties include visiting various licensed premises on the borough to carry out licence inspections and respond to disorder, . At 0151 hours we parked our vehicle nearby to Club 701 516 Old Kent Road SE1 and walked to the forecourt area that led to clubs K-Che and Club 701. We entered club K-che and carried out a licence inspection which was compliant at the time of visiting. We then entered club 701 foyer and requested to speak to the Dps or owner of the premises to which a member of SIA door staff went to locate them. A few minutes later we were joined by the Dps [Redacted] and owner Eric Doe. We introduced ourselves to both parties and explained that we were at the venue to carry out a follow up inspection as the venue had been non-compliant with its licence conditions the previous week. Mr Doe was not happy that we were at the venue and stated that its wrong and unfair that we should be at his venue as there were people being shot at the ministry of sound and they stay open until 6am, this information was not correct in regards to the ministry of sound. It was pointed out to him that if he was compliant with his licence conditions we would not need to carry out a follow up inspection. We were then led by Mr Doe through the club, as we did so I could smell the distinct aroma of cannabis however I could not ascertain exactly where in the club this smell was coming from however I could not smell it outside the club or in the foyer area and therefore believe it may have been smoked somewhere in the club. I also noted on walking through the club that some of the patrons were wearing hats which is a breach of condition 373. We then went to the basement office with Mr Doe and my colleague Pc Ducker explained the licence conditions to Mr Doe. Mr Doe was requested to show us the cctv operating however he stated that the hardrive had been changed two weeks prior and that it would not have recordings for the full 31 days as per licence condition 289, the cctv system showed recordings for days this was in breach of condition 289. Mr Doe was asked for staff training records to which he produced some paperwork however he seemed to be a little confused as to what kind of training he should give staff and how often the training should take place . We then left the basement and returned to the main club area

Signature: [Redacted] Signature witnessed by:



Eric Doe
Club 701
Basement and Ground Floors
516 Old Kent Road
London
SE1 5BA

Licensing Unit
Direct Dial - 020 7525 5748
Facsimile - 020 7525 5705

16 May 2018

Dear Mr Doe

Simple Caution
Section 136 (1) (a) and (b) of the Licensing Act 2003

The facts surrounding the alleged offence(s), briefly described in the attached document, have been reported to me by an officer of this service. I have carefully considered these facts and concluded that there are sufficient grounds to institute legal proceedings under the above legislation.

However, on this occasion I am proposing to issue a simple caution in respect of the allegation. This course of action is subject to your agreement and admission of the alleged offence.

Before making your decision I recommend you seek independent legal advice about this matter and ensure you are aware of the consequences of accepting a simple caution. These are listed on the attached document.

If you agree you need to attend our office and sign the declaration attached or an officer may be able to meet you elsewhere. A countersigned copy of the caution will then be issued to you in due course.

If you have any queries about this matter please do not hesitate to contact us.



David Littleton
Head of Regulatory Services

Licensing Unit - Environment & Social Regeneration, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 Website - www.southwark.gov.uk

Strategic Director Environment & Social Regeneration - Deborah Collins

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SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

CASE REFERENCE:	[REDACTED]
OFFENDER'S SURNAME:	DOE
FORENAME(S):	ERIC
NATIONAL INSURANCE No.	Insert:
OCCUPATION:	PREMISES LICENCE HOLDER
ADDRESS:	[REDACTED]
DATE OF BIRTH:	[REDACTED]

DATE OF OFFENCE(S):	2 September 2017 19 November 2017 11 November 2017
PLACE OF OFFENCE(S):	CLUB 701, 516 OLD KENT ROAD LONDON SE1 5BA
BRIEF CIRCUMSTANCES OF OFFENCE(S):	2 September 2017 at 00:20hrs 19 November 2017 at 01:51hrs 11 November 2017 at 00:55hrs Breach of licensing conditions This matter potentially constitutes a breach of the licence issued under the Licensing Act 2003 by this Council in respect of the above named premises. Relevant offence breach: <u>Section 136 (1) (a) and (b) of the Licensing Act 2003</u>

Ministry of Justice guidance on simple cautions (issued 8th April 2013)

Please read the guidance below and the attached declaration. Make sure you understand it before you sign. You may seek independent legal advice before you accept the caution. Some of these points are applicable to cautions issued by the Police and will not be relevant to this matter.

1. A simple caution is an admission of guilt to committing an offence and forms part of an offender's criminal record. A record will be retained by the Council for future use. It may also be disclosed in a court in any future proceedings.
2. If after the simple caution has been administered, new evidence comes to light suggesting that the offence(s) committed are more serious, a prosecution may still be brought.
3. A simple caution may be disclosed to a current or prospective employer in certain circumstances. Separate guidance governs the disclosure of criminal record information

Licensing Unit - Environment & Social Regeneration, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director Environment & Social Regeneration - Deborah Collins

Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

4. Simple cautions become spent immediately they are administered. This means that you do not need to disclose a simple caution when asked unless you are seeking work in an occupation that is listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974 such as working with children and vulnerable adults or for other excepted purposes such as seeking to obtain certain licences. Police Cautions will also be disclosed under Disclosure and Barring Service (DBS) standard and enhanced checks. Further information can be obtained from the DBS.
5. The DBS maintains the lists of those barred from working with children and vulnerable groups, including adults. A simple caution may be taken into account by the DBS when reaching a decision about the suitability of persons to work with children and adults. Accepting a simple caution for certain offences may lead to the offender's inclusion on such a list which will prevent them from working in a regulated post with children and vulnerable groups. Further information should be obtained from the DBS.
6. If the offence(s) involve a victim or victims they might still take civil action or bring a private prosecution against you. The Council may provide your details to the victims if this is necessary for legal action to take place.
7. Countries requiring foreign nationals to obtain entry visas may require applicants to declare simple cautions on their application forms or at interview. Other country's immigration rules may mean that a person who has received a simple caution is refused entry as though they have a criminal conviction. The Rehabilitation of Offenders Act 1974 only applies within the UK which means simple cautions, even if spent, may still need to be disclosed to some countries in some circumstances. This will vary from country to country and may apply to people who want to emigrate permanently or those who simply want to visit for short term purposes, such as on business, for a holiday or to study. For specific information on what an individual may be required to disclose, the relevant embassy of the country of travel should be contacted.

Further information relating to certain cautions

If this caution relates to the sale of age restricted products (ARPs) or services please note that further covert test purchases will be attempted by the Council at your business. This means we will send in underage, or young looking, volunteers to attempt to buy ARPs or services. Such test purchasing may be covertly observed and recorded. You should also advise all sales staff of this.

Licensing Unit - Environment & Social Regeneration, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director Environment & Social Regeneration - Deborah Collins

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SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

DECLARATION:


I have read and understand all this information.
I hereby declare that I (insert name)

ERIC DOE

admit the offences described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME: ERIC DOE SIGNED: 
(Block capitals)

DATED THIS 06/0 DAY of JULY 2018

After a signature has been added above, an officer of Southwark Council will countersign and return a copy. 

NAME: David Littleton SIGNED: 

DESIGNATION: HEAD OF REGULATORY SERVICES

DATED THIS 7 DAY of JUNE 2018

Licensing Unit - Environment & Social Regeneration, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 Website - www.southwark.gov.uk

Strategic Director Environment & Social Regeneration - Deborah Collins

Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

WITNESS STATEMENT

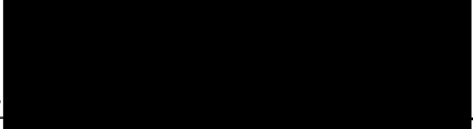
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Mark Lynch Pc 246MD URN:

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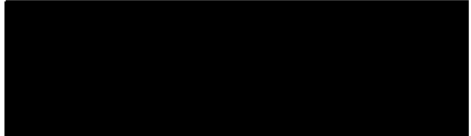
Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

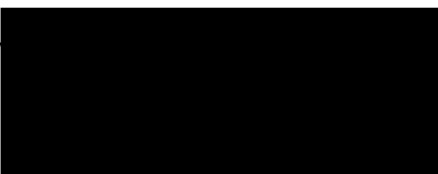
This statement (consisting of: ... 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: Tuesday 08th May 2018

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

On Sunday 29th July 2018 I was on duty in full uniform, I was attached to Southwark Night time Economy Team to which I was the driver of an unmarked vehicle. My duties include visiting various licensed premises on the borough to carry out licence inspections and respond to disorder, At 0235hours i parked my vehicle opposite Club 701 516 Old Kent Road SE1 and club K-Chee 516 Old Kent Road se1 as we had received reports that patrons were causing noise nuisance and ASB on leaving. I am aware that club K-Chee has a last entry time of 0300hrs and Club 701 a last entry time of 0200hrs. I then saw a mixed group of 5 male and females approach the side gate which is operated by SIA a conversation appeared to take place and at 0245 hours the group were allowed entry via the side gate, following this another group of 4 persons arrived some in a cab and they too entered the venue via the side gate I was not able to see if these persons were searched or if they produced identification, these persons were not re-entering the venue. this is a clear breach again of condition 359 - That on Sunday after 00:30, on Wednesday and Thursday after 01:30 and on Friday and Saturday after 02:00 there shall be no new entry to the premises, other than those who leave the premises for the purpose of smoking a cigarette, those persons shall be subject to a further search on the re-entry to the premises, I waited a few moments and then left the area



Signature:  Signature witnessed by:



Notification of alleged offences under the Licensing Act 2003

Venue Name: Club 701 REF: (CAD/CRIS etc.)

Address: 516 Old Kent Road, London

SE15BA Date: 28/8/18 Time: 01:19

Details of person in charge at the relevant time: Mr Alfred Mansoury

DPS Personal Licence Holder

Summary of alleged offences identified

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

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

Opening the club on a Bank holiday Monday 27th August 2018 going into Tuesday 28th August 2018 with out a license todo so.

Issuing officer:  Print: PC GERS 7 782 R.

I acknowledge receipt of this form: (venue) 

WITNESS STATEMENT

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

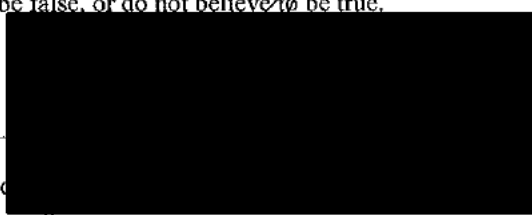
Statement of **Jason ROSE (Police Licensing Officer)**

N/A			
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.....URN:

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 194898**

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

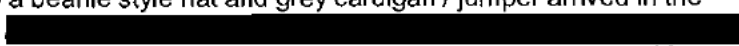

Signature:  Date: **28/08/2018**.....


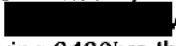
Tick if witness evidence is given in relation to details on rear)

I am a serving Police Officer employed by the Metropolitan Police Service (MPS) with 24 years' experience in various posts. I am currently attached to Licensing Partnership and Governance Hub employed as a Police Licensing Officer dealing with many allegations relating to licensing premises throughout the MPS. I have carried out this role since March 2016, prior to that I was a Borough based Police Licensing officer.

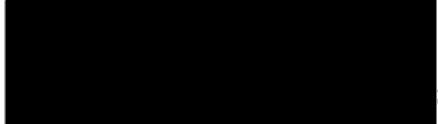
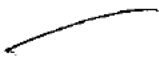
This statement relates to a Licensing inspection conducted by Pc Nick GERRY 782PL, Pc Kevin DE VIELL 3516SW and I on Tuesday 28th AUGUST 2018 in SOUTHWALK AREA of London as part of a PAN LONDON response to the night time economy after parties for Notting Hill Carnival Celebrations. On this particular morning we had occasion to visit the Club 701, 516 Old Kent Road, SE1

We arrived at the venue at approximately 00:02 hours (28/08/2018), I instantly noticed that the venue was not particularly busy outside and could see 2 door staff members (wearing black clothing, one with Hi Vis jacket) present controlling a small queue of approx. 6 patrons. I also noticed another male in a white jacket was standing at the front of the premises speaking with patrons beside a roped off area and passing items from patrons into the premises through a small letter sized box hole. The door staff appeared to be SIA approved. I observed the entrance procedure for patrons, this appeared to be correct. I later learnt the small letter hole box was where I.D's of patrons were being checked by staff members inside the premises then handed back and payment of £10 being passed through the hole per person as entry fee into the premises.

Pc GERRY, Pc DE VIELL and I approached the male member of the door staff, showed her our warrant cards and identified ourselves explaining the reason for our visit. I asked to speak to the Designated Premises Supervisor (DPS) of the premises and he was called to the front of house to speak with me. A few moments later a black male approx. 5'10" tall, slim build wearing a beanie style hat and grey cardigan / jumper arrived in the entrance area. He introduced himself to us as Mr  he confirmed to me that he was the registered DPS. Once again Pc GERRY, Pc DE VIELL and I introduced ourselves and explained who we were, the department we worked for and the fact we were on scene to make sure the event they had planned was running smoothly. Mr  welcomed this, being friendly and helpful throughout our visit.

We spoke for some time in the entrance hall in relation to the event they had planned, clientele and any issues that Mr  was facing at the premises. I asked Mr  what time the premises were due to close and this question appeared to confuse him, initially saying 0400hrs then changing it to 0300hrs as it was bank holiday trading. Due to this confusion I entered the premises and immediately requested to see the Part B of the premises licence. This paperwork was displayed behind the bar.

On the route to inspecting Part B of the licence, I glanced around the premises, this entrance floor was the main

Signature:  Signature witnessed by: 

Continuation of Statement of **Jason ROSE (Police Licensing Officer)**

area dedicated to licensable activity. I walked the length of the bar in a systematic way. During this time I noticed the premises wasn't overly busy, approx. 30-40 persons present (Inc Staff) both male and female. The music was playing and very loud, the premises was dark with flashing lights supporting the music that was being played. It was clear that those patrons present had drinks either around them or in their hands and there were customers standing at the bar purchasing alcohol related beverages, this would be present on Pc GERRY and Pc DE VIELL body worn cameras throughout our deployment at the premises. This venue was fully open for business and carrying out licensable activity namely supply of alcohol and regulated entertainment. I did not see any food for sale or being eaten at the time of entry. Due to the time of the visit clearly being close to opening time, I could not detect any high levels of intoxication.

I viewed the part B on the bar wall and instantly identified a potential issue with the licensing hours as neither Monday nor Tuesday were displayed on the licence. The main points relating to our visit were shown as:

Opening hours:

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

Granted licensable activities:

Entertainment similar to live/recorded music - indoors

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

Late night refreshment - indoors

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

Live music - indoors

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

Recorded music - indoors

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

Sale by retail of alcohol to be consumed on premises

- Wednesday 23:00 to 02:00
- Thursday 23:00 to 04:00
- Friday 23:00 to 04:00
- Saturday 23:00 to 04:00

Signature: Signature witnessed by:

Continuation of Statement of Jason ROSE (Police Licensing Officer)

Sunday 23:00 to 01:00

I asked Mr [redacted] if this was the current licence. He said "yes, I think so, I don't think we have received a new one". Due to the music noise in this area of the premises we proceeded through the bar area to the rear hall way (deepfreeze freezer area) to speak so we could hear one another clearer, both Pc GERRY, Pc DE VIELL were present with me. I explained to Mr [redacted] I had concerns over the non-licensable hours displayed for Mondays/Tuesdays on the Part B and asked [redacted] to bring me the full premises licence, he went to the basement to retrieve this paperwork from a folder. Whilst he was doing this I loaded the licence via my laptop.

As we were waiting, It became apparent we were in the way where we were standing as staff was passing through so was directed by a female who later introduced herself as the owners wife, a Mrs [redacted] to a side room that appeared to be a small storage / Kitchen area beside the deepfreeze hallway. No food was being prepared in this area.

Pc GERRY and I then examined both the electronic copy and Hard copy of the premises licence (that had now been handed to us by Mr [redacted] and it became obvious that NO authorisation was in place relating to the premises licence for trading on a Monday into a Tuesday. I asked Mr [redacted] if there was any other licensing authorisation in place for this evenings trading such as a club premises cert or Temporary event notice and he said "No we are covered by the licence" (pointing to the hard copy in front of us).

I then explained to him that there was no authorisation on the licence for Monday / Tuesday and the only reference to a Bank holiday on the licence was listed as:

396 - That on Sundays prior to Bank Holiday Mondays, Christmas Eve and New Year's Eve the permitted opening hours of the premises are between 22:00 to 05:00 and licensable activities must cease at 04:00 on these days.

As I was about to explain it, he said unprompted "yeah 396 I know, our bank holiday opening" which indicated to me he was aware of the condition. Unfortunately the condition does not cover the venue for the date and time officers were on scene carrying out their inspection. This particular condition relates to a Sunday PRIOR to a bank holiday. We were now in the Tuesday morning AFTER the bank holiday Monday. I took time to read this condition word by word to Mr [redacted] several times and observed it dawning on him that he and the owners had clearly misread and misunderstood this condition. I then worked through the licence educating him around the licence.

Again I asked if there was any other form of authority in place for this sessions trading. He confirmed "NO". I then explained without an authority in place offences under the Licensing act were being committed namely:

s136 – Carrying on or attempting to carry on licensable activity on or from any premises otherwise in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.

s137 - Exposing alcohol for retail without and authorisation

s138 – Keeping Alcohol on a premises for an unauthorised sale

Mr [redacted] stated he understood. At this point Mrs [redacted] was called to the store / Kitchen room so it could be explained to a second person on scene. Once again I fully explained the issue to her working through the licence, showing her the times and conditions on the licence. They both understood the explanation and it was clear they presumed they were coved under the premises licence issued to Erico Entertainment Limited, ref 860699. This is however NOT the case.

I was aware that Pc DE VIELL had left the premises to go outside and make contact with the local boroughs Night duty officer to make them aware of the situation. I then contacted Bronze Licensing (Ps JARRED) and explained the situation giving him a full update and discussing the matter.

Signature

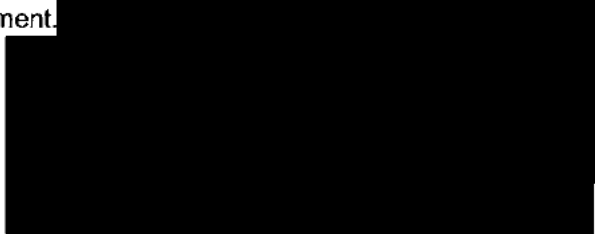
Signature witnessed by:

Continuation of Statement of **Jason ROSE (Police Licensing Officer)**

Officers then explained to Mr [redacted] and Mrs. [redacted] that it was completely their decision what they do next, pointing out that any further unauthorised licensable activity would also be an offence. Police also explained they accepted (by this point) they had a large amount of paid patrons present in the club who were now being entertained and supplied alcohol too. At no point did police tell Mr [redacted] or Mrs [redacted] close their venue, police merely pointed out the offences and highlighted that further offences may be committed, issuing them with a from 694 (completed by Pc GERRY). Officers explained the potential disorder an instant close down could cause if handled incorrectly by staff once again Mr [redacted] stated he understood and went outside with Mrs [redacted]

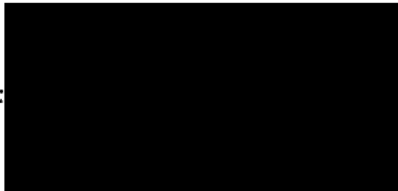
Whilst officers were awaiting a call back from Night Duty officer, Mr [redacted] took it upon his self to stop serving alcohol and close the bar, again, police did not tell Mr [redacted] to do this. Whilst further calls were being made to Bronze Licensing by officers on scene, police heard a males voice (later identified as Mr [redacted]) using a microphone stating to all patrons that the venue was closing. This caused a small percentage of patrons to be disgruntled but in the main, everyone left the premises quite quickly and quietly. Mr [redacted] returned to the kitchen area and said, I have decided to close and I have told everyone, they are leaving now. Officers then liaised with MD2 (Night Duty Section Sergeant) to fully appraise them of the situation and the fact the venue had decided to close and a large number of patrons were leaving the area.

Pc Nick GERRY, Pc Kevin DE VIELL and I remained on scene to observe dispersal eventually leaving at 01:50 hours. Only a few patrons remained (approx. 10-15) at the front of house who were trying to be refunded their entrance fees. Advice given to patrons to speak with the management. [redacted]



[Large handwritten signature scribble]

Signature:



Signature witnessed by:

[Handwritten mark]

Witness contact details

Home address:
..... Postcode:
Home telephone number Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / Female (delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability
.....

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? **No.** If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): **282KD 194898 Jason ROSE**..... Station: **ROMFORD**.....

Time and place statement taken:

Club 701
Basement And Ground
Floors
516 Old Kent Road
London
SE1 5BA

Licensing Unit
Direct Line: 02075257529
Direct Fax: 020 7525 5735

24 April 2019

Dear Erico Entertainment Limited

RE: THE LICENSING ACT 2003 – WARNING LETTER
(Club 701, Basement And Ground Floors, 516 Old Kent Road, London, SE1 5BA)

On 13 April 2019 at 23:20 a Licensing Enforcement Officer carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

1. That a sound limiting device shall be installed, set and maintained, to ensure the maximum levels of volume and bass of music, song or speech from licensed entertainment permitted by the amplification system, does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.. **Contrary to condition 309 on the premises licence**
2. That a comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and such training records shall be made available to the council or police on request. **Contrary to condition 357 on the premises licence**

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.


You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,


Licensing Enforcement Officer
Cahrlie.jerrom@southwark.gov.uk

Mr Alfred Mansaray


Licensing Unit
Direct Dial - 020 7525 2436
Facsimile - 020 7525 5705

10 June 2019

Dear Mr Mansaray,

Simple Caution

Section 136 (1) (a) of The Licensing Act 2003, which states that:

"A person commits an offence if -

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or*
- (b) knowingly allows a licensable activity to be so carried on.*

The facts surrounding the alleged offences, briefly described in the attached document, have been reported to me by an Officer of this service. I have carefully considered these facts and concluded that there are sufficient grounds to institute legal proceedings under the above legislation.

However, on this occasion I am proposing to issue a simple caution in respect of the allegations. This course of action is subject to your agreement and admission of the alleged offences.

Before making your decision I recommend you seek independent legal advice about this matter and ensure you are aware of the consequences of accepting a simple caution. These are listed on the attached document.

If you agree you need to sign the declaration attached. A countersigned copy of the caution will then be issued to you in due course.

If you have any queries about this matter please do not hesitate to contact us.

Yours faithfully,



David Littleton
Head of Regulatory Services
licensing@southwark.gov.uk

Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins
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	<p>Section 138 of the Licensing Act 2003 – Keeping Alcohol on a premises for an unauthorised sale.</p> <p>On the 18th February 2019, Mr Mansaray attended our office for an interview under caution where the allegations were put to him. Mr Mansaray made a full and frank admission and has therefore accepted the offence as his responsibility.</p>
--	---

Ministry of Justice guidance on simple cautions (issued 8th April 2013)

Please read the guidance below and the attached declaration. Make sure you understand it before you sign. You may seek independent legal advice before you accept the caution. Some of these points are applicable to cautions issued by the Police and will not be relevant to this matter.

1. A simple caution is an admission of guilt to committing an offence and forms part of an offender's criminal record. A record will be retained by the Council for future use. It may also be disclosed in a court in any future proceedings.
2. If after the simple caution has been administered, new evidence comes to light suggesting that the offence(s) committed are more serious, a prosecution may still be brought.
3. A simple caution may be disclosed to a current or prospective employer in certain circumstances. Separate guidance governs the disclosure of criminal record information
4. Simple cautions become spent immediately they are administered. This means that you do not need to disclose a simple caution when asked unless you are seeking work in an occupation that is listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974 such as working with children and vulnerable adults or for other excepted purposes such as seeking to obtain certain licences. Police Cautions will also be disclosed under Disclosure and Barring Service (DBS) standard and enhanced checks. Further information can be obtained from the DBS.
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Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH

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Strategic Director Environment & Housing - Deborah Collins

Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

DECLARATION:

I have read and understand all this information.
I hereby declare that I (insert name)

Alfred Mansaray

I admit the offence described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME:
(Block

SIGNED:

DATED THIS 11 DAY of June 2019

After a signature has been added above, an officer of Southwark Council will countersign and return a copy.

NAME: DAVID LITTLETON

SIGNED

DESIGNATION: Environmental Health & Trading Standards Business Manager

DATED THIS 11 DAY of June 2019

caution is refused entry as though they have a criminal conviction. The Rehabilitation of Offenders Act 1974 only applies within the UK which means simple cautions, even if spent, may still need to be disclosed to some countries in some circumstances. This will vary from country to country and may apply to people who want to emigrate permanently or those who simply want to visit for short term purposes, such as on business, for a holiday or to study. For specific information on what an individual may be required to disclose, the relevant embassy of the country of travel should be contacted.

Further information relating to certain cautions

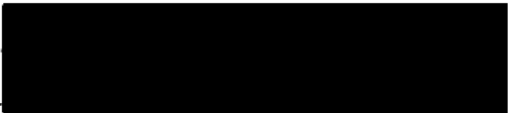
If this caution relates to the sale of age restricted products (ARPs) or services please note that further covert test purchases will be attempted by the Council at your business. This means we will send in underage, or young looking, volunteers to attempt to buy ARPs or services. Such test purchasing may be covertly observed and recorded. You should also advise all sales staff of this.

Licensing Unit induction checklist for new licensees / management.

Premises Name: Club 701.....

Address: Basement and Ground Floor, 516 Old Kent Road SE1 5BA.....

Licensee: Erico Entertainment Limited.....

DPS: .....

1. INTRODUCTION

- Who staff are.
- Why meeting is being held – to ensure every licensee is fully aware of his / her responsibilities from the onset

2. THE LICENCE

- Introduce the licence document & the Annexes.
- Explain the mandatory conditions in Annex 1.
- Explain the special conditions in Annex 2 and 3.
- Give details of what happens if the conditions are breached.
- Explain about responsible authorities or interested parties, what their role is and how they can call a review. Give full details of what is involved with a review and what the outcomes can be.
- Explain that there is an annual maintenance fee to be paid for the licence.
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary
- Explain in detail about when you need to apply for a variation, what is involved and what the procedure is. Also about varying the dps.
- Advise them that if they leave about surrendered the licence and the consequences for the licensee and the dps if they leave without surrendered the licence.
- Door Supervisors requirements that must be SIA registered.
- Drugs Misuse, drug policy.
- Challenge 21, suitable identification.
- Covert inspections by police, licensing and trading standards.
- Noise nuisance.

3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Early inspection(s) conducted and thereafter risk-assessed. Give details of what we look for and what documents we will need to see. Also the outcome if we find things wrong – what happens next?


- Will conduct additional inspections where problems found and complaints made.
- Will listen to proposals for putting right. Will give timescale for matters that cannot be rectified easily.
- Explain inspections aim to help but that continually to operate outside of the terms of the licence will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation
- Make sure any special arrangements at premises are understood (i.e. lobby door arrangements / removal of bolts / numbers control etc)

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss

Leave calling cards:

Officer(s) Attending: (Sign) *Justin Williams*

(Print) 

Persons Present: (Sign) 

(Print) 

Date of Meeting: *11 June 2019*

NOTICE OF DECISION

LICENSING SUB-COMMITTEE - 7 November 2019.

LICENSING ACT 2003: SECTION 53A: Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA

This was a hearing to consider if it is appropriate to take interim steps pursuant to section 53B of the Licensing Act 2003, to promote the licensing objectives upon receipt of an application on 5 November 2019 by the Metropolitan Police Service, for a summary review of the premises licence relating to an incident that occurred in the early hours of 31 October 2019.

1. Decision

That the premises licence in respect of Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA be suspended with immediate effect as an interim step to promote the licensing objectives, pending the determination of the review application at a full hearing, to be held on 28 November 2019. The sub-committee urge the parties to investigate and provide evidence at the full hearing of the timings both of the incident and CCTV footage and the operation of the ID scanning system in the days leading up to and following the incident.

2. Reasons

The sub-committee was satisfied on the evidence that a serious assault had taken place on the premises and had been contributed to by multiple breaches of premises licence conditions. In particular, either the premises should have been closed before the incident took place or the police should have been called much earlier, the premises should not have been operating in circumstances where the ID scanner was not working, no drinks or glassware should have been in the area where the incident occurred and no patrons should have been wearing hats or hoods.

The sub-committee considered that the suspension was necessary and proportionate to promote the licensing objective of the prevention of crime and disorder. The sub-committee considered that other measures short of this were insufficient given the seriousness of the incident, the breaches of licence conditions on this occasion, and the previous operating history of the premises.

3. Appeal rights

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

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

The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination

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

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

Date: 7 November 2019

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 28 NOVEMBER 2019

LICENSING ACT 2003: SECTION 53A: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA

1. Decision

That the council's licensing sub-committee, having considered an application made under section 53A of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence in respect of Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA and having had regard to all relevant representations decided to suspend the licence for a period of three months, to remove Alfred Manseray as the designated premises supervisor and to modify the conditions of the licence as follows:

1. That the premises will be closed on Wednesdays.
2. That the measures set out in the licensing compliance plan attached to the premises licence as annex 5 shall be implemented in full prior to the reopening of the premises.
3. That there shall be no shisha smoking equipment on the premises at any time.
4. That all security staff at the premises shall be supplied by an SIA approved contractor.
5. That condition 288 of the licence shall be amended by the addition of the following: "The premises shall not be open at any time when the CCTV is not operating correctly."
6. That condition 342 of the license shall be reworded as follows:

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

7. That Eric Doe shall play no part in the day-to-day management or operation of the premises.

2. Reasons

The licensing sub-committee heard from the representative of the Metropolitan Police Service, the applicant for the review, who referred to his previous representations (considered at the interim steps hearing on 7th November 2019) and to his further witness statement dated 22nd November 2019, in which he exhibits CCTV stills from the night of the incident showing the licence holder Eric Doe behind the bar in the outside shisha area where the assault occurred. In his view, this undermined Mr Doe's assertion that the incident had been the fault of others, in particular the designated premises supervisor, who had let him down. Mr Doe had been in

that area of the premises himself that night, yet had allowed multiple breaches of licence conditions to occur. It was clarified that the CCTV appeared to be 1 hour behind actual time, so that the incident had occurred after 3.00 a.m. by which time the premises should have been closed. In the view of the police, Mr Doe had shown a disregard for the licensing objectives and they had no confidence that he could manage the premises safely in future. The licence should therefore be revoked. If the sub-committee did not agree with that, the licence should be suspended for 3 months, the designated premises supervisor changed and an SIA approved contract team appointed.

The sub-committee heard from the representative of the licensing authority, who referred to written representations submitted on her behalf. These traced the chronology of previous interventions by licensing officers attempting to secure compliance at the premises. It was clear that despite three separate licensing induction visits breaches of licence conditions had continued to occur, eventually leading to police cautions being issued for licensing offences. She urged the sub-committee to revoke the licence or, at the least, suspend the licence for 3 months while all the remedial measures proposed by the licence holder were put in place.

The representative of the licence holder entirely accepted that a serious incident had occurred. However, the sub-committee had to distinguish between a history of long-running minor non-compliance at the premises and this serious incident of violence, which was a one-off and could not in itself justify revocation of the licence, particularly where – as here – it was possible for the premises to be run in future in a compliant way. The proposal was for Mr Doe to play no further part in managing the premises. A new designated premises supervisor had been identified. A comprehensive licensing compliance plan had been devised and would be implemented. The premises could cease trading on a Wednesday, as this had attracted an unfamiliar crowd. There would be no shisha smoking henceforth. The premises would be closed if either the CCTV or ID scanning system were not working. A 6 week suspension was volunteered, which would allow time for the new regime to bed in.

The sub-committee took account of the fact that a serious assault had taken place on the premises which had been caused or contributed to by multiple breaches of premises licence conditions. The premises should have been closed before the incident took place, the ID scanner was not working, no drinks or glassware should have been in the shisha area and no patrons should have been allowed to wear hats or hoods.

Revocation was considered, but on balance the sub-committee took the view that a 3 month suspension of the licence, the removal of the designated premises supervisor and the additional conditions set out above would be sufficient in this case to promote the licensing objectives, in particular the prevention of crime and disorder. The sub-committee considered that other measures short of suspension were insufficient given the seriousness of the incident, the multiple breaches of licence conditions and the previous operating history of the premises.

The sub-committee noted with approval the applicant's willingness to eliminate single-use plastics in glasses and straws.

In reaching its decision, the sub-committee had regard both to the revised guidance and to its own statement of licensing policy, and considered that its decision was appropriate and proportionate in order to promote the licensing objectives, in particular the prevention of crime and disorder.

3. Appeal rights

This decision is open to appeal by either

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

4. Review of interim steps pending appeal

At the conclusion of the review hearing the licensing sub-committee reviewed the interim steps to determine which interim steps were appropriate for the promotion of the licensing objectives, pursuant to section 53D of the Licensing Act 2003. The sub-committee concluded that these interim steps were appropriate:

- To suspend the premises licence.

The interim steps are open to appeal by:

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

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

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

Date: 28 November, 2019.



NOTICE OF DECISION

LICENSING SUB-COMMITTEE –19 JANUARY 2024

SECTION 53A LICENSING ACT 2003: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA

1. Decision

That as an interim step to promote the licensing objectives, pending the determination of the review application in respect of the premises known as Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA at the full hearing, to be held on 8 February 2024 , the licence be suspended.

2. Reasons TO FOLLOW

3. Appeal Rights

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

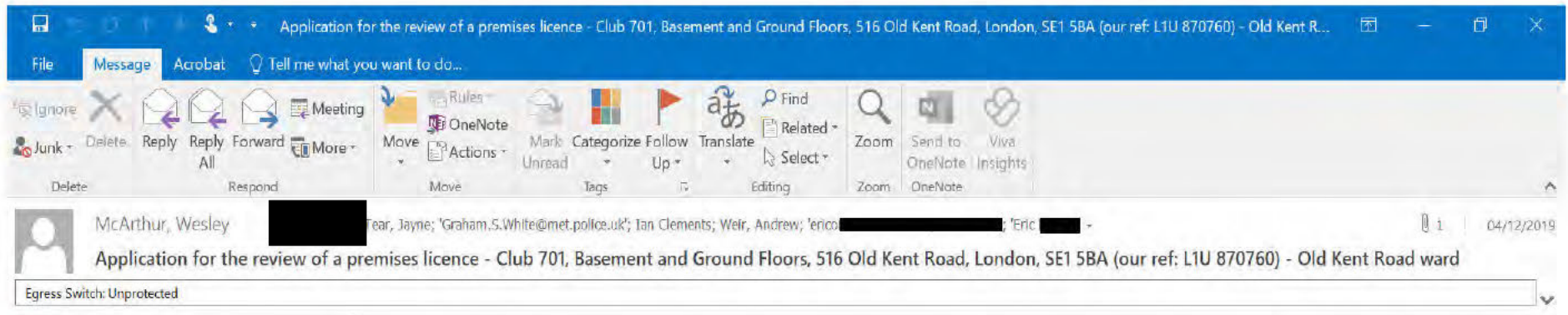
The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation. The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination.

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

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

Date: 19 January 2024

Appendix 4



Dear All,

Please find attached the Notice of Decision in respect of the hearing to determine the above application.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

