


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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:
Name: Southwark Licensing Team

Address:

3rd Floor 160 Tooley Street

Post town: Southwark

Post code:

SE1 2QH

Ref. No.:
I Police Constable Ian Clements 362MD

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

1. Premises details
Postal address of premises or club premises, or if none, ordnance survey map reference or description:

Lush Bar and Restaurant 280 Old kent Road

Post town: Southwark

Post code:
 (if known)

SE1 5UE

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

Mr Douglas Otunyo

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

850340

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:


PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both
(Please read guidance note 2)

PROTECTIVE MARKING

On Sunday the 21st August 2016 at around 3am there was a serious assault inside the premises resulting in the victim receiving injuries consistent with grievous bodily harm.

On Police arrival the incident had spilled out into the street where a group of about 60 & 70 were gathered, Police describe them as hostile and anti Police. Superintendent

The initial investigation found that two assaults had occurred inside the premises. A female was assaulted inside the venue and pushed to the floor by the male suspect. This same suspect has then thrown a bottle at the head of the second victim causing GBH injuries to his head.

On arrest of the suspect the Police were confronted with the hostile crowd, one of whom came to the assistance of the suspect and put himself between the suspect and the Police in an attempt to prevent or obstruct the arrest.

Police officers on scene called for more units to attend as the crowd was becoming increasingly hostile, as more units arrived on scene their concern and risk assessment led to them making the tactical option to draw their Police batons.

The victim was taken to hospital where his would was glued, the female victim who was pushed to the ground by the suspect has called Police stating that she has several bruises as a result of the assault. The suspect has been charged with assault on police x2, assault by beating and S20 assault GBH.

My initial investigation into the incident and the operation of the premises on the night show some serious breaches of the premises licence.

Condition 369 of the premises licence relates to the use of an ID scan system in relation to all staff, customers, DJ's and related staff. All persons that enter the premises will have their details scanned and recorded on the ID system.

Condition 364 relates to no new entry to the premises after **2am**

The ID scan system shows a total of **133** entries, out of those **133** there were **20** persons allowed entry without ID, it also shows a number of documents that were not scanned correctly or were not valid forms of ID.

It also reveals that **15** people were permitted entry after 2am with the last entry shown at **02:57**.

Of relevance is that the suspect for the above assaults was allowed entry to the premises without showing or having his ID scanned. The victim in his initial statement also stated that he was allowed entry without showing ID.

In January 2016 Police from the night time economy team visited the premises to conduct a licensing visit, on this occasion it was established that the ID system was not being used correctly and a number of persons inside the premises were not shown as having being scanned.

Mr Otunyo was issued with a closure notice under section 19 of the criminal justice and Police act 2001. Mr Otunyo agreed that improvements were required and he would ensure that his licence conditions were met. It was emphasised on this occasion that every person who enters the premises must be scanned onto the system prior to admission.

Due to the seriousness of this incident and the obvious non compliance of the premise licence, Police are asking the licensing sub committee to suspend the premises licence with immediate effect pending a full review hearing.

PROTECTIVE MARKING

Signature of applicant			
Signature:		362 ¹²³	Date: 24/08/2016
Capacity:	Police Licensing Officer		
Contact details for matters concerning this application			
Surname:	CLEMENTS	First Names:	Ian
Address:	Southwark Police Station 323 Borough High Street		
Post town:	Southwark	Post code:	SE10 1JL
Tel. No.:	0207 232 6756	Email:	ian.clements@met.police.uk

Notes for guidance

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



**METROPOLITAN
POLICE**

TOTAL POLICING

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

**I hereby certify that in my opinion the premises described below are associated with:
Serious Crime and Serious Disorder**

Premises (Include business name and address and any other relevant identifying details):

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

Lush Bar and Restaurant, 280 Old kent Road

Post town:

Southwark

Post code:
(if known)

SE1 5UE

Premises licence number (if known):

850340

Name of premises supervisor (if known):

Douglas Otunyo

PROTECTIVE MARKING

^{EH}
I am a ~~acting~~ Superintendent* in the Metropolitan Police Service.

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

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

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

On Sunday the 21st August 2016 at around 3am there was a serious assault inside the premises resulting in the victim receiving injuries consistent with grievous bodily harm.

On Police arrival the incident had spilled out into the street where a group of about 60 & 70 were gathered, Police describe them as hostile and anti Police.

The initial investigation found that two assaults had occurred inside the premises. A female was assaulted inside the venue and pushed to the floor by the male suspect. This same suspect has then thrown a bottle at the head of the second victim causing GBH injuries to his head.

On arrest of the suspect the Police were confronted with the hostile crowd, one of whom came to the assistance of the suspect and put himself between the suspect and the Police in an attempt to prevent or obstruct the arrest.

Police officers on scene called for more units to attend as the crowd was becoming increasingly hostile, as more units arrived on scene their concern and risk assessment led to them making the tactical option to draw their Police batons.

Police have concerns with regard to the management of the premises, the apparent lack of control and proper management of this incident. There are additional concerns as to the overall management of the premises and a serious breach of the premises licence on the night in question.

There have also been previous concerns over the compliance with the premise licence.

I am of the opinion that immediate action is required to prevent crime and disorder and to protect the public, the standard review procedure is not appropriate on this occasion.

Signature

Signature:



Date:

24/8/16