

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

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

1. Decision

That the premises licence to Wazobia Restaurant, 670 Old Kent Road, London SE1 1JF be modified under section 52(2) of the licensing Act 2003 as an interim step to promote the licensing objectives pending the determination of the review application at the full hearing on 13 December 2016 as follows:

1. That the premises opening hours are Monday to Sunday 12:00 - 00:00.
2. That all licensable activities cease at 23:30.
3. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or by half bottle.
4. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure if 25ml or 35ml at a maximum of two measures per container/glass.
5. That condition 289 be amended to read: "That a CCTV system be installed at the premises and maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. It should cover all areas within the premises including the outside area to the front in all lighting conditions".
6. That two members of staff should be on duty at all times the premises is open that are trained in the use of CCTV and able to view and download images to a removable device immediately on request of police or council officers and all images held for a minimum of 31 days.
7. That all empty glassware to be cleared at a frequency of 30 minutes.
8. That condition 345 be amended to read: "Alcohol only to be served to customers that are seated and eating a substantial table meal and ancillary to that meal".
9. That an incident record is maintained and signed by the designated premises supervisor (DPS) on a weekly basis and is made available to police and council officers upon request.
10. That condition 424 be amended to read: "That a minimum of two SIA registered door supervisors shall be employed at all times after 22:00 hours and the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded".

11. That condition 315 be amended to read: "Customers shall use no outside area after 22:00 hours other than those who temporarily leave the premises to smoke a cigarette. There will be a maximum of 5 people smoking outside the premises at any one time. The outdoor smoking area will be a cordoned off area. Those who do temporarily leave for this reason shall be subjected to the requirement of a further search".
12. That a record book of banned individuals shall be held by the SIA registered door supervisors at the front door and will be made available

2. Reasons

The licensing sub-committee heard from an officer from the Metropolitan Police Service who advised an application for a summary review was submitted on 15 November 2016 after a senior member of the police for the area certified that in his opinion the premises were associated with serious crime or serious disorder both. The application concerned an incident that occurred on 13 November 2016 at approximately 01:50 hours when it was alleged that a patron smashed a brandy bottle on the head of another male patron causing injuries consistent with grievous bodily harm. According to the crime report for the incident, management for the premises failed to report the incident to the police. The police also alleged that during the course of the investigation into this incident, it transpired that the premises was also in breach of condition 808 (no entry after midnight), condition 345 (alcohol served with a meal) and condition 424 (SIA searching procedures).

The police also referred to two further incidents, the first having taken place on 1 October when a female was inappropriately touched. The details supplied by the victim suggested that the premises were being run as a nightclub, rather than a restaurant and when CCTV was sought, no CCTV footage was available for 1 October and in any event, only 18 days' footage was available (breach of condition 289 – CCTV footage to be kept for 31 days). The police made reference to an incident that took place on 30 October 2016 when a female hit the victim over the head with a bottle and management ejected the victim from the premises as management did not want the police called.

The licensing sub-committee also heard from the designated premises supervisor and owner of the premises, who relied on the evidence of two SIA door supervisors and a customer. The DPS advised that both the suspect and the victim were known to the management of the premises. He advised that they were friends, both of whom were banned from the premises. It was believed that they, together with two others had "sneaked in" to the premises without the SIA's knowledge. As soon as the DPS saw the two, they were escorted from the premises. Whilst no one saw the incident, it was believed that the alleged assault occurred some 60 metres away. The DPS advised that it would not be possible to leave the premises with an unopened bottle of brandy and denied that the bottle found at the scene came from Wazobia. The DPS denied that there had been any breach of his licence conditions.

Concerning the incidents that allegedly occurred on 1 and 30 October 2016, the DPS advised they simply did not occur. The DPS accepted that he was not comfortable in operating the CCTV system, but believed that three months' footage was held on it.

The licensing sub-committee are of the view that the incident that occurred on 13 November was serious and the evidence suggests that the premises have been operating as a nightclub after a certain hour. The three incidents referred to by the police demonstrated that at the licence conditions need amending for the promotion of the licensing objectives. The licensing sub-committee also request that the CCTV footage for the dates 1 October, 30 October and 13 November are made available at the full review of this matter on 13 December 2016.

3. Appeal rights

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

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

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

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

Date: 17 November 2016

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 24 NOVEMBER 2016

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

1. Decision

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

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

1. That one member of staff should be on duty at all times, the premises is open and that are trained in the use of CCTV and able to view and download images to a removable device immediately on request of police or council officers and all images held for a minimum of 31 days.
2. That condition 424 be amended to read: "That whenever there is regulated entertainment after 22:00, a minimum of two SIA registered door supervisors shall be employed and must be provided with and use hand held metal detection units and to ensure that searches are carried out in respect of all admissions to the premises. This applies to all members of the public or performers and their assistants. Mechanical counting devices are also to be used to ensure that the maximum capacity limit of the premises is not exceeded. This condition will also apply if the premises operated beyond 00:00 hours.
3. That a record book of banned individuals containing the banned individual's personal details or a facial image taken from the premises CCTV system shall be held by the SIA registered door supervisors at the front door and will be made available.

2 Reasons

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

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

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

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

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

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

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

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

3 Appeal Rights

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

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

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

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

Date: 24 November 2016