

From: Newman, Paul
Sent: Tuesday, November 29, 2016 11:58 AM
To: Regen, Licensing
Cc: [REDACTED]
Subject: Representation on review from EPT Wazobia EPT Ref 845760

Hi Charlie

Thank you for the copy of the notice of review and supporting documents.

I wish to make a representation on behalf of Environmental Health Responsible Authority on the grounds of prevention of public nuisance and the promotion of public safety, and in support of the Police representation made on the grounds of prevention of crime and disorder. I have copied the licence holder into this representation.

Prevention of public nuisance

Reviewing our records shows there have been two recent noise complaints about entertainment noise from this premises on Sunday October 2nd and October Saturday 8th 2016. Both complaints were made shortly before midnight. It was not possible for the noise team to attend soon enough to witness a noise nuisance.

Previously, in 2015, a noise abatement notice was served in respect of entertainment noise from this premises. Taken together, these two facts about the premises indicate that on the balance of probability, entertainment noise from the premises provoked complaints in October 2016.

Promotion of public safety

I wish to support the police representation that no glassware especially bottles and glasses should be available to customers inside the premises if there is any residual risk of these being used as casual weapons. The risk could be removed by changing the style of operation of the premises, and I would not oppose glasses and bottles used in a seated restaurant operation up to midnight. I note from the police statement that the suspect was allowed to take a glass bottle out of the premises, and they should have been stopped from doing this by the door supervisors. Notwithstanding the application of the condition proposed by the police, I would propose as an additional safeguard, a condition that no drinks or drink containers may be taken outside of the premises.

It appears from the police representation that the door supervisors were either not performing the role required of them by conditions on the premises licence, to be located near the entrance for the purpose of searching people re-admitted to the premises (condition 315) and to prevent loitering outside (condition 343), and therefore failed to witness the assault, or they did witness the assault and are in clear breach of BS 7960:2005 Code of Practice in Door Supervision, in that they failed to sufficiently assist the police with their investigations of this serious assault. I would invite the sub committee to question the licence holder about this failing, and how the licence holder proposes to address it.

I note from the police statement that there has been an earlier unproven allegation of an assault with a glass bottle (30th October), and the sub committee may wish to draw the conclusion that bottles are often freely available within these premises for use as casual weapons.

I would ask the sub-committee to note that the complaint about this alleged assault says that the assailant was a woman, and it appears to have been on a man. I would invite the sub-committee to

note that this alleged assault took place in a night club atmosphere, and that the Licensing Policy notes under the heading 'Women's Safety Charter' at paragraphs 211-213 page 54, that women are particularly at risk of harassment in bars and night clubs. It is not known what the flashpoint was for this alleged assault, however I would invite the sub-committee to consider the possibility that it may have arisen from an incident of harassment by the alleged victim on the assailant.

I also invite the sub-committee to note that there has been at least one complaint of a sexual assault inside the premises (1st October), and this was the flashpoint for a retaliatory physical assault by the victim of the sexual assault on the perpetrator. This illustrates that incidents of harassment carry with them the risk that such incidents may be flashpoints for escalation into violent conduct.

To summarise;

I support the police request to remove regulated entertainment from the licence, cut back the licensed hours, and a no-glass policy after midnight;

I would also ask that the sub committee impose a condition to prohibit drinks and drink containers from being taken outside of the premises;

I would ask the sub committee to satisfy themselves that the door supervision arrangements have been improved to ensure full compliance with BS 7960:2005 Code of Practice in Door Supervision;

I would also ask that the sub committee draw the to licence holder's attention the Southwark Women's Safety Charter, and paragraphs 211 to 213 of it's parent committee's statement of licensing policy.

Many thanks and kind regards

Paul Newman
Principal Environmental Health Officer

From: Tear, Jayne
Sent: Tuesday, November 29, 2016 6:22 PM
To: Regen, Licensing
Cc: McArthur, Wesley
Subject: REPRESENTATION RE WAZOBIA REVIEW
Importance: High

Dear Licensing

Please find attached my representation regarding the above application,

With kind regards

Jayne

Jayne Tear - Principal Licensing Officer

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

Direct line 020 7525 0396 | Fax 020 7525 5735 | Call Centre 020 7525 2000

Visit our web pages <http://www.southwark.gov.uk/licensing>

MEMO: Licensing Unit

To Licensing Unit **Date** 29 November 2016

Copies

From Jayne Tear **Telephone** 020 7525 0396 **Fax**

Email jayne.tear@southwark.gov.uk

Subject **Re: Wazobia Restaurant, 670 Old Kent Road, London, SE1 1JF**
- Application to review the premises licence.

I write with regards to the above application to review the premises licence submitted by The Metropolitan Police under the Licensing Act 2003.

The application is submitted under the prevention of crime and disorder licensing objective and the grounds for the review are:

'In the early hours of Sunday the 13th November 2016 at about 01.50hrs a serious assault took place outside of the Wazobia Restaurant .The victim entered the bar on his own at 01.10hrs and ordered a Guinness and a bottle of water. (Breach of Conditions 808 no entry after midnight and Condition 345 alcohol only served with Substantial meal.)

The victim noticed suspect had opened his water to which challenged and the suspect became very aggressive towards victim. He left the bar and the suspect followed holding a brandy bottle by the neck he then smashed this on a wall and hit victim in the face with the broken bottle causing 2 deep cuts to face.

He received two deep cuts to the left side of his face and was taken to St Thomas' major injury unit. A crime report has been created for this incident and has been classified as a GBH with intent (Section 18 of the Offences Against the Person Act 1861).

During the investigation it has been established that the premises failed to call police, the customers were described as hostile and unhelpful to police and no witnesses even though 50+ people present including a minimum of two SIA who should be searching customers on entry and re-entry outside the front where the assault took place (condition 424 on the licence).

The premises had another serious assault on Sunday the 30th October 2016 inside the premises at 01.20hrs. The victim alleges that a female hit him over the head with a bottle and management ejected him from the premises as the management did not want him to call police.

On Saturday the 1st October 2016 at about 02.30hrs, the victim reported that she was sexually assaulted within the premises. She stated that she was in the club dancing when the suspect touched her bottom and she was so offended she slapped him around the face to which the suspect stated he was going to deal with her today. The venue is a restaurant with a condition alcohol is only served with substantial meal, yet the victim describes the venue as a club indicating nightclub activities in breach of the licence. The venue was contacted and indicated

the CCTV may not have been working, Mr Bennetts was contacted by the investigating officer who confirmed he did have CCTV but after a number of attempts to obtain the CCTV after 18 days were informed that they no longer had it. Condition 288 and 289 on the Licence stipulate that images should be kept for 31 days and made immediately available to police. Mr Bennetts stated that it was the police responsibility to make themselves available when suitable to him and refused to download the CCTV to a memory stick as this was the police responsibility. Due to this breach of the licence the crime report was closed as no other lines of enquiry leaving a suspect for sexual assault unidentified.

The venue is described as a Restaurant with conditions on the licence seeking that alcohol is only served with substantial meals, from all three incidents above it is clear that the venue is operating as a nightclub and bar. Police have no faith in the current management of the premises as at no point have the venue called police in any of the incidents and have hindered investigations. We believe that a review under sec 53a of the licensing act 2003 is the only appropriate action in this case and would seek immediate suspension of the premises licence to avoid further serious injury'.

My representation is concerned with the prevention of crime and disorder and public nuisance licensing objectives.

The premises was described in the past on a previous licensing application as a 'restaurant and bar' yet it would seem that the premises is now operating as a night club and not as the description above when the licence was granted, furthermore the police have stated breaches of the current premises licence conditions and a lack of faith in the current management.

The premises is situated a 'residential area' and the closing times recommended in the Southwark Statement Of licensing Policy for **restaurants; cafes, public houses, wine bars or other drinking establishments is 23:00 hours daily**. Night clubs (with sui generis planning classification) are not considered appropriate for this area

I fully support the review submitted by the metropolitan police and if the licensing sub-committee are not of a mind not to revoke the premises licence I would suggest bringing the opening hours in line with that which is recommended in the Southwark Statement Of licensing Policy for a 'residential area'.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 -
_southwark_statement_of_licensing_policy_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

Jayne Tear
Principal Licensing officer
In the capacity of the Licensing as a Responsible Authority