LICENSING SUB-COMMITTEE – THIRD DESPATCH NUMBER 82 BAR AND CLUB

Date: Thursday 21 December 2017

Time: 6.00 pm

Venue: Lecture Theatre (2nd Floor) - International House, Canterbury Crescent, SW9 7QE

Copies of agendas, reports, minutes and other attachments for the Council's meetings are available on the Lambeth website. www.lambeth.gov.uk/moderngov

Members of the Committee

Councillor Michelle Agdomar, Councillor Linda Bray, Councillor Jennie Mosley, Councillor Amélie Trepass, Councillor Louise Nathanson, Councillor Andrew Wilson, Councillor Max Deckers Dowber, Councillor Vaila McClure, Councillor Liz Atkins and Councillor Saleha Jaffer

Substitute Members

Councillor Jack Holborn, Councillor Matthew Bennett, Councillor Fred Cowell, Councillor Paul McGlone, Councillor Martin Tiedemann, Councillor Jane Edbrooke, Councillor Tim Briggs, Councillor Bernard Gentry and Councillor Marsha de Cordova

Members Required for this meeting will be: Councillor Vaila McClure, Councillor Martin Tiedemann and Councillor Jennie Mosley

Further Information

If you require any further information or have any queries please contact: Nazyer Choudhury, Telephone: 020 7926 0028; Email: nchoudhury@lambeth.gov.uk

Members of the public are welcome to attend this meeting. If you have any specific needs please contact Facilities Management (020 7926 1010) in advance.

Queries on reports

Please contact report authors prior to the meeting if you have questions on the reports or wish to inspect the background documents used. The contact details of the report author are shown on the front page of each report.

Security

Please be aware that you may be subject to bag searches and asked to sign in at meetings that are held in public. Failure to comply with these requirements could mean you are denied access to the meeting. There is also limited seating which is allocated on a first come first serve basis, you should aim to arrive at least 15 minutes before the meeting commences. For more details please visit: our website.

Please contact Democratic Services for further information – 020 7926 2170 – or the number on the front page.

@LBLdemocracy on Twitter http://twitter.com/LBLdemocracy or use #Lambeth
Lambeth Council – Democracy Live on Facebook http://www.facebook.com/
While the Town Hall is closed meetings will take place at the Karibu Education Centre or International House. Please refer to the front page of this agenda to see meeting location.

Karibu Education Centre, 7 Gresham Rd, London SW9 7PH

International House, Canterbury Crescent, London SW9 7QE
7. Consideration of a Temporary Event Notice

Special circumstances justifying urgent consideration

A meeting of the Licensing Sub-Committee has been convened as a result of an objection raised by the Police/Council’s Noise Team (delete as appropriate) regarding a Temporary Event Notice (TEN). Section 105 (2)(a) (of the Licensing Act 2003 [part5]) requires a minimum of two days’ notice to be given. The event is due to take place on 29 December 2017 to 31 December 2017.

The Chair is of the opinion that although the meeting has not been convened with at least five clear days notice, it should proceed now as a matter of urgency to consider the objections to the TEN because of the special circumstances of the need to comply with the statutory requirements of the Licensing Act 2003.

a) Number 82 Bar and Club, 82 - 84 Norwood High Street, 7 - 54
London SE27 9NW
Digital engagement

We encourage people to use Social Media and we normally tweet from most Council meetings. To get involved you can tweet us @LBLDemocracy.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable. If you have any questions about this please contact Democratic Services (members of the press please contact the Press Office). Please note that the Chair of the meeting has the discretion to halt any recording for a number of reasons including disruption caused by the filming or the nature of the business being conducted.

Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.

Representation

Ward Councillors may be contacted directly to represent your views to the Council: (details via the website www.lambeth.gov.uk)
HEARING PROCEDURE FOR LICENSING SUB-COMMITTEE

Full information on the procedure is sent to all parties to the hearing. The information below is a précis of that information.

Parties to the hearing must notify Licensing Services within prescribed timescales (these vary according to the type of hearing) that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf.

The hearing will operate as follows (subject to the discretion of the Chair)

- In the form of a discussion led by the Committee; cross examination will not normally be permitted.
- A total of 3 minutes speaking time is normally allowed for each party. Any preliminary points will be treated separately.
- Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.
- Parties to the hearing may be permitted to ask questions of any other party or witness.
- Parties to the hearing may be required to answer specific questions from members of the committee seeking clarification of information.
- The typical order of the hearing will be as follows:
  1. Chair will ask all parties and witnesses to introduce themselves and this should include a brief explanation of the purpose of their attendance.
  2. Officers present the report.
  3. Committee members ask questions of officers.
  4. Applicant speaks.
  5. Applicant’s witnesses speak (with permission of Chair).
  6. Committee members ask questions of applicants and their witnesses (only applies to witnesses who have been given permission to speak).
  7. Other parties speak.
  8. Other parties’ witnesses speak (with permission of Chair).
  9. Committee members ask questions of the other parties to the hearing and their witnesses (only applies to witnesses who have been given permission to speak).
  10. Applicant (with exception and with permission of Chair) asks questions of the other parties to the hearing and their witnesses.
  11. Other parties to the hearing (with exception and with permission of Chair) ask questions of the applicant/other parties to the hearing and their witnesses.
  12. Chair’s closing remarks.
  13. Committee retires to make their decision.
  14. Legal adviser informs the hearing of any advice that they have given to the committee during the decision making process.
  15. Committee announces decision and gives reasons.
  16. After the hearing officers will write to all parties to confirm the committee’s decision.
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Consideration of objection to a Temporary Event Notice

1. No.82 Norwood High Street, 82 Norwood High Street, London (Knights Hill Ward)

Report authorised by: Sue Foster: Strategic Director for Neighbourhoods and Growth

Contact for enquiries: Ola Owojori, Licensing Manager, Community Safety, 0207 926 1649, oowojori@lambeth.gov.uk

Special circumstances justifying urgent consideration

A meeting of the Licensing Sub-Committee has been convened as a result of an objection raised by the Police/Council’s Noise Team (delete as appropriate) regarding a Temporary Event Notice (TEN). Section 105 (2)(a) (of the Licensing Act 2003 [part5]) requires a minimum of two days’ notice to be given. The event is due to take place on 29 December 2017 to 31 December 2017.

The Chair is of the opinion that although the meeting has not been convened with at least five clear days notice, it should proceed now as a matter of urgency to consider the objections to the TEN because of the special circumstances of the need to comply with the statutory requirements of the Licensing Act 2003.

Executive summary

This report sets out details of a temporary event notice which has been given to the licensing authority, in respect of which the Police and Environmental Health (Community Safety) have submitted an objection notice.

Recommendation

That the notice(s) set out in the Appendix to this report be considered having regard to the Council's Licensing Policy, the Licensing Objectives and the objection notice(s) received.

Consultation

<table>
<thead>
<tr>
<th>Name of consultee</th>
<th>Directorate or Organisation</th>
<th>Date sent to consultee</th>
<th>Date response received from consultee</th>
<th>Comments appear in report (paragraph(s))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jean-Marc Moocarme</td>
<td></td>
<td>15.12.17</td>
<td>15.12.17</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Report history

<table>
<thead>
<tr>
<th>Authorised by Executive Member</th>
<th>Date report drafted</th>
<th>Report deadline</th>
<th>Date report sent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>15.12.17</td>
<td>18.12.17</td>
<td>18.12.17</td>
</tr>
</tbody>
</table>

Appendices

1. No.82 Norwood High Street, 82 Norwood High Street, London (Knights Hill Ward)
Context
1.1 Authorisation from the Council is required for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

1.2 While most large-scale or permanent businesses will hold Premises Licences to authorise their activities, the Act also provides a light-touch mechanism for smaller, infrequent events, known as Temporary Event Notices.

1.3 An individual (known as the “premises user”) may give notice of a proposal to use premises for a temporary event, engaging in one or more licensable activities for a period of no more than 168 consecutive hours. The Licensing Sub-Committee is required to consider any objection notice received, and must give the premises user a counter-notice under section 105 of the Licensing Act 2003 if it considers it appropriate for the promotion of a licensing objective to do so. The temporary event may not proceed if a counter-notice has been issued.

1. Proposals and Reasons
2.1 The Licensing Sub-Committee has responsibility for exercising many of the Council’s powers in respect of the Licensing Act 2003. Consideration by the Committee of the notice appended to this report is required because the notice have attracted an objection from the Police and the Council’s Community Safety Team.

2.2 Details of the notice are set out in the Appendix to this report. The statutory consultation requirement set out in paragraph 3 below has been complied with by the premises user(s), and has resulted in the Noise Team and/or the Police giving an objection notice to the licensing authority.

2.3 The premises user, the Police and the Community Safety Team have been invited to attend the hearing.

2.4 The fee for giving a temporary event notice is prescribed within the Licensing Act 2003.

2. Consultation Requirements
3.1 The premises user is required to give a copy of any temporary event notice to the Police and the Council’s Environmental Health (Community Safety Team) no later than 10 working days before the first day of the proposed event. If either body is satisfied that allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives, they must give an objection notice to the licensing authority and to the premises user within three working days of receiving the copy of the notice. It is also possible to give a late TEN with between 5 and 10 working days’ notice, however if an objection notice is given the event cannot proceed.

3.2 An applicants’ failure to comply with the above consultation requirements would invalidate the notice. All notices set out in the appendix of this report have complied with the consultation requirements.

3.3 The Act does not make provision for further consultation with any other responsible authorities nor interested parties, and there is no requirement for the premises user to publicise their notice.

3. Finance
4.1 There are no direct financial implications arising from this report.
4. **Legal and Democracy**

5.1 The authorisation of premises for the supply of alcohol, regulated entertainment and late night refreshment fall within the provisions of the Licensing Act 2003.

5.2 When carrying out its licensing functions, the Sub-Committee shall act with regard to the Council's Licensing Policy, Statutory Guidance, and with a view to promoting the Licensing Objectives. The objectives are:

   a. the prevention of crime and disorder;
   b. public safety;
   c. the prevention of public nuisance; and,
   d. the protection of children from harm.

5.3 The Sub-Committee must ensure that all licensing decisions have:

   a. a direct relationship to the promotion of one or more of the four licensing objectives;
   b. regard to the statement of licensing policy;
   c. regard to the Secretary of State's Guidance; and,
   d. there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded.

Applications must be considered with regard to the principles of fair process and the Human Rights Act.

5.4 The purpose of Lambeth’s Statement of Licensing Policy is to make clear to applicants and relevant representatives the considerations that will be taken into account when determining applications. It is also intended to guide the Licensing Committee when considering licensing applications; however the Licensing Committee must consider each application on its own merit and only allow exceptions to its own policy where the circumstances of the application justify it.

5.5 Subject to both the Council's Statement of Licensing Policy and Statutory Guidance having been properly considered, a Sub Committee may depart from them if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.

5.6 Section 105(2)(b) of the Act requires that the licensing authority must, having regard to the objection notice, give the premises user a counter notice under this section if it considers it, “appropriate for the promotion of a licensing objective to do so.” The temporary event may not proceed if a counter-notice has been given.

5.7 Section 106A(2) of the Act provides that the licensing authority may impose one or more conditions on the standard TEN if:

   a. it considers it appropriate for the promotion of the licensing objectives to do so;
   b. the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of or in any part of the same premises as the TEN; or,
   c. the conditions would not be inconsistent with the carrying out of licensable activities under the TEN.
5.8 It is considered inappropriate for officers involved in the administration of notices to make recommendations. However, the Committee may choose whether to have regard to any representations made by police officers or Council’s Noise and Pollution Team if they believe that using the premises in accordance with the TEN will undermine the licensing objectives.

5.9 At any time prior to the hearing, the police or the Council’s Noise and Pollution Team may, with the agreement of the premises user, modify the temporary event notice by making changes to the notice. The objection notice shall be treated as having been withdrawn from the time the temporary event notice is modified. The premises user may also withdraw the notice completely at any time up until 24 hours prior to the proposed start time of the notice.

5.10 In accordance with the provisions of Part 3 of Schedule 5 of the Act, where the licensing authority gives a counter-notice under section 105, the premises user may appeal against the decision. Where the authority does not give a counter-notice, the person giving the objection notice may appeal against the decision. In both cases, appeals must be made to a Magistrates Court within 21 days of receiving notification of the decision - however, no appeal can be brought less than 5 working days prior to the first proposed event day.
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<table>
<thead>
<tr>
<th>Item No:</th>
<th>7a</th>
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</table>
| Title of Report:       | Number 82 Bar and Club  
|                        | 82 - 84 Norwood High Street, London SE27 9NW  
|                        | (Tens10047)         |
| Applicant:             | Community Safety (Environmental Health) |
| Application Type:      | Temporary Event Notice – Counter Notice |
| Application Date:      | 12 December 2017    |
| Ward:                  | Knights Hill        |
| Premises Type:         | Restaurant          |
| Report Author:         | Mrs. Pamela Riley   |
| Contact Details:       | 020 7926 6164       |
|                        | priley@lambeth.gov.uk |
| Application Summary:   | This is an application for a counter notice against a Temporary Event Notice. |
## Consultation Information:

<table>
<thead>
<tr>
<th>Department(s) or Organisation(s)</th>
<th>Consulted (Y/N)</th>
<th>Date Response Received</th>
<th>Comments summarized in report (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal Noise Service</td>
<td>Y</td>
<td>06/11/2017</td>
<td>Y</td>
</tr>
<tr>
<td>External Police Licensing Unit</td>
<td>Y</td>
<td>-</td>
<td>N/A</td>
</tr>
</tbody>
</table>

## Policy implications:

*Licensing Objectives (chapters 6, 9, pages 12 16 and 23 of the policy)*

The Licensing Objectives engaged by this application are:-

- **Prevention of Public Nuisance**

The policy on page 23, paragraph 14.2 strongly recommends that those giving TENs for premises already holding a premises licence in order to extend the hours of operation, should consider applying any conditions on their licence to the TEN. This, it states, is particularly relevant for conditions relating to noise control as any noise sensitive area is likely to become more noise sensitive with later hours.

## 1. Application:

1.1 Mr Elliot Blake has given the licensing authority a Temporary Event Notice (TEN) under section 100 of the Licensing Act 2003.

1.2 The Notice will authorise the following licensable activities:-

- The sale by retail of alcohol
- Late night refreshment; and
- Provision of regulated entertainment

From: 29/12/2017 - 31/12/2017

It is proposed to provide these activities and entertainment during the following times:

From 01:00 to 04:00

A copy of the application is attached to this report as Annex A.
2. Representations:

2.1 An objection to the TEN was received from Community Safety (Environmental Health) on 13 December 2017. The objection engages with the licensing objectives of:

**Prevention of Public Nuisance**

Their representation stated that the premises is at the heart of a predominantly residential area, which at 04:00 would be expected to be quiet and that the finish time of 04:00 is not compatible with the residential location.

A copy of the representation was provided by the objector and is attached to this report as Annex B.

The last date for giving an objection was the 15 December 2017.

3. Current Licence:

3.1 There is a premises licence in place for this venue. A copy of the premises licence is attached as Annex C

4. Background History:

4.1 The premise is located within a parade of shops on Norwood High street and is currently licensed for the provision of alcohol, late night refreshment, films, live music and dance.

4.2 This Premises has had a Licence since 24 November 2005. The premises was initially known as the Southern Pride Public House and it operated as a club and bar with extended operating hours. This licence was surrendered on 30 October 2009.

On 21 December 2009 an application was made by Inglewood Properties Ltd. After a hearing before the licensing committee it was granted a licence with additional conditions on 19 January 2010 after receiving a number of representations from residents. The licence that was agreed at that committee forms the basis of the current licence.

On 7 June 2011 there was an application to vary the hours, to increase them notably on Friday and Saturday to 5am. The Sub-Committee refused the application after representations by residents.

On 25 February 2016 an application to transfer the licence to the current Licence Holders Southern Properties (Norwood) Ltd was made. This Licence was granted on 18 March 2016.

This is one of three Tens applications made over the 2017 Christmas period. The other two applications are for late TENs received objection from Community Safety and counter notices have been issued.
In December 2016 an application to review the premises licence was made by Community Safety in respect of public nuisances associated with the premises. A copy of the Licensing Sub Committee decision and the consent order are attached to the report as **Annex D**

4.3 6 TENs applications were received this calendar year, three of which were late TENs, which have had counter notices issued following objections from Both Community Safety and The Metropolitan Police.

5. Observations:

5.1 The parts of the Statutory Guidance (April 2017) relevant to this application and the representations received are Chapters:

7 – Temporary Event Notices;  
9 – Determining Applications;  
15 – Regulated Entertainment.

5.2 The parts of the Statement of Licensing Policy that relevant to this application and the representations are Sections:

8. Prevention of Public Nuisance  
14. Temporary Events  
Appendix 9 – Public Nuisance

6. Conclusion:

6.1 Section 106A(2) of the Act provides that the licensing authority may impose one or more conditions on the standard TEN if:

• it considers it appropriate for the promotion of the licensing objectives to do so;  
• the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of or in any part of the same premises as the TEN;  
• the conditions would not be inconsistent with the carrying out of licensable activities under the TEN.

6.2 Members have three options when determining this application:

• To issue a Counter-Notice,  
• To impose conditions on the TEN where those are already imposed on the premises licence  
• To refuse to issue a Counter Notice
### Appendices:

<table>
<thead>
<tr>
<th>Annex A</th>
<th>TEN Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annex B</td>
<td>Objection notice – Community Safety (Environmental Health)</td>
</tr>
<tr>
<td>Annex C</td>
<td>Copy of premises licence</td>
</tr>
<tr>
<td>Annex D</td>
<td>Decision notice and Consent Order</td>
</tr>
</tbody>
</table>

### Reference Documents:

<table>
<thead>
<tr>
<th>Local Government Act 1972 – Access to information documents used in the preparation of this report</th>
<th>1 The Licensing Act 2003 (“the Act”)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2017) (“the Guidance”)</td>
</tr>
<tr>
<td></td>
<td>3 Lambeth Statement of Licensing Policy 2014 – 2019 (“the Policy”)</td>
</tr>
</tbody>
</table>
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## Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

<table>
<thead>
<tr>
<th>System reference</th>
<th>Not Currently In Use</th>
<th>This is the unique reference for this application generated by the system.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Your reference</td>
<td>NO82</td>
<td>You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.</td>
</tr>
</tbody>
</table>

Are you an agent acting on behalf of the applicant?  
- Yes  
- No

**Applicant Details**

<table>
<thead>
<tr>
<th>First name</th>
<th>ELLIOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family name</td>
<td>BLAKE</td>
</tr>
<tr>
<td>E-mail address</td>
<td><a href="mailto:info@no82.co.uk">info@no82.co.uk</a></td>
</tr>
<tr>
<td>Main telephone number</td>
<td>0208 761 5200</td>
</tr>
<tr>
<td>Other telephone number</td>
<td>07494629519</td>
</tr>
</tbody>
</table>

Indicate here if you would prefer not to be contacted by telephone

Are you:
- Applying as a business or organisation, including as a sole trader
- Applying as an individual

**Applicant Business**

Is your business registered in the UK with Companies House?  
- Yes  
- No

Note: completing the Applicant Business section is optional in this form.

<table>
<thead>
<tr>
<th>Registration number</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Business name</td>
<td></td>
</tr>
<tr>
<td>VAT number</td>
<td>-</td>
</tr>
<tr>
<td>Legal status</td>
<td>Private Limited Company</td>
</tr>
</tbody>
</table>

Put "none" if you are not registered for VAT.
Your position in the business | CEO
---|---
Home country | United Kingdom

**Registered Address**

| Building number or name | 82 |
| Street | NORWOOD HIGH STREET |
| District | WEST NORWOOD |
| City or town | LONDON |
| County or administrative area | LAMBETH |
| Postcode | SE27 9NW |
| Country | United Kingdom |

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**Section 2 of 9**

**APPLICATION DETAILS** *(See also guidance on completing the form, general notes and note 1)*

Have you had any previous or maiden names?

- [ ] Yes
- [ ] No

Your date of birth | 17/12/1988
---|---
Applicant must be 18 years of age or older

National Insurance number | JT929914C
This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth | LONDON

**Correspondence Address**

Is the address the same as (or similar to) the address given in section one?

- [ ] Yes
- [ ] No

Building number or name | 82
---|---
Street | NORWOOD HIGH STREET
District | WEST NORWOOD
City or town | LONDON
County or administrative area | LAMBETH
Postcode | SE27 9NW
Country | United Kingdom
### Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

- [ ] Yes
- [x] No

E-mail: info@no82.co.uk

Telephone number: 0208 761 5200

Other telephone number: 07494629519

### Section 3 of 9

#### THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). ([See also guidance on completing the form, note 2](#))

Does the premises have an address?

- [ ] Yes
- [x] No

**Address**

Is the address the same as (or similar to) the address given in section one?

- [ ] Yes
- [x] No

Building number or name: 82

Street: NORWOOD HIGH STREET

District: WEST NORWOOD

City or town: LONDON

County or administrative area: LAMBETH

Postcode: SE27 9NW

Country: United Kingdom

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- [ ] Neither
- [ ] Premises licence
- [ ] Club premises certificate

Premises licence number: PREM1307

#### Location Details

Provide further details about the location of the event

TAKING PLACE AT SAID PREMISES
Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

### ALL PREMISES TO BE USED

Describe the nature of the premises below (see also guidance on completing the form, note 4)

### MUSIC AND LICENCED VENUE

Describe the nature of the event below (see also guidance on completing the form, note 5)

### RECORDED MUSIC AND DANCING

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### Section 4 of 9

**LICENSABLE ACTIVITIES**

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- [x] The sale by retail of alcohol
- [ ] The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- [x] The provision of regulated entertainment
- [x] The provision of late night refreshment
- [x] The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

**Event Dates**

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities (see also guidance on completing the form, note 9)

*Event start date:* 29/12/2017

*Event end date:* 31/12/2017

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.
State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

| 01.00 | TO | 0.400 |

(see also guidance on completing the form, note 10)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

| 300 |

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 12):

- On the premises only
- Off the premises only
- Both

### Section 5 of 9

**RELEVANT ENTERTAINMENT** (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

ENTERTAINMENT PROVIDED AND DRINKS FROM 01.00 HOURS 29/12/2017 TILL 04.00 30/12/2017

### Section 6 of 9

**PERSONAL LICENCE HOLDERS** (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence?

- [ ] Yes
- [ ] No

Provide the details of your personal licence below.

<table>
<thead>
<tr>
<th>Issuing licensing authority</th>
<th>LAMBETH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licence number</td>
<td>PERS5179</td>
</tr>
<tr>
<td>Date of issue</td>
<td>dd / mm / yyyy</td>
</tr>
</tbody>
</table>

Any further relevant details

I AM PUTTING IN A 48 HOUR TENS AS THE EVENT CAN RUN CONCURRENT BETWEEN
## Section 7 of 9
### PREVIOUS TEMPORARY EVENT NOTICES

(See also guidance on completing the form, note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

- Yes
- No

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year.

3

Have you already given a temporary event notice for the same premises in which the event period:

- Ends 24 hours or less before; or
- Begins 24 hours or less after the event period proposed in this notice?

- Yes
- No

## Section 8 of 9
### ASSOCIATES AND BUSINESS COLLEAGUES

(See also guidance on completing the form, note 16)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes
- No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- Ends 24 hours or less before; or
- Begins 24 hours or less after the event period proposed in this notice?

- Yes
- No
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- [ ] Yes
- [x] No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- [ ] Ends 24 hours or less before; or
- [ ] Begins 24 hours or less after the event period proposed in this notice?

- [ ] Yes
- [ ] No

Section 9 of 9

**CONDITION** *(See also guidance on completing the form, note 18)*

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

**DECLARATION** *(See also guidance on completing the form, note 19)*

* The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence: (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

**Full name**

ELLiot BLake

**Capacity**

400

**Date**

12 / 12 / 2017

dd / mm / yyyy
Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
2. Go back to [https://www.gov.uk/apply-for-a-licence/temporary-event-notice/lambeth/apply-1](https://www.gov.uk/apply-for-a-licence/temporary-event-notice/lambeth/apply-1) to upload this file and continue with your application.
Don't forget to make sure you have all your supporting documentation to hand.

### OFFICE USE ONLY

<table>
<thead>
<tr>
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< Previous 1 2 3 4 5 6 7 8 9 Next >
Annex B

Memo To: Licensing
At: Community Safety

From: Michael Anderson
Date: 13 November 2017

Pages including this one: 2

Reference: TEN 10047

Subject: Application for a Temporary Event, No.82 Bar and Club, 82-84 Norwood High Street, London, SE27 9NW

The Community Safety Area Teams, a responsible authority for the purpose of the Licensing Act 2003, hereby makes an objection to an application made by Elliot Blake to hold a temporary event on Friday 29 December – Sunday 31 December 2017 between the hours of 01:00 till 04:00 hours at the above premises, application reference TEN 10047 refers.

This objection is made on the grounds of the Prevention of Public Nuisance as the Community Safety Area Team is of the opinion that the proposed hours for licensable activities is likely to result in public nuisance.

The Community Safety Team are also mindful of previous concerns, raised by Neighbouring residents relating to noise and disturbance caused by the venue:

Received on 08.11.2017 at 10:47 hours
“
I would like to bring to your attention that the noise coming from scandals club is affecting enjoyment of my home. The event that taking place in this club occurring up to 4 times a week between hours of 8pm and 4am. Club is situated inside of a green house and it’s not sound proof making the bass thumping noise unbearable. This is affecting my sleep leaving me awake at nights. This has a negative effect on my personal and work life and also in my mental and physical health. Please could you look into this matter? I understand that Scandals is a business and I don’t wish for anyone to loose theirs jobs but maybe there is a chance that this green house could be sound proofed which would eliminate the noise to the extent that would allow me and my neighbours to sleep well at night?”

Received on 30.11.2017 at 16:47 hours
Reporting excessive noise from music and Public nuisance by Scandals club/No82 on Tue, 28/11/2017 at 11:45pm.

As a result we are not convinced that the management of the venue and dispersal of patrons, stated as being up to 300 persons, will be effective.

Summary
The Lambeth Community Safety Area Team asks for the issue of a counter-notice, based on the details provided above, so this event cannot go ahead, unless the applicant agrees to reduce the proposed terminal hour from 04:00 to 01:00 on Friday, 03:00 on Saturday and 00:00 on Sunday.
Yours faithfully

M. Anderson

Michael Anderson
Senior Community Safety Officer
**Licensing Act 2003**

**Premises Licence**

<table>
<thead>
<tr>
<th>Premises Licence Number</th>
<th>Version Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prem1307</td>
<td>17/00202/PRMTRN</td>
</tr>
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</table>

**Part 1 - Premises Details**

**Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description**

No. 82 Bar And Club  
82-84 Norwood High Street  
London  
SE27 9NW

**Telephone number**

**Where the licence is time limited the dates**

- 

**Licensable activities authorised by the licence**

- Films *(indoors only)*
- Live Music *(indoors only)*
- Recorded Music *(indoors only)*
- Performances of Dance *(indoors only)*
- Entertainment Similar to Music/Dance *(indoors only)*
- Late Night Refreshment *(indoors only)*
- Supply of Alcohol

**The times the licence authorises the carrying out of licensable activities**

**Films**

- Monday - Thursday: 16:00 - 00:30
- Friday: 16:00 - 01:00
- Saturday: 16:00 - 03:00
- Sunday: 16:00 - 00:00

**Live Music**

- Monday - Thursday: 20:00 - 00:30
- Friday: 20:00 - 01:00
- Saturday: 20:00 - 03:00
- Sunday: 20:00 - 00:00

**Recorded Music**

- Monday - Thursday: 11:00 - 00:30
- Friday: 11:00 - 01:00
Saturday 11:00 - 03:00
Sunday 11:00 - 00:00

**Performances of Dance**
- Monday - Thursday 11:00 - 00:30
- Friday 11:00 - 01:00
- Saturday 11:00 - 03:00
- Sunday 11:00 - 00:00

**Entertainment Similar to Music/Dance**
- Monday - Thursday 11:00 - 00:30
- Friday 11:00 - 01:00
- Saturday 11:00 - 03:00
- Sunday 11:00 - 00:00

**Late Night Refreshment**
- Monday - Thursday 23:00 - 00:30
- Friday 23:00 - 01:00
- Saturday 23:00 - 03:00
- Sunday 23:00 - 00:00

**Supply of Alcohol**
- Monday - Thursday 11:00 - 00:30
- Friday 11:00 - 01:00
- Saturday 11:00 - 03:00
- Sunday 11:00 - 00:00

**Opening Hours (Non-standard & Seasonal)**
- New Years Day and Eve 11:00 - 06:00

---

**The opening hours of the premises**
- Monday - Thursday 11:00 - 01:00
- Friday 11:00 - 01:30
- Saturday 11:00 - 03:30
- Sunday 11:00 - 00:00

---

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol may be supplied for consumption on the premises only
### Part 2

<table>
<thead>
<tr>
<th>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</th>
</tr>
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<tbody>
<tr>
<td>MWE Live Limited</td>
</tr>
<tr>
<td>Kemp House</td>
</tr>
<tr>
<td>152 - 160 City Road</td>
</tr>
<tr>
<td>London</td>
</tr>
<tr>
<td>EC1 2NX</td>
</tr>
<tr>
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<table>
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<tr>
<th>Registered number of holder, for example company number, charity number</th>
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<tr>
<td>Registered Company Number</td>
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<table>
<thead>
<tr>
<th>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol</th>
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<tbody>
<tr>
<td>Mr Elliot Blake</td>
</tr>
<tr>
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<table>
<thead>
<tr>
<th>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol</th>
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<tr>
<td>Personal Licence No: Pers5179</td>
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<tr>
<td>Licensing Authority: London Borough Of Lambeth</td>
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**Signed:**

On behalf of the Head of Community Safety

**Dated:** 3 October 2017
Annex 1 - Mandatory conditions

1 MANDATORY CONDITIONS (Alcohol - on)

Condition A1

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 is suspended.

Condition A2

Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

Condition A3

(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 or 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 which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters 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;

(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).

Condition A4

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Condition A5

(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.

Condition A6

The responsible person must 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: ½ 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.

Additional Mandatory Licensing Conditions, Minimum Drinks Pricing:

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 purposes 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;

(d) "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

(e) "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.

MANDATORY CONDITIONS (Films)

1. Where a premises licence authorises the exhibition of films, the licence must include a condition
requiring the admission of children to the exhibition of any film to be restricted in accordance with
this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies,
admission of children must be restricted in accordance with any recommendation by that body.

3. Where
   (a) The film classification body is not specified in the licence, or
   (b) The relevant licensing authority has notified the holder of the licence that this subsection
       applies to the film in question, admission of children must be restricted in accordance with
       any recommendation made by that licensing authority.

4. In this section "children" means any person aged under 18; and "film classification body" means the
person or persons designated as the authority under Section 4 of the Video Recordings Act
1984(c39) (authority to determine suitability of video works for classification).

3 MANDATORY CONDITIONS

MANDATORY CONDITIONS - Door Supervision - except theatres, cinemas, bingo halls and
casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must
be at the premises to carry out a security activity, each such individual must:
   (a) be authorised to carry out that activity by a licence granted under the Private
       Security Industry Act 2001; or
   (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:
   (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security
       Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
   (b) in respect of premises in relation to:
       (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being
           used exclusively by club with club premises certificate, under a temporary event notice
           authorising plays or films or under a gaming licence), or
       (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by
           regulations under that Act).

3. For the purposes of this section:
   (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies,
       and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act)
       and
   (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it
       applies in relation to paragraph 8 of that Schedule.
Annex 2 - Conditions consistent with the Operating Schedule

Police Conditions

Compliance with police guidance

1. The management of the premises will adhere to the guidance in the Metropolitan Police's 'Safe and Sound' and 'Counter Terrorism Protective Security Advice' policies (or updated versions when applicable), with documented door search policy including drug seizures and disposal of same.

   www.stoptheguns.org/download/safe_and_sound_booklet_v2.pdf
   http://www.nactso.gov.uk and click on Crowded Places

Drugs Safe and Log

2. A drugs safe and log system will be employed at the premises to account for the seizure of drugs from customers. The premises management will liaise with police for regular collection of seized drugs.

CCTV

3. A CCTV system covering areas inside and outside of the premises should be updated and maintained according to police recommendations with properly maintained log arrangements and recordings/tapes to be kept for a minimum of 30 days.

4. CCTV system is to comply with the Data Protection Act 1998 and must be working and recording correctly when the venue is open to the public.

5. A staff member from the venue who is conversant with the operation of the CCTV system must be on the premises at all times that the venue is open to the public. This staff member must immediately be able to show police or local authority officers contemporaneous and recent data or footage on request.

6. The Premises are to use all reasonable efforts to provide police and local authority officers with recordings from the CCTV system on request (e.g. by supplying recordings on DVD, CD or tape). All recordings must be readily playable on local police computers.

Incident/Refusals Book

7. An incident/refusals book will be maintained and used at the premises. Upon request, it will be readily available for inspection by the police or local authority officer.

Search policy

8. No person found with, or using, a weapon or illegal drugs may enter or remain on the premises.

9. Search procedures must ensure that all reasonable steps are taken to avoid weapons and illegal substances such as drugs from entering the premises. Any customer who refuses to be searched must be refused entry and a corresponding entry must be made in the incidents/refusal book within 12 hours of the refusal.

10. DPS/Managers are to personally, and by use of the CCTV system, monitor the actions of the security staff at frequent, irregular intervals, and at the very least once an hour.

11. All searches must be carried out in full view of a CCTV camera.

Police Licensing Forums
12. A member of the premises management (whether the DPS or other owner/manager) must attend all Police Licensing Forums organised by the local police when invited.

13. The management of the premises must join a local pub-watch scheme running in the area. (Lambeth Business Against Crime – LBAC).

Event promoters

14. The designated premises supervisor shall undertake a risk assessment of any significant promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) and provide a copy* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.

15. Where an event has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this* to the Metropolitan Police and the Licensing Authority, within 14 days of the conclusion of the event.

Note: Metropolitan Police Definition of a ‘Significant Event’

This definition relates to events that require a Promotion/Event Risk Assessment Form 696.

A significant event will be deemed to be: any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artiste; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

*submission of electronic documents by e-mail is preferred.

Security Personnel

16. The details (including company name, address, telephone and SIA registration details) of any company or agency providing door supervisors to the premises, or the details of any individual employed by the premises directly as a door supervisor, must be provided to police no less than 14 days before the date they begin working at the premises. Following checks the police may, if they have good reason, veto the provider or individual door supervisor in the interests of preventing crime and disorder at the premises and the premises must comply with such a veto.

17. Security personnel, registered with the Security Industry Authority (SIA), employed at the premises will enter their full name, address, valid phone contact details, SIA badge number, employing company, along with the times they are working in a register upon commencement of their work at the premises. The Designated Premises supervisor/manager at the time will be responsible for ensuring that this is done and for confirming the security staff’s details and permissions to work, via the public SIA website facility.

18. The management must instruct security staff and other staff members to assist police or local authority officers with any enquiries they make in the execution of their duties.

19. The club itself will directly employ the security personnel or security company responsible for supplying personnel. External promoters will not be allowed to use their own security personnel. The DPS and premises management must be responsible for the security staff at their premises.

20. All reasonable efforts are to be employed by the management and security personnel to keep customers quiet and orderly prior to entry and upon leaving the Premises.

Private parties

21. The premises must provide the contact name and details (including telephone number and address) of the organiser of any private party at the premises at least 14 days before the event. Following checks the police may, if they have good reason, veto the holding of the private party in the
interests of preventing crime and disorder at the premises and the premises must comply with such a veto.

22. Any private party must be for pre-invited guests only and a guest list must be kept of all attendees including name, address and contact telephone number(s). These records must be kept for a minimum of 12 months and made immediately available to police and local authority council officers upon request.

Excluded Persons

23. The Premises are to permanently exclude any person found with weapons or illegal drugs at the premises as well as customers known to have contributed to crime or serious disorder in the premises.

24. The Premises are to take all reasonable steps to make security and other staff members aware of the identities of excluded persons.

Co-operation with authorities

25. Any information regarding crimes committed within the premises, including suspected drug dealing and violence, should be reported to the police immediately or as soon as is reasonably practicable.

26. The Premises are to keep a record of all excluded persons. This record is to be made available to police officers and local authority officers on request.

Water/ non-alcoholic drinks

27. Non-alcoholic and soft drinks shall be available at all times the club is open. Free drinking water shall be available within the premises.

Open bottles

28. No customers carrying open bottles shall be admitted to the premises. No customers shall be allowed to leave the premises whilst carrying open drinking vessels. (Open shall be taken to mean an opening of the original manufacturers sealing of the vessel).

Signage

29. The premises shall prominently display signage informing customers:

a. To leave quietly and to respect your neighbours.

b. Stating that CCTV is in operation and police have instant access to the footage.

c. Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed.

Crime and disorder

30. Security staff shall be provided while club area in operation

31. CCTV coverage of the premises shall be in operation at all times

32. The management of the premises shall develop working relationship with local police

Public safety

33. Current public liability insurance shall be in place for the premises

34. Current employee liability insurance shall be in place for the premises
35. The premises shall comply with the no smoking policy.

36. The management shall ensure that those handling food or involved in food processes have health and safety and food hygiene certificates.

37. The premises shall not serve alcohol to people who are already too intoxicated.

**Prevention of public nuisance**

38. The use of the rear garden for any form of audible, amplified activity (music or otherwise) shall be prohibited.

39. The premises shall have a "No re-admittance" policy.

40. The premises shall discourage its visitors from congregating outside the venue.

41. Notices shall be placed in conspicuous places asking people to leave the premises quietly.

42. The management shall have a procedure in place to escort off premises anyone who becomes a nuisance and shall actively do so.

**Protection of children from harm**

43. The club shall have in place an over 18 policy and comply with the requirements of the policy.

44. Minors shall only be allowed in bar only if accompanied by adult.

45. No sale of alcohol to persons under the age of 18.
Annex 3 - Conditions attached after a hearing by the licensing authority

Licensing Sub-Committee decision of 16 February 2017

1. The current Designated Premises Supervisor (DPS) shall be removed and the premises shall close until Mr Elliot Blake becomes the new DPS.

Additional conditions applying throughout the week

2. The capacity of the premises is limited to 400 customers.

3. A written dispersal policy will be drawn up by the licence holder in agreement with officers from environmental health, police and the licensing authority. The premises shall be operated in accordance with the dispersal policy.

4. All door supervisors at the premises shall be supplied by a company with Security Industry Authority Approved Contractor Status.

5. Carlos Harris may not be employed at the premises in any capacity and is not to be present on the premises at any time licensable activities are taking place (including as an invited guest).

6. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an Environmental Health Officer from the Local Authority, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the satisfaction of the Environmental Health Officer. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of the specialist consultant and records of any approvals shall be available for inspection by the Environmental Health Officers. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

7. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

8. Litter patrols must be conducted on Norwood High Street 50 metres either side of the premises after it closes to the public every night.

Consent Order dated 19 September 2017

9. Customers shall not be admitted to the premises after 02:00 hours except for customers permitted to temporarily leave the premises to smoke.

10. A telephone number and / or email address of a person involved in the management of the premises shall be published on the premises’ website and at the premises itself (in a place and format readable to an individual standing outside) to enable local residents to contact the management in order to address issues of concern relevant to the licensing objectives.

11. Any revisions to the written dispersal policy must be agreed with the Community Safety Team at Lambeth Council (“CST”). A copy of any such revised policy shall be provided to CST within 14 days of those amendments being approved.

12. From 23:00 hours on Saturday nights until thirty minutes after the premises is closed to the public a member of the premises staff will be stationed at the junction of Windsor Grove and Norwood High Street to ensure, so far as is possible, that patrons do not park in the nearby residents’ car park. The premises will be informed of patrons parking in that location and entry will be refused until the
vehicle has been parked elsewhere. At all other times the provision of this staff patrol must be provided on a risk assessed basis by the licence holder.

**Additional conditions on Fridays and Saturdays**

13. All customers shall pass through a metal detecting search arch as a condition of entry in addition to being hand-searched (i.e. a pat-down search).

14. All customers must provide identification to be scanned into an electronic identification system (such as Scannet) as a condition of entry.

**Additional conditions on Saturdays**

15. Entry will be restricted to customers aged 25 and over.

16. A minimum of twelve SIA registered door staff shall be on duty whilst the premises are in use under the premises licence. Additional male and female SIA door staff to be employed at the premises when required on the basis of an operational risk assessment. Identify badges will be displayed at all times and SIA numbers, full names, address, contact telephone numbers, times worked and duty performed to be entered into an occurrence book and made available to police immediately upon request.
Annex 4 – Plans
Licensing Act 2003

Premises Licence Summary

<table>
<thead>
<tr>
<th>Premises Licence Number</th>
<th>Version Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prem1307</td>
<td>17/00202/PRMTRN</td>
</tr>
</tbody>
</table>

Premises Details

Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description

No. 82 Bar And Club
82-84 Norwood High Street
London
SE27 9NW

Telephone number

Where the licence is time limited the dates

<table>
<thead>
<tr>
<th>Licenceable activities authorised by the licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Films <em>(indoors only)</em></td>
</tr>
<tr>
<td>Live Music <em>(indoors only)</em></td>
</tr>
<tr>
<td>Recorded Music <em>(indoors only)</em></td>
</tr>
<tr>
<td>Performances of Dance <em>(indoors only)</em></td>
</tr>
<tr>
<td>Entertainment Similar to Music/Dance <em>(indoors only)</em></td>
</tr>
<tr>
<td>Late Night Refreshment <em>(indoors only)</em></td>
</tr>
<tr>
<td>Supply of Alcohol</td>
</tr>
</tbody>
</table>

The times the licence authorises the carrying out of licensable activities

<table>
<thead>
<tr>
<th>Films</th>
<th>Monday - Thursday</th>
<th>16:00 - 00:30</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Friday</td>
<td>16:00 - 01:00</td>
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<tr>
<td></td>
<td>Saturday</td>
<td>16:00 - 03:00</td>
</tr>
<tr>
<td></td>
<td>Sunday</td>
<td>16:00 - 00:00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Live Music</th>
<th>Monday - Thursday</th>
<th>20:00 - 00:30</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Friday</td>
<td>20:00 - 01:00</td>
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<tr>
<td></td>
<td>Saturday</td>
<td>20:00 - 03:00</td>
</tr>
<tr>
<td></td>
<td>Sunday</td>
<td>20:00 - 00:00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recorded Music</th>
<th>Monday - Thursday</th>
<th>11:00 - 00:30</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Friday</td>
<td>11:00 - 01:00</td>
</tr>
</tbody>
</table>
### Performances of Dance
- **Monday - Thursday**: 11:00 - 00:00
- **Friday**: 11:00 - 01:00
- **Saturday**: 11:00 - 03:00
- **Sunday**: 11:00 - 00:00

### Entertainment Similar to Music/Dance
- **Monday - Thursday**: 11:00 - 00:30
- **Friday**: 11:00 - 01:00
- **Saturday**: 11:00 - 03:00
- **Sunday**: 11:00 - 00:00

### Late Night Refreshment
- **Monday - Thursday**: 23:00 - 00:30
- **Friday**: 23:00 - 01:00
- **Saturday**: 23:00 - 03:00
- **Sunday**: 23:00 - 00:00

### Supply of Alcohol
- **Monday - Thursday**: 11:00 - 00:30
- **Friday**: 11:00 - 01:00
- **Saturday**: 11:00 - 03:00
- **Sunday**: 11:00 - 00:00

### Opening Hours (Non-standard & Seasonal)
- **New Years Day and Eve**: 11:00 - 06:00

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### The opening hours of the premises
- **Monday - Thursday**: 11:00 - 01:00
- **Friday**: 11:00 - 01:30
- **Saturday**: 11:00 - 03:30
- **Sunday**: 11:00 - 00:00

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### Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Alcohol may be supplied for consumption on the premises only

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### Name, (registered) address of holder of premises licence
MWE Live Limited

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### Registered number of holder, for example company number, charity number
Registered Company Number: 10690208
<table>
<thead>
<tr>
<th><strong>Name of designated premises supervisor where the premises licence authorises the supply of alcohol</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Elliot Blake</td>
</tr>
</tbody>
</table>

| **State whether access to the premises by children is restricted or prohibited** |
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Annex D

Licensing Sub-Committee
16th February 2017

Notice of decision

<table>
<thead>
<tr>
<th>Application reference:</th>
<th>16/00330/PRMREV – Prem1307</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application type:</td>
<td>Premises Licence (review application)</td>
</tr>
<tr>
<td>Applicant(s) name:</td>
<td>Southern Properties (Norwood) Limited</td>
</tr>
<tr>
<td>Premises:</td>
<td>Scandals Bar And Club, Southern Pride Public House, 82-84 Norwood High Street, London SE27 9NW</td>
</tr>
<tr>
<td>Summary of decision:</td>
<td>Application granted with additional conditions</td>
</tr>
</tbody>
</table>

Decision details:

**REASONS AND DECISION-SCANDALS**

1. This is an application by Calvin McLean of Lambeth’s Community Safety Team to review the premises licence held by Southern Properties (Norwood) Ltd. in respect of Scandals, 82-84 Norwood High Street, London, SE27 (“the Premises”). The application, which is based on the prevention of crime and disorder and the prevention of public nuisance, asked for the permitted hours for licensable activities to be reduced to hours falling within the Council’s Statement of Licensing Policy 2014-2019 (“the Policy”), for a dispersal policy to be implemented, and for any other appropriate conditions to be imposed.

2. Fourteen representations were received in support of the review, including one from the Police and one from a ward councillor. The majority were from local residents. Fifty representations were received in support of the Premises, a number of which were from members of staff and patrons.

3. The LSC queried the type of area, as defined by the Policy, in which the Premises were situated. The Licensing Manager informed the LSC that if Norwood High Street was a local centre/shopping parade then a nightclub or high-density vertical drinking establishment was not suitable. If the area was a district town centre, however, the Policy suggested a terminal hour of midnight Sunday to Thursday and 01:00 hours on Friday and Saturday.

4. The LSC heard from Helen Pooley on behalf of Mr. McLean. She drew the LSC's attention to the application at Page 29 of the report pack, dealing with the crime and disorder and public nuisance issues and a list of complaints starting on Page 32 of the pack and beginning in February 2016. Page 31 of the additional report pack detailed more recent complaints. Her broad submission was that the incidents set out demonstrated serious and substantial issues linked to the terminal hour. She submitted that a robust and proportionate response was required. The LSC was also informed that a serious incident had occurred on 5th February 2017 and that members would be asked to view the CCTV footage during the hearing.

5. In relation to the representations in support of the Premises Ms. Pooley told the LSC that these were mainly from non-residents, employees and local businesses. Their concerns needed to be balanced against the concerns of the residents. In relation to additional letters provided by the licence holder Ms. Pooley suggested that the provenance of those items was, for the most part, unclear, most were undated, and no explanation had been given as to why the writers had not made representations in the normal way.

6. Ms. Pooley told the LSC that the issues giving rise to the review were “consistently inconsistent.” They did not happen every Saturday and every Sunday at the same times. That was nuisance the residents could not prepare themselves for. The types of noise complained of were shouting, car horns, noises that were sudden or alarming.
7. The licence holder had been aware of these problems for some time, details of which appeared in the reports. Ms. Pooley submitted that nothing had changed despite those warnings and despite regular monitoring by the authorities. The additional report pack contained a report by David Gair on behalf of the licence holder. That report proposed a number of changes to aspects of the Premises’ operation. Despite those suggestions, however, those changes had not yet been put into place. The CCTV that members would see would show a failure to disperse patrons and inactivity on the part of the SIA staff.

8. Ms. Pooley informed the LSC that the CCTV footage of 5th February did not capture everything that occurred and that the witness statements appearing at Pages 37 to 40 of the additional report pack dealt with some aspects of the incident that were not captured by the CCTV.

9. In relation to that incident Police were not called by the Premises’ staff; they were called by the Lambeth CCTV operator. On 21st November 2016 Mr. McLean had sent Elliot Blake, who the LSC understands to be the manager of the Premises, a final warning (Page 57 of the main pack). That email referred to Mr. McLean having been told that the security team was “new and adjusting.” They could not be described as such now and the footage would show this.

10. Ms. Pooley submitted that much of the information that had been put forward on behalf of the Premises was about things that needed to change and merely aspirational. Nothing had changed. Management was poor and the clientele caused problems. Ms. Pooley noted that the DPS named on the licence was a Carlos Harris. However, she had been informed today that an application had been made today to vary the DPS to Paul Beech. Little was known by Mr. McLean about the proposed new DPS and Ms. Pooley suggested that the LSC should seek further information from the licence holder.

11. Ms. Pooley submitted that nothing short of a reduction in the terminal hour would reduce or eliminate the problems occurring in the early hours of the morning and that taking such a step was the appropriate choice.

12. Members viewed parts of the CCTV footage in private, accompanied by the applicant, the police and the licence holder. It lasted about twenty minutes. It showed problems with dispersal, with a group of people going down towards Rothschild Street, some 200 metres away. A group of patrons is seen to remain there, with the behaviour of some appearing to become aggressive. Some are then seen to walk back to the bar, where there are is still a number of patrons outside. A fight is seen to break out and spill down the street and into Rothschild Street. Footage at about 03.25 hours showed continued dispersal issues and the fight appeared to still be ongoing. The police then arrive a couple of minutes later.

13. Having viewed the footage members asked questions of the applicant. Mr. McLean was asked at what distance establishments could be expected to still accept some responsibility for their patrons. Mr. McLean replied that he did not expect establishments to be responsible for patrons returning home safely. Rothschild Street, where the fight started, was some 200 metres from the Premises. Although the Premises was not wholly responsible, the nuisance and other problems associated with dispersal only arose as a result of the late hours.

14. In terms of what SIA staff should be doing Mr. McLean told the LSC that the incident had started close to the Premises. If an incident occurred then SIA staff would be expected to deal with it. At the very least they would be expected to call the Police, which they did not. Ms. Pooley pointed out that the CCTV also showed a large number of people outside the Premises and that SIA staff should have been dispersing the crowd. Directly outside the Premises the SIA staff were ineffective. It was suggested by members that the SIA staff need not have called the Police if they knew the area was being monitored. Mr. McLean disagreed. He pointed out that the CCTV operator made the first call to the police and his officers only made the call after asking the SIA staff if they had called the police and were told that they had not. His officers would not have known whether or not the CCTV operator had called the Police.

15. Members queried whether it was right to say that nothing had changed and Mr. McLean’s attention was drawn to an email from Maxine Smith, Cabinet caseworker (Page 99 of the additional report pack), praising the venue for working with residents to reduce complaints. Mr. McLean accepted that Mr. Blake and Mr. Harris had tried to work with his team. However, that
email was dated 17th August 2016 and it was clear that there continued to be problems after that time. Things would improve, then decline, and improve again.

16. Mr. McLean was asked if the proposed dispersal policy would mitigate the concerns. He stated that he could not say whether or not it would without seeing it in action. It was aspirational but he could not say that it would be ineffective. For the type of disorder seen on the CCTV footage it would not be effective.

17. Mr. McLean was asked for his view on what period of adjustment was reasonable. He replied that it would depend upon the premises. He noted that there was a suggestion of closing and re-branding but without knowing what was being proposed he could not say. Given the licence holder was aware of the review he would expect to know about the proposed re-branding by now.

18. The LSC heard from PC Joe Farrelly on behalf of the Metropolitan Police. He accepted the submission of Ms. Pooley as to the inconsistency of the problems. He had checked the CAD reports, all of which showed incidents at different times of the night, but all of which reported very similar behaviour, namely noise, fighting and other anti-social behaviour.

19. PC Farrelly referred to a temporal graph produced in support of the representation (Pages 118 and 119 of the main pack), which showed calls to 101 and 999. The licence holder’s representative had asked for clarification on which other premises were open at those times. There were three other premises in the vicinity and none had the late hours that Scandals had. The Police view was that the majority of the incidents were associated with the Premises given the times of those incidents.

20. PC Farrelly was asked if the Premises had a positive working relationship with the Police. PC Farrelly explained that he was new to the team and those with more familiarity were not available. However, he was aware that further visits had been conducted and that his colleagues were satisfied.

21. The LSC then heard from Cllr. Jenny Brathwaite. She told the LSC that her experience was that the venue was a source of noise and other problems to local residents and that this had been the case under several different licence holders. She was disappointed to note that since the new management took over the problems still continued. She would have expected them to do everything in their power to turn the Premises around. Despite the efforts they appeared to have made, however, they seemed unable to stop patrons from acting in a way that caused public nuisance, even when subject to a licence review, and they appeared to operate in contravention of their licence, as evidenced by the incidents of 27th November 2016 and 5th February 2017.

22. Cllr. Brathwaite confirmed that the areas had a high number of residential properties and that it was generally quiet at around 03:00 hours (except for vehicular traffic). Her constituents wanted to share their space with well-run businesses. A late-night licence in the hands of a licence holder who was unable or unwilling to control patrons and who could not be trusted to operate a late licence responsibly was a problem.

23. Cllr. Brathwaite accepted that the current licence holder was not the operator when she had been first elected to the Council. However, she regularly visited residents and said that if she was to knock on peoples’ doors she could guarantee to get complaints about the Premises.

24. Cllr. Brathwaite was asked for her thoughts on the email from Maxine Smith. She said that she had accepted that the Premises had made efforts. She did not suggest that the letter was untrue. However, she continued to receive complaints and those complaints made clear that the experience of Mrs. Borer, to whom Ms. Smith referred, was not one shared by all those who made complaints.

25. The LSC then heard from Gary Grant, who appeared on behalf of the licence holder, accompanied by Elliot Blake. Others were also present to assist the LSC if necessary. Mr. Grant told the LSC that the licence holder was looking for a way to permit an extraordinarily important establishment to survive in relative harmony with the local community. There were no guarantees and conflict was inevitable. The question was whether there was a fair solution.
26. He submitted that there was indeed a fair solution and this was set out in the additional report pack at Pages 45 to 47. He accepted that it would not be what every resident wants nor was it what Mr. Blake wanted. The first point was that the Premises would be re-branded and re-named.

27. Mr. Grant stated that there was a small minority of people who ruined things for everyone and that was visible on the CCTV footage. At the moment the Premises operates club nights on Fridays and Saturdays. Mr. Blake was agreeable to removing the Friday club night, which would halve the impact on residents. In addition, a number of conditions were proposed which would mitigate the impact of the Saturday club nights. Mr. Grant told the LSC that there was no way to stop the occasional shout. However, the proposal aimed to provide a proportionate solution.

28. At present the Premises was permitted to stay open until 05:00 hours every day. On Fridays and Saturdays licensable activities were to cease at 03:00 hours. Patrons could therefore purchase alcohol at 02:59 hours and then consume it until closing time. The licence holder proposed closing on Saturday at 03:30 hours.

29. In addition there would be a substantial increase in the number of SIA staff required and only an SIA-accredited supplier would be used. A contract had been made with Alpha Security, who provided security for venues such as Electric in Brixton and Bloc South in Vauxhall. On 5th February the old security team was still in place. The licence holder wanted a chance to show that the new security arrangements would work.

30. There were various other conditions proposed, which included a policy of over-25s only, use of search wands and ID scanners, and a dispersal policy. Mr. Grant also told the LSC that the DPS had now been removed. The recent application to vary the DPS is merely temporary; Mr. Blake had now obtained his personal licence and would be the next DPS. Mr. Grant emphasised that these proposals would be cutting the financial viability of the business to the bone.

31. Mr. Grant also emphasised the number of representations in support of the Premises, including from other local businesses that benefitted from it. Removing one would have a dramatic effect on the local night-time economy. In addition, the Premises gave charitable support and hired it out during the day for various activities at very limited rates.

32. Mr. Grant disputed the assertion by Mr. McLean that the nuisance was ‘sustained.’ He pointed to Page 32 of the main report pack, which related an incident on 23rd March 2016 followed by a gap of four months until the next incident and another three months later. That was neither sustained nor consistent. Furthermore, the Police had withdrawn their representation insofar as it related to crime and disorder and public safety.

33. The LSC was told that Mr. Blake had been ‘hands-on’ until August 2016, when he started another business. He trusted his management to run the Premises properly and they had let him down. He was taking steps to be active in the operation once more. It was suggested that the incident of 5th February was not indicative of the issues at the Premises. If it was, the Police would have brought a review.

34. The LSC also heard from Mr. Blake, who said that members had picked up on an ‘important’ email, that from Maxine Smith. Ms. Smith had contacted him to inform him of a number of complaints relating to Windsor Close. Mr. McLean had told him that it would be a good idea to contact the residents and he wrote to them to invite them to meet with him. He had worked cooperatively with the Police and they had advised him on the appropriate number of SIA staff. Staff had been trained and that was on-going. He had made efforts over the last few months to ensure that residents were not disturbed as a result of the Premises’ activities. People who used to complaint about the Premises now had good things to say about it.

35. Members queried how many people would stay until closing time on a Sunday and why cutting back the closing time would be a concession. Mr. Blake stated that sometimes there might be 200 people staying until about 04:00 hours or 04:30 hours. He was unable to answer how many under-25s attended the Premises usually. He confirmed that it would not be hired to anyone aged under 21 but that there would now be a more strict entry policy, which would reduce problems.
36. Members were concerned to know what would be different now and how staff would act differently, particularly as the CCTV footage showed the SIA staff failing to do anything. Mr. McGoldrick explained that his team had tried and tested proven methods, such as security staff spreading out and actively encouraging dispersal, asking patrons to keep the noise down. They would not be fixed at the venue. As to when and if the police should be called, that was a matter for the Head Doorman. Mr. McGoldrick confirmed that in relation to an incident such as that occurring on 5th February he would have expected security staff to have called the Police.

37. Members noted that litter patrols were to take place up to 50 metres either side of the Premises and sought clarification as to whether that was specific to litter or whether the SIA staff would be required to go that far. Mr. McGoldrick confirmed that SIA staff would be placed where needed.

38. Mr. Blake was asked to explain about the staff training regime and how that was structured. Mr. Blake said that some staff had been booked on courses on the basis of expert advice. He stated that he wanted patrons to get a great experience from the moment of entry and to get great customer service. That would include, for example, staff being able to identify and deal with drunk people. However, there was no firm plan in place.

39. Mr. Blake was asked what other engagement had been undertaken. Mr. Blake said that he wanted to work with the Council to pinpoint the problems. He knew litter was a problem, for example. However, only Maxine Smith and pinpointed anything and once that had been brought to his attention he had been able to deal with it. He stated that he would call or visit complainants as needed and that he was happy to give out his email address and phone number so that people could contact him directly.

40. Members queried why the Premises needed to be able to sell alcohol to 03:00 hours on a Saturday. Mr. Blake said that there would be no business if he couldn’t and that thirty-one people, including single mothers, would be out of work. He said that he had taken expert advice as a result of the review and was committed to ensuring that it worked. If the licence did not allow for this then he would not be able to pay the rent or meet the cost of the additional SIA. He suggested that if a little more time was spent working together it could all be addressed and that he must be doing something right to have such a large number of people turning up to support him.

41. On being questioned further on this point and being informed that he would be unlikely to get such hours on a new application Mr. Blake suggested that if he did not have these hours then people would go to illegal venues with no security or CCTV. An earlier time would not work as people who went to clubs would not go to one that finished at 02:00 hours. It was not uncommon for people to not go out until 01:00 hours.

42. The LSC asked Mrs. Borer to explain her engagement with the Premises and how that had come about. Mrs. Borer was the resident whose complaint was the subject of Maxine Smith’s email. She told the LSC that there had been problems with the Premises for the last ten years, particularly with noise, parking and litter. She had complained to the Council following one particularly bad weekend. Maxine Smith contacted her and said that she had been in touch with Mr. Blake. A few days later Mr. Blake contacted her. He called a meeting and made efforts to get them some peace. He had lowered the music and managed to get people to stop parking in the estate and since about March to May of 2016 she had not experienced any problems.

43. Members were concerned to know what assurances they could have that things would improve. Mr. Blake told the LSC that he did not have time to waste and that if he said he was going to do something then he would do it. Many of the problems stemmed from the previous DPS, as a result of which Mr. Blake had obtained his personal licence and was going to become the DPS himself so that he could ensure that everything was done that needed to be done.

44. None of those making representations in support of or against the review attended the hearing. However, the LSC had read each of them and they were taken into account when the LSC made its decision.

45. This application engages the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. It should be noted that the LSC accepted that there is a long history of nuisance related to the Premises. Whilst the current management cannot be held responsible
for issues arising prior to their involvement, neither can those issues be disregarded entirely. It is a matter of concern that despite that history, the new management has not taken adequate steps to remedy the problems before being reviewed.

46. Similarly, whilst it was suggested that the incidents giving rise to the review were not persistent or frequent, the LSC did not consider that they were merely occasional or ‘one-off’ incidents. The LSC accepted the point made on behalf of the Community Safety team in that the lack of consistency was itself a problem. In any event, however, even if the LSC was to accept that there were very few incidents between February and August 2016, there was clear evidence from October 2016, after the Premises were monitored more extensively, that issues were reasonably frequent.

47. The LSC was told that imposing more restrictive hours than those set out in the licence holder’s proposals would kill the business and put people out of work. Whilst the financial impact should not be ignored, the LSC’s responsibility is the promotion of the licensing objectives in the overall interest of the local community and that is paramount. The LSC notes that there was nothing before it to evidence that assertion nor to suggest what, if anything, the venue could become if it was not permitted to operate as a nightclub. The LSC was not satisfied that granting the review and imposing, for example, a more restrictive terminal hour than 03:00 hours on Saturday nights would have the effect that the licence holder suggested. No consideration appeared to have been given as to how that might or could be mitigated by changing the business model for the rest of the week.

48. It was also not clear to the LSC whether some of the measures proposed by the licence holder would in fact have any real impact, such as an over-25s policy. There was no information before the LSC as to the particular demographic of those visiting the Premises and Mr. Blake had no information about that at all. Whilst it may well be, as was suggested by Mr. Grant, that 18 to 25 year-olds tend to cause or contribute to more of the problems than older people, there was no evidence of that being an issue here. The LSC accepts that it might have a small impact but it was unlikely to make a substantial difference.

49. The LSC also noted, as Mr. McLean pointed out, that despite the offer of closing and re-branding to attract a different clientele, there was no detail whatsoever before the LSC. The LSC was of the opinion that Mr. Blake must have given consideration to that and what sort of clientele he hoped to attract and how he might attempt to do that and it was surprising, in the LSC’s experience, that there was no information other than a mere assertion that this would happen. It is perhaps not surprising, therefore, that the licence holder’s proposals were described as ‘aspirational.’

50. In a similar vein, it was a matter of concern to the LSC that much of what was being proposed had not already been put into place. The review application was dated 2nd December 2016. Two months later, despite knowing that this review was pending and knowing the concerns raised about the ineffectiveness of the security staff, the Premises had not taken any apparent steps to change those arrangements. They were utterly ineffective at dispersal, as was seen on the CCTV footage of 5th February, and they failed to call the Police when the fight broke out. The LSC accepts that the incident could well have occurred despite the best efforts of security staff and that SIA staff were not expected to get involved physically in a disturbance of that nature. However, they were also not expected to stand by and ignore what was going on around them. When a licence is under review the LSC expects responsible licence holders to be taking all necessary steps to show that the concerns raised have been or are in the process of being addressed and that was not the case here.

51. The LSC notes from Mr. Gair’s report, at Page 69 of the additional report pack, that he conducted a compliance visit on 13th January 2017 and noted that “there was no real structure to the dispersal deployments and the SIA team looked uncoordinated and reactive rather than professional and pro-active.” The report notes than an action plan was devised. That seemed, in Mr. Gair’s opinion, to lead to an improvement on 28th January. However, the following week a fairly major fight broke out and was not helped in any way by the security team. Appendix B to the report noted that a review of all policies, including dispersal, and the creation of new ones was to
be carried out by 20th January and training to be completed by 31st January. It was not clear to the LSC whether that had in fact been done.

52. The LSC noted that it is not uncommon in cases such as this, to have a witness statement from the manager or licensing holder setting out what had been done, what would be done, acknowledging which aspects of the review were or were not agreed, and things of that nature. Whilst not essential, it is certainly not unusual, and the lack of any written document from Mr. Blake, save for a statement dealing with the provision of CCTV evidence, hindered the LSC.

53. It was also a matter of concern that Mr. Blake was unable to answer other questions that the LSC put to him, such as the plan in relation to staff training. In Appendix B to Mr. Gair’s report it clearly stated how staff were to be trained, in which subjects, and when refresher training was to be carried out. That report had been produced only a short while before the hearing and the LSC expects that this subject would have been discussed between Mr. Blake and his advisers. The fact that he did not know the answer to this question does not reflect well upon his ability to run the Premises as responsibly as he says he will.

54. In terms of the representations the LSC placed greater weight upon those in support of the review than those in support of the licence holder. In general terms the LSC was satisfied that those in support of the review were more relevant to the issues to be decided. They demonstrated clearly the issues that had been going on for some years and explained the concerns of the residents. Those in support were from staff members, local businesses who benefitted from the Premises, and patrons, very few of whom lived in the area. The LSC did not consider that they painted a realistic picture of the problems; whilst many of those may well not have experienced or seen problems, they were, in the LSC’s view, less likely to do so than if they lived in the area. The LSC noted also a large number of letters in support of the Premises that were not valid representations. Whilst those letters demonstrated considerable support for the Premises, the LSC afforded them little weight as they were not of any assistance in determining what action was appropriate and proportionate for the promotion of the licensing objectives.

55. Nonetheless, the LSC did accept that future improvement was possible. Mr. Blake had clearly engaged with some residents to address their concerns, most notably those in Windsor Grove and Windsor Road. Furthermore, the LSC was persuaded that proposals put forward on Mr. Blake’s behalf would, to some extent, mitigate the issues giving rise to this review. The LSC also noted that whilst some of the residents asked that the premises licence be revoked, Mr. McLean and others sought to reduce the permitted hours for licensable activity. The LSC was not satisfied that steps such as revocation or suspension of the premises licence or removing licensable activities were appropriate or proportionate in this instance.

56. Those hours for licensable activity were the main point of contention. The review application sought to have these reduced considerably. The licence holder accepted that some reduction was appropriate and proportionate and the LSC similarly considered, based upon what it had heard, read and seen, that some reduction was necessary. There was no contention as to the hours on Sunday night. In relation to Sunday to Thursday the LSC considered that the appropriate hours for licensable activity were 10:00 hours to 00:00 hours and for the Premises to be closed to the public at 00:30 hours. On Fridays licensable activity is permitted from 10:00 hours to 01:00 hours, with the Premises to be closed to the public at 01:30 hours. In relation to Saturdays the permitted hours for all licensable activity, except for late-night refreshment will be 02:00 hours. Late-night refreshment shall cease at 03:00 hours and the premises shall be closed to the public at 03:30 hours.

57. The LSC took the view that these were the appropriate hours given the proximity of residential premises in the area and given the potential for nuisance being caused to those residents. The LSC accepted that Mr. Blake would try to do as he had proposed; nonetheless the LSC also had to take account of the fact that very little had been done to date, even though he had been on notice of these problems for some considerable time, and that made it much harder for the LSC to place substantial weight on his promises. The LSC also accepted that there had been a long history of problems caused by the Premises and that it was unfair to residents to expect them to still put up with such nuisance in the early hours of Sunday morning. The LSC accepted that later operating hours should apply to Friday nights as compared to Monday to Thursday. In relation to
Saturdays, the LSC was concerned about the sale of alcohol continuing to 03:00 hours. It therefore considered it appropriate to stop that and other licensable activity at 02:00 hours and permit late-night refreshment for a longer period on the basis that this might help to prevent the dispersal problems that clearly existed. In addition, the LSC considered that the provision of late-night refreshment for that additional period of an hour after the cessation of alcohol sales might play a small part in reducing the intoxication levels of those leaving the Premises, thereby also mitigating the impact of dispersal at a late hour.

58. In addition, the LSC was satisfied that the conditions proposed by the licence holder (Pages 45-47 of the additional pack), with some minor amendments, would also be proportionate and appropriate for the promotion of the licensing objectives. Those are:

**Conditions**

1. The current Designated Premises Supervisor (DPS) shall be removed and the premises shall close until Mr Elliot Blake becomes the new DPS.

2. Entry will be restricted to customers aged 25 and over.

3. A minimum of twelve SIA registered door staff shall be on duty whilst the premises are in use under the premises licence. Additional male and female SIA door staff to be employed at the premises when required on the basis of an operational risk assessment. Identify badges will be displayed at all times and SIA numbers, full names, address, contact telephone numbers, times worked and duty performed to be entered into an occurrence book and made available to police immediately upon request.

4. All customers shall pass through a metal detecting search arch as a condition of entry in addition to being hand-searched (i.e. a pat-down search).

5. All customers must provide identification to be scanned into an electronic identification system (such as Scannet) as a condition of entry.

**Additional conditions applying throughout the week**

6. The capacity of the premises is limited to 400 customers.

7. A written dispersal policy will be drawn up by the licence holder in agreement with officers from environmental health, police and the licensing authority. The premises shall be operated in accordance with the dispersal policy.

8. All door supervisors at the premises shall be supplied by a company with Security Industry Authority Approved Contractor Status.

9. Carlos Harris may not be employed at the premises in any capacity and is not to be present on the premises at any time licensable activities are taking place (including as an invited guest).

10. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an Environmental Health Officer from the Local Authority, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the satisfaction of the Environmental Health Officer. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of the specialist consultant and records of any approvals shall be available for inspection by the Environmental Health Officers. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

12. Litter patrols must be conducted on Norwood High Street 50 metres either side of the premises after it closes to the public every night.

Date of issue: 7th March 2017
Appeal information

If you wish to appeal a decision made by the Licensing Sub-Committee you must give written notice of appeal, within the period of 21 days beginning with the day on which you were notified by the licensing authority of the decision you wish to appeal, to:

The Appeals Officer
Camberwell Green Magistrates’ Court
15 D’Eynsford Road
London
SE5 7UP

Please note that there is no power to extend the time limit for an appeal.

On appeal a magistrates’ court may:
- Dismiss the appeal;
- Substitute for the decision appealed against any other decision which could have been made by the licensing authority;
- Remit the case to the licensing authority to dispose of in accordance with the direction of the court.

The court has wide discretion and may make such order to costs as it thinks fit.

The table below sets out each party’s entitlement to appeal a decision:

<table>
<thead>
<tr>
<th>Appeal entitlement: Review of a premises licence</th>
<th>Nature of decision</th>
<th>Applicant’s appeal rights</th>
<th>Other parties appeal rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any</td>
<td>The applicant may appeal against the decision.</td>
<td>The holder of the premises licence may appeal against the decision.</td>
<td>Any other person who made relevant representations in relation to the application may appeal against the decision.</td>
</tr>
</tbody>
</table>
IN THE CAMBERWELL GREEN MAGISTRATES' COURT

AN APPEAL UNDER THE LICENSING ACT 2003

BETWEEN:

MWE LIVE LTD
(as Premises Licence Holder, formerly
SOUTHERN PROPERTIES (NORWOOD) LTD)

Appellant

v-

LONDON BOROUGH OF LAMBETH
(as Licensing Authority)

Respondent

CONSENT ORDER

UPON reading the court file, and in particular the correspondence confirming that the terms of this Order are agreed by the Appellant and the Respondent who both consent to it being made

THE COURT ORDERS:

1. That pursuant to section 181(2)(b) of the Licensing Act 2003, this appeal against the decision of the Respondent licensing authority, taken at review proceedings heard on 16 February 2017 and set out in a Notice of Decision dated 7 March 2017, relating to a licensed premises known as “Scandals” (now “No 82”) situated at 82-84 Norwood High Street, London SE27 9NW (henceforth “the decision”), is allowed.

2. That in relation to Premises Licences #Prem1307 the decision of the licensing authority shall stand save for these amendments:
a) On Saturday nights, all licensable activities must terminate no later than 03:00hrs with closing at 03:30hrs.

b) On Monday – Thursday nights, all licensable activities must terminate no later than 00:30hrs with closing at 01:00hrs.

(For the avoidance of doubt, on Friday nights all licensable activities must terminate no later than 01:00hrs with closing at 01:30hrs and on Sunday nights all licensable activities must terminate no later than midnight with closing also at midnight).

c) Of the conditions imposed in the decision, the following shall only apply to Saturday nights:

i. Entry will be restricted to customers aged 25 and over.

ii. A minimum of twelve SIA registered door staff shall be on duty whilst the premises are in use under the premises licence. Additional male and female SIA door staff to be employed at the premises when required on the basis of an operational risk assessment. Identity badges will be displayed at all times and SIA numbers, full names, address, contact telephone numbers, times worked and duty performed to be entered into an occurrence book and made available to police immediately upon request.

iii. All customers shall pass through a metal detecting search arch as a condition of entry in addition to being hand-searched (i.e. a pat-down search).

iv. All customers must provide identification to be scanned into an electronic identification system (such as Scannet) as a condition of entry.
d) Of the conditions imposed in the decision, the following shall only apply to Friday nights:

   i. All customers shall pass through a metal detecting search arch as a condition of entry in addition to being hand-searched (i.e. a pat-down search).

   ii. All customers must provide identification to be scanned into an electronic identification system (such as Scannet) as a condition of entry.

3. These additional conditions shall be imposed on the premises licence:

   a. Customers shall not be admitted to the premises after 02:00hrs except for customers permitted to temporarily leave the premises to smoke.

   b. A telephone number and/or email address of a person involved in the management of the premises shall be published on the premises’ website and at the premises itself (in a place and format readable to an individual standing outside) to enable local residents to contact the management in order to address issues of concern relevant to the licensing objectives.

   c. Any revisions to the written dispersal policy must be agreed with the Community Safety Team at Lambeth Council (“CST”). A copy of any such revised policy shall be provided to CST within 14 days of those amendments being approved.

   d. From 23:00 hours on Saturday nights until thirty minutes after the premises is closed to the public a member of the premises staff will be stationed at the junction of Windsor Grove and Norwood High Street to ensure, so far as is possible, that patrons do not park in the nearby residents’ car park. The premises will be informed of patrons parking in that location and entry will be refused until the vehicle has been parked elsewhere. At all other times the provision of this staff patrol must be provided on a risk assessed basis by the licence holder.
4. The name of the premises recorded on the Premises Licence shall be amended to “No. 82”

5. The terms of this Order are to come into effect at noon on 2 October 2017.

6. There shall be no order as to costs.

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Counsel for the Appellant

Solicitor for the Respondent

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Dated: 19 September 2017

Camberwell Magistrates’ Court