Notice of decision

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

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<td><strong>Nature of decision</strong></td>
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<td><strong>Other parties appeal rights</strong></td>
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<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>
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<td>Any other person who made relevant representations in relation to the application may appeal against the decision.</td>
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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

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Solicitor for the Respondent

Court…..L……..:

Magistrates’ Court

Dated: 19 September 2017