

## PROTECTIVE MARKING

METROPOLITAN  
POLICE

TOTAL POLICING

Form 693

**Form for Applying for a Summary Licence Review****Application for the review of a premises licence under section 53A of the Licensing Act 2003**  
(premises associated with serious crime, serious disorder or both)**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

Use additional sheets if necessary.

**Insert name and address of relevant licensing authority and its reference number:**

Name: CROYDON COUNCIL

**Address:**

BERNARD WEATHERILL HOUSE, 8 MINT WALK

Post town: CROYDON

Post code:

CR0 1EA

Ref. No.:

**I DARREN RHODES PC194ZD**

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

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

CLUB 791, 791 LONDON ROAD

Post town: CROYDON

Post code:  
(if known)

CR7 6AW

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

Kibuuka Fred Kycyunc

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

10/00547/LIPREM

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

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

Please tick the box to confirm:



PROTECTIVE MARKING

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

On 10th October 2015 a male customer was stabbed in the neck inside the premises. This prompted the Metropolitan police to apply for a summary review of the premises licence which was granted and the premises remained closed until the matter went before a sub committee. The result of the hearing was that the premises remained open and a number of conditions were added to the premises licence.


On 24th January 2016 a male attended the premises at around 3am. He forced his way into the venue and can be seen going in and looking around for somebody. On exit he assaults at least two members of security and leaves. He was not stopped or searched and did not have his ID scanned. Following this incident the premises licence holder attended the police station where it was explained to him that the security failed yet again and that the door team were ineffective and should be replaced. He was advised not to open the premises until an new and stronger team were deployed.

On 6th February 2016 the same male attended the venue again along with 8 other persons. They forced their way into the venue past security and the ID/search regime. They again went inside to look for somebody and then left within minutes. On this occasion one of the group is the same male from the night of the stabbing on the 10th October and on that incident he is seen leaving with a knife.

On speaking to the premises licence holder about the incident on the 6th he told me that the security team deployed that evening did not have ACS status as is required under Condition 6 of annex 2. This condition was added by the licensing sub committee at the recent hearing.

The Metropolitan Police are of the opinion that there is a significant risk of a repeat of the incident on the 10th October 2015. The venue did not take sufficient steps to prevent these people entering without going through the required procedures and that this application is both proportionate and necessary to prevent another serious incident happening at the premises. The Metropolitan Police request that the premises licence is suspended with immediate effect and until the matter can be heard in full at the next available hearing of the licensing sub committee

Signature of applicant

Signature:		Date:	12.2.2016
Capacity:	APPLICANT		

Contact details for matters concerning this application

Surname:	RHODES	First Names:	DARREN
Address:	CROYDON POLICE STATION, 71 PARK LANE		
Post town:	CROYDON	Post code:	CR9 1BP
Tel. No.:	020 8649 0167	Email:	Darren.rhodes@met.police.uk

Notes for guidance

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.  
 Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
  - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
  - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
 Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

Form 693A

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

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

**I hereby certify that in my opinion the premises described below are associated with:  
serious crime**

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

**Postal address of premises or club premises, or if none, ordnance survey map reference or description:**  
 CLUB 791, 791 LONDON ROAD

<b>Post town:</b>	CROYDON	<b>Post code: (if known)</b>	CR7 6AW
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**Premises licence number (if known):**  
 10/00547/LIPREM

**Name of premises supervisor (if known):**  
 Mr. Kibuuka Fred Kyeyunc

**I am a SUPERINTENDENT\* in the Metropolitan Police Service.**

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

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

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

**I have discussed this matter in full with my licensing officers and I am aware of the history surrounding this premises. This application is nesseeary to support and promote the Prevention of Crime and Disorder licensing objective. I am satisfied that this premises is and has been associated with serious crime. I believe that if this application is not made there is a real risk of escalation of incidents involving serious violence at the venue due to the failure by the licence holder to provide sufficient measures around security and abide by the agreed conditions set out by the licensing sub committee.**

**Signature**

Signature:  Date: 12/2/16

**POLICE APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE: CLUB791,  
791 LONDON ROAD, CR7 6AW**

It is true that on 24<sup>th</sup> October 2015 a male customer was stabbed in the neck inside the premises.

This unfortunate incidence led the Metropolitan Police to apply for a summary review of the premises licence which was granted and the premises remained closed until the matter went before a subcommittee.

At the time Club management felt that this action was disproportionate (*Club introduced measures they felt could prevent the occurrence of serious crime or disorder or both*) and as a result Club was allowed to open till the review meeting.

At the review meeting the premises licence was amended and a number of conditions were added such as Approved Contractor Status to the licence.

During the period to date, The Club has since established that most of the firms who provide door personnel and were under the ACS scheme, provided personnel not adept at dealing with the kind of behaviour in a night club environment.

On the 24<sup>th</sup> January 2016 a male attended the premises at around 3 am. He forced his way into the venue and can be seen going in and looking around. (*The Club believes that the man is looking around to see if he fits this crowd both in taste of music and in mannerism i.e. attitude, behaviour and dressing*).

On exit, he assaults at least two members of the security team and leaves. He was not stopped or searched and did not have his ID scanned. (*It is worth noting that if anyone forces themselves into a venue, it means there was some sort of resistance or attempt to stop them coming in. His ID wasn't scanned; it is a challenge to try and scan the documents of any individual trying to force their way into a venue*).

Following this incident the premises licence holder attended the Police station where it was explained to him that the security failed to and that the door team were ineffective and should be replaced. He was advised not to open the premises until a new and stronger team were deployed. (*let it be noted that the premises licence holder duly complied and a new stronger and effective team was sought and deployed albeit on a trial period*).

On the 6<sup>th</sup> February 2016 the same male attended the venue again along with 8 other persons. They forced their way into the venue past security and the ID/search regime. They again went inside to look for something and left within minutes (*This is inaccurate as they stayed till 4 am. Upon sighting them, the security team was alerted by the premises licence holder to ensure there wasn't any incidence. A quick decision was made to ensure there wasn't any crime or disorder whilst the premises licence holder contacted Croydon*

*Police via the Croydon Radio. As this was futile, the premises licence holder used his mobile phone to call 999/101. After explaining what was happening, he was told there was insufficient units to attend to the scene. The unit eventually attended almost closing time – 4 am. They summoned the premises licence holder go and speak with them outside the venue. As the male walked past them, and upon the premises licence holder confirming this was the culprit, they then asked for crime reference number which the premises licence holder didn't have. At this point they did not even attempt to speak to the male and/or try and get his details or establish his identity).*

On this occasion one of the group is the same male from the night of the stabbing on the 10<sup>th</sup> October and on that incident he is seen leaving with a knife. *(the Police were standing by, if they saw an individual with a knife or anything resembling a knife surely they should have arrested the individual or least had a conversation with this person).*

On speaking to the premises licence holder about the incident on the 6<sup>th</sup> February 2016 he told me that the security team deployed that evening did not even have ACS status as is required under Condition 6 of annex 2. This condition was added by the licensing sub - committee at the recent hearing. *(the premises licence holder has on numerous occasions spoken with the Police and on no less than three occasions have the police recommended he get a stronger security team. ██████████ and ██████████ were two venues police said they did not have many serious incidents from. The premises licence holder take this advice and spoke with the security team from ██████████ and he can attest to a conversation he had with the Police in which the Police upon viewing the way this team from ██████████ works actually commended the premises licence holder - to now use this as a breach of the conditions set by the sub - committee is nothing short of standing on the fence. Every time that the premises licence holder communicated with the Police, he had developed a trust in their advice, guidance and authority and when some suggestions are made as above could have been construed as authoritative advice).*

The Metropolitan Police are of the opinion that there is a significant risk of a repeat of the incident on the 10<sup>th</sup> October 2015. The venue did not take sufficient steps to prevent these people entering without going through the required procedures and that this application is proportionate and necessary to prevent another serious incident happening at the premises. The Metropolitan Police request that the premises licence is suspended with immediate effect and until the matter can be heard in full at the next available hearing of the licensing sub – committee.

Steps taken during the Licencing Review period;

1. The Club requests Police presence within the vicinity on the Friday night events. This to act as both a deterrent to future crime and disorder and as a ploy to apprehend the culprit, should they return to the venue.

2. The Club to cease the operation of the Friday night events till the review as the Club seeks to change both the demography of the Friday night crowd and the music policy.
3. The Club to employ two (2) additional door staff during the Saturday night events with immediate effect, bringing the minimum number of door men operating in one night to eight (2) doormen with a t least one of these being a female door personnel.
4. The premises licence holder has now reported this male (known as [REDACTED]) and a Crime reference number now exists; 28201/1102. Hopefully he can now be apprehended should he ever return to the venue.

On the night that the male returned and forced his way into the venue, the club had taken the following steps;

1. Barriers were in place to indicate that there was no more entry and/or re-entry except exit.
2. There is clear signage on the board at the entrance which tells of "no search no entry"
3. There were two (2) door men manning the barriers and letting people know that there was no more entry or re-entry
4. Ultimately, calling the police was another appropriate step taken.



Frédéric Fred Kyeyune <fridmkafr@met.pnn.police.uk>

A2

## To Organise a Meeting re Crime and Disorder Help;

1 Message

Thu, Feb 5, 2015 at 1:12 AM

To: Mick.Emery@met.pnn.police.uk, darren.rhodes@met.pnn.police.uk, Beverley.W.Reynolds@met.pnn.police.uk, Harvey.Martin@met.pnn.police.uk, Sue.jones2@met.pnn.police.uk, Graham.R.Hislop@met.pnn.police.uk, michael.goddard@croydon.gov.uk, [REDACTED]

Dear All

I outline the details as we have discussed, on Tuesday 3rd February at 8pm for the benefit of other parties involved and to ensure we are all on the same track.

### Club Owners Meeting

- Mr [REDACTED] spoke to Mick Emery on Monday 2nd Feb on the phone informing him of the meeting with 791 Club and after would be contacting D Rhodes to organise a meeting together.
- [REDACTED] - London Rd Thornton Heath/Croydon - DPS [REDACTED]
- 791 Club - London Rd Thornton Heath - Owner DPS Fred Kyeyune
- [REDACTED] Bridgestock Rd Thornton Heath - NOT PRESENT - Mentioned By Mr Keyune to up date after meeting.
- Issues Raised with High Alert and Concerns; Large mixed Group of men age ranging from 20 - 45
- Named as The [REDACTED] Gang? [REDACTED] is the main ring leader, apparently they cannot travel or be seen in any other borough or town? Reason they are suddenly causing so much trouble in this area.
- They are plaguing all of our businesses, with Intimidation, beating up of the security staff, forceful entry of the premises, breaching fire exit doors to smoke, or to gain entry in and out, refusal of being searched, not adhering to the dress code, ID checks. absolute disrespect to other patrons staff and authority, moving of CCTV or removing light bulbs.

### Action Taken to Date

- Once entry is forced or broken by this group, The night is locked off music stops, lights are switched on, police are called, Incident reports are written up CCTV is stored.
- Prevention taken doors locked to keep them out meaning no patrons can leave or enter due to their presence outside, or they try to force entry from the back of the premises, again have been locked and secured, but causing a nuisance by refusing to leave.
- Have closed the club, cancelled events, cancelled promoters, They still turn up on event which they have never been to before, old big peoples events, Jazz nights, Soul nights, Basically they are a big problem and are up setting our classy mature patrons.
- The security have been changed,
- Have asked for Police Car Presence parked outside, this request turned down.
- No member of the `team/staff security should be assaulted beaten up, pushed down and fearful from their intimidation and volume in numbers.
- If they do adhere to a search dress code and small numbers arriving in 2 or 3s, once inside the door trouble starts they wait, refusing to pay, provide ID and wait for more of the group to come to the door pushing down staff, security do there best to hold of the door. night gets locked off.

### Preventative Action Required

- Help from the Croydon Council - being made aware
- Help and support from the Licensing Team
- Help and support from the Police

A2

- Banning jurisdiction order?
- Is there a serious organised crime section or law enforcement where by the police can have a injunction served to this group so they cannot enter within a miles radius or step foot on the premises or they are breaking the law trespassing or something to help these businesses. and get arrested?
- Can the Police provide support to us, just like in central Croydon the police are parked out side,
- The two main clubs on the London road are having problems and now [redacted] has started to have problems, were all on one straight road within a 1 1/2 mile radius from each other this would simplify having a police car shared between the three clubs?

**Police Meeting**

- Arrange a meeting with Darren Rhodes and Mr Mick Emery
- Michael Goddard and Steve Mo Croydon Council - Awareness purposes
- We agree to adhere to any rules and regulations as set out by the Met Police, Croydon Licensing Team
- 

**Close**

- The [redacted] management team have kept a record of all incidents. The business has been growing with clean history incident free and free
- from gangs crimes and disorder from the license was granted back in 2012, In order to keep a professionally run safe environment following all 4 licensing objectives I need help, This is the reason why 791 club has had a meeting with us as they are experiencing these problems far worse.

I believe this is all the matters we discussed. Feel free to add anything that I may have missed. I will contact you with any further details that may arise prior to the meeting.

Mr [redacted] will call the licensing team to arrange a meeting at your earliest convenience to discuss further.

Kind Regard

[redacted]

[redacted]  
LONDON ROAD  
CROYDON [redacted]  
TEL: 020 [redacted]

Kibuuka Fred Kyeyune <[redacted]>  
To: [redacted]

Sat, Feb 7, 2015 at 7:15 PM

[Quoted text hidden]

Kibuuka Fred Kyeyune [redacted]  
To: [redacted]

Mon, Feb 9, 2015 at 3:52 PM

----- Forwarded message -----

From: [redacted]  
Date: 5 Feb 2015 01:12  
Subject: To Organise a Meeting re Crime and Disorder Help;  
To: <Mick.Emery@met.pnn.police.uk>, <darren.rhodes@met.pnn.police.uk>, <Beverley.W.Reynolds@met.pnn.police.uk>, <Harvey.Martin@met.pnn.police.uk>, <Sue.jones2@met.pnn.police.uk>, <Graham.R.Hislop@met.pnn.police.uk>, <michael.goddard@croydon.gov.uk>, <[redacted]>  
Cc:



## FURTHER REPRESENTATIONS FROM THE METROPOLITAN POLICE

This is the second time in 4 months that the Metropolitan Police have sought and expedited review of the premises licence at CLUB 791.

The first time was in October 2015 after a male was stabbed in the neck inside the premises. At the Sub-Committee hearing for this occasion a number of conditions were attached to the premises licence with the intention of addressing the issues which brought about that review.

In February 2016 the Metropolitan Police sought a second review after two incidents at the premises. Firstly on 24th January a number of males gained access to the premises. One in particular used force; he went inside for a few minutes and then left, assaulting two door supervisors on exit. I shall refer to him for the purpose of this matter as (Subject 1).

The premises licence holder was asked to attend the police station with CCTV of the incident. After viewing the CCTV it was the advice of the police that the door team were weak, and that they should be replaced with a more effective team. They were also advised that the premises should remain closed until the new team were in place. This was advice only, in order to prevent a repeat of this incident. It is my understanding that the premises did close and replaced the door team as advised by the police.

On the 6th February (Subject 1) returned to the premises and again used force to enter. He was accompanied this time with 8 other subjects who also enter the premises. Again (Subject 1) is inside for less than 1 minute before he leaves followed by a door supervisor.

The disturbing thing about the second incident is that one of the males in this group, who I shall refer to as (Subject 2) was the same male, who was part of the group involved in the stabbing on 10th October 2015. (Subject 2) is seen on CCTV on the night of the stabbing leaving the premises with a knife. He is wearing the same clothing on both occasions.

In relation to the CCTV footage from the 6th of February there are other issues which are of great concern to the police. At 0300hrs members of the public are still entering when the last entry time is 0200hrs. Customers can be seen producing ID to the door staff that then scans it onto the machine. This is not a re-entry as a female can be seen being asked to stand in front of the machine so that her picture can be taken. There is no evidence of searching and the metal wand is on the table with the tray where people would enter the contents of their pockets. The door supervisors are not wearing hi viz jackets and the door team on the night do not have Approved Contractor Status (ACS).

It is the belief of the police that on the 6th February 2016 there were breaches of conditions 5, 6, 9 & 12 of the premises licence.

The Metropolitan Police have had countless interventions with this venue. There was an honest held belief, by the police, that the conditions added to the premises licence at the previous review, coupled with commitments from both the management of the premises and an independent security consultant, that these types of incidents would be a thing of the past. It transpires that the same failings in both the security team and management are present.

The Metropolitan Police are of the opinion that the premises failed to put sufficient measures in place following the 24th January incident to prevent the incident of 6th February. The revised position of the Metropolitan Police is that the only, sensible course of action, to support and promote the Prevention of Crime and Disorder licensing objective is to ask that the premises licence for CLUB 791 is REVOKED.

Darren Rhodes PC194ZD  
Licensing Officer  
Croydon Police Station



Working together for a safer London

**Croydon Borough  
Licensing Office**

TERRITORIAL POLICING

Fred Kyeyune  
'Club 791'  
791 London Road  
Thornton Heath  
CR7 6AW

Croydon Police Station  
71 Park Lane  
Croydon  
CR9 1BP  
Telephone:  
Facsimile: 0208 649 0186

Email: Darren.Rhodes@met.p  
olice.uk

26th September 2012.

- **The Prevention of Crime and Disorder.**
- **Public Safety**
- **The Prevention of Public Nuisance**

Dear Fred

Following my visit to your premises in relation to the incident at your venue whereby a male customer was allegedly stabbed, I am now putting my findings in writing. I wish to draw to your attention my following observations

In relation to the large disturbance which I observed on your CCTV system, I am strongly of the opinion that your security on that night was woefully inadequate. I do not think that with the size and layout of your premises it is possible to operate safely with four (4) door supervisors. Your head doorman was unable to control the disturbance in the smoking area due to being completely outnumbered. Once the disturbance moved to the foyer area there was still a lack of control. The incident was compounded by a lack of perimeter security which in turn resulted in a clear breach of security at your premises. I am of the opinion that this led directly to a male returning to your venue with a weapon which he then used as part of a vicious attack on another customer.

I was shocked to see that customers were able to break off legs of tables and use them as weapons. This is unacceptable. As such you must remove all furniture from the foyer area and everything from the smoking area which could be used as a weapon. This must be done immediately.

In relation to your CCTV, I found the quality of the footage to be of an unsatisfactory standard. I suggest that you undergo an immediate inspection of your system with a qualified engineer. It may be a small technical issue, but I suspect that you do not have a hard drive with sufficient memory to operate your system to a standard acceptable to the metropolitan police.

I also found that your written incident records were not comprehensive and therefore not to the standard required in your premises licence

I must therefore insist that until further notice you must employ six (6) door supervisors at your venue at all times that licensable activity is taking place. I am happy for you to bring on four (4) from 2100hrs and the other two (2) no later than 2300hrs. They must all then remain in place until the venue is closed. This is covered in condition 6 of your premises licence

Regards

Darren Rhodes PC194ZD



TERRITORIAL POLICING

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**Croydon Borough  
Licensing Office**

The Premises Licence Holder

Kibuuka Fred Kyeyune  
CLUB 791  
791 London Road  
Thornton Heath

Croydon Police Station  
71 Park Lane  
Croydon  
CR9 1BP

Telephone: 0208 649 0172  
Facsimile: 0208 649 0186

Email:  
Darren.rhodes@met.police.uk

3rd January 2013

- **Prevention of Crime and Disorder**

**RE- CLUB 791**

Dear Fred

On the build up to and including the Christmas period there were a number of incidents at your premises which brought it to the attention of the police. In our meeting today I outlined my concerns regarding the current operation of the premises and my recommendations are as follows

1. **That you employ the services of a security contractor with ACS status.** It is my opinion that the current security in operation is not effective. I was particularly disappointed with what I saw on the 21st December when approximately 200 youths were outside your venue for a birthday party which had been advertised on the internet. My observations on the night were that the security did not seem to proactively take control of the dispersal once the event had been closed down.

I could also smell cannabis whilst I was stood in the lobby. I did not smell it outside and can only conclude that it was coming from your smoking area. This would suggest that the searching policy at your premises was not effective.

This was also after a recent visit by Sergeant Cooper who found your security to be unreceptive to police presence and that the records on the night were incomplete. This and other matters led to the issue of a Closure Notice.

The deployment of security at your venue is essential to the support and promotion of the 'Prevention of Crime and Disorder' licensing objective. It is not unreasonable for the police to ask to inspect door supervisor's records which are accurate and complete and will stand up to scrutiny. Your door supervisor records have fallen woefully short of the standards expected by Croydon Police.

There is literature available for you entitled 'The Approved Contractor Scheme, What's In It For You?', alternatively you can contact the SIA on 020 7025 4190 or [www.sia.homeoffice.gov.uk/roac](http://www.sia.homeoffice.gov.uk/roac) or email at [ACSenquiries@sia.qsi.gov.uk](mailto:ACSenquiries@sia.qsi.gov.uk)

## **2. That you proactively monitor the internet and police what information is going out to the public in relation to events at your venue**

I make reference to this due to the incident on the 21st December whereby a young man asked to use a VIP booth for his birthday when in fact he had advertised this event by the use of fliers listing dj's playing on the night. This was a breach of the form 696 condition of your premises licence. On the night I asked him one simple question "can I see your flier for tonight" to establish this fact. You need to have more robust procedures in place to prevent this happening again.

Moving forward I require an up to date list of your 'in house dj's' to be sent to me in the form of a 696.

I also require you to provide me with a list of what your regular events are. Lastly, I require a CCTV disc with images from all camera's for 2 minutes on Christmas Eve so that I can check on the quality of the images.

I am always satisfied with your willingness to work with the police, I am however disappointed at this moment in time with the management of the premises and I hope to see an immediate improvement following our recent meeting.

I will of course, always be available to discuss any matter in relation to the running of your venue in order to support and promote the licensing objectives

**The Metropolitan Police as a Responsible Authority under the Licensing Act 2003 reserves the right to initiate a Review of your Premises License and take enforcement action with reference to the commission of offences under the 'Act'**

Darren Rhodes PC194ZD  
Licensing Officer  
Croydon Police Station  
07920 233883  
020 8649 0172

**CRIMES & INCIDENTS RECORDED FOR CLUB 791  
791 LONDON ROAD  
THORNTON HEATH**

**04/06/2011 - 0500hrs - FIGHT/ASSAULT/THEFT - 4614677/11**

Victim and friends are inside the venue and a fight breaks out after victims chain is taken by unknown male. Victim is struck over the head with a bottle and attends hospital. 3 suspects are never identified and the victim does not wish to pursue the allegation.

**29/07/2011 - 0335hrs - FIREARM INCIDENT - 3822868/11**

Three suspects wearing balaclava's approach the venue and discharge three shotgun cartridges at the building whilst it is open to the public. No suspects identified

**06/05/2012 - 0500hrs - FIGHT/ASSAULT - 3813793/12**

A fight breaks out at the end of the evening after the music is turned off. The DJ is assaulted but later refuses to assist the investigation. No suspects are identified

**22/09/2012 - 0420hrs - FIGHT/STABBING - 3828610/12**

Male victim starts a fight inside the venue, during this incident males break off chair legs from a table and use them as weapons. Victim is stabbed in the back and has 5 puncture wounds. Victim refuses to assist police and no suspects are identified

**18/11/2012 - 0430hrs - ASSAULT - 3834679/12**

Female victim is grabbed around the throat by a known suspect

**24/12/2013 - 0330hrs - DISORDER - ZDRT00439672**

Following outbreaks of disorder at the premises at a private party the premises decide to close the venue. Outbreaks of disorder continue after the arrival of police

**29/12/2013 - 0500hrs - ASSAULT - 3836214/13**

Victim alleges that as they leave the club at the end of the night they are attacked by other customers. Victim receives cuts to the head. No suspects identified

**02/02/2014 - 0514 - ASSAULT - 3836214/13**

Police are notified of victim's injury at hospital. Staff there initially thought there were 3 stab wounds to the head but it is also possible that the injury was caused by a bottle. Victim states he was attacked by a group of males on leaving the venue. Victim unwilling to assist investigation and no suspects are identified.



**06/02/2014 - 0048hrs - FIGHT - 3814431/14**

Police are called to the venue after reports of a fight outside. Door staff unwilling to provide any of their details or substantiate allegations that one of the males produced a flick knife and a member of door staff was assaulted. No suspects identified.

**12/07/2014 - 0320hrs - FIGHT/STABBING - 3819276/14**

Victim attends a party at the premises and upon leaving a large fight takes place in the road directly outside the venue and the victim is stabbed. Police arrest a suspect who flees the scene on their arrival.

**01/02/2015 - 0230hrs - FIGHT/STABBING - 1203137/15**

Police called to hospital after victim attends with a stab wound. Victim states that when he left the venue he was involved in a fight, during which he was stabbed twice. He does not want to assist police and no suspects are identified

**11/05/2015 - 0320hrs - ASSAULT - 3814567/15**

Two female customers are repeatedly punched by an unknown male inside the venue. The attack is unprovoked after the male's advances were rejected. The suspect and the victims were ejected from the premises by the door team. Police make a request to the venue for CCTV only to discover that the footage has been lost. The premises licence for this venue states footage to be kept for 28 days (request made within this period). The venue informs the investigators that it is only kept for 21 days. The suspect is not identified and the investigation is hindered by the lack of CCTV and the actions of the door team on the night.

**31/08/2015 - 0300hrs - ASSAULT/STABBING - 3825465/15**

Victim is at the venue with his girlfriend and is approached by a group of males, one of which assaults him. A large fight breaks out during which the victim receives a puncture wound to the face which is believed to have been caused by a key. The victim is unwilling to assist police with the investigation and despite the presence of an ID scanning system the suspect is not identified.

**31/08/2015 - 0403 - ASSAULT/FIGHT - 3825417/15**

Victim is assaulted as he leaves the venue following a fight. He is unwilling to assist the police investigation and no suspects have been identified.

**10/10/2015 - 0410hrs - ASSAULT/STABBING - 3829458/15**

Victim is stabbed in the neck at the side of the dance floor in an unprovoked attack. The suspects enter the premises after the last entry time. They are not challenged by security until they reach the front door. When they are challenged they are still allowed entry and the searching of them was of an exceptionally poor standard. They did not have their ID's scanned and are unidentified.

This incident resulted in the police seeking an expedited review of the premises licence.

## **POLICE CONCLUSION & RECOMMENDATIONS**

The Metropolitan Police have carefully considered all the incidents and interventions with this venue. Looking at the recorded crimes, revocation is clearly an option however we fully accept that there were significant outside factors that prevented the management from dedicating the time and effort needed to prevent and reduce the number and types of crime that have taken place.

We are aware that those factors no longer exist and Mr Kyeyune has given assurances that he will be able to dedicate himself to the task in hand. We acknowledge that Mr Kyeyune is a person who works closely with the police and if this licence were to remain in place then I am confident that this working relationship would continue.

There are however still some issues namely the CCTV. Following the suspension of the premises licence I attended the venue at the request of Mr Kyeyune. I made a number of recommendations in relation to the CCTV which I felt were essential in order to satisfy the police that the poor quality images supplied previously would drastically improve. These recommendations were not put into place and the images supplied to me on 3rd November were of a poor quality. These images are of little evidential value and therefore in my submission unsupportive of the prevention of crime and disorder licensing objective.

Therefore the only sensible course of action available is to suspend the premises licence until the CCTV is to a satisfactory standard.

Furthermore the Metropolitan Police request that should the committee be of a mind to allow this licence to remain active the conditions listed below should be added to the premises licence and replace all existing ones and that the hours are adjusted to those suggested.

1. Maintain a CCTV system to the reasonable requirements of the Metropolitan Police, covering the entrances, exits, internal and external areas of the premises and retain images for a minimum of 31 days and deliver CCTV images to Police or authorised Council Officers, in useable, form on request.
2. A head and shoulders image shall be captured to identification standard of every person who enters the premises.
3. A person who is capable of downloading images shall be present at the premises whenever licensable activity is taking place. Images shall be delivered to police or authorised council officers within 1 hour when the premises are open to the public. Where the request is made outside these hours images shall be delivered within 24hrs of the request.
4. Ensure that a minimum of 6 door supervisors, to include at least 1 female, are deployed at the premises from 30 minutes prior to the premises being open to the public to 30 minutes after the premises close.
5. Door supervisors will wear hi viz jackets at all times they are deployed at the premises and will be used to assist with the safe dispersal of customers at the end of the night in conjunction with a written dispersal policy.
6. Only a security company with active approved contractor status (ACS) shall deploy door supervisors at the premises  
Ensure that records are kept by the DPS, at the premises, of the following details of any door-supervisor employed at the premises: -
  - Name
  - Full 16 digit SIA badge number
  - Signature of door-supervisor
  - Dates and times employedThe responsible person must countersign each daily record.

These records shall be made available, in useable form, to the Metropolitan Police or authorised officers of the Security Industry Authority upon request.

7. Ensure that the premises are a member of the Safer Croydon Radio system. The equipment shall be kept in working order. The Premises Licence Holder or an authorised deputy will be responsible for ensuring the proper use and monitoring of the equipment and that contact is maintained with the Croydon Council monitoring centre at all times when Licensable Activities are being provided at the premises.

8. Ensure that the maximum number of persons allowed to be in the premises is 200 and that records are kept, half hourly, of the total number of persons present in the premises from the commencement of each until the premises closes.

9. Ensure that no members of the public are admitted after 0200hrs.

10. Ensure that a comprehensive incident register is maintained, at the premises. The DPS shall ensure that details of incidents shall be added to the register within 24hrs of any incident. CCTV images of any incident will be recorded and kept at the premises along with a copy of the incident report and written reports from all members of staff involved

The following details shall be recorded: -

Date

Time

Location

Persons concerned

Summary of incident

Identification of any Emergency Services Personnel who attended.

11. A metal detector arch shall be in use and kept in working order at the premises. Every person entering the premises will pass through the arch prior to being allowed entry.

12. Metal detecting wands shall be in use and every person entering the premises will be scanned with the wand

13. Ensure that all staff are given regular training, supervised by the DPS, in relation to the Licensing Act 2003 and conflict management. Training records will be kept at the premises and made available for inspection. Refresher training will be given to all staff at least every six months.

14. Bottles of spirits and champagne shall only be sold to persons within a clearly defined VIP area. This area shall be constantly manned by a door supervisor and a nominated person shall be positioned at this area to monitor the consumption of alcohol. Bottles will not be permitted to be taken out of this area.

#### 15. Events.

- Ensure that each event held at the premises shall be subject to a crime and disorder risk assessment, at least 14 days in advance of the event. This shall be carried out as agreed from time to time with the Metropolitan Police.
- Consult the local Metropolitan Police Licensing Unit to clarify whether the proposed event is **significant**
- 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.

\*(696 documents will be submitted in electronic form by e-mail)

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 DJs or, MCs; 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.

16. Ensure that an anti-drugs policy is in operation in conjunction with a search and seizure.

17. Ensure that ID Scanner(or a comparable identification scanner with a facility to records persons who owing to their behaviour are barred from any premises) is installed and maintained at the premises, being operational at all times that the premises are open to the public. All persons regardless of age will be required to have their ID scanned prior to being permitted entry to the premises. This will also be in use for when the premises are hired for a private function. Valid passport, UK driving licence or PASS logo will be the only acceptable forms of ID.

18. When the premises are used for private hire copies of photo ID and recent utility bill for the hirer will be kept at the premises. The hirer will provide the venue with a verifiable guest list at least 24hrs prior to the event taking place. This list will be used in conjunction with the ID scanner to verify a person's attendance

19. No private hire of the venue will take place with less than 7 days notice without consultation with the Metropolitan Police Service.

Furthermore, the terminal hour for all licensable activity is amended as follows.

The sale by retail of alcohol on the premises

Monday - Thursday 1200 hours (noon) until 0100 hours on the day following

Friday - Sunday 1200hrs (noon) until 0330hrs on the day following

The provision of regulated entertainment namely:

Recorded music and the provision of entertainment facilities for dancing.

Monday - Thursday 2300hrs until 0130 on the day following

Friday - Sunday 2300 hours 0400 hours on the day following

Live music

Monday - Thursday 2300hrs until 0130 on the day following

Friday - Sunday 2300 hours 0400 hours on the day following

The provision of late night refreshment –

Monday - Thursday 2300hrs until 0130 on the day following

Friday - Sunday 2300 hours 0400 hours on the day following

**The opening hours of the premises**

Monday - Thursday 1200 hours (noon) until 0115 hours on the days following

Friday - Sunday 1200 hours (noon) until 0415 hours on the day following





Home Office

## **Section 53A-C Licensing Act 2003**

### Summary Review Guidance

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- 2. The Steps – Summary Review**
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- 4. Making representations against the Interim Steps**
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## ANNEX A

**Certificate Under section 53A(1)(b) of the Licensing Act 2003**

## ANNEX B

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

# 1. INTRODUCTION

1.1 This guidance explains how to use the provisions in the Licensing Act 2003 ("the 2003 Act"), inserted by section 21 of the Violent Crime Reduction Act 2006, which allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).

1.2 This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the procedures.

1.3 The powers are set out in sections 53A to 53C of the 2003 Act and apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The purpose of these powers is to complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises. Existing powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance) and the consequent review of premises licences by the licensing authority. The powers under sections 53A to 53C of the 2003 Act, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.

1.4 The powers allow:

- the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with **serious crime or serious disorder** (or both); and
- the licensing authority to respond by taking interim steps quickly, **where it considers this is necessary**, pending a full review.

1.5 In summary, the process is:

- the chief officer of police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);
- on receipt of the application and the certificate, the licensing authority must within 48 hours of the time of its receipt consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days after the day of receipt of the application.

1.6 The options open to the licensing authority at the interim steps stage include:

- modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- removal of the designated premises supervisor from the licence; and
- suspension of the licence.

1.7 Following the full licence review, the licensing authority may do any of the above or may revoke the licence.

1.8 The purpose of this guidance is to:

- set out the circumstances where the power can be used; and
- outline the process and the steps at each stage.

## 2. THE STEPS

### Triggering the expedited review

2.1 Section 53A of the Licensing Act 2003 sets out who may apply for an expedited review and the circumstances in which it can be used.

### Application for expedited review

2.2 The chief officer of police for the area in which the premises are situated may apply to the relevant licensing authority for an expedited licence review if a **senior member** of the force has issued a **certificate** that in his/her opinion a licensed premises is associated with **serious crime or serious disorder (or both)**.

2.3 The key definitions used above are:

- **Senior member of the force:** This must be an officer of the rank of superintendent or above.
- **Certificate:** This is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is associated with serious crime, serious disorder or both. **This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is attached at annex A to this guidance.**
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
  - (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or
  - (b) Involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- **Serious disorder:** There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.
- **The application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under section 53A of the 2003 Act. **The application must be made in the form which is set out in Schedule 8A to the**

**Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). The completed application must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex B of this guidance.**

2.4 In deciding whether to sign a certificate, the senior officer will want to consider the following (as applicable):

- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises – it is not expected that this power will be used as a first response to a problem.
- The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
- Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Part 4, Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014 to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power).
- What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

2.5 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53C, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 Similarly, the power could, **where appropriate**, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 3.6 and 3.7 below).

2.8 However, it should continue to be borne in mind that these are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aim is to provide a selective tool, to be used proportionately, to limit this condition to those pubs that are at risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises.

### 3. The Licensing Authority and the interim steps

3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps. When calculating the 48 hour period any non-working day can be disregarded<sup>1</sup>.

3.2 The licensing authority may want to consult the police about the steps that it thinks are appropriate, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

3.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

3.4 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

3.5 If the licensing authority decides to take steps at the interim stage:

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may

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<sup>1</sup> This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

3.6 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

3.7 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

## 4. Making representations against the interim steps

4.1 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded.

4.2 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

4.3 At the hearing the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and

- determine whether to withdraw or modify the steps taken.

4.4 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

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

## 5. The review of the premises licence

5.1 The licensing authority must hold a review of the premises licence within 28 days after the day of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must:

- consider what steps it considers appropriate for the promotion of the licensing objectives; and
- decide which interim steps (if there are any) cease to have effect altogether or become the subject of any steps which it considers are appropriate when making its determination on the review.

5.2 The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance under section 182 of the 2003 Act.

5.3 The licensing authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.



- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority<sup>2</sup>.

5.4 A party shall give to the authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –

- whether he intends to attend or be represented at the hearing;
- whether he considers a hearing to be unnecessary.
- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 4.2 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

5.6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or any other person (who is not also a responsible authority).

5.7 The licensing authority must notify its decision and the reasons for making it to:

- the holder of the premises licence;
- any person who made relevant representations; and
- the chief officer of police who made the original application.

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<sup>2</sup> Responsible authorities are defined under sections 13(4) and 69(4) of the 2003 Act.

## 6. Right of Appeal

6.1 An appeal may be made to the magistrates' court within 21 days of the licence holder being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.2 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

[insert name and address of police force]

**Example Form**

**Annex A**

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>3</sup>.

*Premises*<sup>4</sup>:

Premises licence number (if known):

Name of premises supervisor (if known):

I am a \_\_\_\_\_<sup>5</sup> in the  
police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>6</sup>:

.....

<sup>3</sup> Delete as applicable.

<sup>4</sup> Include business name and address and any other relevant identifying details.

<sup>5</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>6</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:  
  
Post town:  
  
Post code (if known):

**2. Premises licence details:**

Name of premises licence holder (if known):  
  
Number of premises licence holder (if known):

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

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

*(Please tick the box to confirm)*

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

Signature of applicant:

Date:

Capacity:

**Contact details for matters concerning this application:**

Address:

Telephone number(s):

Email:

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000.

In summary, it means:

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

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

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**PREMISES LICENCE****Premises licence number**

10/00547/LIPREM

**Part 1 – Premises details****Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code**

791 London Road  
 Thornton Heath  
 Surrey  
 CR7 6AW

**Telephone number** N/A**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol – On the premises

The provision of regulated entertainment namely:

a) live music b) recorded music.

The provision of late night refreshment.



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

The sale by retail of alcohol on the premises:

Monday to Thursday 1200 hours (noon) until 0100 hours on the days following

Friday to Sunday 1200 hours (noon) until 0330 hours on the days following

The provision of regulated entertainment namely:

Recorded music and the provision of entertainment facilities for dancing.

Monday to Thursday 2000 hours until 0130 hours on the days following

Friday to Sunday 2000 hours 0400 hours on the days following

Live music

Monday to Thursday 2000 hours until 0130 hours on the days following

Friday to Sunday 2000 hours 0400 hours on the days following

The provision of late night refreshment:

Monday to Thursday 2300 hours until 0130 hours on the days following

Friday to Sunday 2300 hours until 0430 hours on the days following

**The opening hours of the premises**

Monday to Thursday 1200 hours (noon) until 0130 hours on the days following

Friday to Sunday 1200 hours (noon) until 0430 hours on the days following

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

On

**Part 2****Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Mr. Kibuuka Fred Kyeyune

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr. Kibuuka Fred Kyeyune

[REDACTED]  
[REDACTED]  
[REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

**Personal Licence No.:** LN/201000125      **Licensing Authority:** L B of Enfield

**Date Original Licence Issued:** 08.07.2010

**Date This Licence Valid From:** 06.11.2015

**Licensing Manager**  
**Place Department**

## Annex 1 - Mandatory conditions

This licence is granted subject to the terms of the Licensing Act 2003

1. 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 his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Any door supervisor employed at the premises must be licensed by the Security Industry Authority (the SIA) and must wear their SIA authorisation badge in a prominent place on their person at all times whilst on duty.
4. (1) The responsible person shall 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).
5. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder shall 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.

7. 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.”

**\*Responsible person is defined as:**

(a) In relation to licensed premises:

- (i) The holder of a premises licence in respect of the premises,
- (ii) The designated premises supervisor (if any) under such a licence, or
- (iii) Any individual aged 18 or over who is authorised for the purposes of section 153 (4) of the Licensing Act 2003 by such a holder or supervisor,

(b) 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 him to prevent the supply in question

In respect of the condition governing age verification, there are specific duties relating respectively to the holder of the premises licence or club premises certificate and designated premises supervisor.

8. 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.

For the purposes of the condition set out in the above paragraph

(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.

## **Annex 2 - Conditions consistent with the Operating Schedule**

The premises licence holder shall –

1. Maintain a CCTV system to the reasonable requirements of the Metropolitan Police, covering the entrances, exits, internal and external areas of the premises and retain images for a minimum of 31 days and deliver CCTV images to Police or authorised Council Officers, in useable, form on request.
2. Ensure a head and shoulders image shall be captured to identification standard of every person who enters the premises.
3. Ensure a person who is capable of downloading images shall be present at the premises whenever licensable activity is taking place. Images shall be delivered to police or authorised council officers within 1

hour when the premises are open to the public. Where the request is made outside these hours images shall be delivered within 24hrs of the request.

4. Ensure that a minimum of 6 door supervisors, to include at least 1 female, are deployed at the premises from 30 minutes prior to the premises being open to the public to 30 minutes after the premises close.

5. Ensure door supervisors will wear hi viz jackets at all times they are deployed at the premises and will be used to assist with the safe dispersal of customers at the end of the night in conjunction with a written dispersal policy.

6. Ensure only a security company with active approved contractor status (ACS) shall deploy door supervisors at the premises. Ensure that records are kept by the DPS, at the premises, of the following details of any door-supervisor employed at the premises: -

Name

Full 16 digit SIA badge number

Signature of door-supervisor

Dates and times employed

The responsible person must countersign each daily record.

These records shall be made available, in useable form, to the Metropolitan Police or authorised officers of the Security Industry Authority upon request.

7. Ensure that the premises are a member of the Safer Croydon Radio system. The equipment shall be kept in working order. The Premises Licence Holder or an authorised deputy will be responsible for ensuring the proper use and monitoring of the equipment and that contact is maintained with the Croydon Council monitoring centre at all times when Licensable Activities are being provided at the premises.

8. Ensure that the maximum number of persons allowed to be in the premises is 200 and that records are kept, half hourly, of the total number of persons present in the premises from the commencement of each until the premises closes.

9. On the days that the premises are open to the public, no members of the public are to be admitted after 0200 hours.

10. Ensure that a comprehensive incident register is maintained, at the premises. The DPS shall ensure that details of incidents shall be added to the register within 24hrs of any incident. CCTV images of any incident will be recorded and kept at the premises along with a copy of the incident report and written reports from all members of staff involved

The following details shall be recorded: -

Date

Time

Location

Persons concerned

Summary of incident

Identification of any Emergency Services Personnel who attended.

11. Ensure a metal detector arch shall be in use and kept in working order at the premises. Every person entering the premises will pass through the arch prior to being allowed entry.

12. Ensure metal detecting wands shall be in use and every person entering the premises will be scanned with the wand

13. Ensure that all staff are given regular training, supervised by the DPS, in relation to the Licensing Act 2003 and conflict management. Training records will be kept at the premises and made available for inspection. Refresher training will be given to all staff at least every six months.

14. Ensure bottles of spirits and champagne shall only be sold to persons within a clearly defined VIP area. This area shall be constantly manned by a door supervisor and a nominated person shall be positioned at this area to monitor the consumption of alcohol. Bottles will not be permitted to be taken out of this area.

15. Events.

- Ensure that each event held at the premises shall be subject to a crime and disorder risk assessment, at least 14 days in advance of the event. This shall be carried out as agreed from time to time with the Metropolitan Police.
- Consult the local Metropolitan Police Licensing Unit to clarify whether the proposed event is significant
- 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.

\*(696 documents will be submitted in electronic form by e-mail)

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 DJs or, MCs; 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.

16. Ensure that an anti-drugs policy is in operation in conjunction with a search and seizure policy.

17. Ensure that ID Scanner (or a comparable identification scanner with a facility to records persons who owing to their behaviour are barred from any premises) is installed and maintained at the premises, being operational at all times that the premises are open to the public. All persons regardless of age will be required to have their ID scanned prior to being permitted entry to the premises. This will also be in use for when the premises are hired for a private function. Valid passport, UK driving licence or PASS logo will be the only acceptable forms of ID.

18. When the premises are used for private hire copies of photo ID and recent utility bill for the hirer will be kept at the premises. The hirer will provide the venue with a verifiable guest list at least 24hrs prior to the event taking place. This list will be used in conjunction with the ID scanner to verify a person's attendance

19. All private hire events shall be notified to the Metropolitan Police Service in writing no less than 7 (seven) days before such event; and

All private hire events shall be undertaken in consultation with the Metropolitan Police Service

**Annex 3 - Conditions attached after a hearing by the licensing authority**

N/A

**Annex 4 – Plans**

Attached

Licence No.: 10/00547/LIPREM

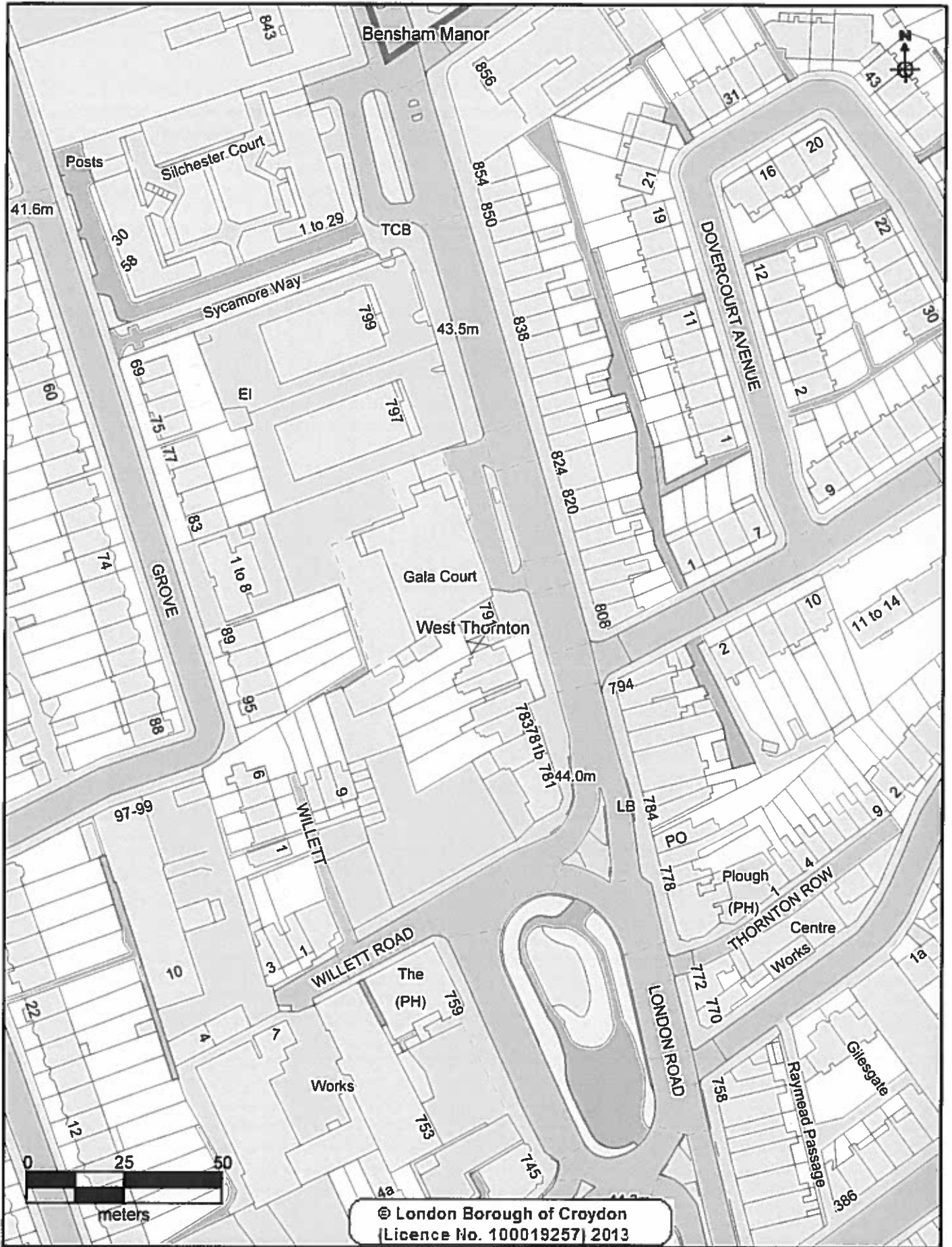
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06/11/2015

Date Effective: 06/11/2015



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