



AGENDA

LICENSING COMMITTEE

Date: THURSDAY, 24 MAY 2018 at 7.15 pm

**Committee Room 3
Civic Suite
Catford Road
London SE6 4RU**

**Enquiries to: Clare Weaser
Telephone: 0208 314 7369 (direct line)
Email: clare.weaser@lewisham.gov.uk**

MEMBERS

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed.

Councillors: (To be confirmed at the AGM)

Councillor Eva Stamirowski (Chair)
Councillor Colin Elliott (Vice-Chair)
Councillor Patrick Codd
Councillor Alex Feis-Bryce
Councillor Alan Hall
Councillor Sue Hordijkenko
Councillor Coral Howard
Councillor Caroline Kalu
Councillor Joan Millbank
Councillor Susan Wise

Members are summoned to attend this meeting

**Janet Senior
Acting Chief Executive
Laurence House
Catford
London SE6 4RU
Date: 16 May 2018**



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

ORDER OF BUSINESS – PART 1 AGENDA

| Item No | | Page No.s |
|---------|--|-----------|
| 1. | Minutes | 1 |
| 2. | Declaration of interests | 2 - 5 |
| 3. | Exotic Bites 313 New Cross Road SE14 6AS | 6 - 56 |



INVESTOR IN PEOPLE

The public are welcome to attend our Committee meetings, however, occasionally, committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

Agenda Item 1

| LICENSING COMMITTEE | | | |
|---------------------|-----------------|-------------------|------------|
| Report Title | Minutes | | |
| Key Decision | | | Item No. 1 |
| Ward | | | |
| Contributors | Chief Executive | | |
| Class | Part 1 | Date: 24 May 2018 | |

Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 9 April 2018 be confirmed and signed.

Agenda Item 2

| LICENSING COMMITTEE | | |
|---------------------|--------------------------|-------------------|
| Report Title | Declarations of Interest | |
| Key Decision | | Item No. 2 |
| Ward | | |
| Contributors | Chief Executive | |
| Class | Part 1 | Date: 24 May 2018 |

Members are asked to declare any personal interest they have in any item on the agenda.

1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a

partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.

- (g) Beneficial interest in securities of a body where:-
- (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on members' participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any

event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**

- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

Agenda Item 3

| LICENSING COMMITTEE | | |
|---------------------|---|--------------------|
| Report Title | Exotic Bites | Licence No. PL1167 |
| Key Decision | No | Item No. 3 |
| Ward | New Cross | |
| Contributors | Community Services – Licensing Authority Head of Law | |
| Class | Part 1 | Date: 24 May 2018 |

Proposal: Premises Licence Review

Legislation: Licensing Act 2003

Premises: Exotic Bites 313 New Cross Road SE14 6AS

Applicants: Daniel Power - Crime, Enforcement and Regulation Officer

This is an application for a Review of the Premises Licence

1. Current Licence Status

- 1.1 The premises are currently licensed for the sale of alcohol, late night refreshments and Regulated entertainment Sunday to Thursday 12.00 till 24:00, Friday and Saturday 12.00 till 02:00 as per the attached licence.
- 1.2 Conditions are attached to the licence to address the four licensing objectives as attached.
- 1.3 A review has been sought by Daniel Power, Crime, Enforcement and Regulation Service on the grounds of prevention of public nuisance and the prevention of crime and disorder.

2. Representation

- 2.1 The application for review was sent to all the Responsible Authorities. 1 Further representations were received from PC Nick Gerry Metropolitan Police Service.
- 2.2 The representations received from interested parties, all of which have been examined by Officers and are considered not to be vexatious or frivolous. These representations were all received within the specified time.
- 2.3 The application for the review of a premises licence has been advertised in accordance with regulation 39, displayed prominently a notice at the premises, and at the Councils main offices for a period of 28 consecutive days. The last date for receiving representations was 26th April 2018

3. **Outline Grounds for review**

Prevention of public nuisance and the Prevention of Crime and Disorder as outlined in the review application.

4 **Legal & Human Rights Implications**

4.1 An interested party or responsible authority can apply to the licensing authority for a review of a Premises Licence. The Licensing authority is required to hold a hearing to consider the application for review and any relevant representations made. The representations are required to be relevant to one or more of the licensing objectives.

4.2 The Licensing authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.

4.3 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

5. **Application for review**

5.1 After having regard to all representations, Members must take such steps as they consider necessary for the promotion of the licensing objectives. The Licensing Committee may;

- 1.) Modify the conditions of the licence (this includes the power to omit or alter existing conditions and add new conditions)
- 2.) Exclude a licensable activity from the scope of the licence
- 3.) Suspend the licence for a period not exceeding three months
- 4.) Revoke the licence
- 5.) Take no action if it is considered that no steps are necessary for the promotion of the licensing objectives

5.2 An appeal may be made against the decision to the Magistrates Court by the applicant for review and the Premises Licence holder.

Background Papers

| <u>Short Title of Document</u> | <u>Date</u> |
|---------------------------------------|--------------------|
| Application for review Licence | 28/3/18 |
| Evidence / documents | As served |

Should you require any further information on this report please contact Lisa Spall at Licensing Services on 020 8314 8390.



Licensing Authority
Holbeach Office
9 Holbeach Road
London
SE6 4TW
020 8314 6400

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

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 this 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.
You may wish to keep a copy of the completed form for your records.

I Dan Power

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the
review of a club premises certificate under section 87 of the Licensing Act 2003
for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

| | |
|---|---|
| Postal address of premises or, if none, ordnance survey map reference or description | |
| Exotic Bites 313 New Cross Road | |
| Post town New Cross | Post code (if known) SE14 6AS |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) |
| Exotic Bites Ltd. |

| |
|---|
| Number of premises licence or club premises certificate (if known) |
| PL1167 |

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

✓

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

| |
|---------------------------|
| Name and address |
| Telephone number (if any) |
| E-mail address (optional) |

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---|
| Name and address Dan Power Crime, Enforcement & Regulation Service 9 Holbeach Road Catford SE6 4TW |
| Telephone number (if any) 02083146326 |
| E-mail address (optional) Dan.power@lewisham.gov.uk |

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

The Prevention of Crime and Disorder

- S57 of The Licensing Act 2003 – Duty to keep and produce licence
- S136 of The Licensing Act 2003 – Unauthorised licensable activities
- S137 of The Licensing Act 2003 – Exposing alcohol for unauthorised sale
- Ongoing breaches of Annex 2 conditions

The Prevention of Public Nuisance

- S136 of The Licensing Act 2003 – Unauthorised licensable activities (Regulated Entertainment – Live/Recorded Music)
- Ongoing breaches of Annex 2 conditions

Please provide as much information as possible to support the application
(please read guidance note 3)

The Crime, Enforcement and Regulation Service seeks an application for review of the premises referred to as Exotic Bites, 313 New Cross Road, London, SE14 6AS via s151 of the Licensing Act 2003 as a consequence of the aforementioned service routinely failing to safeguard key licensing objectives most notably the prevention of crime and disorder as well as the prevention of public nuisance.

Initial concerns with regard to noise nuisance originating from the premise were raised in August 2016, reports received culminated in The Crime, Enforcement and Regulation Service undertaking a visit to the premise on Sunday 28th August 2016, details of the visit are exhibited via DP/1.

On entry to the premise at approximately 00:15am my colleague Denis Savin and I noted the provision of regulated entertainment via recorded music, the sale of hot food after 23:00 and the sale and subsequent consumption of alcohol by a number of patrons within the premise. Additionally, Mr Habeeb Lawal, the owner of the business was informed of multiple offences in relation to s136 of The Licensing Act 2003 (Unauthorised Licensable Activity) as at the time of the visit the premise was not in receipt of a Premises Licence and had not obtained prior authorisation via the application of a Temporary Event Notice.

Nevertheless, with the observation amounting to a first offence in line with Lewisham Council's Enforcement Policy in relation to Regulatory Functions it was considered necessary to pursue measures to assist Mr Lawal in obtaining a Premises Licence. Furthermore, Mr Lawal was invited to meet with the aforementioned service and was subsequently assisted in applying for a number of Temporary Event Notices as a means of enabling the premise to provide licensable activity in the interim whilst applying for a premises licence.

Again Mr Lawal obtained further assistance from The Crime, Enforcement and Regulation Service in obtaining additional Temporary Event Notices over the Christmas and New Year (2016-17) period, whilst applying for a premises licence.

Nonetheless, during the application period the licensing authority mediated a representation made by Vivienne Rose, Deputy Director of Estates and Facilities at Goldsmiths University with regard to the premise routinely causing noise nuisance to students residing above the premise. The interested party made reference to several incidents whereby the security team at Goldsmiths University were called out to the premise as late as 03:05am as a means of having the venue turn down the music provided to customers.

The representation was resolved as to prevent further incidents of noise, Regulated Entertainment would cease at 00:00 on Friday and Saturday nights rather than until 02:00am Monday to Sunday as was initially applied for, on all other days the deregulation enabling regulated until 23:00hours as a consequence of The Live Music Act 2012 would apply. The amended hours of licensable activity intended to ensure that the students residing above the premise were no longer affected by noise nuisance.

Actions since December 2017

In response to further complaints of noise nuisance, The Crime, Enforcement and Regulation Service undertook a further compliance visit on Sunday 3rd December

2017 at approximately 03:00am an hour after permitted hours. My colleague Nadya Gencheva and I observed the continued provision of licensable activity in the form of continued alcohol sales, late night refreshment and ongoing Regulated Entertainment in the shape of recorded music, despite being three hours after the permitted hours of which music is to be played until.

Additionally, confirmation of the visit as is provided in DP/2 demonstrates numerous breaches of conditions as attached to Annex 2 of the existing premises licence. These included but are not limited to the failure on the part of the premise to operate CCTV on request, the absence of an incident log on the premise, failure to uphold the premises age verification policy, failure to join the Safer Lewisham Business Partnership and the failure on the part of the premise to ensure that drinks were consumed only with a substantial table meal. Additionally, officers observed several children on the premise at the time of the visit, in breach of Annex 2, Condition 7 of the premises licence.

Furthermore, DP/2 states a request made as a means of reviewing CCTV footage between the hours of 01:00am and 04:00am on the day of our visit. Nevertheless, the footage requested was never provided, amounting to an offence via Annex 2, Condition 1 of the premises licence.

However, despite officers visiting and observing offences in relation to The Licensing Act 2003 (s57/136/137) as well as breaches of the existing premises licence, The Crime, Enforcement and Regulation Service received a further complaint on behalf of Goldsmiths University providing a catalogue of complaints made on behalf of students residing within close proximity which had resulted in security personnel at the University in many instances having to visit the premise to request that the premises owner turns down the music provided. Details of the complaints logged are highlighted via DP/3.

On inspection of the noise catalogue detailed via DP/3, the times at which noise nuisance resulted in students making contact with the Security Team at Goldsmiths University would suggest that the premise had continued to facilitate the provision of regulated entertainment in the form of live music past the hours permitted via the premises licence, thus resulting in at least nine alleged incidents whereby the actions of the premise constituted a criminal offence via s136 of The Licensing Act 2003, in relation to unauthorised licensable activity;

1. Saturday 21st January 2017 – Report received at 03:06am
2. Sunday 29th January 2017 – Report received at 01:46am
3. Saturday 11th November 2017 – Report received at 03:15am
4. Sunday 24th December 2017 – Report received at 03:00am
5. Saturday 6th January 2018 – Report received at 02:18am
6. Saturday 13th January 2018 – Report received at 03:02am
7. Friday 26th January 2018 – Report received at 03:28am
8. Thursday 15th February 2018 – Report received at 02:25am
9. Saturday 3rd March 2018 – Report received at 03:26am

A subsequent search of promotional events confirms that two of the dates noted within the noise catalogue fell on dates whereby the premise had promoted events taking place, moreover events taking place on Saturday 6th January 2018 and Friday 26th January 2018 are confirmed via DP/4 & DP/5.

The adverse effect noise nuisance has had on residents residing within close proximity of the licensed premise is confirmed via several statements provided by

students. The accounts provided suggest that both residents have had to make alternative arrangements in relation to accommodation over the weekend in anticipation of the premises continuing to provide loud music to its customers.

Additionally, exhibits provided within DP/6 & DP/7 state that music exceeds 2am on a weekly occurrence usually ceasing between 03:00am and 04:00am. The statement of Hayley Sanger exhibited as DP/6 identifies further occasions whereby noise has been at its height and has culminated in the complainant seeking the assistance of the University whilst a promoted event has taken place, the complainant makes note of contact with the university on the following occasions whilst details of events taking place are exhibited also;

1. Thursday 15th February 2018– The event is documented via DP/8
2. Saturday 3rd March 2018 – As documented via DP/9
3. Saturday 10th March 2018 – As documented via DP/10
4. Saturday 17th March 2018 – As documented via DP/11

In response to the concerns raised, The Crime, Enforcement and Regulation Service approached Mr Lawal as provided within DP/12 requesting to meet with the gentleman to view CCTV as a means of corroborating claims made that the premise has continued to facilitate licensable activity after permitted hours.

Since this, the above mentioned service have visited to discuss the matter with Mr Lawal and have subsequently confirmed further breaches of the premises licence as described via DP/13 which include but are not limited to the failure to ensure 31 days of CCTV footage, an adequate age verification policy, the failure to provide an incident diary, continued failure to join the Lewisham Safer Business Partnership a lack of regard in relation to serving alcohol only with substantial table meals as well as noncompliance in relation to ensuring music is reduced to the level of background noise after permitted hours.

Mr Lawal was also required to provide evidence of sales in the absence of CCTV coverage, details of sales by card payment are provided via till receipts between July 2017 and 1st January 2018, DP/14 to DP/17, nonetheless since January 2018 the premise has moved to physically recording orders therefore times of sales are no longer recorded. However exhibits DP/14,15,16 & 17 highlight a selection of sales which demonstrate persistent sales after the permitted hours of licensable activity, thus suggesting that trading outside of the recognised hours an offence via s136 of The Licensing Act 2003 is commonplace.

It is worth noting that the above has occurred within a premise situated in an existing Cumulative Impact Zone, the establishment of the zone was at the time considered necessary as a means of safeguarding key licensing objectives. With this in mind the actions of the premise have fallen short of the expectations placed on a premise located within an active CIZ and has failed to ensure both the Protection of Crime and Disorder and the Protection of Public Nuisance.

Recommendations

The Crime, Enforcement and Regulation Service considers the following measures appropriate as a means of ensuring the safeguarding of key licensing objectives. Additionally, it is hoped that the intended measures will address ongoing offences via the Licensing Act and will encourage the premise to finally take into account conditions imposed via its premises licence.

- **Removal of the Current Designated Premises Supervisor – Mr. Gazali Ajani Adeyemi**
- **Removal of Licensable Activity – Regulated Entertainment - Friday & Saturday 23:00 – 00:00**
- **Reduction of licensable activity (Hours) – Supply of Alcohol from Friday & Saturday 12:00 to 02:00am to 12:00 to 00:00am.**
- **Reduction of licensable activity (Hours) - Late Night Refreshment from Friday & Saturday 12:00 to 02:00am to 12:00 to 00:00am.**
- **Removal of licensable activity in relation to Seasonal Variations**
- **Removal of Condition – Annex 2, Condition 11 which states that - *All music must be turned down to a background level from 23:00hrs Sunday – Thursday and 00:00 on a Friday and Saturday***
- **Addition of condition to Anex 3 – ‘ At least 14 days before any event held at the premises where a promoter is to be used, the Premises Licence Holder and/or Designated Premises Supervisor must notify the licensing authority in writing’.**

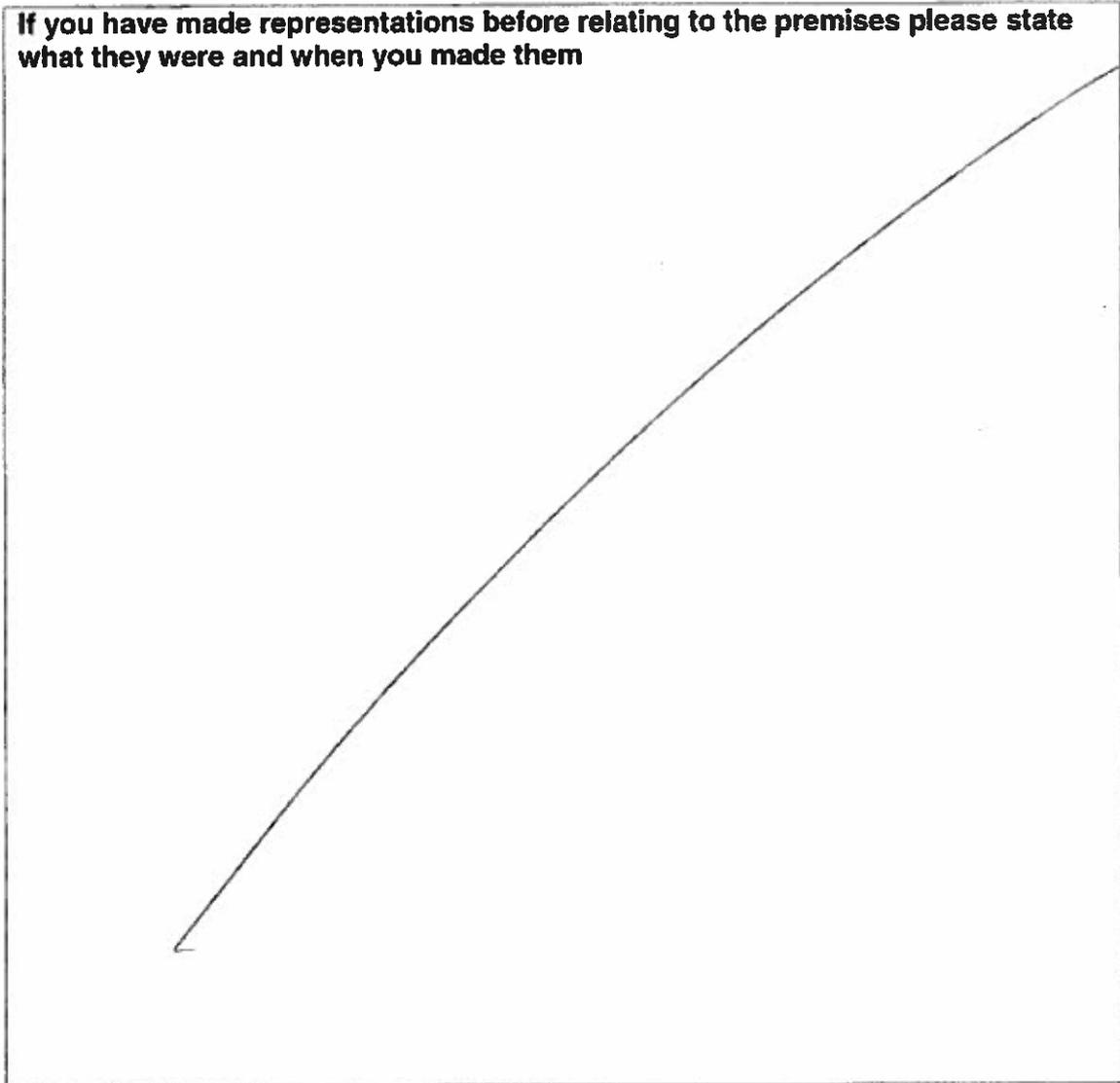
Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

| Day | Month | Year |
|-----|-------|------|
| | | |

If you have made representations before relating to the premises please state what they were and when you made them



Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)



DP/1

Mr H Lawal
Exotic Bites
313 New Cross Road
Lewisham
London
SE14 6AS

Daniel Power
Crime, Enforcement & Regulation
Officer
9 Holbeach Road
Catford
London
SE6 4TW

Direct Line 02083146326
Daniel.power@lewisham.gov.uk

Date: 31st August 2016

Dear Mr Lawal,

New Premises Licence Application – 313 New Cross Road, Lewisham, London, SE14 6AS

Please be aware that I thought it necessary to document the findings of the visit my colleague Mr Savin and I made to your premises on Sunday 28th August 2016 at approximately 00:15am.

On entering the premises my colleague Mr Savin and I noted the provision of regulated entertainment via recorded music, the sale of hot food after 23:00 hours and the sale and consumption of alcohol by a number of patrons within the premises.

After discussing our concerns with regard to officers acknowledging the provision of licensable activity without authorisation, an offence via s136 of the Licensing Act 2003, you explained that you were off the belief that the appropriate licensing authority had received confirmation of a new premises licence application.

As you will recall officers informed you that the provision of licensable activity was not permitted during the period of applying and potentially obtaining a premises licence. Nonetheless, you were advised that licensable activity could be provided via the use of Temporary Event Notice.

Therefore as stated during our telephone conversation this afternoon I would like to offer my support in assisting you in your application for a new premises licence and to inform you as to the procedure in relation to applying for a temporary event notice.

Please note details of the proposed meeting are attached below;

10:00am Thursday 1st September 2016 at 9 Holbeach Road, Catford, London, SE6 4TW

Please do not hesitate to contact me should you wish to discuss the content of my letter.

Yours Sincerely

Daniel Power
Crime, Enforcement and Regulation Officer

① P/2



Mr H Lawal
Exotic Bites Ltd.
313 New Cross Road
London
SE14 6AS

Daniel Power
Crime, Enforcement & Regulation
Officer
9 Holbeach Road
Catford
London
SE6 4TW

Direct line 020 8314 6326
Daniel.Power@lewisham.gov.uk

Date: 4th December 2017

Dear Mr Lawal,

Licensing Compliance Visit – Exotic Bites, 313 New Cross Road, London, SE14 6AS

Please note that I write to you in your capacity as the Director of Exotic Bites Ltd, the appropriate limited company referred to as the premises licence holder in relation to the aforementioned premises.

I thought it necessary to document in writing the inspection I undertook with my colleague Nadya Gencheva via powers afforded by s179 of the Licensing Act 2003 at the premises during the early hours of Sunday 3rd December 2017 at approximately 03:00am.

It was considered necessary to visit the above mentioned premises as a consequence of the Crime, Enforcement & Regulation Service being made aware of concerns with regard to the alleged provision of licensable activity after the hours permitted via the existing premises licence.

On entering the premise officers noted the provision of regulated entertainment via the use of a DJ, additionally, officers also observed the continued provision of late night refreshment and approximately twenty patrons located on the basement and first floors continuing to consume and purchase alcohol over an hour after licensable activity had ceased.

As a consequence of such officers confirmed an offence via s136 of The Licensing Act 2003 in relation to unauthorised licensable activity in addition to s137 of the aforementioned act in relation to exposing alcohol for unauthorised sale.

Whilst assessing compliance with the conditions as imposed on the premises licence as you will find in Annex 2 of your operating schedule, officers observed the following conditions which at the time of our visit you failed to adhere to;

- **Annex 2, Condition 2 - A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.**
- **Annex 2, Condition 6 - An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:**

- a. all crimes reported to the venue
- b. all ejections of patrons
- c. any complaints received
- d. any incidents of disorder
- e. any faults in the CCTV system
- f. any refusal of the sale of alcohol

any visit by a relevant authority or emergency service.

- Annex 2, Condition 7 - No person under the age of 18 will be permitted be on the premises after 2100 when on sales are permitted unless they are in company with an adult and are consuming a substantial table meal.
- Annex 2, Condition 8 -As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the Safer London Business Partnership, a local crime reduction scheme approved by the police.
- Annex 2, Condition 9 - The sale of alcohol for consumption on the premises will only be supplied or consumed by a person who is also consuming a substantial table meal and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- Annex 2, Condition 10 - All music must be turned down to a background level from 23:00hrs Sunday – Thursday and 00:00 on a Friday and Saturday.

CCTV Operation

As you will recall, on confirmation that you were unable to access the relevant CCTV footage outlining coverage of the counter during our visit, my colleague Nadya Gencheva and I requested that the following footage be made available;

NSR CCTV footage between 01:00am and 04:00am on the morning of Sunday 3rd December 2017

Please note that the above stated request is a consequence of Annex 2, Condition 1 which states that;

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.

In light of the visit I feel it necessary to meet with you as soon as is reasonably possible as a means of discussing concerns raised during our visit, please make contact with me as soon as is reasonably possible to provide available dates on which you will be free to visit me.

Please do not hesitate to contact me via the details as attached above should you wish to discuss the content of this letter.

Yours sincerely


Daniel Power
Crime, Enforcement and Regulation Officer

DIARY OF DISTURBANCE

REPORTER'S NAME: _____ ADDRESS: _____

TELEPHONE NUMBER: _____

| DATE OF OCCURRENCE | TIME NOISE STARTED | TIME NOISE FINISHED | LOCATION OF LISTENER | SOURCE OF NOISE: (ADDRESS) | DESCRIPTION OF NOISE | DISTURBANCE CAUSED: LEVEL OF NOISE | PERSON RESPONSIBLE FOR NOISE | NAMES OF OTHER WITNESSES |
|-----------------------|--------------------|---------------------|--|---|---|------------------------------------|--|---|
| 15/10/99 (Example) | 11pm | 3am | Front Bedroom 3 Tall Trees Avenue Batavia Mews, flat 11, room 3 | 2 Tall Trees Avenue (Example) Exotic Bites Restaurant, New Cross Rd SE14 6AS | Very Loud Music Very loud music. Security and CSO team liaised with proprietor who agreed to turn music levels down. | Walls Vibrating | Mr Stuart Inside Exotic Bites | Mr Smith 4 Tall Trees Ave Security (MO), CSOs (VY, SW) |
| 21/01/17 | | | Resident in Flat above exotic Bites | Exotic Bites Restaurant, New Cross Rd SE14 6AS | Excessively loud music reported at 03.06. Security and CSO team liaised with proprietor who agreed to turn music levels down. | | Inside Exotic Bites | Security (MO), CSOs (VY,SW) |
| 29/01/17 | | | Resident in Flat above exotic Bites | Exotic Bites Restaurant, New Cross Rd SE14 6AS | Excessively loud music and noise from crowded restaurant/party reported at 01.46 to CSO team. Entrance door | | Inside and outside the front of Exotic Bites on pavement. | Security (RB and FA) CSO Team (EM, VY) |

DP/3

was open partially at times to allow party goers access to pavement. Party goers witnessed taking photographs of each other and being noisy outside. Security and CSO team liaised with proprietor who agreed to turn music levels down.

FOR OFFICE USE ONLY:

| | | |
|-------------------------|--------------------------------|-------------------|
| DATE DIARY RECEIVED: | OFFICER: | HOUSING OFFICER: |
| DATE DIARY PASSED OVER: | EXT NUMBER: | EXT NUMBER: |
| | REFERENCE NUMBER: WK/201510463 | REFERENCE NUMBER: |

Continued.....WK/201510463

| DATE OF OCCURRENCE | TIME NOISE STARTED | TIME NOISE FINISHED | LOCATION OF LISTENER | SOURCE OF NOISE: (ADDRESS) | DESCRIPTION OF NOISE | DISTURBANCE CAUSED; LEVEL OF NOISE | PERSON RESPONSIBLE FOR NOISE | NAMES OF OTHER WITNESSES |
|--------------------|--------------------|---------------------|--------------------------------------|---|---|------------------------------------|------------------------------|---------------------------------------|
| 15/10/99 (Example) | 11pm | 3am | Front Bedroom 3 Tall Trees Avenue | 2 Tall Trees Avenue (Example) | Very Loud Music | Walls Vibrating | Mr Stuart | Mr Smith 4 Tall Trees Ave |
| 28/10/17 | 00:45 | | Residents from BM-10-2 and BM-10-3 | Exotic Bites Restaurant, New Cross Rd SE14 6AS | Complaint that every weekend since the start of term Exotic Bites plays loud music on Friday and Saturday | | | Fred and Mark attended the restaurant |

| | | | | | |
|----------|-------------|--|--|---|--|
| 11/11/17 | 03:15 | | | Exotic Bites Restaurant, New Cross Rd SE14 6AS | rights until 3-5am. Security attended the restaurant. Call from Main Security Night Manager to CSOs reporting noise at Exotic Bites restaurant which had been dealt with accordingly. |
| 24/12/17 | Approx 3am | Resident from BM-10-3 | | Exotic Bites Restaurant, New Cross Rd SE14 6AS | Student reported loud music playing. Security asked to attend. |
| 06/01/18 | Approx 12MN | Residents from BM-10-1 and BM-10-3 (Flat above Exotic Bites) | | Exotic Bites Restaurant, New Cross Rd SE14 6AS | Residents came to LMC to complain about the noise from Exotic Bites. Main security were informed to attend. At 2:18, CSOs received further complaint via email from resident in BM-10-1 reporting that the music was still extremely loud and bassy. |

| | | | | |
|----------|-------|---------------------|---|--|
| 13/01/18 | 03:02 | Resident in BM-10-2 | Exotic Bites Restaurant, New Cross Rd SE14 6AS | Noise complaint regarding Exotic Bites from resident in BM-10-2. Main security alerted and dealt with the matter. |
| 26/01/18 | 03:02 | Resident in BM-10-2 | Exotic Bites Restaurant, New Cross Rd SE14 6AS | Loud music complaint from resident in BM-10-2. CSOs and Main Security attended and claimed the music had been turned down and people were exiting the restaurant. The owner arrived at LMC at 03:28 to apologise and promised that there will be no more loud music from his restaurant |

| | | | | | | |
|----------|-------|---------------------|---|---|--|--|
| 15/02/18 | 02:25 | Resident of BM-10-1 | Exotic Bites Restaurant, New Cross Rd SE14 6AS | Complaint received regarding noise midweek from Exotic Bites restaurant. Student reporting that restaurant was playing drums, chatting loudly, shouting and student could hear music playing. | | Noise complaint logged and referred to accom office. |
| 03/03/18 | 03:26 | | Exotic Bites Restaurant, New Cross Rd SE14 6AS | Noise complaint regarding Exotic Bites. CSOs and Fred attended. There was little audible noise outside the restaurant but when the door opened it was apparent the noise was coming from the basement. This did not seem unduly loud however the licencing hours for music and recorded music at the venue only extend only | | |

to 12MN on a
Friday night.

www.lewisham.gov.uk

TOSIN HARMONY

Live in

South-East London



EXOTIC ELITE
313, New Cross Road,
London SE14 6AS

SATURDAY
6.01.18
JANUARY

9PM

313, NEW CROSS ROAD,
New Cross Gate Station
by Iceland Store, LONDON SE14 6AS



DP/S

Dis fri New Cross

NEW YEAR

Dance

with

Mr. Solek

(D' JANGO) *Live@*

FRIDAY
26th
JANUARY
2018

EXOTIC BITES
313, New Cross Road,
London SE14 6AS

8:00
8 PM
Till Late

313, NEW CROSS ROAD, New Cross Gate Station
by Iceland Store, LONDON SE14 6AS

SOULRICH **DOUBLE G PRODUCTIONS** **H TV HERITAGE** **MARLO THOMPSON** **Ghaj-Bash PROMOTIONS**

Contact info: Gaji 0747 780 7715.

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Hayley Sanger

Age of witness: Over 18

This statement (consisting of 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Hayley Sanger Flat 10, room 1, Bataavia Mans, New Cross Road, New Cross, London, SE14 6EA

On almost every weekend since moving to Bataavia Mans, Exotic Bites have played music past 2am. In October there were times they played music on Sunday nights, as well as Friday and Saturday nights. For the past few months the disruptive noise usually happens on only Friday nights and Saturday nights. Sometimes there was so much bass from the ~~the~~ music that my floor would shake and the bed vibrated. When lying on my bed I can feel the bass in my chest and to try and drown out the noise I would lay on my right ear, as my left ear is deaf. However, I can still hear the music even if my right ear is covered. This resulted in me buying and wearing ear plugs, which I had to stop as the recurring nights of wearing them led to the insides of my ears becoming painful and swollen.

So I could not continue wearing the earplugs. The noise level from Exotic Bites has lead me to either stay at a friend's house or elsewhere in London to avoid the noise and shouting so I can get a good, long sleep; or I stay up until 2:30am where I then ring up campus support or security to notify them that the restaurant has gone over their license. I have emailed campus support 5 times to complain and ring them or security 4 times. I would have contacted them more times, however to make sure I had enough sleep so it didn't affect my studies, I choose to stay away for the weekends.

I sent a complaint on the goldsmiths website on the 3rd October 2017 (I counted this as noise!).

I then emailed on these dates:

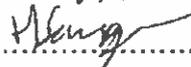
- Saturday 6/1/18 2:18am
- Saturday 10/2/18 3:26am
- Sunday 11/2/18 2:18am
- Thursday 15/2/18 2:24am

(I remember this night as I had an early start at university on the Thursday morning).

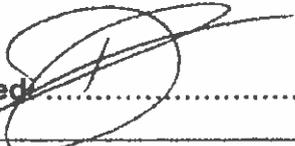
I ring campus support on these dates:

- Saturday 17/2/18 2:30 am
- Saturday 3/3/18 3:27 am
- Saturday 10/3/18 2:30 am
- Sunday 18/3/18 2:03 am

(There could be more phone calls, however my phone has not kept any record of any phone calls before January 2018).

Signed:  (witness)

Date: 23/3/18

Signed:  Dan Power

Date: 27-03-18.

D/7.

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

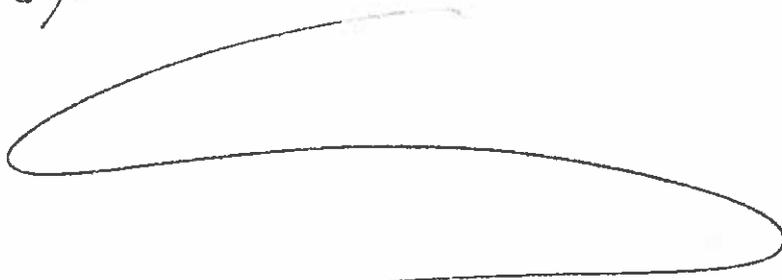
STATEMENT OF: Tayla Swan

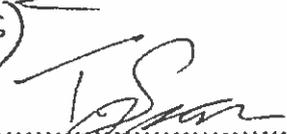
Age of witness: 19 Over 18

This statement (consisting of 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

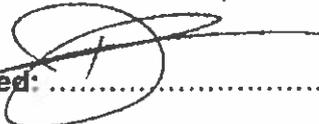
I have lived in Batavia Mews for around 6 months and ~~the~~ Living above Exotic Bites has been problematic for me since the start. Every Friday, Saturday and holidays without fail I have been kept up by extremely loud bassy music. It normally stops around half 3 or 4am. I assumed their license was later than 2am because they never fail to go over. The worst night for me was on Christmas Eve morning when I was already ill but was intensified and I spent the night crying from having such a pounding headache which was induced by the horrifically loud music ~~that~~ ~~was~~ Even after the music had stopped it had caused me so much distress and hurt my head so much I couldn't sleep even after the music had stopped. Being kept up regularly has had a real effect on my sleeping pattern and mental health. I had to start taking nytol because I could never get to sleep before 2/3am

even on days where there is no music. A lot of the time recently to avoid the music I've been staying out until it has finished, but that can be expensive and I end up drinking a lot. When it has been really bad I've had to find other places to stay to attempt to get a good night's sleep, even having to resort to tinder, the dating app. I've tried ear plugs but they don't work because the music is so loud and bassy. My flat mates bed even shakes sometimes. My sleeping pattern has effected my uni work and attendance to morning classes because my body clock is set backwards which means I struggle to wake up in the mornings and when I do manage it I'm exhausted for the rest of the day.



(TS)
Signed:  (witness)

Date: 26/03/18

Signed:  Dan Bond Date: 27-03-18

DP/8

VALENTINE



IIDE AKANNI FASHENCO

(OMO OKO)

FEB. 14 WED. 2018

EXOTIC ELITES
313, New Cross Road,
London SE14 6AS

9PM

313, NEW CROSS ROAD,
New Cross Gate Station
by Iceland Store, LONDON SE14 6AS

SOULRICH

DOUBLE PRODUCTIONS

HERITAGE TV

MARIO THOMPSON

Ghaj-Bast PROMOTIONS

Contact: BOLLA-ARA ENT'S 0744 735 7103, Shegga Vibes 0745 985 3505, Gaji 0747 780 7715.

DP/9

SAY SOMETHING Night

MAR.
3RD
SAT
2018



313, NEW CROSS ROAD,
New Cross Gate Station
by Iceland Store, LONDON SE14 6AS



Ateez Abass

and his Teramoglar Band



BOLA-ARA ENT'S 0744 735 7103, Shagun Vihes 0745 985 3505, Gaji 0747 780 7715.

DP/10



KING KOYSERA OKIN LOKOSO

Live @

EXOTIC BITES
313, New Cross Road,
London SE14 6AS

Sat. 10th Mar. 2018

**313, NEW CROSS ROAD,
New Cross Gate Station
by Iceland Store, LONDON SE14 6AS**

9PM

S
SOULRICH

DOUBLE G PROMOTIONS
Nate @ Monty @

A
ENTERTAINMENT

H
HERITAGE

marie
THOMPSON

Ghaj-Bash
PROMOTIONS

Contact info: BOLA-ARA ENT'S 0744 735 7103, Shogun Vibes 0745 985 3505, Gaji 0747 780 7715.

DP/11



Presents

Night of Entertainment

MAR.
17th
SAT.
2018

Live @

EXOTIC BITES
313, New Cross Road,
London SE14 6AS



*Lots of lyrics
await u !!*

WAHEED AKANNI IGIBORIBO (PK1)

313, NEW CROSS ROAD,
New Cross Gate Station
by Iceland Store, LONDON SE14 6AS



**07846548415
07448119345**



Contact info: BOLA-ARA ENT'S 0744 735 7103, Shegun Vibes 0745 985 3505, Gaji 0747 780 7715.

UK/12



Mr H Lawal
Exotic Bites Ltd.
Exotic Bites
313 New Cross Road
London
SE14 6AS

Dan Power
Crime, Enforcement & Regulation
Officer
9 Holbeach Road
Catford
London
SE6 4TW

Direct line 020 8314 6326
Dan.Power@lewisham.gov.uk

Date: 19th March 2018

Dear Mr Lawal,

**Meeting to discuss compliance with existing Premises
Licence – Exotic Bites, 313 New Cross Road, London, SE14 6AS**

Please note that I write to you in your capacity as the Director of Exotic Bites Ltd, the appropriate limited company referred to as the premises licence holder in relation to the aforementioned premises.

As you are aware my colleague Nadya Gencheva and I visited the above mentioned premise via powers afforded by s179 of the Licensing Act 2003 during the early hours of Sunday 3rd December 2017 at approximately 03:00am.

It was considered necessary to visit the above mentioned premises as a consequence of the Crime, Enforcement & Regulation Service being made aware of concerns with regard to the alleged provision of licensable activity after the hours permitted via the existing premises licence.

I have enclosed my letter outlining the initial visit within my correspondence. Nevertheless, despite efforts on both sides to meet with you to discuss the breaches and the offence of undertaking unauthorised licensable activity as referred to via s136 of The Licensing Act 2003, this did not materialise.

I now wish to resume talks as I have received further complaints in relation to your ability to adhere to the current premises licence. Additionally, I have made contact with you via email on Friday 16th March 2018 but to date have not received a response regarding your current membership of Lewisham Safer Business Partnership.

Please note that in anticipation of our service meeting with you to discuss compliance, I require the stated CCTV footage below to be available to watch on our arrival;

1. Friday 2nd March 2018 between 00:30 and 03:30am
2. Saturday 3rd March 2018 between 00:30 and 03:30am
3. Sunday 4th March 2018 between 00:30 and 03:30am
4. Monday 5th March 2018 between 00:30 and 03:30am

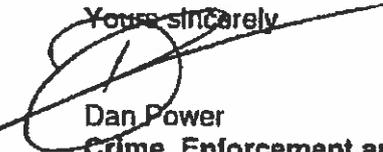
5. Friday 9th March 2018 between 00:30 and 03:30am
6. Saturday 10th March 2018 between 00:30 and 03:30am
7. Sunday 11th March 2018 between 00:30 and 03:30am
8. Monday 12th March 2018 between 00:30 and 03:30am

9. **Friday 16th March 2018 between 00:30 and 03:30am**
10. **Saturday 17th March 2018 between 00:30 and 03:30am**
11. **Sunday 18th March 2018 between 00:30 and 03:30am**
12. **Monday 19th March 2018 between 00:30 and 03:30am**

Furthermore, I wish to meet with you at your premise **Exotic Bites, 313 New Cross Road, New Cross Road, London, SE14 6AS** on **Friday 23rd March 2018 at 13:00 hours**. Should this not be appropriate then please do not hesitate to make contact as a means of agreeing upon an alternative date.

Please do not hesitate to contact me via the details as attached above should you wish to discuss the content of this letter.

~~Yours sincerely~~


Dan Power
Crime, Enforcement and Regulation Officer

Encl. 1) Outline of Compliance Visit – 4th December 2017



U/13.

Mr H Lawal
Exotic Bites Ltd.
Exotic Bites
313 New Cross Road
London
SE14 6AS

Dan Power
Crime, Enforcement & Regulation
Officer
9 Holbeach Road
Catford
London
SE6 4TW

Direct line 020 8314 6326
Dan.Power@lewisham.gov.uk

Date: 23rd March 2018

Dear Mr Lawal,

Licensing Compliance Visit – Exotic Bites, 313 New Cross Road, London, SE14 6AS – Friday 23rd March 2018

Please note that I write to you in your capacity as the Director of Exotic Bites Ltd, the appropriate limited company referred to as the premises licence holder in relation to the aforementioned premises.

The visit undertaken by my colleague Denis Savin and I as well as Ibrahim Zaheed, Safer Lewisham (Business Crime Reduction Partnership Officer) was made as a follow up to a request sent to you on Monday 19th March 2018 to review CCTV footage as a means of investigating whether the premise has continued to provide licensable activity after permitted hours, an offence via s136 of The Licensing Act 2003.

As you were informed in my previous correspondence which I have enclosed within this letter, you were asked to provide the following;

1. **Friday 2nd March 2018 between 00:30 and 03:30am**
2. **Saturday 3rd March 2018 between 00:30 and 03:30am**
3. **Sunday 4th March 2018 between 00:30 and 03:30am**
4. **Monday 5th March 2018 between 00:30 and 03:30am**

5. **Friday 9th March 2018 between 00:30 and 03:30am**
6. **Saturday 10th March 2018 between 00:30 and 03:30am**
7. **Sunday 11th March 2018 between 00:30 and 03:30am**
8. **Monday 12th March 2018 between 00:30 and 03:30am**

9. **Friday 16th March 2018 between 00:30 and 03:30am**
10. **Saturday 17th March 2018 between 00:30 and 03:30am**
11. **Sunday 18th March 2018 between 00:30 and 03:30am**
12. **Monday 19th March 2018 between 00:30 and 03:30am**

Nevertheless, I was informed that you were only able to provide twelve days' worth of footage whilst the footage. Therefore officers were unable to view footage between Friday 2nd March 2018 and Sunday 11th March 2018. **Whilst I wish to view footage of last weekend I will arrange a time to meet with you as a means of also viewing available till receipts indicating sales on the nights as provided above.**

It was also considered necessary to undertake a compliance check of all existing conditions, as you were notified the following conditions have not been upheld to date;

Annex 2, Condition 1; *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.*

Annex 2, Condition 2 ; *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.*

Annex 2, Condition 3; *A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards).*

Annex 2, Condition 6 - *An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:*

- a. all crimes reported to the venue*
- b. all ejections of patrons*
- c. any complaints received*
- d. any incidents of disorder*
- e. any faults in the CCTV system*
- f. any refusal of the sale of alcohol
any visit by a relevant authority or emergency service.*

Annex 2, Condition 8 - *As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the Safer London Business Partnership, a local crime reduction scheme approved by the police.*

Annex 2, Condition 9 - *The sale of alcohol for consumption on the premises will only be supplied or consumed by a person who is also consuming a substantial table meal and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

Annex 2, Condition 10 - *All music must be turned down to a background level from 23:00hrs Sunday – Thursday and 00:00 on a Friday and Saturday.*

Furthermore, I mentioned that a subsequent check of the limited company status in relation to Exotic Bites Ltd shows that the company is to dissolve on 27th March 2018, with this in mind it will be necessary to transfer the premises licence within 28 days of the date of dissolving to ensure the premises licence does not lapse, such a request is made in line with s27 of The Licensing Act 2003. Please note that I am free to assist you should you require guidance in relation to a premises licence transfer application.

Please do not hesitate to contact me via the details as attached above should you wish to discuss the content of this letter.

Yours sincerely



Daniel Power
Crime, Enforcement and Regulation Officer

DP/1

29/08/2017
@ 04:04am
Elavon

THANK YOU
EXOTIC BITES
113 NEW CROSS ROAD
LONDON
E14 3AD

22/07/17 @
EXOTIC BITES 03:17am

113 NEW CROSS ROAD

113 NEW CROSS ROAD
LONDON E14 3AD
A/C: A000000001010
VISA DEBIT

VISA DEBIT

PLEASE CONTACT YOUR BANK
FOR MORE RECORDS

AMOUNT £20.00
GRATUITY £0.00
TOTAL £20.00

Verified by PIN

THANK YOU
05/11/22/07/17

AUTH CODE: 90143

16/08/17 @ 04:32
Elavon

THANK YOU
EXOTIC BITES
113 NEW CROSS ROAD
LONDON
E14 3AD

THIS IS THE
DATE OF THE
TRANSACTION

09/09/17
@ 02:29am
Elavon

02/09/17
@ 03:08am
Elavon

26/11/17 @ 03:05 am

Elavon

THANK YOU

EXOTIC BITES
213 NEW CROSS ROAD
LONDON
SE14 6AS

| | |
|----------------|------------------|
| TERMINAL ID: | 21014844 |
| TERMINAL ID: | 21014844 |
| DATE: 26.11.17 | TIME: 03:05 |
| BATCH: 00010 | INVOICE: 120 |
| REF: 712461249 | ORDER NO: 107437 |

VISA DEBIT
 00000000000000000000
 12

CONTACTLESS

)))

Visa Contactless

SALE AMOUNT £ 17.00

EXPIRES: 03/12/17

25/11/17 @ 02:57 am DP/15

Elavon

THANK YOU

EXOTIC BITES
213 NEW CROSS ROAD
LONDON
SE14 6AS

| | |
|----------------|------------------|
| TERMINAL ID: | 21014844 |
| TERMINAL ID: | 21014844 |
| DATE: 25.11.17 | TIME: 02:57 |
| BATCH: 00010 | INVOICE: 120 |
| REF: 712461249 | ORDER NO: 107437 |

VISA DEBIT
 00000000000000000000
 12

CONTACTLESS

)))

Visa Contactless

SALE AMOUNT £ 26.00

EXPIRES: 03/12/17

25/11/17 @ 05:27 am

Elavon

THANK YOU

EXOTIC BITES
213 NEW CROSS ROAD
LONDON
SE14 6AS

| | |
|----------------|------------------|
| TERMINAL ID: | 21014844 |
| TERMINAL ID: | 21014844 |
| DATE: 25.11.17 | TIME: 05:27 |
| BATCH: 00010 | INVOICE: 120 |
| REF: 712461249 | ORDER NO: 107437 |

VISA DEBIT
 00000000000000000000
 ICC

EXPIRY: 03/12

SALE AMOUNT £ 51.00

EXPIRES: 03/12/17

VERIFY BY PIN

I agree to use the above funds amount according to the card-merchants issuer agreement

MERCHANT COP

TC 354051204170876B

25/11/17 @ 03:36 am

Elavon

THANK YOU

EXOTIC BITES
213 NEW CROSS ROAD
LONDON
SE14 6AS

| | |
|----------------|------------------|
| TERMINAL ID: | 21014844 |
| TERMINAL ID: | 21014844 |
| DATE: 25.11.17 | TIME: 03:36 |
| BATCH: 00010 | INVOICE: 120 |
| REF: 712461249 | ORDER NO: 107437 |

VISA DEBIT
 00000000000000000000
 12

SALE AMOUNT

EXPIRY: 03/12

EXPIRES: 03/12/17

DP/16

17/12/2017
@ 03:56 am
Elavon

THANK YOU
EXOTIC BITES
313 NEW CROSS ROAD
LONDON
SE14 6AS

PERSONAL ID: 210149002
TERMINAL ID: 2101490201
DATE: Dec 17 17 TIME: 3:59
BATCH: 000213 PRODUCE: 247
RN: 73510112115 AUTH NO: 006150

Visa Debit SALE
CARD: 4012888000000000
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

CONTACTLESS
)))
Visa Contactless
SALE AMOUNT £ 30.00

RECEIPT COPY

17/12/17 @ 02:47 am
Elavon

THANK YOU
EXOTIC BITES
313 NEW CROSS ROAD
LONDON
SE14 6AS

PERSONAL ID: 210149002
TERMINAL ID: 2101490201
DATE: Dec 17 17 TIME: 2:47
BATCH: 000187 PRODUCE: 130
RN: 73510112115 AUTH NO: 006150

CAP1 MASTERCARD SALE
CARD: 5400123456789010
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

EXPIRY: 01 15
SALE AMOUNT £ 39.00
ADVAL-AMT

VERIFIED BY PIN

I agree to pay the above final amount
according to the card merchant's issuer
document

RECEIPT COPY

TC: 54567890123456

25/12/2017
@ 03:39 am
Elavon

THANK YOU
EXOTIC BITES
313 NEW CROSS ROAD
LONDON
SE14 6AS

PERSONAL ID: 210149002
TERMINAL ID: 2101490201
DATE: Dec 25 17 TIME: 3:39
BATCH: 000213 PRODUCE: 247
RN: 73510112115 AUTH NO: 006150

Visa SALE
CARD: 4012888000000000
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

EXPIRY: 12 20
CONTACTLESS
)))
Visa Contactless
SALE AMOUNT £ 27.00

RECEIPT COPY

17/12/2017
@ 03:57 am
Elavon

THANK YOU
EXOTIC BITES
313 NEW CROSS ROAD
LONDON
SE14 6AS

PERSONAL ID: 210149002
TERMINAL ID: 2101490201
DATE: Dec 17 17 TIME: 3:57
BATCH: 000203 PRODUCE: 209
RN: 73510112115 AUTH NO: 006150

VISA DEBIT SALE
CARD: 4012888000000000
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

EXPIRY: 01 20
SALE AMOUNT £ 14.00
DUPLIC. OF USEGAIN 0 NR

VERIFIED BY PIN

I agree to pay the above final amount
according to the card merchant's issuer
document

RECEIPT COPY

TC: 54567890123456

25/12/2017
@ 03:02 am
Elavon

THANK YOU

EXOTIC BITES
313 NEW CROSS ROAD
LONDON
SE14 6AS

MERCHANT ID: 210143002
TERMINAL ID: 21014300201
DATE: Dec 25 17 TIME: 3:02
BATCH: 006714 INVOICE: 245
RRN: 73500347622 AUTH NO: 140840

VISA DEBIT SALE
ALL AUTHORIZED USES
4750000000000000 ICC
EXPIRY: 12/21

SALE AMOUNT £ 90.00

MR K O ALLISON

VERIFIED BY PIN

I agree to pay the above final amount
according to the card/merchants issuer
agreement

MERCHANT COPY

TC: 0014300070274

24/12/2017 @ 05:54 am
Elavon

THANK YOU

EXOTIC BITES
313 NEW CROSS ROAD
LONDON
SE14 6AS

MERCHANT ID: 210143002
TERMINAL ID: 21014300201
DATE: Dec 24 17 TIME: 5:54
BATCH: 000217 INVOICE: 242
RRN: 735005150759 AUTH NO: 617769

VISA SALE
ALL AUTHORIZED USES
4750000000000000 ICC
EXPIRY: 12/21

SALE AMOUNT £ 17.00

VERIFIED BY PIN

I agree to pay the above final amount
according to the card/merchants issuer
agreement

MERCHANT COPY

30/12/2017
@ 03:14 am
Elavon

THANK YOU

EXOTIC BITES
313 NEW CROSS ROAD
LONDON
SE14 6AS

MERCHANT ID: 210143002
TERMINAL ID: 21014300201
DATE: Dec 30, 17 TIME: 3:14
BATCH: 000221 INVOICE: 266
RRN: 736401250221 AUTH NO: 182106

VISA DEBIT SALE
ALL AUTHORIZED USES
4750000000000000 ICC
EXPIRY: 08/20

SALE AMOUNT £ 46.00

MR J O FENTON

VERIFIED BY PIN

I agree to pay the above final amount
according to the card/merchants issuer
agreement

MERCHANT COPY

TC: 0014300070274

DP/17.

01/01/2018 @ 04:37am

Elavon

Merchant Services

THANK YOU

EXOTIC BITES
313 NEW CROSS ROAD
LONDON
SE14 6AS

MERCHANT ID: 2101349002
TERMINAL ID: 210134900201
DATE: Jan 01, 18 TIME: 4.37
BATCH: 000225 INVOICE: 287
RRN: 800104268130 AUTH NO: 249827

Visa Debit SALE
AID: ~~XXXXXXXXXXXX~~ ICC
EXPIRY: 07/18

SALE AMOUNT £ 44.00

MR T I AGIETO

VERIFIED BY PIN

I agree to pay the above final amount
according to the card/merchants issuer
agreement

MERCHANT COPY

TC: 787637F41098B57

01/01/2018 @ 04:35am

Elavon

Merchant Services

THANK YOU

EXOTIC BITES
313 NEW CROSS ROAD
LONDON
SE14 6AS

MERCHANT ID: 2101349002
TERMINAL ID: 210134900201
DATE: Jan 01, 18 TIME: 4.35
BATCH: 000225 INVOICE: 285
RRN: 800104268068 AUTH NO: 108245

Visa Debit SALE
AID: ~~XXXXXXXXXXXX~~ ICC
EXPIRY: 07/18

SALE AMOUNT £ 50.00

MR T I AGIETO

VERIFIED BY PIN

I agree to pay the above final amount
according to the card/merchants issuer
agreement

MERCHANT COPY

TC: 218589A7E272CAE

01/01/2018 @ 04:56am

Elavon

Merchant Services

THANK YOU

EXOTIC BITES
313 NEW CROSS ROAD
LONDON
SE14 6AS

MERCHANT ID: 2101349002
TERMINAL ID: 210134900201
DATE: Jan 01, 18 TIME: 4.56
BATCH: 000225 INVOICE: 288
RRN: 800104169822 AUTH NO: 002739

VISA DEBIT SALE
AID: ~~XXXXXXXXXXXX~~ ICC
EXPIRY: 09/20

SALE AMOUNT £ 33.00

MR T I AGIETO

VERIFIED BY PIN

I agree to pay the above final amount
according to the card/merchants issuer
agreement

MERCHANT COPY

TC: 4598A9EB1B4DE200

01/01/2018 @ 04:37am

Elavon

Merchant Services

THANK YOU

EXOTIC BITES
313 NEW CROSS ROAD
LONDON
SE14 6AS

MERCHANT ID: 2101349002
TERMINAL ID: 210134900201
DATE: Jan 01, 18 TIME: 4.37
BATCH: 000225 INVOICE: 287
RRN: 800104268130 AUTH NO: 249827

Visa Debit SALE
AID: ~~XXXXXXXXXXXX~~ ICC
EXPIRY: 07/18

SALE AMOUNT £ 44.00

MR T I AGIETO

VERIFIED BY PIN

I agree to pay the above final amount
according to the card/merchants issuer
agreement

CUSTOMER COPY

TC: 787637F41098B57



TOTAL POLICING

Territorial Policing

Licensing Department
Lewisham Council
Holbeach Office
9 Holbeach Road
Catford
SE6 4TW

PL - Lewisham Borough
PL - Lewisham Police Station

LGB 150
Lewisham Police Station
43 Lewisham High Street
London
SE13 5JZ

Telephone: 020 8284 5041

Facsimile:

Email:

nicholas.gerry@met.pnn.police .uk

Your ref:

Our ref:

26/04/2018

Dear Licensing Department

On behalf of the MPS I hereby give notice of my representations in support of the premises license review sort by Dan Power in CER service at Lewisham Council against the premises license for Exotic Bits at 313 New Cross Road, SE14 6AS. License number PL 1167. I make my representation under the crime and disorder licensing objectives

I have been made aware by Dan Power that he has sort the review as he has discovered through an investigation that Exotic Bites has been trading past there hours and have breached a number of there Licensing conditions. I am aware that Dan Power and the council team have done a lot of work with the Premises license holder Mr Habeeb Lawal since they found him trading without a license in August 2016.

Not only did the CER service assist Mr Lawal with a license application they also allowed him to stay open with the use of temporary event notices. I also met with Mr Lawal during the license application procedure and he agreed to the Annex two license condition he now has. The current License is only just over a year old.

It would now appear that despite the work that has been done with Mr Lawal he has continued to breach his license conditions and continued to trade past his hours.

I find this unacceptable and I appreciate that the CER team have proposed new conditions but Mr Lawal has failed to adhere to the conditions he currently has. Unfortunately I feel the only way that the licensing objectives can be protected is a complete change of management at the premises or revocation of the License.

I respectfully request that this representation in support of this licensing review is accepted.

Regards

Nick Gerry

Licensing officer, Lewisham Police. Page 48

Premises licence number

PL1167

Premises name

EXOTIC BITES

Part 1- Premises details**Postal address of premises, or if none, ordnance survey map reference or description**

313 New Cross Road

Post town London**Post code** SE14 6AS**Telephone number****Premises licence holder name**

Exotic Bites Ltd



Directorate for Community Services
Crime, Enforcement & Regulation Service
Licensing Authority
Holbeach Office
9 Holbeach Road
London
SE6 4TW

Proper Officer for Licensing
London Borough of Lewisham

Where licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of alcohol
for consumption off the premises

Regulated entertainment
Live music
Recorded music

Late night refreshment

Seasonal Variations

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol

12:00 – 00:00 Monday
12:00 – 00:00 Tuesday
12:00 – 00:00 Wednesday
12:00 – 00:00 Thursday
12:00 – 02:00 Friday
12:00 – 02:00 Saturday
12:00 – 00:00 Sunday

Late Night Refreshment

23:00 – 00:00 Monday
23:00 – 00:00 Tuesday
23:00 – 00:00 Wednesday
23:00 – 00:00 Thursday
23:00 – 02:00 Friday
23:00 – 02:00 Saturday
23:00 – 00:00 Sunday

Regulated Entertainment

23:00 – 00:00 Friday
23:00 – 00:00 Saturday

Seasonal variations

Any evening preceding a bank holiday
12:00 02:00am

The opening hours of the premises

12:00 – 00:30 Monday
12:00 – 00:30 Tuesday
12:00 – 00:30 Wednesday
12:00 – 00:30 Thursday
12:00 – 02:30 Friday
12:00 – 02:30 Saturday
12:00 – 00:30 Sunday

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

ON

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Exotic Bites Ltd

1st Floor
2 Woodberry Grove
Finchley
London
N12 0DR

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

Private Limited Company

09986434

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

(

LONDON

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

London Borough of Southwark

7827

Annex 1- Mandatory conditions

Mandatory conditions are in accordance as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014 or as may be amended from time to time.

See attached

Annex 2-Conditions consistent with the operating Schedule

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards).

The premises licence holder will not be permit alcohol to be consumed outside of the licensable area.

There will be no self-service of alcohol sold for consumption on the premises.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- a. all crimes reported to the venue
- b. all ejections of patrons
- c. any complaints received
- d. any incidents of disorder
- e. any faults in the CCTV system
- f. any refusal of the sale of alcohol

any visit by a relevant authority or emergency service.

No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises with the exception of premium and craft beers.

No person under the age of 18 will be permitted be on the premises after 2100 when on sales are permitted unless they are in company with an adult and are consuming a substantial table meal.

As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the Safer London Business Partnership, a local crime reduction scheme approved by the police.

The sale of alcohol for consumption on the premises will only be supplied or consumed by a person who is also consuming a substantial table meal and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

All music must be turned down to a background level from 23:00hrs Sunday – Thursday and 00:00 on a Friday and Saturday.

Annex 3- Condition attached after a hearing by the licensing authority

Annex 4- Plans

Full plans available at Licensing Services London Borough of Lewisham

Ground floor – Plan reference - 0263