

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.

review of a club premises ce	mises licence under section 51 / apply for the rtificate under section 87 of the Licensing Act 2003 n Part 1 below (delete as applicable)
Part 1 - Premises or club pre	emises details
Postal address of premises of description	or, if none, ordnance survey map reference or
Exotic Bites 313 New Cross Road	
Post town New Cross	Post code (if known) SE14 6AS
Name of premises licence ho known)	older or club holding club premises certificate (if
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 П Mrs Miss Other title Ms (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	
Talanhara number (if carr)	
Telephone number (if any)	
E-mail address (optional)	
(C) DETAILS OF RESPONSIBLE AUTHORIT	Y APPLICANT
Name and address	
Dan Power	
Crime, Enforcement & Regulation Service	
9 Holbeach Road	
Catford	
SE6 4TW	
Telephone number (if any)	H
02083146326	
E-mail address (optional)	
Dan.power@lewisham.gov.uk	
This application to review relates to the falls	wing licensing phicetive(s)
This application to review relates to the follo	wind incensing objective(s)
	Please tick one or more boxes
	ricase uck one of more boxes
1) the prevention of crime and disorder	✓
2) public safety	
3) the prevention of public nuisance	<u> </u>
	- -1
4) the protection of children from harm	\sqcup

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.

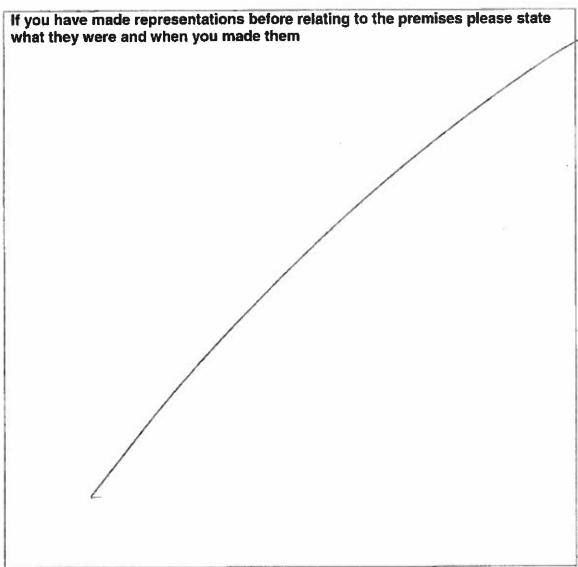
It is worth noting that the above has occurred within a premise situated in an existing Cumulative Impact Zone, the establishment of the zone was at the time considered necessary as a means of safeguarding key licensing objectives. With this in mind the actions of the premise have fallen short of the 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



Please tick ✓ yes

mail address (optional)

- 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 guide	ance note 4)
	solicitor or other duly authorised agent g on behalf of the applicant please state
Signature	
Date 29/03/2018	
Capacity Jan Power (Cr	given) and postal address for
Contact name (where not previously correspondence associated with this	given) and postal address for 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-





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







Mr H Lawal Exotic Bites Ltd. 313 New Cross Road London SE14 6AS Daniel Power Crime, Enforcement & Regulation Officer 9 Holbeach Road Catlord London SE6 4TW

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

Date: 4th December 2017

Dear Mr Lawai,

<u>Licensing Compliance Visit - Exotic Bites, 313 New Cross</u> 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 03:80am.

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 falled 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:

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- 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 raduction 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;

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

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 Crima Prevantion 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.

Baniel Power

QUES SIDEBERETV

Crime, Enforcement and Regulation Officer

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DIARY OF DISTURBANCE

REPORTER'S NAME:	Y'S NAME			ADDRESS	ESS:			
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	; ; !		1	TELEF	TELEPHONE NUMBER:			h k
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
13/10/16			Batavia Mews, flat 11, room 3	Exotic Bites Restaurant, New Cross Rd SE14 6AS	Very loud music. Security and CSO team liaised with proprietor who agreed to turn music levels down.		Inside Exotic Bites	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.	8	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 107746 to CSO team.		Inside and outside the front of Exotic Bites on pavement.	Security (RB and FA) CSO Team (EM, VY)

		Was open
-		Cartially at times
	9	to allow party
		goers access to
	ed	pavement. Party
		goers witnessed
		taking
	на	photographs of
	26	each other and
	aq	ing noisy
	70	outside. Security
		and CSO team
	eil -	liaised with
		proprietor who
	OR -	agreed to turn
	Ē	music levels ;
		down,
FOR OFFICE USE ONLY:		
DATE DIARY RECEIVED:	OFFICER:	HOUSING OFFICER:

Continued......WK/201510463

REFERENCE NUMBER: WK/201510463

EXT NUMBER:

DATE DIARY PASSED OVER:

REFERENCE NUMBER:

HOUSING OFFICER:

EXT NUMBER:

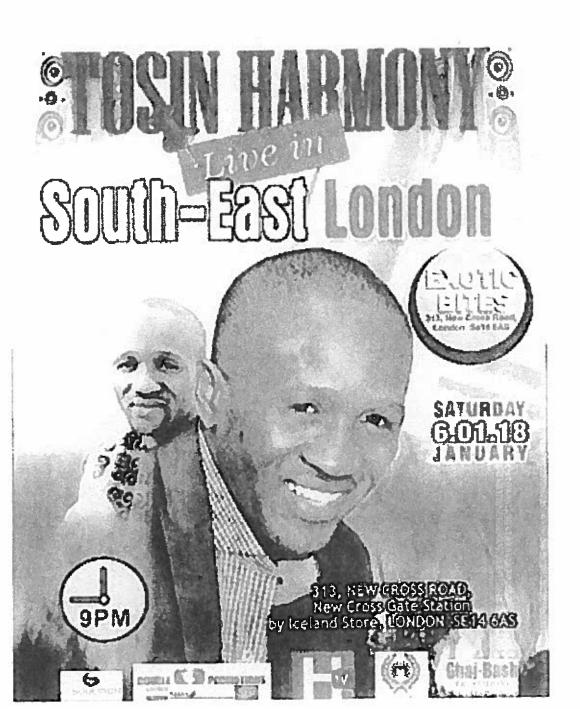
NAMES OF OTHER WITNESSES	Mr Smith 4 Tall Trees Ave	Fred and Mark attended the restaurant
PERSON RESPONSIBLE FOR NOISE	Mr Stuart	
DISTURBANCE CAUSED; LEVEL OF NOISE	Walls Vibrating	
DESCRIPTION OF NOISE	Very Loud Music	Complaint that every weekend since the start of term Exotic Bites plays loud music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

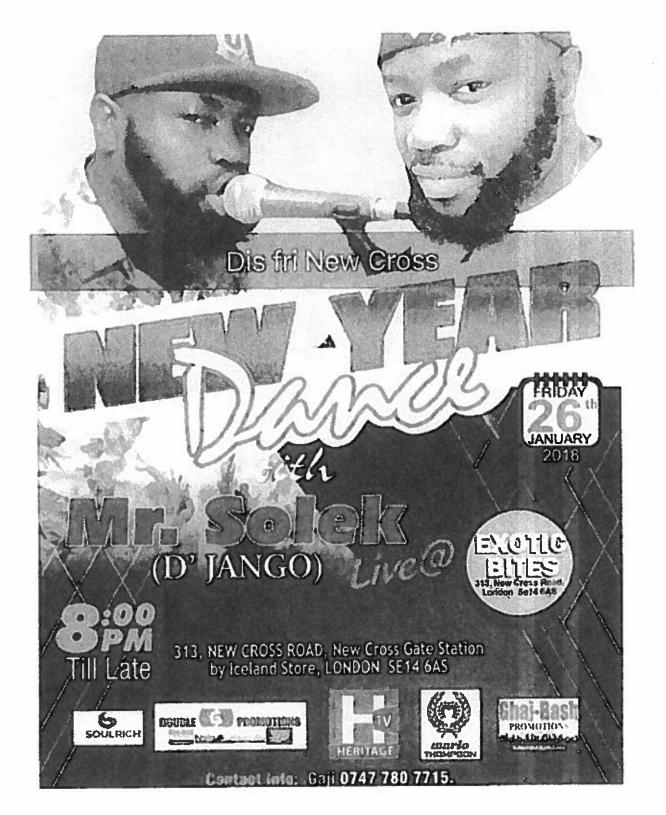
			4.2
nights until 3- 5am.Security attended the restaurant. Call from Main	Security Night Manager to CSOs reporting noise at Exotic Bites restaurant which had been dealt with accordingly.	Student reported loud music playing. Security asked to attend.	Residents came to LMC to complain about the noise from 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.
Exotic Bites Restaurant,		Exotic Bites Restaurant, New Cross Rd SE14 6AS	Exotic Bites Restaurant, New Cross Rd SE14 6AS
		Resident from BM- 10-3	Residents from BM-10-3 (Flat above Exotic Bites)
03:15		Approx	Approx
11/11/17		24/12/17	06/01/18

Noise complaint logged and referred to accom office.	
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 regarding Exotic Bites. CSOs and Fred attended. There was fittle audible noise outside the restaurant but when the door opened it was apparent the hoise was coming from the basement. This did not seem unduly loud however the licencing hours for music and recorded music at the venue
Exotic Bites Restaurant, New Cross Rd SE14 6AS	Exotic Bites Restaurant, New Cross Rd SE14 6AS
Resident of BM-10-1	
40	03.26 26.
15/02/18	03/03/18

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to 12MN on a Friday night.	, , , , , , , , , , , , , , , , , , ,	
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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.

Mayley Surger Flat 10, room1, Batavia Meus, New Cross, London, SE146EA

Exote Best have played musi past Zam. In October shere were threes they played music on Sunday mythat, as well as Friday and Superday nights. For the past few marks the disreptive noise would happen a only friday nights as Saturday nights. Sometimes there was so much back fem the bed wheated. When tying on my bed and the bed wheated when tying on my bed and the bed wheated when tying on my bed try and drown out he noise I would try and drown out he noise I would try and drown out he noise I would that they are my left ear is deep. However, I can still hear the music even if my class. I would not wearing ear plugs, which I head to stop as the receiving nights of very them led to the insides of my ears becoming paryed and smaller

So I would not contine wearing the ear plugs. The rower bend from Exotic Bites hastead me to either stay at a french house et exempere is bordon to award the movie and Shorting Le I can get * a good, Long Reep; or Itany up min 2:30 am where I then my up compus sport or sewrity to notify them that the restrant has gare over their Vicence. I have emiled Compas Support 5 times to complain and rang them ar security

43 times. I would have contacted them more

times, however to make sine I had enough

times, however to make sine I had enough

teep so it duan't affect my studies, I choose

to stay away for the weekends. I sent a Complaint on the goldsmither website on the 3th October 2017 (I could this armensis). I then entated on these dates: · Saturday 6/1/18 2:18am · Saturday 10/2/18 3:26am Thistay 15/02/18 2:24 am (I remember this night as I had an early start at university on the Thirday morning). 2: 18 am I may compas support on these dutes: [There would be more · Saturday 17/2/18 · Saturday 3/3/18 · Saturday 10/3/18 · Saturday 10/3/18 2:30 am phore call, however my 3:27 am phere here not hapt 2:30 am 18/3/18 2:03 am any record of any (witness) place calls before Joniary 2018). Date: 23/3/18 Dan Date: 27-03-18. Hones

DAZ.

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

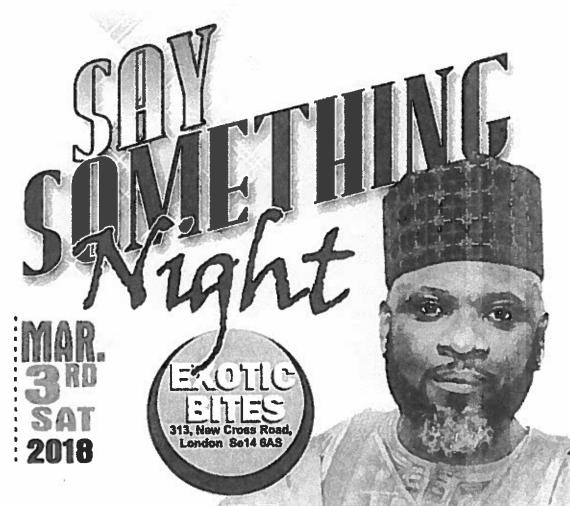
Age of witness: Q Over 18

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.

lived in Batavia Mews 6 months and Exotic Bites has been promblematic for me since the start. Every Friday, Satuday and holidays without fail I have been lept up by extremely loud bassy music. their license was later 2 an because they never fail interprised and rad Caused me 50 my head so much I could ne music had stopped Being up regularly has had a real effect on my sleeping parteen and mental health. I had to start taking ny tol because I could never get to sleep before 2/3 am

D9/8





AIGGZ ADOSS

and his Teramoglar Band

313, NEW GROSS ROAD, New Gross Gate Station by Iceland Store, LONDON SE14 GAS







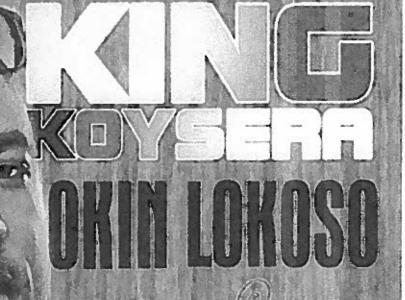








BOLA-ARA ENT'S 0744 735 7103, Shegun Vibes 0745 985 3505, Gaji 0747 780 7715.





Sat. 10th Mar. 2018

313, NEW GROSS ROAD, New Gross Gate Station by Iceland Store, L'ONDON SE14 6AS















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





Presents

Night of Entertainment

MAR.





2018

Lots of lyrics await u !!





07846548415 07448119345 New Gross Gate Station by Iceland Store, LONDON SE14 6AS











BOLA-ARA ENT'S 0744 735 7103, Shogun Vibes 0745 985 3505, Caji 0747 780 7715.





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 Lawel,

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.

Dan Power

Yours stricerely-

Crime, Enforcement and Regulation Officer

Enclo. 1) Outline of Compliance Visit - 4th December 2017





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 Lawai,

<u>Licensing Compliance Visit – Exotic Bites, 313 New Cross</u> 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
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- 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 sineerely

Daniel Power

Crime, Enforcement and Regulation Officer

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