



# AGENDA

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## LICENSING COMMITTEE

**Date: WEDNESDAY, 27 JANUARY 2021 at 7.30 pm**

**Location - Via Microsoft Teams - the public are welcome to observe via the Council's website at <https://lewisham.public-i.tv/core/portal/home>**

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

Councillor Eva Stamirowski (Chair)  
Councillor Kim Powell (Vice-Chair)  
Councillor Juliet Campbell  
Councillor Colin Elliott  
Councillor Alan Hall  
Councillor Sue Hordijkenko  
Councillor Coral Howard  
Councillor Caroline Kalu  
Councillor Susan Wise

**Members are summoned to attend this meeting**

**Kim Wright**  
**Chief Executive**  
**Laurence House**  
**Catford**  
**London SE6 4RU**  
**Date: 19 January 2021**



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

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INVESTOR IN PEOPLE

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## Licensing Committee

### Minutes

**Date:** 27 January 2021

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive

### Outline and recommendations

**Members are asked to consider the Minutes of the meetings of the Licensing Committee, held on 2 December 2020.**

#### Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 2 December 2020 be confirmed and signed.

# Agenda Item 2



## Licensing Committee

### Declarations of Interest

**Date:** 27 January 2021

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive

### Outline and recommendations

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

## 1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. 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.

1.2. Further information on these is provided in the body of this report.

## 2. Recommendation

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

### 3. Disclosable pecuniary interests

3.1 These 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.

### 4. Other registerable interests

4.1 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.

## 5. Non registerable interests

- 5.1. 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).

## 6. Declaration and impact of interest on members' participation

- 6.1. 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 not 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**
- 6.2. 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 6.3 below applies.
- 6.3. 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.
- 6.4. 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.
- 6.5. 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.

## 7. Sensitive information

- 7.1. 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.

## 8. Exempt categories

- 8.1. 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: Maestro 44-45 Deptford Broadway, London, SE8 4PH**

**Date:** 27 January 2021

**Key decision:** No.

**Class:** Part 1.

**Ward(s) affected:** New Cross

**Contributors:** Community Services – Crime, Enforcement & Regulation Service, Head of Law.

### Outline and recommendations

Determination of Review Application - After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the Licensing Objectives.

### Timeline of engagement and decision-making

The last day for representations was 22 December 2020.

This matter must be heard with 20 days from the day after the last day of representations.

## 1. Summary

1.1. The premises is currently licenced for the folowing activities:

Alcohol for consumption ON the Premises

10.00 – 01.00 Sunday - Thursday

10.00 – 02.30 Friday - Saturday

### Regulated Entertainment

10.00 – 23.00 Sunday - Saturday

### Late night refreshment

23.00 – 01.30 Sunday – Thursday

23.00 – 03.00 Friday - Saturday

## **2. Outline Grounds for Review**

- 2.1 An application for a licence review for Maestro was submitted to the Licensing Authority by PC Simon Butler of Metropolitan Police on 24 November 2020. The premises are alleged to be undermining the licensing objectives of Public Safety, Prevention of Public Nuisance and Prevention of Crime and Disorder.
- 2.2 The application for the review was served on all responsible authorities and has been advertised in accordance with Regulation 38; a notice prominently displayed on or near the premises to which the application relates and at the licensing authority premises for a period of 28 consecutive days. The last date for receiving representations was the 22 December 2020.
- 2.3 No further representations were received.

## **3. Recommendations**

- 3.1 After having regard to all representations, Members must take such steps as they consider necessary for the promotion of the licensing objectives. In accordance with Section 52 of the Licensing Act 2003, 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.) Remove the designated premises supervisor
  - 4.) Suspend the licence for a period not exceeding three months
  - 5.) Revoke the licence
  - 6.) Take no action if it is considered that no steps are necessary for the promotion of the licensing objectives
- 3.2 There is a right of appeal to the Magistrates Court against a decision either to give a counter notice or to allow the temporary event to go ahead.

## **4. Policy Context**

- 4.1. Decisions by Members of the Licensing Committee should have regard to the

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Licensing Act 2003 and the promotion of the four Licensing Objectives at all times, which includes the following:

- Protection of Children from Harm
  - Prevention of Crime and Disorder
  - Prevention of Public Nuisance
  - Public Safety
- 4.2. Members should also have regard to the Licensing Authority's Statement Licensing Policy 2020-25.
- 4.3. Decisions made will link in with the following objectives under the Council's Corporate Strategy – Building an Inclusive Local Economy and Building Safer Communities.

## **5. Financial implications**

- 5.1. Applicants have the right of appeal against any decision by the Licensing Committee. Therefore there would likely be costs for the Authority in seeking legal support should an appeal be brought by the applicant.

## **6. Legal implications**

- 6.1 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.
- 6.2 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.

## **7. Equalities implications**

- 7.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.

- 7.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.
- 7.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 7.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:  
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>  
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 6.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
  - [Meeting the equality duty in policy and decision-making](#)
  - [Engagement and the equality duty: A guide for public authorities](#)
  - [Objectives and the equality duty. A guide for public authorities](#)
  - [Equality Information and the Equality Duty: A Guide for Public Authorities](#)
- 6.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:  
<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## 8. Climate change and environmental implications

- 8.1. Any decision made by Members must fall in line with the Licensing Act 2003, to that end there are no climate change or environmental considerations.

## 9. Crime and disorder implications

- 9.1. Under the Licensing Act 2003, one of the 4 licensing objectives is the Prevention of Crime and Disorder.
- 9.2. It is a requirement of the Licensing Act 2003 that any decision made by the Licensing Committee must not negatively impact on the Licensing objectives.

## 10. Background papers

- 10.1. Application received 24 November 2020.

## 11. Glossary

Term	Definition
Appeal	asking a court to overturn a lower court's decision. If the decision of a court is disputed it may be possible to ask a higher court to consider the case again by lodging an appeal.
Applicant	A person who carries on, or proposes to carry on, a business which involves the use of a premises for licensable activities to which the application relates or, a person who makes an application pursuant to any statutory function discharged by that person relating to those licensable activities, or a person who applies for the grant of a Personal Licence from a Licensing Authority.
Designated Premises Supervisor	The person named on the Premises Licence as being the person with ultimate responsibility for the running of the premises. He or she must hold a Personal Licence. There can only be one Designated Premises Supervisor for each premises.
Licence	an authority to do something.
Licence Objectives	Under section 4 of the 2003 Act the Licensing Authority must promote the following 4 objectives <ul style="list-style-type: none"><li>• Prevention of crime and disorder</li><li>• Public safety</li><li>• Prevention of public nuisance</li><li>• Protection of children from harm</li></ul>

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<b>Term</b>	<b>Definition</b>
Licensable Activities	Activities undertaken at premises which require the authority of a Premises Licence, Club Premises Certificate or Temporary Event Notice.
Licensee	the holder of a licence to do something.
Licensing Authority	The Council (London Borough of Lewisham) Under section 3 of the 2003 Act, the licensing authority's area is the area for which the authority acts.
Licensing Committee	A committee of not less than ten and not greater than 15 Council members to which the discharge of the licensing function is delegated by the Council. The whole committee may sit or delegate its responsibility to sub committees consisting of at least three members.
Licensing Policy	Document published by the Local Authority detailing how the licensing regime will be delivered at a local level.
Interested Person	A person who lives in the vicinity of the premises A body who represents the persons who live in that vicinity A person involved in a business in that vicinity A body representing businesses in that vicinity An elected member of the council
Mandatory Conditions	Conditions applied to every Premises Licence and Club Premises Certificate.
Premises Licence	A written authorisation from the Licensing Authority allowing a premises to carry out Licensable Activities.
Relevant Representation	A representation that is specific to the premises in question, related to the four licensing objectives and/or the local licensing policy.

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Term	Definition
Responsible Authorities	<p>Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:</p> <ul style="list-style-type: none"> <li>• Licensing Authority</li> <li>• Chief Officer of Police</li> <li>• London Fire Brigade</li> <li>• Trading Standards</li> <li>• Planning Authority</li> <li>• Public Health</li> <li>• Environmental Enforcement (with respect to Noise)</li> <li>• Children’s Services</li> <li>• Home Office Immigration</li> </ul>
Review	<p>A review is where any interested party or responsible authority asks the licensing authority to review a premises licence because of a matter arising that is alleged to be undermining one or more of the four licensing objectives. The Committee members may take such steps at the review as they deem appropriate to promote licensing objectives. This can include amendments to licence terms or revocation of the licence.</p>

## 12. Report author and contact

- 12.1. Lisa Hooper, Crime, Enforcement & Regulation Manager,  
[lisa.hooper@lewisham.gov.uk](mailto:lisa.hooper@lewisham.gov.uk), 020 8314 6324.



**TOTAL POLICING**

**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 PC 3501SE Simon Butler

apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below

**Part 1 - Premises or club premises details**

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

44-45 Deptford Broadway, Deptford

Post town:

Lewisham

Post code:  
(if known)

SE8 4PH

Name of premises licence holder or club holding club premises certificate (if known):

Louis Armand Tchatchouang

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

PL0743

**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 section (A) below)

PROTECTIVE MARKING

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

Mr  Mrs  Miss  Ms  Any other title (e.g. Rev.)  Pc 3501SE

Surname: Butler First Names: Simon

I am 18 years old or over

Current postal address if different from premises address:

9 Holbeach Road

Post town: Catford Post code: SE6 4TW

Daytime Tel. No.: Email: (optional)

**(B) DETAILS OF OTHER APPLICANT (fill in as applicable)**

Name and Address:

Telephone Number (if any):

Email address: (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)**

Name and Address:

Lewisham Local Authority, 9, Holbeach Road SE6 4TW

Telephone Number (if any):

Email address: (optional) licensing@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 checked="" 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 Metropolitan Police are seeking this review the Premises Licence on the grounds of The Prevention of Crime, and Disorder, The Prevention Of Public Nuisance and Public Safety.

After visiting the premises the Police have found serious failings and breaches to licensing conditions on Annex 2, which relate to multiple breaches and even after engaging with premises the Police are still finding consistant breaches. The Police have used the stepped approach in order to advise and educate the premises licence holder however this hasn't worked and the Police are still constantly finding Breaches and the licensing objectives are not being met.

The Police are requesting the review under Public Safety because on the last visit on 31st October the Government issued an instruction for premisses to close due to control of Covid Pandemic. During visits the Police found that this was also being breached, as the venmue was operating outside of Government curfew times and allowing customers to continue staying after premises should be closed. Failures like this have been instrumental in pushing London into a further lockdown.

**PROTECTIVE MARKING**

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

Please see attached Statements provided by Police Licensing Officer and Enforcement Officers in file attached.

PROTECTIVE MARKING

**Have you made an application for review relating to this premises before?**

(Please tick yes)

Day

Month

Year

If yes, please state the date of that application:

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

PROTECTIVE MARKING

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 168 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 (see guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature: *[Handwritten Signature]* Date: *23/11/2020*  
Capacity: *Police Licensing Officer*

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

*9 HOLBEACH ROAD*  
Post town: *CATFORD* Post code: *SE6 4TW*  
Telephone Number (if any): *07795 801039*  
If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional): *Simon.Butler@met.police.uk*

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Retention Period: 7 years  
MP 321/12



**Attached Evidence For Maestro Bar 44-55 Deptford Broadway Se8 4PH**

**INTRODUCTION**

This review application is to address the Premises Licence Holder's repeated failures to comply with conditions on the Premises Licence. These failing have resulted in complaints from local residents (exhibited by Office Olaniran) and the local licensing team by way of a statement provided by Officer Olaniran and Pc Butler. The investigation has shown that the premises has undermined the licensing objectives, namely the prevention of crime and disorder, the prevention of public nuisance and Public Safety.

The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Mr Louis Armond Tchatchouang.

Premises – Maestro Bar, 44-45, Deptford Broadway SE8 4PH

Licence Ref – Lewisham - PL0743

Premises Current Operating Conditions Annex 2 & 3 Listed below -

**Annex 2-Conditions consistent with the operating Schedule**

1/ CCTV is installed to Data Protection Standards and will be made available to the Police and Licensing Authority on request. Recordings shall also be kept for 31 days

2/ Toilets are checked regularly.

3/ Staff members will be trained in drugs awareness policies.

4/ Two S.I.A badge door supervisors are present when public entertainment is in progress and then from 22:00 until end of all licensable activities.

5/ Links with local taxi firms for customers.

6/ Prevent customers taking drinks outside in glass containers.

7/ Exit signs & emergency lighting in place.

8/ Notices displayed proof of age policy displayed stickers stating no under 18 will serve.

9/ Doors will be kept closed during public entertainment.

10/ All amplified music will be monitored through a sound limiter device

11/ There shall be no children on the premises after 21:00 unless accompanied by a responsible adult.

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

1/ Notices to be displayed inside the premises asking customers to leave quietly.

## Time Line

### 02/08/2020

The Local Authority began to receive information reports regarding the premises at the beginning of August 2020. The Police Licensing Team received information from Local Authority Enforcement Team after their weekend licensing visits. The Local Authority officers witnessed this premises open and without SIA door staff on duty on 2<sup>nd</sup> August 2020. This is a breach of the premises licence conditions, which state that after 22.00hrs the premises should have 2 SIA registered door staff on duty until close of Business. (Annex 2 condition 4).

### 10/08/2020

At 00.32 hours enforcement Officer Frank Olaniran witnessed customers from the premises drinking bottles of beer outside the front of the address on the pavement. The front doors of the premises were wide open and there was loud music being played from within. Officer Olaniran has made notes and a statement to verify this incident. These are breaches of the Premises Licence which Officer Frank Olaniran witnessed Annex 2 condition 4 – No SIA door staff. 6 – Prevent customers taking drinks outside and 9 – Doors will be kept closed during public entertainment.

### 19/08/2020

Enforcement Officer Frank Olaniran requested, via Letter, Cctv for dates the of 02/08/2020, 09/08/2020 and 15/08/2020 after witnessing the breaches that took place on 02/08/2020 and 10/08/2020. After not receiving any communication back from the premises, Officer Frank Olaniran reported to the Police Licensing Team that his request had been ignored.

### 20/08/2020

Metropolitan Police licensing officer attended the location at 14:30hours with Local Enforcement Officer Frank Olaniran. This was in order to try to meet with the Premises Licence Holder and the management of the premises to discuss the lack of response to Officer Olaniran. The premises were closed.

### 30/08/2020

Metropolitan Police licensing officers Pc Butler, Pc Crossman and Ps Renno attended the premises at 22.00 hours. Upon arrival, they witnessed no SIA door staff on site. They spoke to the manager at the premises who gave her details as Chantele Djomo (manager) as the DPS was not present.

Police licensing officers then carried out a compliance visit and found the following breaches; No SIA on duty annex 2 condition 4, no signage for onward travel for customers annex 2 condition 5, no noise limiter was in place in the premises annex 2 condition 10, a drunk male coming in and out the Premises who Police officers witnessed downing bottles of beer on the pavement annex 2 condition 6, no signage asking customers to leave quietly annex 3, no premises licence on display.

It was quite clear to officers that there was a lack of control at the premises by the management. As such, PC Butler and Officer Olaniran made arrangements on 4<sup>th</sup> September 2020 to meet the PLH/DPS as a matter of urgency to discuss the findings made on visit on 30/08/2020. Due to the PLH/DPS not being in the country because of urgent

Official



family business, officers arranged to meet with David Kuate. David is the nominated person, trusted by the DPS. The DPS was out of the UK attending a funeral of a family member. David manages and runs an Off Licence in New Cross area of Lewisham and has a Personal Licence, entrusted by Louis to manage affairs while out of the UK, on behalf of the PLH/DPS.

04/09/2020

Pc Butler and Officer Frank Olaniran met at the premises with David Kuate (representing the DPS), Chantele Djomo (manager) to discuss the breaches, lack of engagement and management concerns from 30/08/2020, 02/08/2020 and 09/08/2020.

During the meeting, admissions were made that the management of the premises needed improving and the staff ensured officers that things would improve. Mr Kuate was issued a Notification of Offence Form 694 to highlight breaches of the premises licence (as listed above).

Mr Kuate stated that a noise limiter would be installed and admitted that it should already be in place. Mr Kuate told officers that he would arrange this, but due to Covid restrictions getting an engineer out may take some time. Prior to leaving the meeting it was agreed with Mr Kuate that the noise limiter would be in place by Friday 18<sup>th</sup> September 2020. He was advised that if the breaches of the premises licence were not fixed it could result in further action being taken.

24/09/2020

Under the Health Protection (Coronavirus, Restrictions) Regulations 2020 most pubs, restaurants and hospitality venues had to be closed at 22:00 hours. This meant that the premises no longer had to have SIA on duty.

31/10/2020

Pc Butler, Ps Renno and Pc Crossman attended the premises as part of Operation Halloween. They walked inside the venue at 21:55 hours and found the premises was half full with about 30 people. They saw the duty manager Chantele Djomo coming out of the kitchen with other staff to deliver hot food to the tables.

Customers were seen all sitting on a few tables all in close proximity, with bottles of Glenfiddich whisky freely available on the tables where families with young children were (in breach of condition 11) sitting eating and drinking (Photo exhibit by Pc Butler).

Police Officers asked Chantele if Louis (DPS) or David (Nominated person for the DPS) were around. However, neither were at the venue. Pc Butler asked if the noise limiter had been installed and Chantele looked blankly and replied "No". Pc Butler then asked why they serving food when it was 5 minutes away from Government closure time as the premises must be empty and closed by 10pm. Chantele gave no reply.

Police Officers left the restaurant and went to obtain Section 19 breach paperwork from the car as the agreement made to complete installation of noise limiter by Friday 18<sup>th</sup> September had not been completed.

Officers returned to the premises at about 22:15 hours to find that the shutters to the restaurant had been pulled down now locking customers inside. Officers knocked on the shutters in order to be let back inside the premises. The shutters were raised and it was

Official



clear to see that no Customers had left and they were all still seated consuming food and drink.

Officers asked why the shutters had been pulled down and Chantele stated that she shouldn't let anyone else in after 22 00 hours however she was allowing her customers to continue to eat as they had food in front of them. Officers explained that the Government instruction was for the premises was to be fully closed of customers and staff and not to leave customers inside like a lock in.

Chantele then informed officers that David was on the phone and that he had told her that the noise limiter was in the office. He made reference that they hadn't been able to install it as the first one that was delivered had been faulty. Police were shown through to the office where the noise limiter was supposed to be and all 3 officers went with Chantele and we were followed by 3-4 black males that were customers and now freely walking around the kitchen where food was still being prepared and not wearing any PPE.

No noise limiter was found, as Police came out the office and headed back towards the restaurant customers became confrontational about having to leave the restaurant and Police asking for the Premises to be closed. The time was now 22:25hrs (Video footage exhibited by Pc Butler).

Officers issued a Notification Of Offences and Section 19 Closure Notice stating that it was unacceptable to still not have the noise limiter installed and in place when given plenty of time to get this completed. Breach of annex 2 licensing conditions and being open past a Government curfew. It was explained fully that the noise limiter still hadn't been installed and therefore a further breach to premises licence conditions had taken place. It was explained to Chantele that this matter was supposed to have been dealt with by 18th September which was over a month ago.

As Police left the premises and walked back to the car an unknown male ran up with a cardboard box claiming that it was the noise limiter, however when it was opened it was just an empty box, officers could see the delivery date that was attached to the box, this showed the delivery to be 5<sup>th</sup> August 2020. At this point Police made note of this and would note that an explanation would be required as to why it hadn't been installed since it had clearly been delivered some time ago.

### Summary

The above shows a catalogue of failings which have been found at various visits by Police Licensing Officers and Local Enforcement Officers.

The Metropolitan Police have lost all confidence that this premises can be managed properly and uphold the Licensing Objectives. It is nowhere near the standard that is required and management do not appear to be interested in rectifying the issues that have been highlighted during the engagements.

Officer Olaniran started to engage with the premises in early August 2020 and found when attempting to highlight multiple failings that he was just ignored. The lack of engagement with Enforcement Officers made prior to the Police involvement is a serious concern and potentially showing willingness to ignore the issues highlighted. This shows a lack of respect for Licensing Authority and disregard for the regulating authority as a whole.

Official



The Police visits fully support the Local Enforcement Team findings, who attempted to engage at an early stage prior to Police involvement.

The management at the premises have made promises on behalf of the PLH/DPS to rectify the failings and breaches that have been found. This has not been done and the Police now believe that the premises has been given plenty of time to do this.

It is therefore, the view of the Police Licensing Officer, that the DPS / PLH and managers of the premises have shown a continued disregard for the conditions set on the premises licence by the local authority sub-committee, and by operating the venue unlawfully has failed to uphold the licensing objectives, in particular the prevention of public nuisance and prevention of crime and disorder. The PLH/DLS appears to be unwilling to comply with the conditions he currently has on his licence.

It has been approximately 11 weeks with engagement, dialog and visits made with promises not kept.

The Metropolitan Police seek the Licensing Subcommittee's consideration into altering some existing Licensing conditions in order that the Premises will meet Licensing Objectives and become a responsible operator in the Borough.

Police would like to ask for consideration to be made to Licensing conditions as follows:-

- The removal of the DPS due to the mismanagement of the premises on a day to day basis, which have been highlighted by the continual breach of the premises licence conditions and breaches of the Health Protection (Coronavirus Restrictions) Regulations as instructed by the Government. Police have only had meetings with representatives of the DPS as the DPS was out of the country for personal reasons and appointed David to speak to Police and LA at meetings. He was appointed as was a trusted friend and also a Premises Licence Holder for an Off Licence in the borough of Lewisham.
- A suspension of the licence to allow the premises to put in place a viable, responsible person to take up the role as DPS, to train all of the staff at the premises, to rectify the breaches of the Premises Licence and to put adopt and new licensing conditions.
- A reduction of hours to be allowed to operate until Midnight, and not after (to reduce noise complaints). The Local Authority officer Olaniran evidences noise pollution on visits he has made reference to.
- Live Music to be removed (to assist with reducing noise complaints). This is evidenced by noise complaints that the Local Authority have received that started the investigation into the Premises. Exhibited by Officer Olaniran.
- Prominent signage to inform Customers No Drinks to be taken outside at all. (Due to No off Sales, also backed up by effective door staff). In order to prevent breaches in customers taking drinks outside.
- Change the wording regarding Cctv and allowing Local Authority and Police instant access to Cctv viewing on visits made. (In order to give instant access and assist with investigations that take place).

Official

- An incident book and refusals book to be introduced in order to record any Incidents of Police / Local authority visits, breakage or faults to Cctv equipment, Crimes, Refusals of sale due to under age/persons being drunk. This should be signed for by the DPS (to assist with backing up when cctv or noise limiter is not functioning and giving management a place to record the faulty equipment, incidents where police or local authority have attended and when).
- Two (2) SIA registered door staff to be on duty daily between 21:00hrs and closing. (This is a change from 2 SIA currently from 22:00hrs and designed to assist with controls on the front door to stop people taking drinks outside and discourage drunk males coming and going and prevent crime and disorder.
- Changing the wording of the current CCTV condition from "CCTV is installed to Data Protection Standards and will be made available to the Police and Licensing Authority on request. Recordings shall also be kept for 31 days."  
To the premises shall install and maintain a comprehensive CCTV system. 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 authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained by the management.
- 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.

The Police believe that by removing the DPS and adding the additional conditions this will assist in upholding Licensing Objectives under Crime and disorder, the Protection of Public Nuisance and Public Safety. The Police also believe that it is proportionate to ask the Licensing Sub Committee to consider suspending the premises licence to allow for the above changes and re-training to take place.

Pc Simon Butler





Louis Armand Tchanagoum  
Tchatchouang  
Maestro  
44 – 45 Deptford Broadway  
London  
SE8 4PH

Crime, Enforcement & Regulation  
Service  
9 Holbeach Road  
Catford  
London  
SE6 4TW  
Direct Line: 020 8314 6538  
[Frank.Olaniran@lewisham.gov.uk](mailto:Frank.Olaniran@lewisham.gov.uk)

REF: WK/202011687  
Date: 19<sup>th</sup> August 2020

Dear Louis Armand Tchanagoum Tchatchouang,

**RE: CCTV Request – MAESTRO, 44 – 45 Deptford Broadway, London, SE8 4PH**

I write to you in your capacity as the Premises Licence Holder and Designated Premises Supervisor for the above business.

The Crime, Enforcement and Regulation Service has received reports that on Sunday 2 August 2020, the premises has facilitated the provision of regulated entertainment in the form of live music during the Covid period which has caused a noise nuisance.

In addition, Officers from this Service working on Sunday 9 August 2020, have observed patrons outside of the premises in possession of drinks in glass containers while smoking and socialising.

This is therefore considered a breach of your Annex 2 conditions, under condition 6 which states;

***Prevent customers taking drinks outside in glass containers.***

It is further noted that the doors to the premises were left open, therefore allowing a noise nuisance to be created from loud music being played at the premises and patrons shouting.

This is also considered a breach of your Annex 2 conditions, under condition 9 which states;

***Doors will be kept closed during public entertainment.***

The operating schedule on your premises licence stipulates that regulated entertainment, live or recorded, must cease at 2300. Officers have observed that excessively loud music was being played from your premises at approx. 0032 on Monday 10 August, without prior authorisation from the licensing authority.

This situation is highly concerning as I note that you have been written to before by Officers from this Department about such conduct.

As a consequence of this, I wish to observe CCTV footage for the following dates,

- Sunday 2 August 2020 from 2100 to Monday 3 August 2020 at 0300
- Sunday 9 August 2020 from 2300 to Monday 10 August 2020 at 0300
- Saturday 15 August 2020 from 2100 to Sunday 16 August 2020 at 0300

Please note that the above stated request is made in line with Annex 2, Condition 1 of your premises licence which states that;

***CCTV is installed to Data Protection Standards and will be made available to the Police and Licensing Authority on request. Recordings shall also be kept for 31 days***

To assist in my investigation, the footage provided must cover the entrance of the premises leading out to Deptford Broadway and inside of the premises.

I request that this footage be made available to me by 4:00pm on Monday 24 August 2020.

The footage is to be provided in a readable format either on a USB device or DVD and left with reception at our office for my attention;

9 Holbeach Road  
Catford  
London  
SE6 4TW

The reports received and the observations by Officers from this Department have been shared with the Licensing Police Officer for the Borough of Lewisham, who will also be making contact with you.

It is imperative that the conditions stipulated within your licence are adhered to at all times the business is open for trade. I therefore put you on notice that while my investigation into the reports received is ongoing, any further reports of activity outside of the parameters of your premises licence will result in a review of your licence.

I trust that the content of this letter is clear, however should you wish to discuss this matter further, please do not hesitate to make contact with me on the details overleaf.

Yours Sincerely

*F. Olaniran*

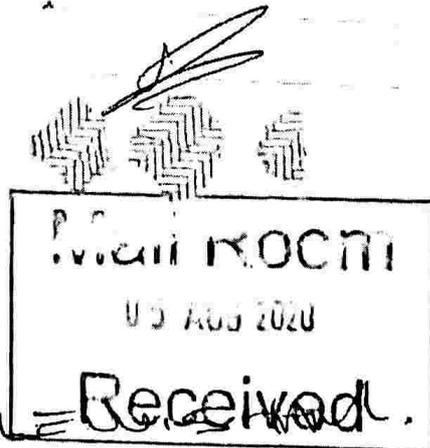
Frank Olaniran  
Crime, Enforcement and Regulation Officer

AUG. 3<sup>rd</sup> 2020.

DEAR SIR / MADAM.

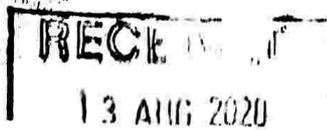
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BOB. OF

ENVIRONMENTAL HEAL  
LAWRENCE HOUS  
CATFORD.



13 AUG 2020

Louis Armand  
Tchanagoum  
Tchatchouang Maestro 44  
— 45 Deptford Broadway  
London  
SE8 4PH



Fo/z

Crime, Enforcement &  
Regulation

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Service 9  
Holbeach Road  
Catford  
London  
SE6 4TW  
Direct Line: 020 8314 6538  
[Frank.Olaniran@lewisham.gov.uk](mailto:Frank.Olaniran@lewisham.gov.uk)

REF: WK/202011687

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Yours Sincerely

*F. Olaniran*

Frank Olaniran

Crime, Enforcement and Regulation Officer

Mr Tchangoum  
The Maestro Bar 44-45  
Deptford Broadway  
London  
SE8 4PH

Environmental Health  
Lewisham Council  
9 Holbeach Road  
London SE6 4TW  
Tel: 0208 314 3974

Yoland.hosten@lewisham.gov.uk

our Ref: WK 202012157

Dear Mr Tchangoum,  
Food and Safety  
Team

Date: 27<sup>th</sup> August 2020

Health and Safety at Work etc. Act 1974  
The Management of Health and Safety Work Regulations 1999

Re: The Maestro bar 44-45 Deptford Broadway SE8 4PH

We are currently in receipt of a complaint related to the management of your business in relation to current COVID-19 guidance, It is important that social distancing is maintained and managed throughout the operation of your business, to ensure that Health and Safety of not only your patrons but your staff.

This letter outlines areas which you should address, and provides you with information as to the management of the risk of COVID within your business.

The government's COVID-19 guidelines for employers, are designed to help get businesses back up and running and workplaces operating safely. The guidance is available at <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>

Practical steps for businesses are focused on five key points, which should be implemented as soon as it is practical:

**1. Carry out a COVID-19 risk assessment**

You should ensure the safety of the workplace by:

- carrying out a risk assessment in line with the HSE guidance • consulting with your workers or trade unions
- sharing the results of the risk assessment with your workforce and on your website

<https://www.hse.gov.uk/simple-health-safety/risk/index.htm>

**2. Develop cleaning, hand washing and hygiene procedures**

You should increase the frequency of hand washing and surface cleaning by:

- encouraging people to follow the guidance on hand washing below • providing hand sanitiser around the workplace, in addition to washrooms • frequently cleaning and disinfecting objects and surfaces that are touched regularly

- enhancing cleaning for busy areas
- setting clear use and cleaning guidance for toilets • providing hand drying facilities — either paper towels or electrical dryers <https://www.nhs.uk/live-well/healthy-body/best-way-to-wash-your-hands/>

## 1

### 3. Help people to work from home

You should take all reasonable steps to help people work from home by: • discussing home working arrangements

- ensuring they have the right equipment, for example remote access to work systems
- including them in all necessary communications
- looking after their physical and mental wellbeing

### 4. Maintain 2m social distancing, where possible

Where possible, you should maintain 2m between people by:

- putting up signs to remind workers and visitors of social distancing guidance
- avoiding sharing workstations
- using floor tape or paint to mark areas to help people keep to a 2m distance
- arranging one-way traffic through the workplace if possible
- switching to seeing visitors by appointment only if possible

### 5. Where people cannot be 2m apart, 1m may be applied only with enhance mitigations to manage transmission risk

Where it's not possible for people to be 2m apart, you should do everything practical to manage the transmission risk by:

- considering whether an activity needs to continue for the business to operate • keeping the activity time involved as short as possible • using screens or barriers to separate people from each other • using back-to-back or side-to-side working whenever possible
- staggering arrival and departure times • reducing the number of people each person has contact with by using 'fixed teams or partnering'

Employers should display a sign in their workplaces to show their employees, customers and other visitors to their workplace, that they have followed the guidance.

Please be advised that a failure to implement measures to prevent the spread of COVID-19 in a workplace, so far as reasonably practicable, may lead to further enforcement action.

I hope this letter will help you implement adequate measures in your workplace but please do not hesitate to contact me if you require any further information or advice on this or any other matter.

Yours sincerely,

Yoland Hosten  
Environmental Health Officer  
Food and Safety Team

Aug. 3<sup>rd</sup> 2020.

DEAR SIR / MADAM.

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Mail ROOM  
03 AUG 2020  
Received.



BOB. OF

ENVIRONMENTAL HEAT  
LAWRENCE HOUSE  
CATFORD.



RECEIVED  
13 AUG 2020

13 AUG 2020  
Page 31  
13 AUG 2020

Mr Tchangoum  
The Maestro Bar 44-45  
Deptford Broadway  
London  
SE8 4PH

Environmental Health  
Lewisham Council  
9 Holbeach Road  
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Yours sincerely,

Yoland Hosten  
Environmental Health Officer  
Food and Safety Team

## STATEMENT OF WITNESS

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

**STATEMENT OF: Frank Olaniran**

**Age of witness: Over 18**

**This statement (consisting of 5 page) 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, Frank Olaniran, am a Crime, Enforcement and Regulation Officer of the London Borough of Lewisham's Community Services Directorate. I have been employed since July 2018., my duties include investigating complaints of noise nuisance as specified via The Environmental Protection Act 1990, licensing enforcement as designated via The Licensing Act 2003 and Anti-Social Behaviour most notably via the Anti-Social Behaviour, Crime and Policing Act 2014.

I make this statement as a consequence of the visits and conversations that have taken place to and with the proprietor of Maestro Bar and Kitchen, 44 – 45 Deptford Broadway, SE8 4PH.

On Monday 10 August 2020, CER Officer Nadya Gencheva and I were providing an out of hours service to monitor the compliance of the Government's national measures to address rising cases of Coronavirus in England. While driving to a report of a nuisance taking place observed patrons outside Maestro Bar and Kitchen at approx. 00:32 in possession of alcoholic drinks in glass containers socialising immediately outside of the premises.

In addition to this, it was observed that the front door of the premises was open allowing the music and the noise from shouting patrons within the premises to become audible in the middle of Deptford Broadway as officers were stationed in traffic.

Officers' observations were noted in order to refer to the licence conditions at a later date to establish if a breach had taken place.

On 18 August 2020 an anonymous report was received by the CER service detailing concerns around activity taking place at Maestro Bar and Kitchen. The complainant highlighted that the premises was providing regulated entertainment in the form of a live band during the Covid-19 Pandemic in which restrictions to reduce the rate of transmission of the virus were in place for licenced premises to adhere to. The complainant also highlighted concerns around the number of patrons frequenting the premises during a time when social distancing was in forced. A copy of this complaint is provided as FO/I.

While reviewing the licence for the premises, officers noted the following annex 2 conditions:

Condition 6

**Prevent customers taking drinks outside in glass containers.**

Condition 9

**Doors will be kept closed during public entertainment.**

A letter outlining officers' findings and requesting CCTV footage was sent to the premises and the address for the DPS on 19 August, advising that an active investigation into their activity was taking place. A copy of this letter is provided as FO/2.

On 23 August 2020, I was providing an out of hours with CER Officer Delroy Downer. At approx. 22:55 officers attended Maestro Bar and Kitchen and immediately observed 20 patrons loitering outside the premises with a few of them handling bottles of alcohol.

Familiar with the conditions of the premises licence, officers noted that there was no door security outside while also confirming the presence of loud amplified music taking place in the form of a live band.

The premises was therefore in breach of annex 2, condition 4 which states:

**Two S.I.A badge door supervisors are present when public entertainment is in progress and then from 22:00 until end of all licensable activities.**

Upon entry into the premises, no door security could be seen in operation within the premises and officers observed approx. 100 patrons crowded around tables, dancing to the live band. As officers made attempts to access the bar to establish contact with management, this was made difficult due to overcrowding patrons shouting over each other to place their orders. The live music stopped at 23:00 and then recorded music started being played by a DJ at loud volume.

The premises is only permitted to provide regulated entertainment for the following times:

Regulated Entertainment

10:00 – 23:00 Sunday

10:00 – 23:00 Monday

10:00 – 23:00 Tuesday

10:00 – 23:00 Wednesday

10:00 – 23:00 Thursday

10:00 – 23:00 Friday

10:00 – 23:00 Saturday

The provision of recorded music after 23:00 on this day and on the 10 August 2020 therefore constituted a S136 offence of the Licensing Act 2003 – Unauthorised licensable activities.

After locating the licence holder Louis (Armand) Tchatchouang, officers had to leave the premises to speak with him due to the level of noise taking place.

While speaking with licence holder, officers again observed several patrons exiting

the premises with open bottles of Guinness and Desperado tequila beer to smoke and get fresh air, in excess of 6 bottles were seen being taken off the premises for consumption outside.

Officers raised their concerns and findings to the licence holder who advised the following:

- The business had reopened 3 weeks ago and under pressure as the landlord pressuring the licence holder for rent payment and to clear arrears.
- Live music was fundamental to the business maintaining the level of customer trade and generating income.

The licence holder was unable to provide a justification for no SIA personnel being present or allowing patrons to take containers outside of the premises, however advised that he would start policing the outside area to ensure that patrons do not leave with glasses.

It was brought to the licence holder's attention that Government guidelines to tackle the pandemic stated that music within licenced premises was only to be provided at ambient background level and that live music indoors was not permitted as a way of discouraging patrons shouting, dancing and mixing in further attempt to reduce the risk of the virus being transmitted.

The licence holder was immediately uneasy after my advice, stating that if he could not have live music, he may as well hand back the premises to the landlord. This prompted concerns from officers that the licence holder would continue operating in such manner in order to secure his trade. The premises was referred to the Council's Environmental Health Department following concerns relating to failure to adhere to Covid-19 regulations. A copy of the letter sent to the premises by the EH department is provided as FO/3.

On 30 August 2020, a subsequent visit was made Maestro Bar and Kitchen along with Police Licensing Officer, PC Butler. While no live music was being provided, loud recorded music was still being provided during a time licenced premises were prohibited from providing amplified music as a means of discouraging patrons from dancing, shouting and singing. While on site, a full licence inspection took place where the following was noted:

- The premises had no summary licence on display
- CCTV footage could not be made available on request
- No sound limiter in place
- No training logs could be provided

As no manager was present to discuss our findings with, PC Butler advised that contact would be made with the licence holder to arrange a meeting at a later date.

Following this visit, further visits by the CER service have been made to the premises.

On 05 September 2020, Officers have reported observing only 1 SIA door supervisor in operation.

On 20 September 2020 at approx. 21:50, the premises was observed facilitating large social groups beyond 6 patrons being sat around tables therefore breaching Government instructions regarding the rule of six. Officers returned at 23:30 to find

only 1 SIA door staff in place. Conversations took place with friend of the licence holder who was away, he was informed the despite ongoing monitoring and advice, the business continues to be operated outside of the conditions of the licence, as such another breach letter would be sent to the premises and a referral to the Council's Environmental Health Department for the lack of social distancing and breach of Covid-19 regulations.

Upon speaking with the person in charge while DPS is away, he was informed that they were in breach of their licence conditions by not having 2 door staff in place. Breach letter to be sent and second referral to EH for again failing to comply with Covid-19 regulations.

From the information provided in relation the involvement of CER officers, it is clear that the premises is unable to operate competently or in accordance with their licence conditions.

As the business is situated within an existing Cumulative Impact Zone, I am not convinced that there is strict policing of alcohol sales, prompting concerns of the DPS' ability to ensure the safeguarding of the key licensing objectives. Additionally, it is evident that the oversight of key responsibilities placed upon a Designated Premises Supervisor has only served to exacerbate current issues in relation to adhering to Covid-19 restrictions for licenced premises.

I am of the opinion that without the addition measures to govern the operation of Maestro Bar and Kitchen, they will continue to breach their licence conditions and flout Covid-19 related regulations.

**Recommendations:**

The Crime, Enforcement and Regulation Service considers the following measures appropriate as a means of ensuring the safeguarding of the key licensing objectives.

- The removal of regulated entertainment from the licence
- The sale of alcohol on the premises licence to be restricted to the following hours:
  - 10:00 – 00:00 Sunday
  - 10:00 – 00:00 Monday
  - 10:00 – 00:00 Tuesday
  - 10:00 – 00:00 Wednesday
  - 10:00 – 00:00 Thursday
  - 10:00 – 01:00 Friday
  - 10:00 – 01:00 Saturday
- The provision of late night refreshment on the licence to be restricted to the following hours:
  - 23:00 – 00:00 Sunday
  - 23:00 – 00:00 Monday
  - 23:00 – 00:00 Tuesday
  - 23:00 – 00:00 Wednesday
  - 23:00 – 00:00 Thursday
  - 23:00 – 01:00 Friday
  - 23:00 – 01:00 Saturday

The addition of the following conditions to the premises licence:

- Staff training to take place every four months to cover all aspects of the Licensing Act 2003. Copies of training undertaken to be made available to responsible authorities on request.
- 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) All seizures of drugs or offensive weapons
  - (f) Any faults in the CCTV system or searching equipment or scanning equipment
  - (g) Any refusal of the sale of alcohol
  - (h) Any visit by a relevant authority or emergency service.
- The premises will operate a Challenge 25 age verification scheme and will only accept current passport, photo driving licence or PASS approved identification.
- The premises shall install and maintain a comprehensive CCTV system. 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 upon the request of Police or authorized officer throughout the preceding 31 day period, such copies shall in any event be provided within forty-eight (48) hours.
- 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.

It is hoped that these measures will assist in tackling the issues observed at the premises and alleviate concerns with regards to the premises ability to operate as well as reduce the impact of nuisance while safeguarding key licensing objectives.

**Signed:** ..... **Date:** .....

# Exhibits List

- 1/ Shows Notification of offences form SCB/1.
- 2/ Shows Section 19 Closure Notice Form SCB/2.
- 3/ Shows photograph taken of Whiskey on table on 31<sup>st</sup> October 2020 on last visit. SCB/3.



# Notification of alleged offences under the Licensing Act 2003

Venue Name: Mae Joro Bar REF: (CAD/CRIS etc.) \_\_\_\_\_

Address: 44-45 Deptford Broadway SE8 4PH

Date: 31/10/20 Time: 21:55

Details of person in charge at the relevant time: Pansa a Site named as Chantale DSOMO

DPS  Personal Licence Holder

### Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y  No )
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y  No )
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y  No )
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

Failure to Comply with Annex 2 Condition to install a noise limiter agreed a last visit on 18th September 2020 with local Authority. Also Drinking taking place after 2200 a few times. Disturbance to remove customers at 2215 hrs.

Issuing officer: S. Butler 3501SE Print: S. Butler

I acknowledge receipt of this form: (venue) \_\_\_\_\_

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

exhibit - SCB/2

Police copy

Cmnt PL200565902<sup>B699</sup>

**CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001**

Date of the Closure Notice: 31/10/20 Time Served: 2:55

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC 3501SE Butler

Signature: [Handwritten Signature]

Name (if applicable) and address of the affected premises: Maestro Bar 44/45 Doythford Broadway SE8 4PH

**Alleged unauthorised use of the premises (section 19 (6)(a))**

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

Premises did not installed noise limiter Annex 2  
Condition. Premises for sale and serving food at

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

Breach of Annex 2 Condition last visit premises to  
have it installed, still not completed.

**Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))**

Section 19 Closure issued to prevent any further  
Breaches of Conditions.

**Third party consideration (section 19.4)**

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details)

If yes they must be issued with a copy of this form

**Effect of section 20, Application for closure order.**

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name: Chantale D Jomo

Signature

Date: 31/10/2020

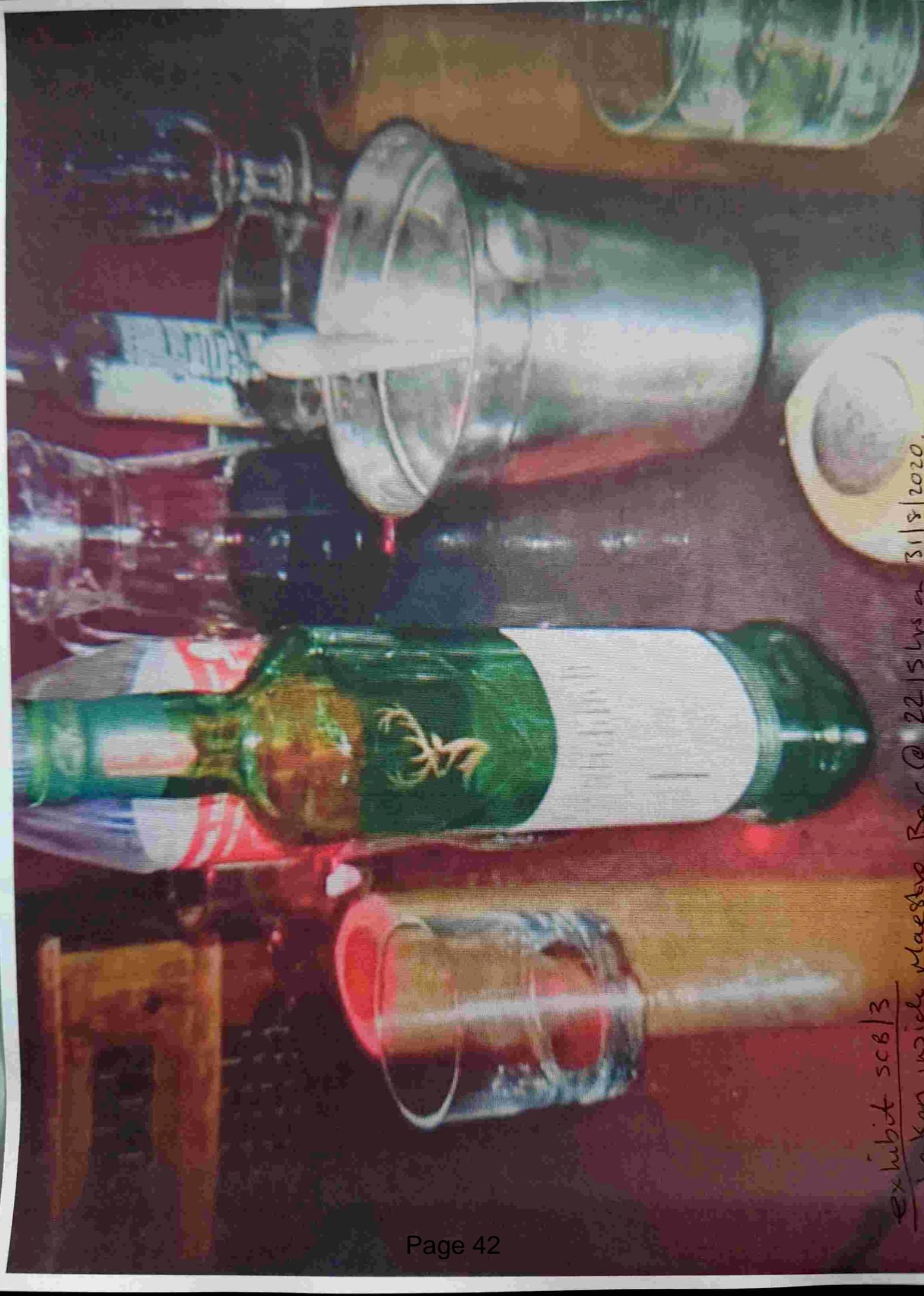


exhibit scb/3  
taken inside Maestro Bar @ 2215 hrs on 3/18/2020.

**Premises licence number**

PL 0743

**Premises name**

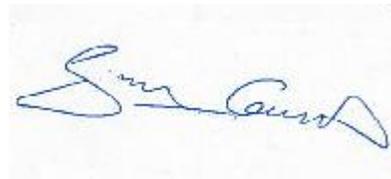
MAESTRO

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

44 – 45 Deptford Broadway

**Post town** London**Post code** SE8 4PH**Telephone number****Premises licence holder name**

Louis Armand Tchanagoum Tchatchouang



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 on the premises

Regulated Entertainment  
Live music  
Recorded music  
Performance of dance

Late night refreshment

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

Alcohol

10.00 – 01.00 Sunday  
10.00 – 01.00 Monday  
10.00 – 01.00 Tuesday  
10.00 – 01.00 Wednesday  
10.00 – 01.00 Thursday  
10.00 – 02.30 Friday  
10.00 – 02.30 Saturday

Regulated Entertainment

10.00 – 23.00 Sunday  
10.00 – 23.00 Monday  
10.00 – 23.00 Tuesday  
10.00 – 23.00 Wednesday  
10.00 – 23.00 Thursday  
10.00 – 23.00 Friday  
10.00 – 23.00 Saturday

Late night refreshment

23.00 – 01.30 Sunday  
23.00 – 01.30 Monday  
23.00 – 01.30 Tuesday  
23.00 – 01.30 Wednesday  
23.00 – 01.30 Thursday  
23.00 – 03.00 Friday  
23.00 – 03.00 Saturday

**The opening hours of the premises**

10.00 – 01.30 Sunday to Thursday  
10.00 – 03.00 Friday & Saturday

**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**

Louis Armand Tchanagoum Tchatchouang  
258 Eynsham Drive  
Abbey Wood  
London  
SE2 9PR

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

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

Louis Armand Tchanagoum Tchatchouang  
258 Eynsham Drive  
Abbey Wood  
London  
SE2 9PR

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

LN/000007572

London Borough Of Greenwich

## **Annex 1- Mandatory conditions**

No supply of alcohol may be made under the Premises Licence.

**(a)** At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

**(b)** At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

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

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licences must

ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

**(a)** a holographic mark or

**(b)** an ultraviolet feature.

**1.** A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

**2.** For the purposes of the condition set out in paragraph 1

**(a)** “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

**(b)** “permitted price” is the price found by applying the formula

$$P = D + (DXV)$$

Where -

**(i)** P is the permitted price

**(ii)** D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

**(iii)** V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

**(c)** “relevant person” means, in relation to premises in respect of which there is in force a premises licence

**(i)** The holder of the premises licence

**(ii)** The designated premises supervisor (if any) in respect of such a licence, or

**(iii)** The personal licence holder who makes or authorises a supply of alcohol under such a licence;

**(d)** “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club

present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

**(e)** “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

**3.** Where the permitted price given by Paragraph **(b)** of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

**4. (1)** Sub-paragraph **(2)** applies where the permitted price given by Paragraph **(b)** of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

**(2)** The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Alcohol On Licences**

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

**a)** games or other activities which require or encourage, or are designed to require or encourage, individuals to

**(i)** drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

**(ii)** drink as much alcohol as possible (whether within a time limit or otherwise);

**b)** provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

**c)** provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

**d)** selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

**e)** dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

The responsible person must ensure that-

**(a)** where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures.

**(i)** beer or cider: ½ pint;

**(ii)** gin, rum, vodka or whisky: 25 ml or 35 ml; and

**(iii)** still wine in a glass: 125 ml; and

**(b)** these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

**(c)** where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

CCTV is installed to Data Protection Standards and will be made available to the Police and Licensing Authority on request. Recordings shall also be kept for 31 days

Toilets are checked regularly.

Staff members will be trained in drugs awareness policies.

Two S.I.A badge door supervisors are present when public entertainment is in progress and then from 22:00 until end of all licensable activities.

Links with local taxi firms for customers.

Prevent customers taking drinks outside in glass containers.

Exit signs & emergency lighting in place.

Notices displayed proof of age policy displayed stickers stating no under 18 will serve.

Doors will be kept closed during public entertainment.

All amplified music will be monitored through a sound limiter device

There shall be no children on the premises after 21:00 unless accompanied by a responsible adult.

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

Notices to be displayed inside the premises asking customers to leave quietly.

## **Annex 4- Plans**

Full plans available at Licensing Services, London Borough of Lewisham

Ground Floor