



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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Dan Power

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Phase One Lounge
136 New Cross Road

New Cross

Post code (if known)
SE14 5BA

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

Phase One Lounge Ltd.

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

PL1153

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

✓

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

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

Please tick ✓ yes

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

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes

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

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

The Prevention of Crime and Disorder

- S136 of The Licensing Act 2003 – Unauthorised licensable activities
- S137 of The Licensing Act 2003 – Exposing alcohol for unauthorised sale
- Ongoing breaches of Annex 3 conditions

The Prevention of Public Nuisance

- S136 of The Licensing Act 2003 – Unauthorised licensable activities (Regulated Entertainment –Recorded Music)
- Ongoing breaches of Annex 3 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 Phase One Lounge, 136 New Cross Road, London, SE14 5BA as a consequence of the aforementioned premise 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 after permitted hours were initially raised by local residents in October 2016, **DP/1** and **DP/2** highlight confirmation of a complaint received by The Crime, Enforcement and Regulation Service and a response from the manager of the premise Mr Ojo.

Nevertheless, this review seeks to outline incidents noted after a review application made by PC Nick Gerry on 02/03/2017 in relation to concerns raised in relation to failures to uphold licensing objectives including the prevention of crime and disorder and public safety.

Furthermore, since the review application made on behalf of the Metropolitan Police Service, the licensing authority has overseen the transfer of the premises licence from Mr Henry Akinola to Phase One Lounge Ltd, the Director of which is Mr Samuel Ojo as well as a change Designated Premises Supervisor from Henry Akinola to Abiodun Olatunde Ajidagba.

An additional complaint of noise stating that the premise was undertaking the provision of licensable activity after permitted hours was received by the aforementioned service in July 2017, the complaint provided that patrons were remaining on the outside parts of the premise after 21:00, in breach of Annex 3, Condition 9 whilst music was clearly audible until as late as 05:00am. Consequently, **DP/3** & **DP/4** detail confirmation of the complaint as well as a general overview of a telephone conversation with Mr Ojo in which the individual alleged that noise nuisance was a consequence of a neighbouring premise which had opened recently and was renting out space for unlicensed events.

This resulted in The Crime, Enforcement and Regulation Service investing multiple hours investigating Mr Ojo's allegation which to date remains unfounded despite the best efforts of the above mentioned service. Nevertheless, despite Mr Ojo's allegation, The Crime, Enforcement and Regulation Service received several further complaints of noise nuisance until between 03:00 and 04:00am from Phase One Lounge, despite the existing premises licence clearly stating that licensable activity shall cease at 00:00am Sunday to Thursday and 02:00am on Friday and Saturdays, details of the complaints are provided via **DP/5** & **DP/6**.

As a consequence of the additional complaint alluding to the premise facilitating a party until 04:00am, in which the resident states that she was forced to sleep in her kitchen as a means of avoiding the music originating from the premise, Mr Ojo was approached as a means of providing CCTV coverage of the night mentioned by the resident, this is exhibited via **DP/7**.

Nonetheless, Mr Ojo contacted The Crime, Enforcement and Regulation Service on Friday 2nd March 2018 stating that once more the event had actually taken place at the neighbouring restaurant, as exhibited in **DP/8**, this was reiterated by Mr Ojo via email as provided via **DP/9**. Additionally, the individual suggests that trade at his venue had been quiet that weekend.

In response to Mr Ojo's email, my colleague Lisa Spall and I visited the premise and met with Mr Ojo on Wednesday 7th March 2018. Subsequent viewings of CCTV identified multiple offences in relation to undertaking licensable activity outside of the permitted hours amounting to an offence via s136 of The Licensing Act 2003.

A brief outline of the visit is documented via **DP/10** and provides multiple incidents on Saturday 17th February 2018 and Sunday 18th February 2018 where licensable activity takes place in excess of the authorised hours in contrast to the claims made by Mr Ojo that the premises trade had been brisk that weekend.

Additionally, reference to the premise trading in excess of its permitted hours is provided within **DP/11** where the menu states that the premise reopens between 04:00 – 08:00am between and including Saturday to Monday. Moreover, **DP/12** confirms the restaurant's alcohol and food lists which will be made reference to in relation to images of sales taking place later within this review application.

A defence of due diligence can be applied in relation to an offence under s136 (1) (a) of The Licensing Act 2003, nevertheless, in this instance a defence of mistakenly failing to adhere to permitted hours is diminished as **DP/13** illustrates the location of the premises licence summary behind the bar, which clearly indicates the times of permitted activity.

Images as exhibited via **DP/14** indicate obvious sales of alcohol until at least 03:11am on Saturday 17th February 2018. Furthermore, **DP/15** provides images to confirm the content of a letter dated Thursday 15th March 2018 as provided in which I stated that CCTV footage appeared to show the premise close to patrons at 02:24am and subsequently reopen at 02:40am. Moreover, **DP/10** confirms the sale of multiple spirits and larger in addition to the provision of late night refreshment. On viewing the CCTV footage with Lisa Spall and I, Mr Ojo confirmed that the sales that were not known to him were made by the current DPS Abiodun Olatunde Ajidagba. It was also noted that there were approximately 11 patrons remaining on the premise at approximately 04:00am, some two hours after the permitted hours.

Evidence of sales after 02:00am on Saturday 17th February 2018 are also evidenced in the form of till receipts, this is provided via **DP/16**. Furthermore, sales of alcohol demonstrate persistent breaches of Annex 3, Condition 7 which states that;

Sales of alcohol shall not be sold, supplied or consumed on the premises otherwise than to 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.

Further inspection of the CCTV footage also identifies at least 16 incidents of sales accepted after permitted hours, dates include 12th, 16th and 19th February 2018 as exhibited via **DP/17, 18 & 19**. Whilst **DP/17** indicates four sales undertaken by Mr Ojo.

It is also worth noting that despite notifying the owner of the allegations via letter as demonstrated via **DP/10** on Wednesday 21st February 2018, the premise continued to undertake unauthorised sales past permitted hours, moreover, **DP/20 & DP/21** demonstrate further unauthorised sales on 22nd, 23rd, 24th & 27th February 2018.

Additionally, on being provided with till receipts of sporadic dates of trade **DP/22** establishes that the practice of undertaking licensable activity after permitted hours is

longstanding, with till receipts provided suggesting that sales have taken place after hours from as far back as December 2017.

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. Despite an expectation that licencees within a CIZ exhaust all possible measures to safeguard key licensing objectives, in contrast Mr Ojo has demonstrated a lack of regard for the objectives, flouting the permitted times and conditions on a routine basis to the detriment of local residents.

Additionally, Mr Ojo has clearly engaged in measures as a means of attempting to stifle the investigating of complaints in relation to unauthorised licensable activity at Phase One Lounge Ltd, this has included alleging neighbouring premises of undertaking licensable activity which has culminated in The Crime, Enforcement and Regulation Service investing significant time in investigating Mr Ojo's counter claim, thus deterring officers from mitigating the credible concerns raised by local residents.

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 2003 and will encourage the premise to finally take into account conditions imposed via its premises licence.

- Removal of the Current Designated Premises Supervisor – Mr. Abiodun Olatunde Ajidagba
- Reduction of licensable activity (Hours) – Supply of Alcohol from Friday & Saturday 12:00 to 02:00am to **12:00 to 01:00am**.
- Reduction of licensable activity (Hours) – Late Night Refreshment from Friday & Saturday 23:00 to 02:00 to **23:00 to 00:00am**
- Removal of licensable activity (Hours) - Late Night Refreshment **Sunday to Thursday** – Mr Ojo has stated that food ordered can take up to 40 minutes to serve, by ceasing hot food sales at 23:00 this would enable patrons to consume food in line with the ceasing of permitted alcohol sales.
- Reduction of licensable activity in relation to Seasonal Variations from 02:00 to **01:00am**
- Addition of following conditions;
- A minimum of 1 SIA registered door staff must be on duty from 2200hrs until 30 Minutes after closing when the premises is open passed midnight.
- A register of security personnel employed on the premises shall be maintained in a legible format and made available to police and the licensing

authority upon reasonable request. The register should be completed by the DPS/ duty manager/ nominated staff member at the commencement of work by each member of security staff and details recorded should include; full name, SIA badge number, time of commencement of duties. The security operative should then sign their name. This is only to be completed when using door supervisors.

- All staff to undergo Licensing training which will be documented and provided to police / licensing authority on request. This training is to be refreshed every 12 months. All new staff must undergo this training before being allowed to sell alcohol.
- The licence holder shall enter in to an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

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

If yes please state the date of that application

Day Month Year

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

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

.....

Date

.....

Capacity

.....

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

Post town

Post Code

Telephone number (if any)

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

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.



DP/1

Mr H Akinola
Phase One Lounge
136 New Cross Road
New Cross
London
SE14 5BA

Crime, Enforcement & Regulation
Service
9 Holbeach Road
Catford
Lewisham
SE6 4TW

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

Date: 10th October 2016

Ref: **WK/201632154**

Dear Mr Akinola,

ENVIRONMENTAL PROTECTION ACT 1990: SECTION 80

Alleged Nuisance: Phase One Lounge, 136 New Cross Road, New Cross, London, SE14 5BA

I am writing to you in your role as the Premises Licence Holder of the above stated premises as a means of informing you that the Crime, Enforcement and Regulation Service has received a complaint, alleging excessive loud music in addition to screaming and patrons arguing within the outside parts of the premises is causing a nuisance.

It has been claimed that loud music is often most prevalent during the early mornings of Friday and Saturdays where I understand the premises is authorised to provide licensable activity until 02:00am.

We have advised the reporter to contact us if further issues occur. We will then monitor the situation and to determine whether or not further action is necessary.

In cases where a statutory nuisance is established, an abatement notice will be served on the appropriate person. Further nuisance may result in legal proceedings. In some cases, officers may apply for a warrant to seize equipment causing noise nuisance.

We would stress that, at present, this complaint is only an allegation.

If you feel that, for any reason that the content of this letter is unjustified or if you have any other queries, please do not hesitate to contact this office on the above team telephone number to discuss the matter.

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

Yours sincerely

Daniel Power
Crime, Enforcement and Regulation Officer

DP/2

Power, Daniel

From: sam king <samking213@gmail.com>
Sent: 13 October 2016 10:55
To: Power, Daniel
Subject: Ref: WK/201632154

Dear Mr Daniel Power,

Ref: Phase One Lounge 136 New Cross Road, London SE14 5BA

Upon receiving your letter, I am writing regarding the complaint of noise and nuisance that has been alleged coming from my restaurant. I am sorry to hear of this but I believe the noise must be coming from people passing by at night as we adhere to inform our customers to keep their noise level down when leaving our premises if at all it is our customers causing noise than we will reinforce the warnings of not making noise to ensure this does not happen again.

Also we always turn off the music before midnight so I'm unsure as to why a complaint was made regarding loud music but will continue to keep the music low to avoid any future complaints. Moreover, we are taking steps to ensure that no nuisance is caused at our restaurant and surrounding premises as we have put up signs in the restaurant warning customers to keep noise down and minimise nuisance when leaving and we shall continue to insist on this.

Please let me know if there is anything else we can do regarding this matter.

I look forward to hear back from you soon.

Kind regards,

Samuel ojo
Restaurant manager
Phase one Lounge



DP/3

Phase One Ltd.
Phase One Lounge
136 New Cross Road
Lewisham
London
SE14 5BA

Crime, Enforcement & Regulation
Service
9 Holbeach Road
Catford
SE6 4TW

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

Date: 10th July 2017

Ref: WK/201771752

Dear Proprietor,

ENVIRONMENTAL PROTECTION ACT 1990: SECTION 80

Alleged Nuisance: Phase One Lounge, 136 New Cross Road, Lewisham, London, SE14 5BA

I am writing to inform you that this department has received a complaint, alleging that excessive noise as a consequence of patrons congregating towards the rear garden of the premises is causing a nuisance.

We have advised the reporter to contact us if further issues occur. We will then monitor the situation and to determine whether or not further action is necessary.

In cases where a statutory nuisance is established, an abatement notice will be served on the appropriate person. Further nuisance may result in legal proceedings. In some cases, officers may apply for a warrant to seize equipment causing noise nuisance.

We would stress that, at present, this complaint is only an allegation.

If you feel that, for any reason that the content of this letter is unjustified or if you have any other queries, please do not hesitate to contact this office on the above team telephone number to discuss the matter.

Nevertheless, may I take this opportunity to reiterate the following conditions imposed on your current premises licence;

Annex 3, Condition 9 states that;

The garden at the rear of the premises shall be closed to all members of the public from 21:00 each evening.

Annex 3, Condition 10 reads;

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.

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

Yours sincerely



Daniel Power
Crime, Enforcement and Regulation Officer

DP/4

Action Details [X]

Action: [014] Telephone In From Date: [11/07/2017] ... Time: []

Officer: [DAP] Daniel Power

Time Taken: [] Monetary Value: [] Number: []

Comments: Call received from the alleged perp PLH of Phase One Lounge - Stated that he is aware of conditions in relation to outside areas - states that the issue of noise is due to neighbouring property newly opened, Carribbean Restaurant - Officers to undertake a visit shortly

Target Date: [] ... Time: [] Days: []

Amend Next [OK] [Cancel]

DP/5

Power, Daniel

From: Phillips, Steve
Sent: 19 October 2017 12:05
To: Edwards, David
Cc: Power, Daniel
Subject: Noise Complaint.

Hi

We received a noise complaint from a resident living above Phase Lounge, 136 New Cross Road, SE14. She mentioned that she cannot get any sleep and when she approached the restaurant they responded by becoming rude and telling her to go ahead and make her complaint. She claims to have written to the Council 8 times about the noise nuisance (although there is nothing on M3 to support her claim) and mentioned that the noise is daily from 4 or 5pm until 3am and then the cleaning starts that creates more disturbances until the early am. There is a case raised on M3 (2017777507). Can this be investigated please.

Kind Regards.

Steve Phillips

Crime, Enforcement and Regulation Officer

***Holbeach Office, 9 Holbeach Rd,
Catford
SE6 4TW***

**Tel: 020 8314 6794
Mobile: 07841 733 667
CER Service: 020 8314 7237**

steve.phillips@lewisham.gov.uk

<http://www.lewisham.gov.uk>



DP/6.

Power, Daniel

From: Spall, Lisa
Sent: 19 February 2018 10:03
To: Power, Daniel; Adu - Brobbey, Mark; Smith, Charlotte; Savin, Denis
Subject: RE: Third noise complaint

Daniel. You had a case before about this. Can I ask you to ask Samuel Ojo for his CCTV from 11pm Sat 17th Feb until 5am Sunday 18th Feb

From: cer
Sent: 19 February 2018 09:30
To: Spall, Lisa; Power, Daniel; Gencheva, Nadya; Adu - Brobbey, Mark; Smith, Charlotte; Savin, Denis
Subject: FW: Third noise complaint

Morning all

I have attached the below complaint to Wk/201771753

Many Thanks

Gary Madigan
BSc (Hons) ACIEH
London Borough of Lewisham
Crime Enforcement & Regulations Officer
Central Team
(Catford South, Rushey Green, Blackheath, Perry Vale, Forest Hill, Lee Green)

https://lewisham-consult.objective.co.uk/public/crime_survey_2018

From: [mailto:gary.madigan@lewisham.gov.uk]
Sent: 18 February 2018 09:19
To: cer
Subject: Third noise complaint

Good morning,

I write to make a noise complaint. I live on New Cross Road and I contacted you this summer to report the Phase One Lounge for their high noise(136 New Cross Road, SE14 5DJ). Yesterday (Saturday 17 February 2018), Phase One Lounge had a party that went on from the evening to 3-4 am. The noise was so high that I woke up in the middle of the night and had to go sleep in my kitchen. It would be great if you could look into this, as these premises should not be making any noise at this time of the day.

Thank you.

DP/7.



Mr S. Ojo
Phase One Lounge Ltd.
Phase One Lounge
136 New Cross Road
New Cross
London
SE14 5BA

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

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

Date: 21st February 2018

Dear Mr Ojo,

Allegation of Unauthorised Licensable Activity – Phase One Lounge, 136 New Cross Road, New Cross, London, SE14 5BA

I write to you as the Director of Phase One Lounge Ltd, the recognised Premises Licence Holder in relation to Phase One Lounge, 136 New Cross Road, New Cross, London, SE14 5BA.

Please note that The Crime, Enforcement and Regulation Service, the appropriate licensing authority and the designated body statutorily obliged to investigate noise complaints have received an allegation that the above mentioned premise provided licensable activity by way of late night refreshment, regulated entertainment and the supply of alcohol after permitted hours as expressed via your existing premises licence. Moreover, the event culminated in neighbouring residents encountering noise nuisance.

In addition, the allegation states that the aforementioned activities occurred during the night of Saturday 16th February 2018 and continued into the morning of Sunday 17th February 2018. As a means of investigating the allegation please note that I require the following CCTV footage;

- CCTV Footage covering the bar area as well as the lounge area where patrons are seated between the hours of 23:00 on Saturday 16th February 2018 and 06:00am on Sunday 17th February 2018.

Please note that the following request is made in line with Annex 3, Condition 1 of the premises licence in relation to the aforementioned premise, which states that;

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

31 day period. The CCTV system should be updated and maintained according to police recommendations.

Additionally, please inform me of any difficulties you may encounter whilst attempting to retrieve the requested footage as all necessary measures to provide the footage are necessary as failure to provide the footage requested would amount to a breach of Annex 3, Condition 1.

Should you wish to discuss the content of my letter then please do not hesitate to make contact with me at your earliest convenience.

~~Yours Sincerely~~


Dan Power
Crime, Enforcement and Regulation Officer

W/8.

Action Details			
Action	014	Telephone In From	Date 02/03/2018
Officer	DAP	Daniel Power	Time
Time Taken		Monetary Value	Number
Comments	Spoke to Mr Ojo who claimed that licensable activity had ceased on time during the night in question, but passed blame for the noise and unlicensable activity to his neighbours Olive Caribbean Restaurant - DAP/NGE previously visited Olive's who are not a licensed premise and instructed them that should they wish to offer licensable activity to meet with CER to assist on an application. Allegation made by Mr Ojo that Olives are operating a drinking den from the basement		
Target Date		Time	Days
			Amend Next <input type="checkbox"/>
			OK Cancel

DP/9.

Power, Daniel

From: sam king <samking213@gmail.com>
Sent: 05 March 2018 20:55
To: Power, Daniel
Subject: Re: Meeting to request CCTV - Friday 2nd March 2018
Attachments: image001.png

Hello Dan,

Thank you for your email.

I would like to first of all explain briefly regarding the recent complain of noise. As mentioned on the phone, on Saturday 17th January 2018 my neighbour at 134 new cross road has party celebration at the basement of their restaurant that's where I believe them noise was coming from as my shop was quiet that day with minimal customers that weekend.

I have attached the Cctv coverage video recording from my phone as My Cctv engineer has not been available to help me put the footage on USB.

But you are welcome to come and see the footage if you wish to, I hope the clip will help with the query as I try my very best to prevent any disturbance for my neighbours.

I look forward to our meeting in order to discuss this further once you have had a look at the video.

Please do let me know if there is anything else I could do to help solve this matter.

Kind Regards,

Samuel

On Fri, 2 Mar 2018 at 13:48, Power, Daniel <Dan.power@lewisham.gov.uk> wrote:

Dear Mr Ojo,

As you will recall, we spoke last week to discuss meeting together as a means of reviewing CCTV in response to an allegation made that the premise was continuing to facilitate licensable activity after permitted hours.

I am unaware of you making our service aware of your inability to attend today's meeting and would encourage you to make contact via return of email as a means of rescheduling the proposed meeting.

It is paramount that we meet next week as the requested footage is time limited and it is necessary for officers to inspect the footage to respond to the allegation.

Kind Regards

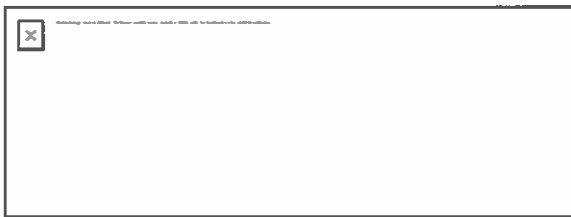
Dan

Dan Power | Crime, Enforcement & Regulation Officer (North Locality) | London Borough of Lewisham | Holbeach Office, 9 Holbeach Road, Catford, SE6 4TW |

Tel: 020 8314 6326

<http://www.whiteribboncampaign.co.uk/>

https://lewisham-consult.objective.co.uk/public/crime_survey_2018



From: sam king [mailto:samking213@gmail.com]

Sent: 13 October 2016 10:55

To: Power, Daniel

Subject: Ref: WK/201632154

Dear Mr Daniel Power,

Ref: Phase One Lounge 136 New Cross Road, London SE14 5BA

Upon receiving your letter, I am writing regarding the complaint of noise and nuisance that has been alleged coming from my restaurant. I am sorry to hear of this but I believe the noise must be

DP/10.



Mr S. Ojo
Phase One Lounge Ltd.
Phase One Lounge
136 New Cross Road
New Cross
London
SE14 5BA

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

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

Date: 15th March 2018

Dear Mr Ojo,

Confirmation of Visit to Premises – Phase One Lounge, 136 New Cross Road, New Cross, London, SE14 5BA, Wednesday 7th March 2018

I write to you as the Director of Phase One Lounge Ltd, the recognised Premises Licence Holder in relation to Phase One Lounge, 136 New Cross Road, New Cross, London, SE14 5BA.

As you will recall Lisa Spall, Crime, Enforcement and Regulation Manager (North Locality) and I visited you on Wednesday 7th March 2018 at approximately 14:00 hours as a means of reviewing CCTV footage in relation to licensable activity facilitated from the premise during the hours of 23:00 on Saturday 16th February 2018 and 06:00am on Sunday 17th February 2018.

The initial request to review footage was made in writing on Wednesday 21st February 2018, I have enclosed a copy of the correspondence to this letter, in addition, I recall you making contact with me on Thursday 22nd February 2018 as a means of disputing allegations of unauthorised licensable activity, moreover, I was informed that noise nuisance occurring after the permitted hours of 02:00am were in fact originating from a neighbouring unlicensed premises.

Nevertheless, on inspection of the relevant CCTV as a consequence of Annex 3, Condition 1 which is stated below, my colleague Lisa Spall and I noted concerns in relation to unauthorised licensable activity on more than one occasion, please note that Annex 3, Condition 1 states that;

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

During our stay at the premise I observed CCTV footage during the following times, whilst my colleague Lisa Spall observed available receipts indicating sales after permitted hours;

- Saturday 17th February 2018 – Between 02:00am and 03:30am
- Sunday 18th February 2018 – Between 02:25am and 04:30am

My colleague and I thought it necessary to undertake a brief inspection of the available CCTV footage before assessing footage in greater detail, with this in mind the following offences were brought to our attention, nonetheless, the full extent of offences in relation to unauthorised licensable activity as covered by s136 of The Licensing Act 2003 have not yet been established;

Saturday 17th February 2018 between 02:00am and 03:30am

1. **Sale of Alcohol 02:12am – Origin Beer 45cl, 2 Hennessey 25ml** – The sale of alcohol is confirmed via receipt indicating sales of the above alcoholic beverages in addition to a mixer can of 7up. It is worth noting that there is an approximate five minute disparity between the sale of alcohol via receipt and the relevant footage of the sale.
2. **Sale of Alcohol 02:21am – Guinness Draught 325ml** (Approximate estimate of volume), the sale is itemised via receipt referred to as 'Guinness Big £6.00'
3. **Sale of Alcohol 02:28 – 5 bottles of Origin 45cl**
4. **Sale of Alcohol 02:57 – 1 bottle of Origin 45cl**
5. **Late Night Refreshment 03:09am – Table meals serving five males**

Sunday 18th February 2018 between 02:00am and 04:30am

As you will recall, footage suggests that despite the premise appearing to close to patrons at 02:24am, the premise reopened at 02:40am. I understand that the person responsible for sales after the permitted hours is the current Designated Premises Supervisor, Abiodun Olatunde Ajidagba. Additionally, the following observations were made;

1. **Sale of Alcohol 02:49am – Hennessey Cognac 70cl**
2. **Sale of Alcohol 02:50am - Hennessey Cognac 70cl**
3. **Sale of Alcohol 02:58am – Larger decanted**
4. **Late Night Refreshment 03:10am – Several plates of hot food provided**

On this occasion there were approximately 11 patrons on the premise at approximately 04:00am.

Please note that as a consequence of the following I am currently investigating further allegations in relation to unauthorised licensable activity. At this stage I am unable to comment in relation to possible measures to respond to the perceived offences at this stage.

As I am sure you will appreciate previous efforts to address allegations of unlicensable activity have culminated in our service attempting to educate the premise of the importance of ensuring compliance with your existing premises licence whilst advertising the use of measures including but not limited to Temporary Event Notice System should you wish to temporarily extend the hours of licensable activity. Such a measure was taken during discussions I had with you in October 2016, Case Number **WK/201632154**.

Such an approach of attempting to educate licensees is line with Lewisham Councils Enforcement Policy for Regulatory Functions with this in mind I am of the opinion that the aforementioned service has exhausted all possible engagement measures as a means of ensuring compliance.

Under the circumstances, in view of the seriousness of the situation, I would encourage you to consider seeking legal assistance in relation to the perceived offences.

I am required by the code of conduct contained in the Police and Criminal Evidence Act 1984 to caution a person whom I suspect has committed an offence.

Accordingly, please note that "you do not have to say anything but it may harm your defence if you do not mention when questioned something which you later seek to rely upon in court. Anything you do say may be given in evidence."

If you wish to make any formal observations upon this allegation, please do so in writing within the next 28 working days.

Yours Sincerely



Dan Power
Crime, Enforcement and Regulation Officer

Encl. 1) Initial letter indicating an allegation of Noise/Licensing Offences – 21st February 2018



① P/11.



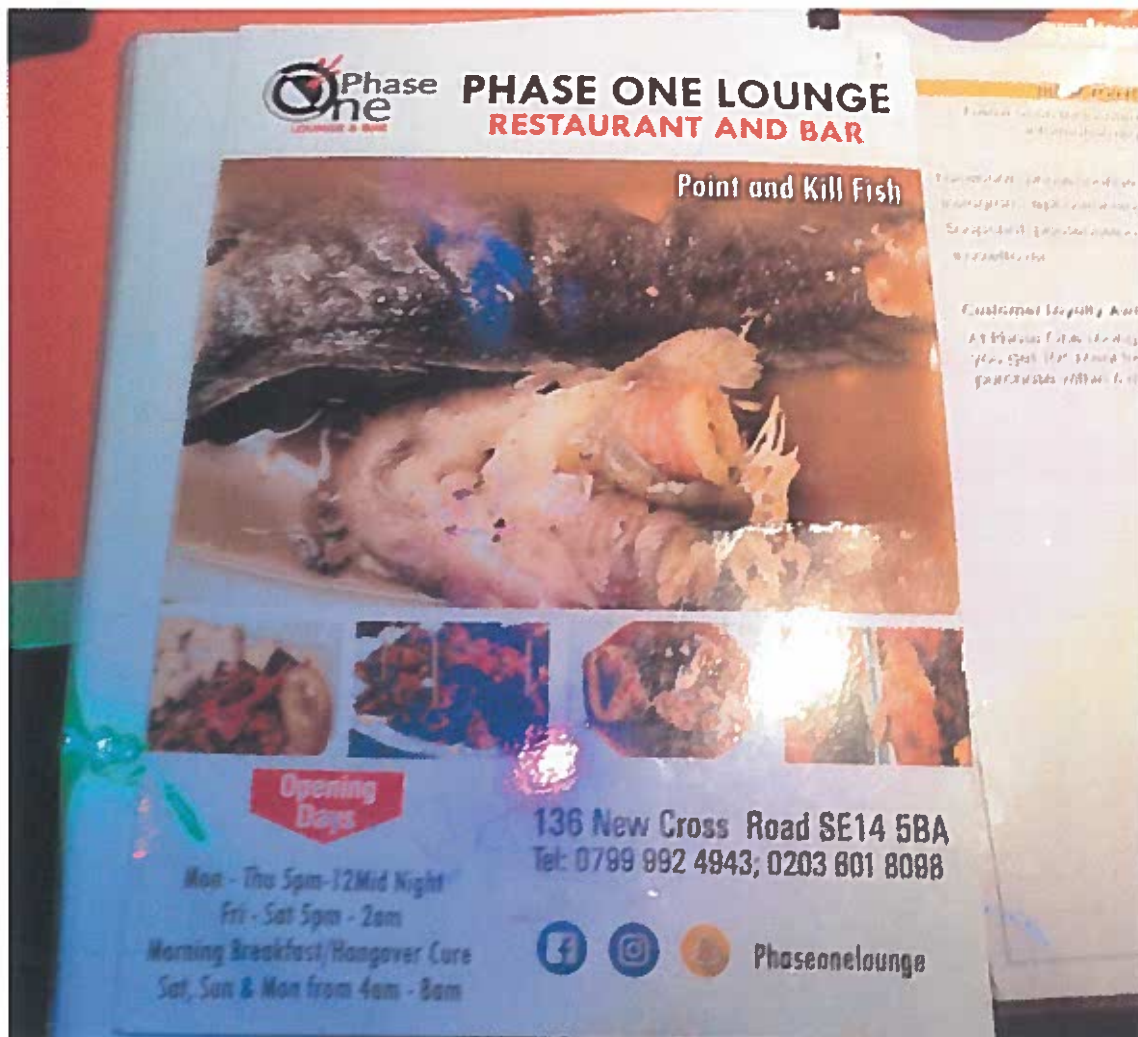
Daniel Power
Crime, Enforcement & Regulation
Officer
9 Holbeach Road
Catford
London
SE6 4TW

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

Name: Daniel Power

Description of Items: **Exhibition of menu including advertised times specified**

Item Reference:





DP/12.

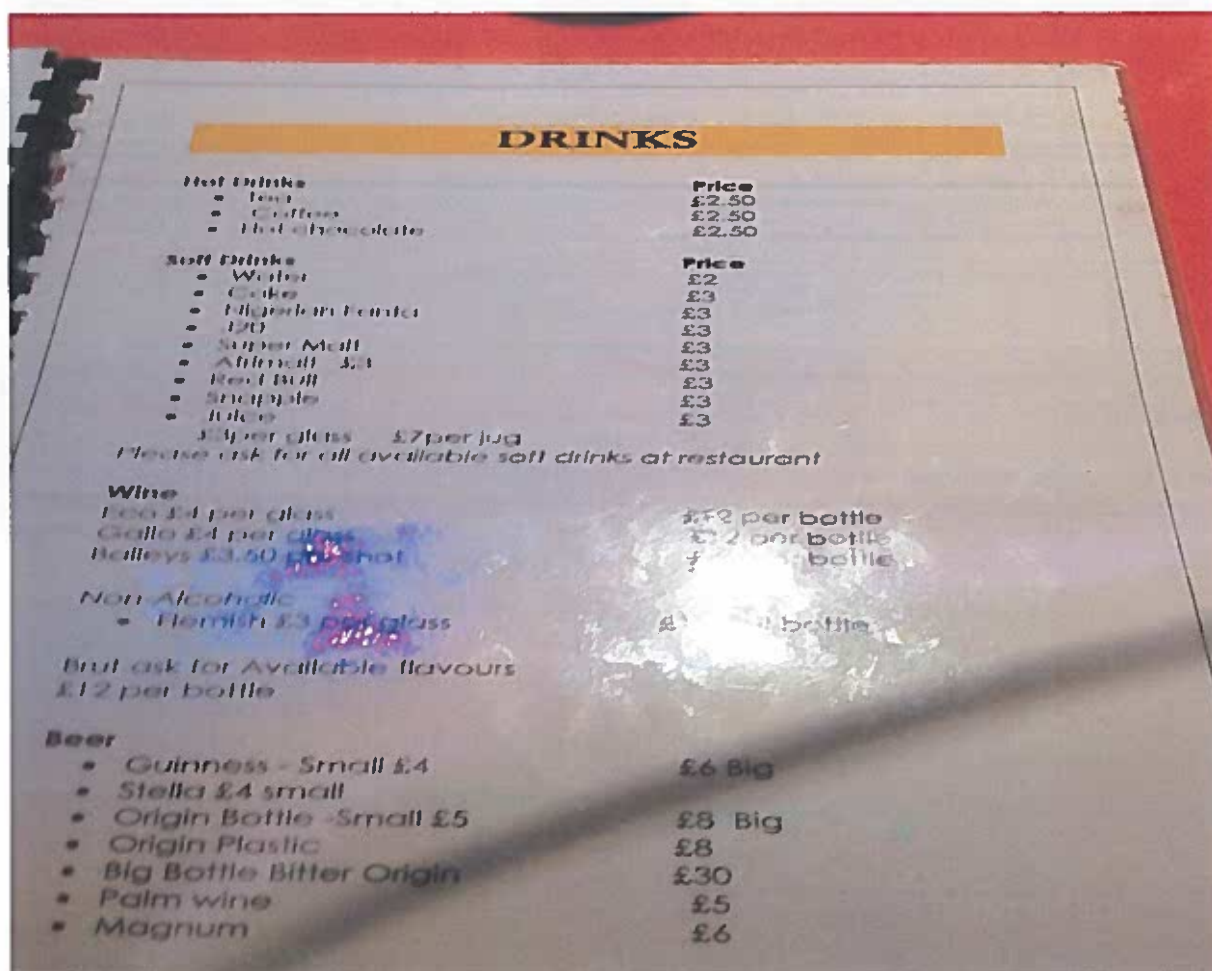
Daniel Power
Crime, Enforcement &
Regulation Officer
9 Holbeach Road
Catford
London
SE6 4TW

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

Name: Daniel Power

Description of Items: Confirmation of drinks menu – Phase One Lounge, 136 New Cross Road, SE14 5BA

Item Reference:



Liquors

- Courvoisier £3.50 / £60 bottle
- Ciroc £3.50 / £70 bottle
- Remy Martins £3.50 / £70 per bottle
- Jack Daniels £3.50 / £60 per bottle
- Hennessey £3.50 / £70 per bottle
- Black Label £40 per bottle
- Disarano £40 per bottle
- Smirnoff £40 big bottle

Champagne

- Bushmills £40 per bottle
- Moet £100 per bottle
- Belaire £150 per bottle
- Dom Pérignon £220 per bottle
- Ace of Spade £600 per bottle

Cocktails

- Pina Calada £8 per glass
- Virgin Island £8 per glass
- Sex on the beach £8 per glass
- Woo Woo £8 per glass
- Blue Lagoon £8 per glass
-

All cocktails £8 per glass or £15 per Jug

*Please ask for available cocktails

APPETIZER

- Peppered Snails (Seasonal) £10.00
- ASSORTED MEAT PEPPER SOUP £10.00
- BEef SOUP £10.00
- FISH PEPPER £10.00
- ISI EWU (HARD) £10.00
- ISI EWU (SOFT) £20.00
- ASUN (SPICY GOAT MEAT) £10.00
- TURKEY PEPPER SOUP £10.00

TRADITIONAL SOUP

All dishes served with a choice of Samalho, Pounded yam, Garri, Amala, Grounded Rice, Assorted meat or fish.

EGUNSI SOUP

Grounded melon seed steamed with fresh spinach leaves and African spices £10.00

EFO RIRO

A rich traditional vegetable soup, made with fresh spinach, fish and locust beans, slow cooked in a spicy pepper sauce. £10.00

OKRO SOUP

Chopped Okra cooked with African spices, palm oil and spinach. £10.00

OGHONO

A rich blend of the finest ground Oghono seeds cooked with palm oil, beef, fish and traditional spices. £10.00

EWEDU

Served with pepper stew and rice. £10.00

EDIKAIKON

£12.00

CHEF'S SPECIAL

Sky Fish (House Special Steam/Fried/Grill Fish) Grilled Fish Marinated in Mixed Pepper Sauce-Served with fried Yam/Plantain £18.00

Abula (Yam Flour Dough) Served with Ewedu, Beans sauce and Assorted Meat or Fish £10.00

Point & Kill Cat Fish Pepper Soup/ Cat Fish Red sauce £20.00
Side - White Rice £5.00/Yam £3.00
Plantain £3.00

Chicken Delight (Smoked Hen Garnished with mixed Peppers) £15.00

Peppered Pommo (Seasonal) £10.00

Asaro (Yam Cooked in Peppered and African Spices) £10.00

Sea Food Okra £18.00

RICE DISHES

All dishes served with fried plantain and choice of assorted meat or fish.

White Rice & Stew (Eat in) £10.00 (Take away) £8.00

Jollof Rice (Eat in) £10.00 Take away £8.00

Fried Rice (Eat in) £10.00 Take away £8.00

White Rice with Ofada Sauce £10.00

White Rice with Ayamase Sauce £10.00



DP/13.

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

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

Name: Daniel Power

**Description of Items: Exhibition of Premises Licence Summary – Phase One Lounge,
136 New Cross Road, SE14 5BA**

Item Reference:



DP/14.



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

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

Name: Daniel Power

Description of Items: **Sales of alcohol and/or late night refreshment after the permitted hours of 02:00am on Saturday 17th February 2018**

Item Reference:



Sale of Alcohol at 02:12am



Sale of Alcohol – Spirit decanted at 02:16am



Sale of Alcohol – Origin bitter 45cl – 02:21am



Sale of Alcohol – Origin bitter 45cl – 02:28



Sale of Alcohol – Guinness Stout – 03:11am

DP/IS.



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

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

Name: Daniel Power

Description of Items: **Sales of alcohol and/or late night refreshment after the permitted hours of 02:00am on Sunday 18th February 2018**

Item Reference:



Sale of Alcohol – Hennessy Cognac 70cl – 02:50am – Sale observed the Designated Premises Supervisor Abiodun Olatunde Ajidagba



Multiple Sales of Alcohol & Late Night Refreshment – 03:08am Sale observed the Designated Premises Supervisor Abiodun Olatunde Ajidagba



Multiple Sales of Alcohol & Late Night Refreshment – 03:27am Sale observed the Designated Premises Supervisor Abiodun Olatunde Ajidagba

17/02/18 @ 02:17

* Identified on CCTV @ 02:12 am.

DEMONSTRATION VERSION NOT FOR RESALE

Sat 17 Feb 2018 02:17AM 01-000514
STAFF 1 Terminal 1

Order Number 475 Items: 4

2 x HENNESSEY 25ML £3.50
7UP £2.01
ORIGIN BEER £5.00

TOTAL £14.00

CASH £14.00

RECEIPT FOOTER LINE 1

Asm = 10
alomo = 6

14/16

17/02/2018 @ 02:16 am

DEMONSTRATION VERSION NOT FOR RESALE

Sat 17 Feb 2018 02:16AM 01-000513
STAFF 7 Terminal 1

Order Number 474 Items: 4

SCHWEPPES £3.00
ORIGIN BITTERS SMALL £6.00
KICK STARTER £5.00
ORIGIN BEER £5.00

TOTAL £19.00

CASH £19.00

RECEIPT FOOTER LINE 1

Jollof plantain 13
1 schwepes 3

17/02/18 @ 02:58 am

PHASE ONE LOUNGE

136 NEW CROSS ROAD

M11601964 TID29653590

AID : A0000000031010

Visa Debit

VISA DEBIT

4547 4252 2750 9818

EXP 01/22

CONTACTLESS PAN SEQ 01

SALE

MERCHANT COPY

AMOUNT £30.00

No CVM Used

02:58 17/02/18

AUTH CODE: 376544

RECEIPT 0355

17/02/18 @ 02:21 am

DEMONSTRATION VERSION NOT FOR RESALE

Sat 17 Feb 2018 02:21AM 01-000516
STAFF 1 Terminal 1

Order Number 477 Items: 4

CATFISH PEPPERSOUP £20.00
FRIED YAM £3.00
GUINNESS BIG £6.00
ORIGIN BEER (sale @ 02:21 am) £5.00

TOTAL £34.00

CASH £34.00

RECEIPT FOOTER LINE 1



DP/17.

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

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

Name: Daniel Power

Description of Items: **Sales of alcohol and/or late night refreshment after the permitted hours of 00:00am on Monday 12th February 2018**

Item Reference:



Sale of Alcohol – Origin 45cl – Sale recorded at 00:38am



Sale of Alcohol – Origin 45cl – Sale recorded at 00:41am – Served by Mr Ojo



Sale of Alcohol – Trophy larger (Approx. Capacity 60cl) at 00:41am



Sale of Alcohol – Trophy larger (Approx. Capacity 60cl) at 00:42am – Served by Mr Ojo



Sale of Alcohol – Origin 45cl & Trophy Larger at 00:43am – Served by Mr Ojo



Sale of Alcohol - Hennessy Cognac 70cl at 01:18am – Served by Mr Ojo



DP/18.

Daniel Power
Crime, Enforcement & Regulation
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Direct Line 02083146326
Daniel.power@lewisham.gov.uk

Name: Daniel Power

Description of Items: **Sales of alcohol and/or late night refreshment after the permitted hours of 00:00am on Friday 16th February 2018**

Item Reference:



Sale of Alcohol – Origin bitter – 01:10am



Sale of Alcohol – Jack Daniels Whiskey & Origin bitter – 01:16am



Late Night Refreshment – 01:19am

DP/19.



Daniel Power
Crime, Enforcement & Regulation
Officer
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Direct Line 02083146326
Daniel.power@lewisham.gov.uk

Name: Daniel Power

Description of Items: **Sales of alcohol and/or late night refreshment after the permitted hours of 00:00am on Monday 19th February 2018**

Item Reference:



Presence of 30 patrons – At approximately 00:56am, new patrons entering the premise after the permitted hours of licensable activity. No efforts made to move patrons from the premise.



Sale of Alcohol – Guinness Stout – 00:01am



Late Night Refreshment – Hot food sales, order placed at 00:09am



Sale of Alcohol – Hennessey Cognac & Red Bull – 00:14am



Sale of Alcohol – Origin Bitter – 00:30am



Sale of Alcohol – Origin Bitter – 00:30am



Late Night Refreshment – Hot food sales, order placed at 00:42am



Sale of Alcohol – Guinness Stout – 01:29am



Presence of approximately 10 patrons – At 02:00am. No efforts made to move patrons from the premise, despite licensable activity ceasing two hours prior.



DP/20.

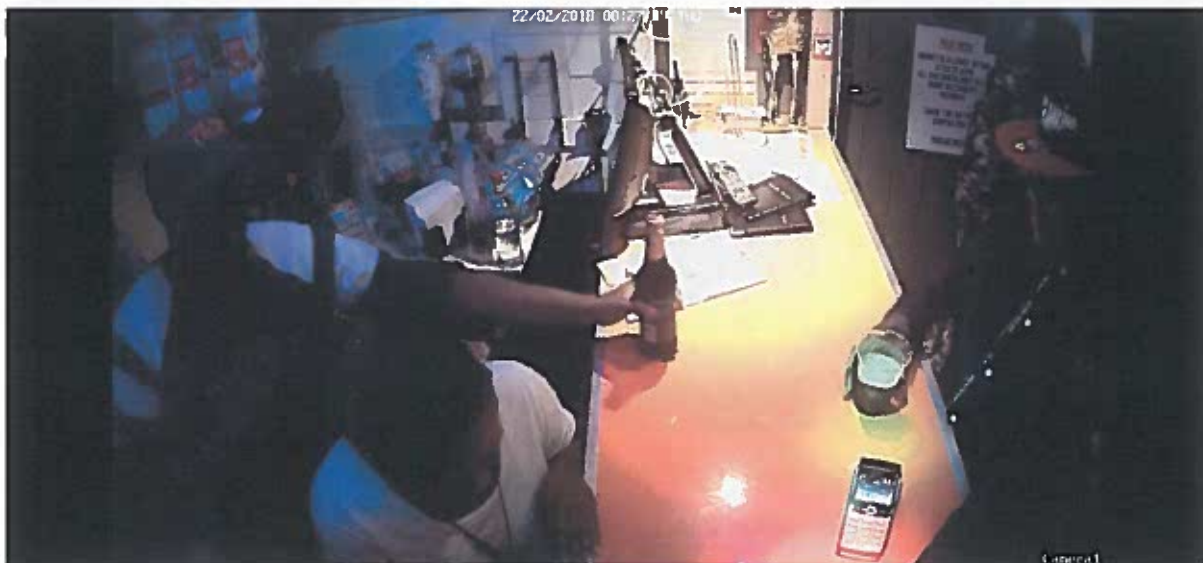
Daniel Power
Crime, Enforcement & Regulation
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9 Holbeach Road
Catford
London
SE6 4TW

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

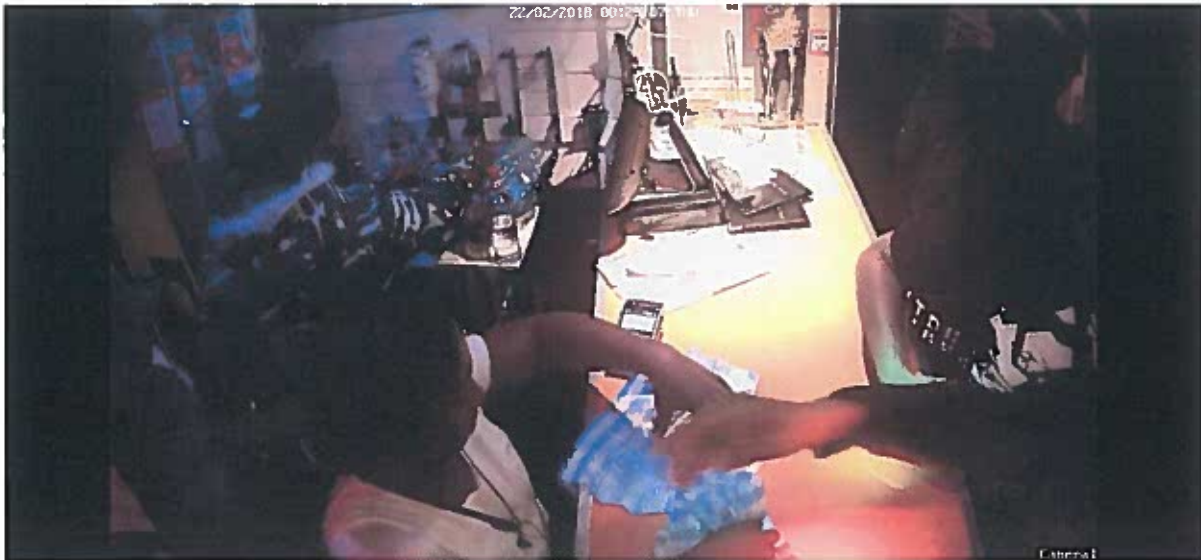
Name: Daniel Power

Description of Items: **Sales of alcohol and/or late night refreshment after the permitted hours of 00:00am on Thursday 22nd February 2018 & Friday 23rd February 2018**

Item Reference:



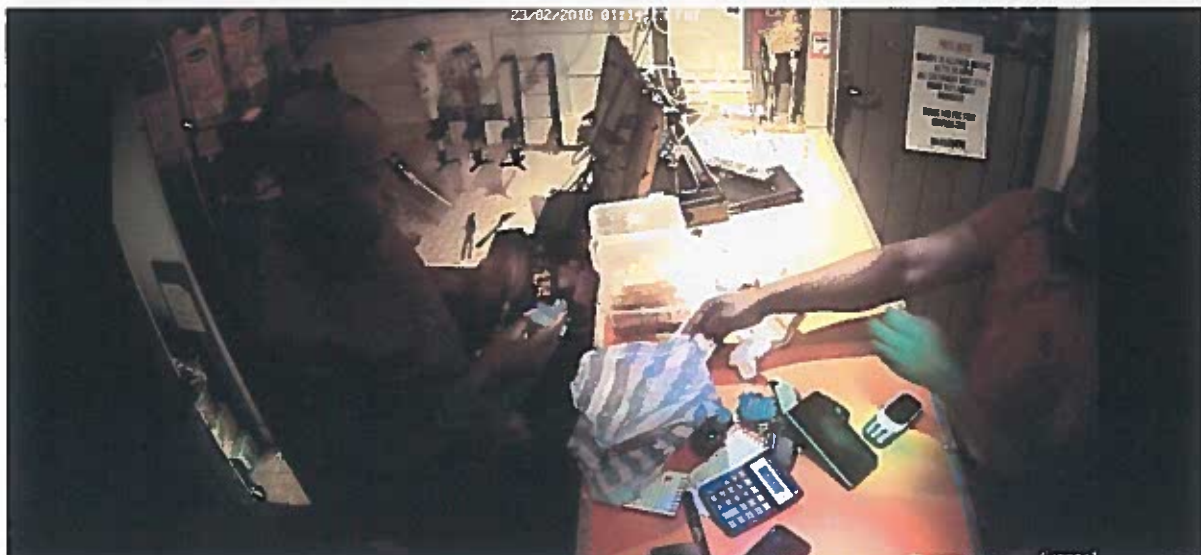
Sale of Alcohol –Guinness Stout – Thursday 22nd February 2018 - 00:27am



Sale of Alcohol – Spirit decanted and served – Thursday 22nd February 2018 - 00:29am



Sale of Alcohol – Spirit decanted – Friday 23rd February 2018 – 00:26am



Late Night Refreshment – Sale of hot food – Friday 23rd February 2018 – 01:14am

DP/21.



Daniel Power
Crime, Enforcement & Regulation
Officer
9 Holbeach Road
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Daniel.power@lewisham.gov.uk

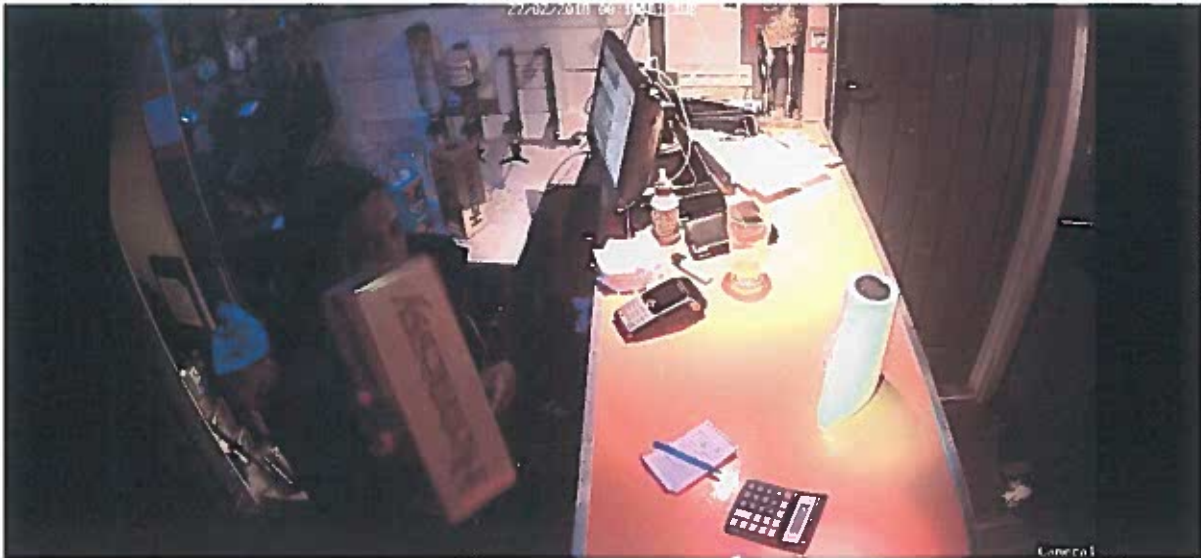
Name: Daniel Power

Description of Items: Sales of alcohol and/or late night refreshment after the permitted hours of 02:00am on Saturday 24th February 2018 and 00:00am on Tuesday 27th February 2018

Item Reference:



Sale of Alcohol – Table served alcohol from the bar area – Saturday 24th February 2018 - 02:16am



Sale of Alcohol – Hennessey Cognac Bottle – Tuesday 27th February 2018 – 00:10am



Provision of Late Night Refreshment – Served to patron at 01:08am

12/02/18 @ 00:30am

PHASE ONE LOUNGE
136 NEW CROSS ROAD

M11601964 TID29653590
AID : A0000000031010
VISA DEBIT
VISA DEBIT
4751 2902 1652 4702
EXP 10/20 START 10/17
ICC PAN.SEQ 00

SALE
MERCHANT COPY

AMOUNT £20.00

Verified by PIN

PLEASE DEBIT MY ACCOUNT
00:30 18 40TF0:00

AUTH CODE: 601048

RECEIPT 0330

UK/22

23/12/17 @ 03:03am

PHASE ONE LOUNGE
136 NEW CROSS ROAD

M11601964 TID29653590
AID : A0000000031010
Visa Debit
VISA DEBIT
4658 5938 1745 1017
EXP 12/19

CONTACTLESS PAN.SEQ 00
SALE

MERCHANT COPY

AMOUNT £10.00

No CVN Used

03:03 23/12/17

AUTH CODE: 026455

RECEIPT 0064

26/02/18 @ 01:19am

PHASE ONE LOUNGE
136 NEW CROSS ROAD

M11601964 TID29653590
AID : A0000000031010
VISA DEBIT
VISA DEBIT
4757 1470 4321 8011
EXP 12/21
CONTACTLESS PAN.SEQ 01
SALE

MERCHANT COPY

AMOUNT £20.00

No CVN Used

01:19 26/02/18

AUTH CODE: 100177

RECEIPT 0402

25/02/18 @ 02:30am

PHASE ONE LOUNGE
136 NEW CROSS ROAD

M11601964 TID29653590
AID : A0000000031010
Visa Debit
VISA DEBIT
4547 4292 3165 8611
EXP 12/19

CONTACTLESS PAN.SEQ 01
SALE

MERCHANT COPY

AMOUNT £15.00

No CVN Used

02:30 25/02/18

AUTH CODE: 228500

RECEIPT 0398

27/12/17 @ 01:38am

PHASE ONE LOUNGE

136 NEW CROSS ROAD

M11601964 TID29653590

AID : A0000000041010

Mc card retail di

MASTERCARD DEBIT

5573 6150 3496 4354

EXP 01/20 START 11/17

ICC PAN SEQ 03

SALE

MERCHAN. COPY

AMOUNT £50.00

Verified by PIN

PLEASE DEBIT MY ACCOUNT

01:38 27/12/17

AUTH CODE: 060160

RECEIPT 0082

27/12/17 @ 01:37am

PHASE ONE LOUNGE

136 NEW CROSS ROAD

M11601964 TID29653590

AID : A0000000041010

MASTERCARD

MASTERCARD

5460 9791 3937 0840

EXP 05/20 START 11/17

CONTACTLESS PAN SEQ 01

SALE

MERCHANT COPY

AMOUNT £30.00

No CVM Used

01:37 27/12/17

AUTH CODE: 072754

RECEIPT 0081