



**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



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

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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.

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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).

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- 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

