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SE6 4TW

Crime Enforcement and Regulation
Service
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Catford
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Direct line: 0208 314 7237
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Date 4th October 2021

Dear Licensing Team,

**RE: Objection to Full Variation Application – Tropical Juice –
Unit 5, La Placita Mall, 149 New Cross Road, London, SE14 5DJ.**

I am writing to object the application for a Premises Licence made by Juan Chicaiza for the aforementioned premises on the grounds of Public Nuisance and Public Safety.

The Crime, Enforcement and Regulation (CER) Service has received complaints from local residents over the years with regards to noise nuisance emanating from the premises causing a disturbance in the area.

There are 3 premises permitted to sell alcohol within La Placita Mall. While the CER Service has been investigating the complaints we have been unable to witness the noise. We are aware that the premises provides karaoke and have provided guidance on how the premises can facilitate this without generating complaints.

Despite the warnings given, the CER Service has received reports of loud music, karaoke and fighting taking place in April this year.

Continuous conversations and monitoring of La Placita Mall have taken place with all licensed premises within the mall surrounding their obligations to promote licensing objectives. Unfortunately this has not had the desired effect.

On Monday 2nd August 21, the CER Service was made aware of an incident that took place Sunday 1st August 21. In the video footage provided, 3 male patrons for the premises were involved in a fight, where a female is assaulted. Within the footage you can see the applicant not taking the appropriate steps to resolve the matter. The footage then shows the applicant holding one of the males and tackling them to the floor.

It was also brought to our attention that the main instigator of the fight was seen entering the premises the following day with the applicant and allowed to consume alcohol.

With this objection, I exhibit the statement of CER Officer Richard Lockett as FO1 who attended the premises on 7th August 21 following the incident on 1st August 21. Within Richard's statement, it highlights the lack of due diligence from the premises and management to promote key licencing objectives.

The CER Service acting as the Licensing Authority therefore makes the following recommendations to the application to prevent any negative impact on the local community;

The application be refused in its entirety.

The Licensing Authority makes this recommendation to prevent further reports of noise nuisance at later times of the day. The Licensing Authority makes reference to the latest licensing policy with regards to district hubs.

The preferred trading hours are:

Opening times

Monday – Sunday 11am

Closing times

Friday and Saturday – 1am

Sunday to Thursday – midnight

However, due to the complaints received and the recent incident that has taken place, the Licensing Authority is of the view that no extension to times should be granted and again stresses its position on the application being refused.

In the event the Committee is of the view that this application should be granted, the Licensing Authority would like to see the following actions taken:

- Removal of the current Designated Premises Supervisor - Juan Chicaiza
- The sale of alcohol extended from 11pm to Midnight on Friday and Saturday only

The addition of the following conditions is seen as essential before the application to extend licensable activity is granted:

- No super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.
- 2 SIA licensed Door Supervisors shall be on duty at the premises from 20:00 until all customers have left the premises and vicinity on Friday, Saturday and Sundays.
- At the commencement of work, security personnel must ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.
- A register of security personnel employed on the premises shall be maintained in a legible format and made available to Police or Local Authority Officers on request. The register should be completed by the DPS/Duty Manager at the commencement of work by each member of security staff and details recorded should include:
 - Full name
 - Badge number
 - Time of commencement of duties
 - Security Operative to sign their name against their details
- All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear high visibility jackets or vests.
- Patrons permitted to leave to smoke will be limited to no more than 4 people at a time.
- Patrons permitted to temporarily leave and then re-enter the premises (including the smoking area) e.g. to smoke, shall not be permitted to take drinks or containers with them.

The premises must install a noise limiter:

- If officers of the council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity then a noise-limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises License.
- The level of this meter must be set in accordance with required legislation and standards by a qualified sound engineer, as so not to cause a noise nuisance. The limiter must be sealed in such a way that no unauthorised person can tamper with it. All amplified music played at the premises must be passed through the noise limiter. An annual calibration of the noise limiter must take place by a qualified sound engineer and recorded in the incident book.

We believe that the addition to the above conditions with those already proposed during the consultation period will help further promote key licensing objectives.

Should you require further information, please let me know.

Kind regards

F. Olaniran

Frank Olaniran

Crime, Enforcement & Regulation Officer

Witness Statement

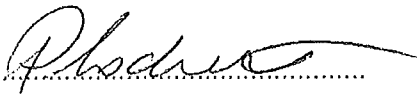
(Criminal Procedure Rules, r 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of: Richard Lockett

Age of witness: Over 18.
(if over 18 enter "over 18")

This statement (consisting of 3 pages each signed by me) 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.

Dated the 19th day of August 2021.

Signature 

I am a Crime, Enforcement and Regulation Officer employed by the Crime, Enforcement and Regulation Service of the London Borough of Lewisham. I am responsible for investigating alleged breaches of; and enforcing the various statutory provisions delegated to me, including the Licensing Act (2003).

On Saturday 7th August 2021 my colleague Nadya Gencheva and I were carrying out a late night duty officer service between 9.30pm and 2.30am. One of our tasks for the night was to collect CCTV footage from a premises at La Placita Mall, 149 New Cross Road, SE14 5DJ, following a fight the previous weekend.

At around 2207 we arrived at La Placita Mall and made ourselves known to the proprietor of units 14 and 15 and he provided us with a memory stick containing the requested footage.

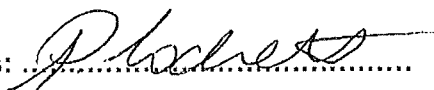
Whilst inside the mall, my colleague and I decided we would check with another licensed premises, Unit 5, Tropical Juice, to see what details they had noted down in their incident book regarding the previous weekend's incident.

On approach to the premises at approximately 2209, we were approached by a young lady who appeared to be working as a waitress for the premises. We introduced ourselves as licensing officers and showed her our identification. She then went inside the premises to alert the management that we were there and wanted to speak with them.

The people sitting at the bar very quickly stood up and left the premises. One of these people appeared to myself to resemble a gentleman I had met previously at the premises. He was a stocky, bald headed gentleman and I had a suspicion that he was the licensee, Mr Juan Chicaiza.

My colleague and I introduced ourselves to the lady working behind the bar, who identified herself as the licensee's wife, Mrs Maria Teodora Choqueuanca Pocohuanca. The young lady who appeared to be working as a waitress also remained inside the premises to assist with translation.

Firstly, I noticed that whilst there was a blue notice on the front window in relation to a current

Signature of witness: 

Statement continuation

Witness:

licence application, there was no summary licence on display. After a few minutes of searching, the summary was found and I explained that this needed to be displayed at all times.

I asked both Mrs Pocohuanca and her colleague if the premises licence holder (and DPS) Mr Chicaiza was around, but was told that he was sick at home. My colleague asked if he had been at the premises that night, even pointing to the seat which I believe he had been sat at, but was told that he was not well and had not been at the premises.

Annex 2, Condition 8 of this premises licence states:

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

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

I produce a copy of this premises licence as exhibit RL1.

With this in mind, my colleague and I asked to inspect the premises incident log. This was to see what detail had been noted down in regards to the fight that had occurred the previous weekend. We were informed by Mrs Pocohuanca that the incident log had been taken home the previous day and was not available.

I explained that it was a condition of the premises licence that this log should be kept on site and be made available on request. I was then provided with a note book. This book appeared to contain notes from incidents on the following dates:

22/02/2020
29/02/2020
01/03/2020
12/12/2020

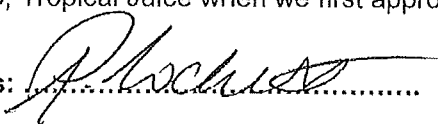
These notes were written in Spanish, so I was unable to ascertain exactly what had been recorded. It was clear that there had been no entry made in regards to the incident the weekend before. As well as the four incidents on the dates above, the book also included lots of names and contact details.

I took photographs of this notebook and produce them as exhibits RL2 – RL9.

I explained that as the incident log was at her home address, I would be unable to sign it as a record of our visit. I also suggested that the failure to display a summary licence and provide an incident log did not reflect well upon the management of the premises, especially considering they were applying for extended hours.

My colleague and I left the premises at approximately 2230.

From previous visits, I was aware that Unit 14/15 had recently improved their CCTV system. With this in mind, I decided to go and speak with the proprietor and we asked to see his CCTV coverage from our visit that night. I wanted to try and ascertain who the gentleman was who left the premises at Unit 5, Tropical Juice when we first approached.

Signature of witness: 

Statement continuation

Witness:

The CCTV footage showed a gentleman leaving the premises as my colleague and I approach. When I asked the proprietor of Unit 14/15 if he knew the gentleman, he confirmed that it was Juan, the premises licence holder.

Whilst checking the CCTV, the young lady who had been acting as a translator for Mrs Pochuanca entered the premises with a young man and asked us if we had produced our ID. I explained that we had shown our identification when we first introduced ourselves, but showed her again. She apologised and left.

I took two videos of the CCTV footage on my phone, showing Mr Juan Chicaiza leaving the premises at Tropical Juice and exiting La Placita Mall. I produce these videos as exhibits RL10 and RL11.

My colleague and I left La Placita Mall at approximately 2239.

Signature of witness:



Statement continuation

Witness:

Signature of witness: