



PL - Lewisham Borough

9 Holbeach Road,
Catford. SE6 4TW

Telephone: 07795 801039

Email: Simon.Butler@met.police.uk

www.met.police.uk

Your ref:

Our ref:

17th March 2022

Dear Licensing Team,

Police have received an Application for a Full Variation of Licence at Le 5 Terre, 2, Loampit Hill, SE13 7SW.

Licence Conditions already in place –

Annex 2-Conditions consistent with the operating Schedule

- 1 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 authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations. The entire Licensable area must be covered by CCTV camera footage.
- 2 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
- 3 The CCTV must cover all areas of the venue that the public have access to and entire Licensable area shown on plan submitted during application. There should be no obstructions to any internal camera that creates areas that are not wholly covered by CCTV, apart from within toilet cubicles and directly covering men's urinals.

- 4 The allocated smoking area must be covered by CCTV that is to the same standards as the internal CCTV system.
- 5 The premises shall prominently display signage at all entrances informing customers: -
 - a) All persons entering the premise will produce identification when asked to do so.
 - b) Police may be called if drugs or weapons are found.
 - c) CCTV is in operation throughout this premises and is made available to the police.
 - d) Management reserve the right to refuse entry.
- 6 All customers to use designated smoking area to smoke and No more than 4 customers to be allowed outside at any one time.
- 7 Prominent signage to customers to be displayed in smoking area to keep quiet to respect local residents.
- 8 No customers will be allowed to take drinks outside the Licensable area.
- 9 Licensable area marked on the plan submitted in application/yard (outside area) must not allow customers to stand and cause disturbances for neighbouring residents.
- 10 Any customers using outside areas must use Plastics and not glass drinking containers.
- 11 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 12 No customers shall be permitted to leave the premise with any glass containers.
- 13 No alcohol to be consumed on the footpath outside the Premises unless authorised with a valid permit or Pavement Licence.
- 14 Any smoking areas shall be kept clean and well swept to ensure environment and local areas are tidy and litter/ cigarette waste to be disposed of in correct dustbins/ashtrays provided.
- 15 No children under the age of 18 will be permitted on the premises unless accompanied by an adult.
- 16 An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police on request, 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.
- (l) advertise a number for complaints from the public and all complaints to be recorded in the incident book.

- 17 When using the function room, the license holder shall enter into 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. This to encourage dispersal at close of Business.
- 18 Doors and windows to remain closed when playing recorded music, to ensure noise is kept to levels that will not impact the residents and local community.
- 19 Management should keep staff records/Immigration checks and ensure all employees have permitted documentation to allow them to Work and reside in the UK. Police and Local Authority may ask staff to produce suitable Identification to show compliance.
- 20 A Challenge 25 Policy should be in place to ensure any sales of Alcohol are not made to under age customers.
- 21 The Management must report all kinds of Criminality to Police immediately and then record findings in the incident book along with any Cad numbers provided to them.
- 22 Any Alcohol sold and consumed on the premises must be with a substantial meal.

Police wish to object to this New Application on ground of Prevention of Crime and Disorder and Prevention of Public Nuisance. The Full Variation was submitted to Police, and I have been informed that Representations need to be in by 17th March 2022. The main Objection around this application is the Operating hours that it has applied to operate under.

Police have had extensive experience with regards to this Property and its History.

Location -

This Premises is described as a small end of terrace shop in a small parade on a main route into London, but surrounded by residential properties. The Premises is situated next to a residential street, Elswick Road, where no businesses or retail outlets are currently in operation. This road is a quiet residential street of housing and is a one way road. On the main road, Loampit Hill/ Loampit Vale and surrounding Le Terre, are the following business and the hours they operate.

All the nearest licensed premises are listed below with the times of closure.-

The Rising Sun Pub, 120 Loampit Vale – Closes at 2300hrs

Chicha Restaurant 26 Loampit Hill – Closes latest on Friday/Saturday at 0130hrs.

Morleys Chicken – 6 Loampit Hill – Closes 0200hrs daily.

The Bar Beach Loampit Vale – Closes Midnight daily.

Any other businesses similar take away outlets –

Perfect Fried Chicken – Loampit Hill closes at 2300hrs

Everest Curry King – Loampit Hill closes at 2200hrs.

Police believe that there is no reason for this Premises to operate until 0500hrs as requested by the business owners and it is hard to see that the business would benefit from any extra business off the back of any night time economy. The location of this premises is purely surrounded by residential properties with families This would not be proportionate and reasonable to be operating until the small hours on a daily basis. Police believe that extra activity that this business would bring operating until 0500hrs would impact on the peace and tranquillity of residents and families living in its sounding streets.

Most of the Boroughs night time economy is in New Cross Corridor, Blackheath, or Catford Town centres that would be too far away to benefit this business and justify staying open until 5am. This business would look to draw on other drinking outlets to attract customers in after closing, like most take away businesses, and this would NOT be the case. This location has no night time economy open to assist with supplying this premises with extra custom and no night clubs nearby. Alpha Lounge, in Lewisham High Street being the nearest, that serves its own food in its own restaurant.

Police strongly believe that leaving this premises to operate into what most consider to be breakfast times it is hard to see how to justify a Pasta take away outlet to remain open until 5am. The Noise Nuisance and disturbances to the local community would impact on the public with the daily routine. The impact on general comings and goings of delivery operators, the operations of the business, any customers that it would possibly attract until 5am would unreasonably increase noise complaints and disturb families causing a Public Nuisance.

It is the feelings of the Police that the latest business operating in the area is Morleys until 2am is by far the latest time that the community should tolerate and not be in line with upholding Licensing Objectives.

History of the Premises –

Since 2018.

Police have been mindful of the way this premises has been operating for some years since the premises was involved in drugs and illegal gambling activities.

3rd July 2018 – Previous Licensing Officer obtaining a joint Warrant with Immigration, Gambling Commission and Local Authority. This resulted in the arrest of 6 males in rear rooms of the premises found playing poker on tables set up and Illegal gambling found taking place. Three males were deported and other offences include Possession Class A Drugs and False Identification in driving Licences etc were found. Crime reports 3214579/18, 3214580/18 and 3214582/18 being recorded and Cad 867/03JUL18.

4th July 2018 – Closure Order granted by Bromley Magistrates Court.

27TH September 2020 – Cad 7277 at 2259hrs – reports of ASB noise Nuisance reported to Police stating Suspicious activities taking place and increase of vehicles and people using the side entrance to rear function rooms.

11th November 2020 – Cad 6048 at 1816hrs – reports of suspicious behaviour taking place. No Police unit attended, no units to deal. Not attended.

8th January 2021 – Cad 4936 at 1732hrs – Reports that build up, like a party setting up and increase in cars parking up and people entering through side entrance in to rear units. Police attended and found premises closed and couldn't gain access to the premises in order to check it. Left scene.

18th January 2021 – New Licence Issued.

2nd February 2021 – Cad 9275 at 2245hrs – ASB Noise nuisance reported to police and referred to Local Authority as Noise issues by Police operator.

3RD February 2021 – Cad 4334 at 1256hrs – ASB Noise nuisance reported and cad closed without a visit by Police. No units to attend.

23rd February 2021 – Cad 6513 at 1842hrs – Reports made to police Rowdy inconsiderate behaviour and noise coming from premises. Police sent e mail to Police Licensing and did not attend.

14th June 2021 – Cad 8869 at 2308hrs – Reports of Prostitutes entering rear of premises and garage area to the shop/ function rooms of the building. Police Intel report put on PLRT00572594. Information stating illegal gambling happening and suspected brothel.

1st July 2021 – Request made to DPS Francesca Ali for Cctv images for 0300hrs – 2350hrs and requested to cover the activities that are alleged to have been taking place.

2nd July 2021 – A reply stating that No Manager who could do this was on site received on an e mail.

6th July 2021 – Visit made to premises at 2035hrs and found Multiple Breaches to Licence with Conditions 1, 2, 5a, 5d, 7, 11, 16, 20 all Breached. Requested a second time for Cctv footage sent and reminder that it is a Licence Breach to not provided what has been requested. Found Cctv does NOT work and no one can operate it and as Police found Multiple Breaches Closure put in place.

8th July 2021 – Reply via e mail stating that they were taking Legal Advice regarding the Section 19 issued to location. Failed to provide Cctv that was requested and further Breaches found on visit. Section 19 issued and in place Crimint ref PLRT 00572977 by Pc Butler placed onto Police Intel system.

12th July – Request from Owners Mr Paolo Valetta to remove the Section 19 in place as he has apparently sorted all the Breaches out and all is now correct. Found that cctv does not cover the second function room and this was pointed out that cctv does NOT cover all Licensable area that is on the original plans that were supplied. Adjustments required to get Cctv operational in this second function room.

15th July 2022 - This request was refused as due to the amount of Breaches a second Compliance visit will be required, also now Cctv cannot be provided for investigation into alleged illegal activities.

19th August 2021 – Cctv now covers all Licensable areas shown on the plans submitted and therefore Section 19 Rescinded and permitted to Sell Alcohol again.

2nd December 2021 – Cad 9218 at 2238hrs – Police generated call stating that suspicious activities taking place. Police attended and could not gain access as shutters were down and shop closed.

Summary -

In regards to this application Police would NOT support this application under the prevention of Crime and Disorder and Prevention of Public Nuisance.

The reasons stated above that Police are aware of multiple incidents being reported to Police in the number of Cad's being generated and when Police looked into these matters to investigate them, the investigation was hampered by the actions of the Premises.

Failing to uphold Licensing Conditions and multiple Breaches found and what Police consider to be Obstruction into the investigation into previous activities reported by the Public surrounding the activities at this premises. The Licence conditions were put in place in order to uphold licensing objectives and prevent Crime and Disorder and Illegal activities and Police consider that the Management had Failed in its actions to assist Police in investigating what activities are being reported, leaving the public frustrated at Nuisance that's been going on without much action taking place.

Police requested footage to be provided by the premises were ignored, the request for the footage having to wait for 5 days, prompting Police to visit and Only then finding multiple failings and the Cctv not in working order.

Police have received multiple calls over a period of time of suspicious activities and goings on. Investigations found to have been hampered by the owners and premises in order that Police can investigate fully follow up on what has been alleged.

It is also clear that the Public have been reporting considerable Nuisance calls and therefore causing considerable Public Nuisance along with reports of Crimes being alleged. Police visiting findings that management have multiple failings in Licence Breaches showing signs of mismanagement of the premises.

It is Police concerns that the premises hours wishing to extend until 5am daily, will cause even more of a Nuisance to local residence in an area that is mostly residential and has no night time economy to suggest an increase for its requirement. A granting of proposals to allow the business to stay open until 5am would seriously increase potential for Crime and disorder to increase and what is generally a quiet area of the community.

The hours proposed are not conducive to the surrounding businesses closing at a more socially acceptable hour. Police feel that the hours already match that of Perfect Fried Chicken and Everest Curry king take away outlets already in this slip of shops and are immediate neighbours, both are closed by 2300hrs.

I look towards the Committee to, therefore, consider restricting hours of business to extend no later than Midnight in order to keep the impact to the community to an acceptable level and to see that Anti-social behaviour and disturbances for local residents are kept to a minimum. Extra hours would be considered by Police as

Damaging for the Local Community and just not necessary and would hamper licensing objective being upheld in this location.

For your consideration

Regards

Simon Butler

Police Licensing Officer for Lewisham Borough

9 Holbeach Road, Catford SE6 4TW