

Licensing Sub-Committee

Thursday 16 February 2017

10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Supplemental Agenda No.1

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Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk
Webpage: www.southwark.gov.uk

Date: 14 February 2017

Item No. 6.	Classification: Open	Date: 16 February 2017	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Lush Bar, 280 Old Kent Road, London SE1 5UE	
Ward(s) or groups affected:		East Walworth	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the sub-committee decide whether or not to issue counter notices in respect of two temporary event notices (TENs) 758512 and 762133 served by Mr Douglas Otunyo, in regards to events to be held at the Lush Bar, 280 Old Kent Road, London SE1 5UE. TEN 758512 is between 22:00 on 18 February 2017 and 01:00 the following day and on 19 February 2017 between 22:00 and 00:00. TEN 762133 is between 22:00 on 24 February 2017 and 02:00 the following day and on 25 February 2017 between 22:00 and 00:00.

BACKGROUND INFORMATION

The Licensing Act 2003

2. On 24 November 2005 the Licensing Act 2003 came into effect establishing a licensing regime for the following licensable activities:
 - a) The retail sale of alcohol
 - b) The supply of alcohol to club members or on behalf of a club
 - c) The provision of regulated entertainment
 - d) The provision of late night refreshments.
3. The Act established a process for the giving of "temporary event notices" (TENs).
4. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.
5. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
6. A person holding a personal license issued under the Act may serve up to 50 TENs in a calendar year. Non personal licence holders may serve up to five TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.
7. No premises may be used for temporary events that are less than 24 hours apart.

8. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.
9. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.
10. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
11. The police or environmental health may contact the premises user to discuss their objections and attempt to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.
12. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

KEY ISSUES FOR CONSIDERATION

The temporary event notices

13. On 3 February 2017 and 9 February 2017 two separate TENs were served by Mr Douglas Otunyo (The premises licence holder of the premises) in respect of events intended to be held at Lush Bar, 280 Old Kent Road, London SE1 5UE. Copies of the TENs are attached to this report as Appendix A.
14. The TENs are summarised as follows:
 - TEN 758512: To allow the sale of alcohol and the provision of late night refreshment between 22:00 on 18 February 2017 and 01:00 the following day and 19 February 2017 from 22:00 to 00:00. The maximum number of people expected at any one time at the premises is 100. The activities are to take place on the premises only.
 - TEN 762133: To allow the sale of alcohol and the provision of late night refreshment between 22:00 on 24 February 2017 and 02:00 the following day and 25 February 2017 from 22:00 to 00:00. The maximum number of

people expected at any one time at the premises is 100. The activities are to take place on the premises only.

The objection notices

15. On 7 February and 10 February 2017 the Metropolitan Police Service served objection notices in respect of the TENs.
16. The objection notices state that this venue was the subject of a recent expedited premises licence review on the grounds of serious crime and disorder.
17. The police make the following points in support of their objections:
 - As a result the premises licence was significantly modified to include a substantial reduction in hours, the removal of the designated premises supervisor (DPS) and the suspension of the premises licence.
 - This suspension was completed on the 9 January 2017 and the new premises licence became effective. On the 22 January 2017 at around 0200 hours Police visited the premises and entered via the main entrance. They noticed the lack of any SIA registered door staff as per condition 341 and that there did not appear to be any ID scanning system in operation as per condition 369.
 - This latest TEN would allow the premise to circumvent the modified licence and essentially allow the premises to operate over an entire weekend with no control measures in place.
 - It should also be noted that the applicant is the very same person that the licensing subcommittee sought to have removed from the licence as they had no confidence in his ability to manage the premises in a satisfactory manner or work within the conditions of the premises licence.
18. Copies of the Police objection notices are attached to this report in Appendix B.

TENs history

19. Below is the recent history of TENs for the last year in respect of the premises. A schedule of the TENs since 26/8/2014 is attached to this report in Appendix C.

No.	Premises user	Date of event	Time of event and activities
1	Douglas Otunyo	26/8/16	00.00 – 04.30 Alcohol, LNR, and Regulated Entertainment Late TEN, Police rep, Counter notice

No.	Premises user	Date of event	Time of event and activities
2	Douglas Otunyo	20-21/1/17	16:00 – 02:30 16:00 – 00:00 Alcohol and LNR Late TEN, Police rep, Counter notice
3	Douglas Otunyo	27-28/1/17	22:00 – 01:00 Late TEN Alcohol and LNR
4	Douglas Otunyo	3-4/2/17	22:00 – 01:00 Late 22:30 – 00:00 Alcohol and LNR TEN, Police & EPT rep, Counter notice
5	Douglas Otunyo	10-11/2/17	22:00 – 02:00 22:00 – 00:00 Alcohol and LNR

Premises history

20. The premises in respect of the premises licence consists of a bar and restaurant on the ground floor of 280 Old Kent Road.
21. The premises licence was carried over from the Justices and music and dancing licenses in the 2005 transition, the premises was called Pardis during this period with a different premises licence holder and DPS. This premises licence was revoked by the Licensing sub-committee on 17 December 2013 following an expedited review application by the Police for a serious assault.
22. A new application for a premises licence was submitted by the current premises licence holder, Douglas Otunyo in 7 April 2014 with Mr Otunyo as the DPS.
23. The licence was varied and later hours till 03:00 the following days on Friday and Saturday were granted by the licensing sub-committee 6 November 2014.
24. An application for an expedited review of the premises licence was submitted by the Metropolitan Police Service and at the hearing of 22 September 2016 the licence was suspended for a period of 3 months, the DPS was removed from the licence, hours were reduced and conditions modified. A copy of the notice of decision is attached as Appendix D.
25. An application to change the DPS to Mr Forlain Olaopa was submitted on 9 January 2017. Since then the venue has been visited on one occasion when licensable activities were being carried out. This was on 28 January 2017. Mr Olaopa was not present. The premises licence holder, Mr Otunyo, was. When asked, he stated that Mr Olaopa was not working that night.
26. A minor variation was submitted on 20 January 2017. This was refused because it was seeking to remove conditions imposed at the hearing of the expedited review on 22 September 2016. Representations were also received from responsible

authorities. Due to the application being refused the applicant was advised to submit a full variation.

27. An application to vary the premises licence was submitted on 26 January 2017 consisting of the following;
- Variation for removal of condition 369 (id scanner)
 - Removal of regulated entertainment
 - Reduction of security from 3 to 1 (341 and 841)
 - To add condition to serve food with drinks
 - Last entry Friday and Saturday to change to 01:00 instead of 2am
 - Polycarbonate/plastic condition adjust to Friday and Saturday from 22:00 condition 844.
28. This variation has yet to be determined. The last date for representations is 23 February 2017.

Premises licence

29. Details of current premises licence:

- **Licensable activities authorised by the licence**
Live Music - Indoors
Recorded Music - Indoors
Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises
- **Opening hours of the premises**
Sunday to Wednesday 06:00 - 00:00
Thursday 06:00 - 00:30
Friday and Saturday 06:00 - 02:00
- **Live Music - Indoors**
Monday to Sunday 12:00 - 23:00
- **Recorded Music - Indoors**
Sunday to Wednesday 12:00 - 23:30
Thursday 12:00 - 00:00
Friday and Saturday 12:00 - 01:30
- **Late Night Refreshment - Indoors**
Sunday to Wednesday 23:00 - 23:30
Thursday 23:00 - 00:00
Friday and Saturday 23:00 - 01:30
- **Sale by retail of alcohol to be consumed on premises**
Sunday to Wednesday 12:00 -23:30
Thursday 12:00 - 00:00
Friday and Saturday 12:00 - 01:30

30. The current premises licence is attached as Appendix E.

Licensing visit history

31. Saturday 12 November 2016 23:00 – private party taking place, no regulated activity
32. Saturday 14 January 2017 22:25 – small private party taking place, no regulated activity
33. Sunday 22 January 2017 01:45 – premises compliant
34. Saturday 28 January 2017 21:47 – the applicant Mr Otunyo showed some confusion over dates covered by the TEN, advice was given on how to ensure TENs are completed was given.
35. Dates shown above are when access was gained and activity could be confirmed. Visits to the premises were carried out during the period of suspension showing the premises closed.
36. During a visit by the Metropolitan Police Service it was noted that the ID scanning system was not being used. A warning letter was sent by a council officer.
37. During a visit dated 24 January 2015 breaches of the licence were witnessed by officers of the council. The breaches related to the sound limiter, ID scanning system, staff training, evacuation procedure and dispersal policy. A warning letter was sent.
38. Following breaches of the licence found during inspections by officers of the council and the police, enforcement action is being taken. A case for prosecution is being built. Breaches included ineffective use of the ID scanning system and the admittance of patrons beyond the permitted times.
39. Further details of the licensing visits are attached to this report as Appendix F.

The local area

40. A map showing the location of the premises is attached to this report as Appendix G. The premises are identified at the centre of the circle on the map. The following licensed premises are also shown on the map and have closing times as stated:

Off licence

- G & F Supermarket, 272-274 Old Kent Road SE1 5UE (Monday - Sunday 24 hours)
- Nishas News, 246 Old Kent Road SE1 5UB (Monday - Sunday until 23:30)
- B & B Newsagent, 104 - 106 Dunton Road, London SE1 5UN (Monday - Sunday until 23:00)

Late night refreshment

- Super Pizza, 292 Old Kent Road SE1 5UE (Sunday - Thursday until 01:00 and Friday - Saturday until 02:00)

- Perfect Fried Chicken, 259 Old Kent Road SE1 5LU (Monday - Sunday until 00:00)
- Old Kent Fish Bar, 253 Old Kent Road SE1 5LU (Monday – Sunday until 01:00)
- Village Pizza, 230 Old Kent Road SE1 5UB (Sunday - Thursday until 03:00 and Friday - Saturday until 04:00)
- Halal Kebab House, 273 Old Kent Road SE1 5LU (Monday - Sunday until 03:00)
- El Turkistan Takeaway, 304 Old Kent Road SE1 5UE (Sunday - Thursday until 02:00 and Friday - Saturday until 03:00)

Restaurant

- New Wing Fu, 227 Old Kent Road, London SE1 5LU (Monday - Sunday until 00:00)

Policy considerations

41. Section 4 of the Southwark statement of licensing policy on “administration, exercise and delegation of function” deals with the parameters under which TENs may be considered.

Consideration by the sub-committee

42. The sub-committee is asked to consider whether then issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

Community impact statement

43. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.
44. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

Resource implications

45. A fee of £21.00 has been paid by the applicant in respect of each TEN, this being the statutory fee payable.

Consultation

46. The Act provides for no consultations to take place other than the process outlined in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

47. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not

counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act

48. The principles which sub-committee members must apply are set out below.

Principles for making the determination

49. The general principle is that temporary event notices must be accepted unless a relevant objection is received from the police. This is subject to the proviso that the premises user has complied with regulations and submitted the notice within a prescribed time.
50. A relevant objection is that which:
- Is about the likely effect of the TEN on the promotion of the crime prevention of the licensing objectives
 - Is made by the metropolitan police
 - Has not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
51. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is necessary for the promotion of the prevention of crime prevention and the prevention of public nuisance licensing objectives of the Licensing Act to:
- Issue a counter notice by adding to, omit, and/or alter the conditions of the licence or
 - Reject the whole or part of the application for TEN.

Conditions

52. The sub-committee may attach conditions on the carrying on of permitted licensable activities. The sub-committee's function is to determine whether a counter notice should be issued
53. Members are also referred to the Home Office guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

54. The sub-committee must give reasons for its decision to issue or not to issue a counter notice.

Hearing procedures

55. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:

- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the objection.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their submission.
 - The committee shall disregard any information given by a party which is not relevant:
 - To the particular submission before the committee
 - To the licensing objectives prevention of crime and disorder.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering the objection and notice the authority may take into account documentary or other information produced by a party in support of their objection or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
56. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) (c) requires the sub-committee to make its determination at the conclusion of the hearing.
57. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
58. As a quasi-judicial body the licensing sub-committee is required to consider the temporary event notice on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of the police objection.

59. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
60. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making the objection to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
61. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the chief officer of police may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

Guidance

62. Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

REASONS FOR URGENCY

63. The TENs process is time limited, and due to legislative time constraints it would not be possible to wait for a further meeting to be held to consider this report.

REASONS FOR LATENESS

64. This report was not available for circulation within five clear days before the meeting due to legislative time constraints.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office revised guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read (020 7525 5748)

APPENDICES

No.	Title
Appendix A	The temporary event notice
Appendix B	The Metropolitan Police representation
Appendix C	List of previous TENs applied for
Appendix D	Notice of Decision for the expedited review
Appendix E	Copy of current premises licence
Appendix F	List of licensing visits to venue
Appendix G	Map of the area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Mark Orton, Licensing Enforcement Officer	
Version	Final	
Dated	10 February 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		13 February 2017

03/02/2017

Business - Temporary events notices

Ref No. 758512

Before completing this notice please read the guidance notes at the end of the form.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. Your name

Title	Mr
If other, Please state	
Surname	Otunyo
Firstname(s)	Douglas

2. Previous names

Title	
If other, Please state	
Surname	
Firstname(s)	

3. Your date of birth

	██████
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4. Your place of birth

	██████
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5. National Insurance Number

	██████████
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6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)

Address Line 1	██████████
Address Line 2	London
Town	Londón

Business - Temporary events notices

County	
Post code	██████

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user. If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

7. Other contact details

	Telephone numbers:
Daytime	██████████
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	██████████

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

Address Line 1	
Address Line 2	
Town	
County	
Post code	

9. Alternative contact details (if applicable)

	Telephone numbers:
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

Address Line 1	280 OLD KENT ROAD
Address Line 2	
Town	LONDON

Business - Temporary events notices

County	
Post code	SE1 5UE

Ordnance Survey grid reference

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If there is no recognised Post code, please enter the address for the premises

Address Line 1	
Address Line 2	
Town	
County	

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	855413
Club premises certificate number	

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

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Please describe the nature of the premises below. (Please read note 4) *

	Food and restaurant
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Please describe the nature of the event below. (Please read note 5)

	Food sales and drinks
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If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	
Document 2	
Document 3	
Document 4	
Document 5	

Business - Temporary events notices

Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500.

If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Please state the licensable activities that you intend to carry on at the premises (please check next to the licensable activities you intend to carry on). (Please read note 6)

	<input type="checkbox"/> The sale by retail of alcohol <input type="checkbox"/> The provision of late night refreshment
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Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

	<input type="checkbox"/> 18 feb 2017 <input type="checkbox"/> 19th feb 2017
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Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

	<input type="checkbox"/> 18th feb 2017 22:00 - 00:00 <input type="checkbox"/> 19th feb 2017 00:01 - 01:00
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Business - Temporary events notices

	19th feb 2017 22:00 - 00:00
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Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

	100
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If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please check next to the appropriate box). (Please read note 11)

	On the premises only
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Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7 (not including the date that the form is submitted and the date of the Event)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

Business - Temporary events notices

Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there.

If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Do you currently hold a valid personal licence?

	Yes
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If "Yes"; please provide the details of your personal licence below.

Issuing licensing authority	██████████
Licence number	██████████
Date of issue	██████████
Date of expiry	██████████
Any further relevant details	

Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

	Yes
--	-----

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

	2
--	---

Business - Temporary events notices

Have you already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year. If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 14 below sets out the definition of an "associate".

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
--	----

If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year

--	--

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
--	----

Business - Temporary events notices

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

--	--

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Note 14

An "associate" of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

I shall

	<p>If the premises are situated in one or more licensing authority areas, send at least one copy
 of this notice to each additional licensing authority</p> <p>If the premises are situated in one or more police areas, send a copy of this notice
 to each additional chief officer of police</p> <p>If the premises are situated in one or more local authority areas, send a copy of this notice to each additional
 local authority exercising environmental health functions</p>
--	---

Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (not including the date that the form is submitted and the date of the Event) (or five working days for a late notice) (not including the date that the form is submitted and the date of the Event) before the commencement of the proposed licensable activities.

The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary.

Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

The information contained in this form is correct to the best of my knowledge and belief.

Business - Temporary events notices

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

I agree to the above statement

	I agree
PaymentDescription	280 OLD KENT ROAD, , SE1 5UE
PaymentAmountInMinorUnits	██████████
AuthCode	██████████
LicenceReference	██████████████████
PaymentContactEmail	██████████████████████████████

Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

Business - Temporary events notices

09/02/2017

Business - Temporary events notices

Ref No. 762133

Before completing this notice please read the guidance notes at the end of the form.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. Your name

Title	Mr
If other, Please state	
Surname	Otunyo
Firstname(s)	Douglas

2. Previous names

Title	
If other, Please state	
Surname	
Firstname(s)	

3. Your date of birth

	██████████
--	------------

4. Your place of birth

	██████
--	--------

5. National Insurance Number

	██████████
--	------------

6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)

Address Line 1	██████████
Address Line 2	London
Town	London

Business - Temporary events notices

County	
Post code	██████

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user. If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

7. Other contact details

	Telephone numbers:
Daytime	██████
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	██████████████

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

Address Line 1	
Address Line 2	
Town	
County	
Post code	

9. Alternative contact details (if applicable)

	Telephone numbers:
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

Address Line 1	280 OLD KENT ROAD
Address Line 2	
Town	LONDON

Business - Temporary events notices

County	
Post code	SE1 5UE

Ordnance Survey grid reference

	Se1 5ue
--	---------

If there is no recognised Post code, please enter the address for the premises

Address Line 1	
Address Line 2	
Town	
County	

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	844532
Club premises certificate number	

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

--	--

Please describe the nature of the premises below. (Please read note 4) *

	Restaurant and bar
--	--------------------

Please describe the nature of the event below. (Please read note 5)

	Restaurant and bar sale of food and drinks
--	--

If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	
Document 2	
Document 3	
Document 4	
Document 5	

Business - Temporary events notices

Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500.

If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Please state the licensable activities that you intend to carry on at the premises (please check next to the licensable activities you intend to carry on). (Please read note 6)

	<input type="checkbox"/> The sale by retail of alcohol <input type="checkbox"/> The provision of late night refreshment
--	--

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

	24th feb 2017 and 25th feb 2017
--	---------------------------------

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

	<input type="checkbox"/> 24th feb 2017 22:00 - 00:00 <input type="checkbox"/> 25th feb 2017 00:01- 02:00
--	---

Business - Temporary events notices

25th feb 2017 22:00 - 00:00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

100

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please check next to the appropriate box). (Please read note 11)

On the premises only

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7 (not including the date that the form is submitted and the date of the Event)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

Note 9

Business - Temporary events notices

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there.

If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Do you currently hold a valid personal licence?

	Yes
--	-----

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	██████████
Licence number	██████████
Date of issue	██████████
Date of expiry	██████████
Any further relevant details	

Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

	Yes
--	-----

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

	3
--	---

Business - Temporary events notices

Have you already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year. If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 14 below sets out the definition of an "associate".

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
--	----

If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year

--	--

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
--	----

Business - Temporary events notices

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

--	--

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Note 14

An "associate" of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

I shall

	<p>If the premises are situated in one or more licensing authority areas, send at least one copy
 of this notice to each additional licensing authority</p> <p>If the premises are situated in one or more police areas, send a copy of this notice
 to each additional chief officer of police</p> <p>If the premises are situated in one or more local authority areas, send a copy of this notice to each additional
 local authority exercising environmental health functions</p>
--	---

Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (not including the date that the form is submitted and the date of the Event.) (or five working days for a late notice) (not including the date that the form is submitted and the date of the Event)before the commencement of the proposed licensable activities.

The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary.

Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

I agree to the above statement

	I agree
PaymentDescription	280 OLD KENT ROAD, , SE1 5UE
PaymentAmountInMinorUnits	████
AuthCode	██████
LicenceReference	██████████████
PaymentContactEmail	████████████████████

Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.



The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

Metropolitan Police Service
Licensing Office
 Southwark Police Station,
 323 Borough High Street,
 LONDON,
 SE1 1JL

Tel: 020 7232 6756
 Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/2907/17
Date: 7th January 2017

Dear Sir/Madam

Re:- Lush Bar 280 Old Kent Road SE1 5UE

Police are in receipt of an application from the above for a Temporary Event Notice (TEN) for Friday the 18th Feb 2017 at 22:00 through to 01:00 on the 19th February 2017 and then 22:00hrs to 00:00hrs

This venue was the subject of a recent expedited premises licence review on the grounds of serious crime and disorder. As a result the premises licence was significantly modified to include a substantial reduction in hours, a change of DPS and the suspension of the premises licence.

This suspension was completed on the 9th January 2017 and the new premises licence became effective. On the 22nd January 2017 at around 0200hrs Police visited the premises and entered via the main entrance. They noticed the lack of any SIA registered door staff as per condition 341 and that there did not appear to be any ID scanning system in operation as per condition 369.

This latest TEN would allow the premise to circumvent the modified licence and essentially allow the premises to operate over an entire weekend with no control measures in place.

It should also be noted that the applicant is the very same person that the licensing subcommittee sort to have removed from the licence as they had no confidence in his ability to manage the premises in a satisfactory manner or work within the conditions of the premises licence.

Police object to this TEN on the grounds that it would be undermining the prevention of crime and disorder licensing objective.

Yours Sincerely

Graham White 288MD



The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

**Metropolitan Police Service
 Licensing Office**
 Southwark Police Station,
 323 Borough High Street,
 LONDON,
 SE1 1JL

Tel: 020 7232 6756
 Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/2915/17

Date: 10th February 2017

Re:- Lush Bar 280 Old kent Road SE1 5UE

Dear Sir/Madam

Police are in receipt of an application from the above for a Temporary Event Notice (TEN) for Friday the 24th Feb 2017 at 2200hrs through to midnight then the 25th Feb from 0001hrs until 0200hrs on the 26th.

This venue was the subject of a recent expedited premises licence review on the grounds of serious crime and disorder. As a result the premises licence was significantly modified to include a substantial reduction in hours, a change of DPS and the suspension of the premises licence.

This suspension was completed on the 9th January 2017 and the new premises licence became effective.

On the 22nd January 2017 at around 0200hrs Police visited the premises and entered via the main entrance. They noticed the lack of any SIA registered door staff as per condition 341 and that there did not appear to be any ID scanning system in operation as per condition 369.

This latest TEN would allow the premise to circumvent the modified licence and essentially allow the premises to operate over an entire weekend with no control measures in place.

It should also be noted that the proposed premises user is the very same person that the licensing sub committee sort to have removed from the licence. They had no confidence in his ability to manage the premises in a satisfactory manner or work within the conditions of the premises licence. Police are of the same opinion and do not have the confidence that if granted the premises would operate within the restrictions as detailed on the TEN.

It should also be noted that although the premises licence holder has submitted a change of DPS, on the last three visits to the premises the new DPS has not been present and the sole person in charge has been Mr Otunyo.

Police object to this TEN on the grounds that it would be undermining the prevention of crime and disorder licensing objective.

Yours Sincerely

Ian Clements 362MD

received_date	refno	activity	name	uwstr1	address	start_date	end_date
14/08/2014	845719	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	23/08/2014	26/08/2014
14/08/2014	845721	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	30/08/2014	31/08/2014
29/08/2014	845911	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	06/09/2014	07/09/2014
29/08/2014	845913	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	13/09/2014	14/09/2014
29/08/2014	845914	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	20/09/2014	21/09/2014
29/08/2014	845915	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	27/09/2014	28/09/2014
29/09/2014	846222	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	19/10/2014	19/10/2014
29/09/2014	846224	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	12/10/2014	12/10/2014
29/09/2014	846228	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	05/10/2014	05/10/2014
17/12/2014	847062	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	29/12/2014	01/01/2015
31/03/2015	847949	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	06/04/2015	06/04/2015
24/04/2015	848293	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	03/05/2015	04/05/2015
24/04/2015	848294	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	10/05/2015	10/05/2015
24/04/2015	848295	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	17/05/2015	17/05/2015
19/05/2015	848501	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	24/05/2015	25/05/2015
19/05/2015	848504	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	31/05/2015	31/05/2015
21/08/2015	849553	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	30/08/2015	02/09/2015
22/09/2015	849805	LTN Temporary Event Notice	Lush Bar and Restaurant	Whole premises	280 Old Kent Road, London, SE1 5UE	01/10/2015	01/10/2015
11/11/2015	850341	LTN Temporary Event Notice	Lush Bar and Restaurant	Restaurant and Bar	280 Old Kent Road, London, SE1 5UE	20/11/2015	21/11/2015
11/11/2015	850342	LTN Temporary Event Notice	Lush Bar and Restaurant	Restaurant and Bar	280 Old Kent Road, London, SE1 5UE	25/12/2015	28/12/2015
22/12/2015	850799	LTN Temporary Event Notice	Lush Bar and Restaurant	Restaurant and Bar	280 Old Kent Road, London, SE1 5UE	01/01/2016	03/01/2016
17/08/2016	855299	LTN Temporary Event Notice	Lush Bar and Restaurant	Restaurant and Bar	280 Old Kent Road, London, SE1 5UE	26/08/2016	26/08/2016
12/01/2017	857440	LTN Temporary Event Notice	Lush Bar and Restaurant	Restaurant and Bar	280 Old Kent Road, London, SE1 5UE	20/01/2017	22/01/2017
19/01/2017	857508	LTN Temporary Event Notice	Lush Bar and Restaurant	Restaurant and Bar	280 Old Kent Road, London, SE1 5UE	27/01/2017	28/01/2017
23/01/2017	857562	LTN Temporary Event Notice	Lush Bar and Restaurant	Restaurant and Bar	280 Old Kent Road, London, SE1 5UE	03/02/2017	04/02/2017
26/01/2017	857609	LTN Temporary Event Notice	Lush Bar and Restaurant	Restaurant and Bar	280 Old Kent Road, London, SE1 5UE	10/02/2017	11/02/2017
03/02/2017	857700	LTN Temporary Event Notice	Lush Bar and Restaurant	Restaurant and Bar	280 Old Kent Road, London, SE1 5UE	18/02/2017	19/02/2017

times	personal_lic_holder	pers_lic_no	max_no_people	sale_of_alcohol	club_supply_alcohol	for_consumption
23:30 - 04:00	Yes	LEW3514	150	Yes	No	On Premises
01:00-04:00	Yes	LEW3514	150	Yes	No	On Premises
01:00-03:30	Yes	LEW3514	150	Yes	No	On Premises
01:00-03:30	Yes	LEW3514	150	Yes	No	On Premises
01:00-03:30	Yes	LEW3514	150	Yes	No	On Premises
01:00-03:30	Yes	LEW3514	150	Yes	No	On Premises
00::00-04:00	Yes	LEW3514	150	Yes	No	On Premises
00::00-04:00	Yes	LEW3514	150	Yes	No	On Premises
00::00-04:00	Yes	LEW3514	150	Yes	No	On Premises
29/30 dec 23.00-05.00, 31 dec 23.00-06.00 on 1 jan	Yes	LEW3514	150	Yes	No	On Premises
00:00-05:00	Yes	LEW3514	200	Yes	No	On Premises
00:00-05:30	Yes	LEW3514	200	Yes	No	On Premises
00:00-05:30	Yes	LEW3514	200	Yes	No	On Premises
00:00-05:30	Yes	LEW3514	200	Yes	No	On Premises
00:00-05:30	Yes	LEW3514	200	Yes	No	On Premises
00:00-05:30	Yes	LEW3514	200	Yes	No	On Premises
02:00-06;00 30/08/2015 00:00 - 06:00 02/09/2015	Yes	LEW3514	200	Yes	No	On Premises
00.00-05.00	Yes	LEW3514	200	Yes	No	On Premises
20 Nov = 00:00 - 4:00 21 Nov = 00:00 - 5:00	Yes	lew3514	150	Yes	No	On Premises
25/12&27/12= 00:00 - 5:00 26/12&28/12 = 00:00 - 4:30	Yes	lew3514	150	Yes	No	On Premises
00:01 - 4:30	Yes	lew3514	150	Yes	No	On Premises
00:01 - 4:30	Yes	lew3514	150	Yes	No	On Premises
20th 16:00 - 00:00 21st 00:01 - 02:30 & 16:00 - 00:00 22nd	Yes	lew3514	150	Yes	No	On Premises
27th 22:00 - 00:00 28th 00:01 - 01:00	Yes	lew3514	100	Yes	No	On Premises
3/2/2017 22:00-01:00 4/2/2017 & 22:30-00:00 4/2/2017	Yes	lew3514	100	Yes	No	On Premises
22:00-02:00 10/2/2017-11/2/2017 & 22:00-00:00 11/2/2017	Yes	lew3514	100	Yes	No	On Premises
18/02= 22:00-00:00, 19/02= 00:01-01:00, 22:00-00:00	Yes	lew3514	100	Yes	No	On Premises

reg.entertainment	late_refreshment	prm_remaining	days_remaining	user_ten_remaining	late_ten	premises_user	police_obj	ept_obj	Acounter_n_late_ten
Yes	Yes	11	17	49	Yes	Douglas Otunyo	No	No	
Yes	Yes	10	15	48	No	Douglas Otunyo	No	No	
Yes	Yes	9	13	47	Yes	Douglas Otunyo	No	No	
Yes	Yes	8	12	46	No	Douglas Otunyo	No	No	
Yes	Yes	7	10	45	No	Douglas Otunyo	No	No	
Yes	Yes	6	8	44	No	Douglas Otunyo	No	No	
Yes	Yes	5	7	43	No	Douglas Otunyo	No	No	
Yes	Yes	4	6	42	No	Douglas Otunyo	No	No	
Yes	Yes	3	5	41	Yes	Douglas Otunyo	No	No	
Yes	Yes	11	20	49	Yes	Douglas Otunyo	No	No	
Yes	Yes	11	20	49	Yes	Douglas Otunyo	No	No	
Yes	Yes	10	18	48	Yes	Douglas Otunyo	No	No	
Yes	Yes	9	17	47	Yes	Douglas Otunyo	No	No	
Yes	Yes	8	16	46	No	Douglas Otunyo	No	No	
Yes	Yes	8	16	46	Yes	Douglas Otunyo	No	No	
Yes	Yes	7	15	45	Yes	Douglas Otunyo	No	No	
Yes	Yes	6	11	44	Yes	Douglas Otunyo	No	No	
Yes	Yes	5	10	43	Yes	Douglas Otunyo	No	No	
Yes	Yes	4	7	42	No	Douglas Otunyo	No	No	
Yes	Yes	3	0	41	No	Douglas Otunyo	No	No	
Yes	Yes	14	18	49	Yes	Douglas Otunyo	No	No	
Yes	Yes	13	17	48	Yes	Douglas Otunyo	No	Yes	18/08/2016
No	Yes	14	18	49	Yes	Douglas Otunyo	Yes	No	13/01/2017
No	Yes	13	16	48	Yes	Douglas Otunyo	No	No	
No	Yes	12	14	47	Yes	Douglas Otunyo	Yes	Yes	24/01/2017
No	Yes	11	12	46	No	Douglas Otunyo	No	No	
No	Yes	10	10	45	No	Douglas Otunyo	Yes	No	



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 22 SEPTEMBER 2016

LICENSING ACT 2003: LUSH BAR & RESTAURANT, 280 OLD KENT ROAD, LONDON SE1 5UE

1. Decision

That the council's licensing sub-committee, having considered an application made under Section 53A of the Licensing Act 2003 by the chief of police for the metropolitan police area for a review of the premises licence issued in respect of the premises known as Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE. and also having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Suspend the licence for a period of three months and remove the designated premises supervisor being Douglas Otunyo.

Modify the conditions of the licence as follows:

1. That the operating hours are reduced on:

Friday and Saturday from 12:00 to 02:00am and all licensable activities to cease at 01:30

Sundays 06:00 to 00:00 with all licensable activities to cease at 23:30.

2. That 3 SIA registered Door supervisors, at least one of whom shall be a female, shall be employed at all times after 22:00 when the terminal hour is after 00:30.
3. That the last entry shall be 2 hours before the terminal hour when the terminal hour is after 00:30.
4. That polycarbonate/ plastic drink ware is to be used by all persons, all alcoholic and soft drinks are to be served and or decanted by premises staff into such drink ware for all drinks consumed after 22:00.

2. Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from the Metropolitan Police Service representative, the applicant for the review who informed the Sub committee that following an incident on 21 August 2016 a suspect has been charged with common assault and grievous bodily harm. This was following an incident at the premises whereby a male patron pushed a female to the floor and then threw a glass bottle hitting the head of another male patron, causing injuries consistent with grievous bodily harm.

When the police arrived they were confronted by a hostile crowd, as a result more police units were required. Furthermore, on inspecting the ID scanner, it revealed that 15 people were admitted after 02:00 (with the last entry shown as 02:57) which is a breach of condition 364 of the licence that there shall be no new entries after 02:00. The police provided further evidence showing a history of non compliance of the ID scanner condition. They referred to breaches of this condition on 31 January 2015, 25 April 2015 and 10 January 2016.

The police advised that the ID scanner at the premises was not being used in line with condition 369 of the licence.

The Police further advised of their review of the CCTV footage which confirmed their concerns over use of the ID scanner and showed patrons being permitted entry beyond the terminal hour.

The police highlighted their concerns regarding the use of the ID scanner system and expressed that failure to comply with this on and the remaining licensing conditions on repeated conditions undermined the objective of crime and disorder and the safety of patrons.

The police also noted that prior to the extended hours of operation there was very little in the way of reported crime associated with the premises.

The licensing sub-committee heard from the environmental protection officer, supporting the review who advised of concerns in respect of public safety and public nuisance.

It was stated that police records appear to show harassment against woman and there does not appear to be proper management to resolve the issues.

The environmental protection officer recommended that the licence is revoked, alternatively to remove the designated premises supervisor and impose further conditions in a bid to uphold the licensing objectives.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority, supporting the review, who informed the sub committee that she was concerned that the premises were operating as a nightclub.

The officer highlighted various breaches of the licence conditions which she had witnessed during recent inspections. Including the failure to properly operate the club ID scanner system.

The officer informed the sub committee that she had not witnessed the premises serving food during the inspections and was concerned that the premises were not operating as a restaurant.

The officer expressed concern that despite several warnings, the premises licence holder sought to blame staff and showed a lack of responsibility for the breach of conditions.

The officer did not have confidence in the current management of the premises.

The licensing sub-committee heard from the health and safety officer, supporting the review, who expressed concerns with the operation of the premises and advised that he considered the premises to operate as a nightclub rather than a restaurant and in view of the incidents which have occurred at the premises, requested that the licence holder review the security policy and procedures on a regular basis.

The officer also recommended that refresher training needs to be provided for all staff including bar staff and door staff.

The licensing sub-committee heard from the premises licence holder who provided a summary of the events on 21 August 2016. He stated that following the assault on the male victim he instructed the suspect not to leave the premises and called the police and ambulance. In the meantime the female victim had called the police from outside the premises. He stated that he instructed the SIA staff to use the ID scanner for every patron. He acknowledged that the staff were not using the ID scanner correctly.

He stated that he would not use the current SIA staff in future and that he would employ the services of a new SIA company who would use the ID scanner system in accordance with the licence conditions.

He further stated that he had invested in a new ID scanner system which allowed the patrons ID to be retained on the system and would assist in enhancing the effective use of the system in future.

When questioned as to why he had not employed new SIA staff following previous warnings about the use of the ID scanner he said that he had told them to use the ID scanner properly and would employ new staff from now on.

He accepted that it was his responsibility to ensure compliance with the licence conditions and promised the sub committee that he would comply with the conditions in future.

He stated that this was an isolated incident. He stated that he sought to assist the police and despite the police evidence to the contrary he did not consider that there had been a hostile environment at the premises on 21 August 2016.

He offered to have one trained member of staff dealing with the ID scanner solely and agreed to use polycarbonate glass ware.

The sub-committee considered all the written and oral evidence before it and concluded that they did not have confidence in the current management's ability to comply with the premises licence conditions and felt that it was appropriate to suspend the licence in addition to removing the designated premises supervisor and to impose conditions as set out above.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and felt that this decision was appropriate and proportionate in order to address the licensing objectives.

3. **Appeal rights**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The interim steps will remain in place until either;

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 22 September 2016

Licensing Act 2003 Premises Licence

40



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

857405

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Lush Bar and Restaurant 280 Old Kent Road London SE1 5UE	
Ordnance survey map reference (if applicable), 178393533529	
Post town London	Post code SE1 5UE
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Live Music - Indoors Recorded Music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 06:00 - 00:00
Tuesday 06:00 - 00:00
Wednesday 06:00 - 00:00
Thursday 06:00 - 00:30
Friday 06:00 - 02:00
Saturday 06:00 - 02:00
Sunday 06:00 - 00:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities
For any non standard timings see Annex 2 of the full premises licence

Live Music - Indoors

Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 23:00
Saturday	12:00 - 23:00
Sunday	12:00 - 23:00

Recorded Music - Indoors

Monday	12:00 - 23:30
Tuesday	12:00 - 23:30
Wednesday	12:00 - 23:30
Thursday	12:00 - 00:00
Friday	12:00 - 01:30
Saturday	12:00 - 01:30
Sunday	12:00 - 23:30

Late Night Refreshment - Indoors

Monday	23:00 - 23:30
Tuesday	23:00 - 23:30
Wednesday	23:00 - 23:30
Thursday	23:00 - 00:00
Friday	23:00 - 01:30
Saturday	23:00 - 01:30
Sunday	23:00 - 23:30

Sale by retail of alcohol to be consumed on premises

Monday	12:00 - 23:30
Tuesday	12:00 - 23:30
Wednesday	12:00 - 23:30
Thursday	12:00 - 00:00
Friday	12:00 - 01:30
Saturday	12:00 - 01:30
Sunday	12:00 - 23:30

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

[REDACTED]

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

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

[REDACTED]

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

[REDACTED]

Licence Issue date 09.01.2017



Head of Regulatory Services
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

- (a). At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b). At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

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

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

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

- (a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

489 The responsible person shall ensure that -

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

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

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

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

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

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

288 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirement to the Metropolitan Police Licensing Officer. All entry and exit points will be covered enabling a clear facial image of every person entering in any light conditions.

289 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 made available immediately upon request of police or authorised officer throughout the proceeding 31 day period. The premises shall have the facility on the system to transfer the images to another data device.

316 That all deliveries and collections of waste shall be made between the hours of 07.00 and 23.00.

324 That the details of a local cab company shall be kept at the premises and shall be provided to customers on request. If staff at the premises order a cab for a customer then those staff shall request that the cab controller instructs the cab-driver not to sound their vehicle horn to attract attention, but to approach a staff member and let the staff member know that they are the driver of a cab that has been ordered by the premises.

340 That all licensable Activities to cease 30 minutes prior to terminal hour.

341 That 2 SIA registered door supervisors, at least one of whom shall be a female, shall be employed at all times after 22.00 when the terminal hour is after 00.30.

342 That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied after 21.00hrs till the terminal hour Friday and Saturday.

343 That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.

344 That all house speakers shall be isolated from the structure of the building, either by rubber acoustic matting, anti vibration hangers or chained.

345 That clearly legible signage will be prominently displayed at the exit where it can easily be seen and read requesting to the effect that customers do not take drinks outside.

346 That customers shall use no outside area after 23.00 other than those who temporarily leave the premises to smoke a cigarette on to the Old Kent road frontage and the number of customers who are permitted to leave the premises to smoke after 23.00 on to the Old Kent road frontage shall not exceed eight persons.

347 That no food or drinks obtained from the premises will be permitted to be consumed outside of the premises at anytime.

348 That a sound limiting device shall be installed to the ground floor and maximum volume and bass levels set in conjunction with a qualified sound engineer, to ensure any music, speech or song from licensed entertainment is not audible in nearby residential premises nor will cause a public nuisance in the vicinity of the premises. Once set, should there be any change to the equipment involved in the broadcast or limiting of sound from licensed entertainment that the sound limiters be re-set in conjunction with a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible in nearby residential premises nor will cause a public nuisance in the vicinity of the premises.

349 That suitable acoustic double glazing shall be installed on the Old Kent road window frontage to ensure that internal noise from patrons and from licensable entertainment is not audible externally at the closest noise sensitive property.

350 That the depositing of waste glass/earthenware into external waste receptacles shall not take place between 23.00 and 07.00 the following day.

351 That the premises will be adequately mechanically ventilated.

352 That a lobby entrance will be installed at the premises. The doors in the lobby entrance will be fitted with door bottom and perimeter acoustic seals.

353 That all doors and windows at the premises shall be kept closed when licensable activities are taking place at the premises (except for access or egress).

354 That no additional amplification equipment may be used at the premises by performers of any description. Only the installed in house amplification equipment may be used in regards to any performance.

355 That any member of staff receiving a complaint from a patron or neighbour shall complete a premises complaint form.

356 That the licensee shall ensure all entertainers performing at the premises read a copy of the premises licence before they commence their act/performance.

357 That all staff shall receive training on the contents of the premises licence and their roles and responsibilities to uphold the premises licence conditions.

358 That a comprehensive dispersal policy shall be produced, maintained and updated and all staff needs to be trained and made aware of any changes, a copy of the dispersal policy shall be made available to the council or police on request.

359 That all premises staff shall be trained in evacuation procedures including wheelchair users and this shall be documented. Documents detailing the training undertaken by staff shall be made available on request to officers of the council.

360 That all equipment, devices and systems used in the premises shall be maintained in good state of repair and effective working order. Documents detailing the maintenance regime shall be made available on request to officers of the council.

361 That any devices brought in the premises by third parties, needs to be inspected by a competent person before use to ensure they are in safe working order.

362 That between 12.00 noon and 21.00 no children shall be on the premises where alcohol can be consumed unless accompanied by a responsible adult.

363 That no children shall be on the premises where alcohol can be consumed after 9.00pm.

364 That there shall be no new entry or re-entry to the premises after 02.00 when the terminal hour is 04.00 other than those who temporarily leave to smoke a cigarette in accordance with condition 346 of the licence.

365 That the to premises licensable activities be extended on the following days Sunday preceding a Bank holiday; Easter Sunday, 24 December, 25 December, 26 December, 31 December, 1 January until 03.30 and extend the operating hours till 04.00 on the day following.

366 That clearly legible signage will be prominently displayed at the exit where it can easily be seen and read requesting to the effect that customers leave the premises in a quiet and orderly manner.

367 A permanent light will be placed directly outside the premises whilst in operation.

368 An incident log book recording date and time will be will be in operation at the premises at all times.

369 That an ID scanning system to the reasonable satisfaction of police be installed and maintained and operational after 22.00 until the terminal hour when licensable activities continue after mid-night. The system should be capable of sharing information about banned customers with other venues, identify the hologram of an ID and read both passports and ID cards, able to identify fake or forged ID documents to a reasonable standard. All persons that enter the premises including all SIA registered door supervisors, patrons, DJs and associated staff will be scanned and have their details recorded on the system. The details shall be stored and made available on request for a period of no less than 31 days.

371 Nudity, semi nudity and gambling will be prohibited at the premises.

427 That clearly legible signage will be prominently displayed at the exit where it can easily be seen and read requesting to the effect that customers leave the premises in a quiet and orderly manner.

4AL That all findings of both premises risk assessments and event risk assessments shall be put in writing and made available at the request of the council or other authority.

4AA That the premises shall operate an agecheck 'challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

4AB That all staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

4AC That agecheck or 'challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'challenge 25' policy applies and proof of age may be required.

4AI That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

112 That on each 2 October (Nigerian independence Day) to extend licensable activities to 03.30 and extend the operating hours till 04.00 on the day following.

Annex 3 - Conditions attached after a hearing by the licensing authority

840 That at no time are patrons permitted to use the rear door for access or egress (accessed via the kitchen), except only in emergency.

841 That there shall be no new entry or re-entry to the premises after 01.30 when the terminal hour is 03.30 or later other than those who temporarily leave to smoke a cigarette in accordance with condition 346 of the licence.

842 That 3 SIA registered Door supervisors, at least one of whom shall be a female, shall be employed at all times after 22:00 when the terminal hour is after 00:30.

843 That the last entry shall be 2 hours before the terminal hour when the terminal hour is after 00:30.

844 That polycarbonate/plastic drink ware is to be used by all persons, all alcoholic and soft drinks are to be served and or decanted by premises staff into such drink ware for all drinks consumed after 22:00.

Annex 4 - Plans - Attached

Licence No. 857405
Plan No. 150
Plan Date 7.1.2014

adate	desc	aofficer	name	address	adtext
24/08/2014	1:22 NTE Visit	Farhad Chowdhury	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	24/ 8/2014 1:22 FRCStill open, can hear loud music from opposite side of road we wereparked in tescos car park. As doors open there was bursts of loudmusic, SIA were on the doors.
29/08/2014	21:31 NTE Visit	Kristie Ashenden	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Drove past at 21:31hrs, 2 x door supervisors outside. FRC said therewas a TENS for this evening.
30/08/2014	01:15 NTE Visit	Kristie Ashenden	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Drove past, Lush Bar open, 4 people queueing to get in.
07/09/2014	00:56 NTE Visit	Farhad Chowdhury	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	7/ 9/2014 14:35 FRCqueue outside, SIA staff on doors people going in, being run like anightclub, checked licence register have a TENS tonight.
13/09/2014	03:00 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visited the premises with the NTE police. Premises was extremely busyand music was being played however there was no noise breakout at thepremises. Spoke with the premises Licence Holder and entered thepremises which had a very high number of patrons drinking and dancing.Almost all patrons within the venue were dancing and drinking and aswe walked through the premises to the kitchen we could see that therewere 4 plates of food laid out on separate tables with in my opinionnot substantial amounts of food on plates.In discussion with the premises licence holder he seemed to believethat he had submitted a TEN for the event taking place. Myself andthe Police advised Douglas (Premises Licence Holder) that the TENwhich was submitted was for Sat leading into Sun and not Fri leadinginto Sat based on intel received by the Police. No confirmation of theTEN submitted could be produced and the Police elected to serve aSection 19 on the premises. The Police however as a precaution advisedthe premises licence holder that they would visit the premises thenext day and would give management the opportunity to evidence whatdate the TEN was submitted for. I have asked NTE Police to updateLicensing in respect of this or complete a further visit to thepremises on the Sat to follow up on this.Also discussed with management that it appeared that the premises wasnot operating as a restaurant and had appeared to morph into a club /bar. Advised management that if this is what they wanted to operate asthey would need to vary the premises licence and begin to look atputting measures in place such as club scan and having a satisfactorycompliment of SIA members of staff at the premises. I have alsoadvised management if they were in the future seeking to operate thepremises as a club they would also need to have a discussion with theplanning department in respect of this.The premises licence holder advised us that these events were oneoff's and he still only wanted to operate as a restaurant. He advisedus that events of this nature would only be run and operated under aTEN.Subsequently a check has been done and we now have confirmation thatthe premises was covered by a temporary event notice. No furtheraction required in respect of events which were taking place at thepremises (am) 13/09/2014.

26/09/2014	19:46 NTE Visit	Kristie Ashenden	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	notice check for JMT
04/10/2014	01:45 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	No activity taking place within the premises ATOV. Spoke to Douglas the owner and licensee of the premises. He advised me that the premises was now closed. ATOV observed the premises before entering. There was no general activity which gave the impression that an event had or was due to take place. Douglas confirmed that he had a temporary event notice for the Saturday. Words of advice given that he needed to control patrons and ensure that music levels were not exceeded which could lead to a public nuisance. Douglas confirmed that he would be in control of the night and would ensure that there were no issues. Noted that Blue site notice was still on display in the front window of the premises advertising licensing application which is still within a consultation period.
10/10/2014	1:35 NTE Visit	Jayne Tear	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	01:35 19/10/14 JMT & FRC VISITED- Lush Bar, 280 Old Kent Road, SE1 5UE 2 SIA on door. No customers standing outside premises.
31/10/2014	22:58 NTE Visit	Kristie Ashenden	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	H&S revisit - electrical socket not repaired, kitchen requires thorough deep clean
15/11/2014	03:38 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visited premises with Tracey McCarthy to observe premises as a result of recent variation to extend hours of operation of premises. Premises was found to be closed and compliant ATOV. No issues noted.
16/11/2014	02:48 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visited location with Adam Burchett premises closed ATOV.
29/11/2014	22:00 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Drive past the premises with Adam Burchett and Ken Dale. Noted X3 SIA staff at the front of the premises and no patrons outside or within the premises. No issues in relation to ASB identified in and around the surrounding area of the venue.
30/11/2014	03:58 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visited the premises with Adam Burchett and noted that the premises was closed and that no activity was taking place at the venue. Drove around the immediate surrounding roads and noted no issues in relation to ASB.
21/12/2014	01:30 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visited the premises with Adam Burchett on NTE. No issues noted X3 SIA staff at the premises no noise breakout or issues in relation to ASB.
21/12/2014	01:50 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	RAC and Adam Burchett accompanied NTE Police to premises in relation to an allegation of an assault at the venue. Arrived at venue and there was mainly a lot of verbal between patrons and SIA staff at the premises. A patron alleged that he had been thrown out for no reason. The Police made no arrest and we left the premises and the Police treated the incident as an unfounded allegation.

27/12/2014	02:30 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	NTE visit with Adam Burchet X2 SIA staff at the front of the premises. Looked inside the venue and noted that there were X15 patrons within the premises. No noise breakout from premises. A few patrons recognised me from previous visits and myself and Adam left the premises. No issues were noted in relation to compliance.
17/01/2015	02:45 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visited premises with Clarissa. Premises closed ATOV. X2 IC3 males standing at the front of the premises smoking. Does not appear that they are connected to the premises.
17/01/2015	20:30 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visit to premises with John and provided Douglas the premises licence holder a copy of his licence. Advised him that if he was intending to operate he needed to be mindful of the conditions on the premises licence which had recently been issued to him. Advised that there was a requirement that he had a club scan and that he was ensuring no entry after 01:30hrs.
18/01/2015	03:10 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visit to premises with John. Premises closed ATOV.
24/01/2015	23:37 NTE Visit	Kristie Ashenden	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Full inspection with police
31/01/2015	03:05 NTE Visit MAD & JM	Mark Orton	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Premises closing, patrons leaving. Using club scan but needs to fully utilise it. Not all patrons had required ID and only photos of some had been taken. Gave advice to licensee and "NO ID - NO ENTRY". Will advise RK of visit and the need to fully implement the use of the system.
22/03/2015	00:09 NTE Visit	Kristie Ashenden	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Revisit, Mr Otunyo said the SLD has been set with EPT. All OK
05/04/2015	00:43 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visited premises with John at request of Richard Parkins. Spoke with Douglas in relation to refused TEN for the bank holiday advised that the event should not take place. Assurance made by Douglas that the event would not take place. I have advised Douglas that the premises would be monitored over the bank holiday to ensure compliance. No issues in relation to licensing compliance at the premises. I did however have a brief word with Douglas to ensure that the rear doors of the premises remained closed and that he was monitoring any build up of patrons at the front of his premises which could give rise to nuisance complaints from local residents. Douglas has advised me that he is seeing a surge in numbers attempting to gain entry at his premises in light of Thomas a Becket being closed advised that he has stepped up his detail of SIA staff to deal with this. I advised him that if there are any issues in relation to crime and disorder that he should contact the Police and ensure that his club scan is always operational.

25/04/2015	00:40 NTE Visit	Jayne Tear	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	<p>00:40 25/4/2015 JMT & TMMLUSH BAR AND RESTAURANT - 280 OLD KENT ROAD, LONDON SE1 5UE - On approach to premises noted one of the doors was wide open and there was no SIA door supervisors manning the door. Could hear LAM from outside the premises. We entered the premises unchallenged and was checking the signage in the lobby. The inside lobby door was also wide open. The club scan in the lobby area was not switched on. A male came to the door and we identified ourselves. I said that Tracey had come to do a food inspection so would need to inspect the kitchen area and that I had come to do a licensing inspection. The male told me he was Mr Douglas Otunyo (DPS). I asked him why there was no SIA door supervisors manning the door and he told me that he did not need them as he was not providing a permit and the condition says that he only needed them then and if there is a DJ and that the music was only background. I said that this was incorrect and that the music I could hear was not background, that it was very loud and he insisted it was background. I explained that if it was background our voices would be heard above it and that was not the case. I asked him to turn down the music so that he could hear me. He asked a male who was now behind the DJ booth to turn the music down. He then proceeded to disagree with me. He said he had no DJ and that music was background. I told him that I saw the male behind the booth when we entered, the same male who got behind the DJ booth to turn the music down. There was approx 4/5 patrons in the premises. I asked Mr Otunyo if he could show me his sound limiter. There was something that looked like a sound limiter up high on the wall, which had one green bar alight on it. It was not pulsing red with the beat of the music. I asked him if it was working and he said yes. The male behind the bar DJ booth then cut it out to show it had gone off and then turned it back on again. I asked if the limiter had been set by and he said yes, to cut out if too loud. I asked him to briefly turn it up to show it cuts out (this was at 01:15) The male behind Booth turned it up very loud and there was not cut out. I asked him to turn it back down as I did not want it to disturb neighbours. The sound was not up for more than 30 seconds and did not cut out when it reached a considerable level. I told him that maybe it had not been set to the correct level and asked if a sound engineer had set it. He said he was waiting for the EPT to set it. I told him that it is his responsibility to set the limiter via a sound engineer and then ask the EPT to check if the levels were okay. But that it is not EPT's responsibility to set it for him and that he could invite them when the engineer was setting it if necessary. He then went on to complain that the noise team had been and given him a FPN, but seemed confused about this. He wanted to continue arguing about this. I said that I was here to do an inspection for licensing and we would carry on. Tracey explained that she wanted to inspect the kitchen and asked if this was okay and he said yes. Tracey then went to inspect the kitchen. I carried out the rest of the inspection with Mr Otunyo. I told him that we could discuss any issues afterwards. I checked the CCTV and it was working, I asked Mr Otunyo to show me footage from 28 days back. Although the footage was there it was of very bad quality. Tracy came back from the kitchen whilst I was doing this. I found the following</p>
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					breaches of 348 (sound limiter notworking), 353 (windows and door to be kept closed); 369 (club scan notin use although installed), 341 & 370 (no SIA), although a refusal logwas produced it had not entries in it.We went to the lobby entrance. Tracey told Mr Otunyo that she wouldhave to come back on Tuesday to inspect as at the moment there wassomeone in the kitchen doing a deep clean. Tracy said that the ladyhad been there since 8. I told Mr Otunyo of the breaches with regardsto his premises licence and said that I would write to him about this.I told that at this stage it would be a warning and that officerswould come back to check matters had been put right. Mr Otunyo wasupset about this and said he does not want a warning letter and thathe was not in breach. I said that I had already explained and was notgoing to argue with him about whether they were breaches or not andthat I would write to him. I explained again that he must operate tothe conditions of his licence or he could face prosecution or be taken to a review, but for the moment I wanted him to rectify the issues. MrOtunyo called me a liar and said that I had said there was a DJ andthere was not. I said that when we arrive I saw the male that hadcould behind the DJ booth there albeit he was not there continuously(this point is irrelevant as condition 341 still requires siairrespective of a DJ or not.). Tracy reiterated that she would be backon Tuesday and I said we had to leave now. Mr Otunyo then becameangrier and said that he was fed up with us people keep coming andservng warning letters every week. I said that the NTET work all thetime and that if he kept getting visits it was most probably to checkif matters had been rectified. I said again that we are leaving now.As we were leaving noted two more people arriving. We walked away andMr Otunyo was still trying to argue. I said that I had nothing more tosay and that I would write to him. He followed us to the trafficlighs still trying to argue. When we got back to the car I called theNTET, WITH A VIEW TO a SECTION 19 and got not answer from the phone. Ileft a message again.
01/05/2015	22:20 NTE Visit	Farhad Chowdhury	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	1/ 5/2015 FRC Police informed us that LUSH Bar was closed tonight.
02/05/2015	00:06 NTE Visit	Farhad Chowdhury	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	2/ 5/2015 00:06 FRC closed tonight, doors closed and no activity.
25/07/2015	02:55 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Premises winding down. X 4 left the prmeises and X2 were standing insmoking rea of premises. No sound escape from premises. Noted onelady staggering out the prmeises and SIA member of staff stood besidethe female and asked if she was ok and if she wanted to sit down andcall someone to help her. Female could be heard saying that she wasok and that she was fine to make her way home. No ASB issues noted attime of visit.

05/09/2015	2:10 NTE Visit	Farhad Chowdhury	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	5/ 9/2015 FRC queue of people outside going inside premises,premises open.
12/09/2015	03:40 NTE Visit	Jayne Tear	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	03:45 Saw the NTET police van outside LUSH BAR all the people had gone and there was now no noise outside the premises. I went to speak to Stuart and he said that he had dealt with it. I told him that we had finished now and that Clarissa was going to take me back to Queensroad to pick up my car. We left Stuart in the van outside Lush Bar. As we were walking back to our vehicle which was parked a bit further along from G & F, Mr Otunyu who I recognised from Lush Bar approached me and put me off guard (as he was rather aggressive the last time I visited his premises) He then apologised for his behaviour the last time I visited, I accepted his apology and he tried to explain about the people tonight outside his premises (I felt very uncomfortable that he had again followed me down the street). I said that the police were dealing with his premises tonight and we were going home now. He said that the women outside that he let in had been outside for something and he had let them back in.
04/10/2015	02:15 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visit to premises with John Uzodinma Okeke. Request by David Franklin to check on club scan. X5 patrons located at the front of the premises who were being controlled and penned in a smoking area at the front of the premises. X2 SIA staff at the front entrance and X1 member of staff who was responsible for ticket sales and scanning in identification. Spoke with Douglas the operator and spot check of club scan showed that it was active. Advised by Douglas that he had not encountered any problems and that so far his patrons did not seem to be causing an issue to anyone. Advised Douglas that he needed to ensure that SIA staff were keeping an eye out for ASB issues and that he needed to ensure the rear door of the premises was closed when operational.
21/11/2015	21:41 NTE Visit	Farhad Chowdhury	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	21/11/2015 21:34 FRC party inside, people filming no manager seen and no door staff people eating and drinking, loud music will visit later.
28/11/2015	01:37 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Hi Earl, Please see notes from an NTE inspection I completed with Farhad Chowdhury on Saturday 28/11/2015. 01:37 Lush Bar, Old Kent Road – Joint Licensing and Health & Safety inspection completed with Farhad Chowdhury. Health & Safety inspection completed and Farhad undertook checks of the rear kitchen and it was found to be very untidy and unkept. Advisory works have been requested in relation to Health & Safety. ACTIONS • Notify food team based on the observation that the kitchen was in a dirty and unkept state. Possibly a premises the food team may wish to inspect.

10/01/2016	02:20 NTE Visit	Jayne Tear	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	<p>10/ 1/2016 02:20 JMT & EEM Visited premises at 02:20 hrs accompanied by the NTET POLICE (Sargentdemspter, PC Spedding and another pc). On entry Ken Spedding and I setabout checking the club scan. I asked the male door supervisor howmany people were in and scanned on the club scan and he did not know.I then asked him to do a search on the club scan to bring up all oftonight’s scanned in people and he did not know. He then said therewere 99 people in and bought up a screen with lots of photos, howeverwhen we clicked on the photos they were people that had been scannedin October and September. It was clear that neither the female sia or male sia had no idea how to use the club scan. Mr Otunyo came to thefront of the premises and Ken asked him if he had training withregards to the club scan and he said yes, Ken asked him to call up onthe club scan the entries for tonight and he said that he could notremember how to do it. There were 2 women trying to leave thepremises, who I think were polish and Ken spedding asked them if theirphoto id was on the scan. The first woman said yes. So Ken asked her‘which one of these is you’, pointing to the clubscan and the personshe picked had a completely different name. The second lady had no idon her at all so she could not have been scanned in. The female siaadmitted that if they did not have id that she let them in. Mr Otunyu tried to blame the staff for the breach and the Police told Mr Otunyu that it is his responsibility to make sure that his staff are trainedwith regards to the rules and conditions on the premises licence andusing the club scan equipment. Mr Otunyu went then to the kitchen EEMfor her to inspect. Whilst we were still standing in the lobbied areawhich was getting quite crowded more patrons were arriving to gainentry and the sia staff was about to let them in. I told the sia thatthere was no new entry allowed after 01:30. When Mr Otunyu came backwith EEM he let a couple of people in saying that they were already inand had gone out to smoke. But others were not let in. There was alady there that arrived after us that insisted that she had beenwaiting to get in for an hour. She was not there when we arrived, sothis was untrue, yet the lady still remained waiting and at no timedid the staff tell her that she was not allowed entry at this time. Itold Mr Otunyu that after we had checked the club scan, that I wantedto check that his music was being played through a SLD as it was veryloud. When Mr Otunyu let a male in and when challenged Mr Otunyo saidthe man was his DJ. The music went down immensely very quickly oncethe DJ? had entered the premises. EEM and I then went in to see ifthe music was being played through an SLD. When we got to the DJ booththere were 2 men behind it one of them was operating the decks and theone who had entered the premises was standing by him. I said to theman that had entered apex 2/3 minutes before. You came in and reducedthe level of the music as it is much lower now , and he said no he didnot ands that it was a different type of music now that’s why it seemsslower. The type of music was the same with an African base beat to it.The only difference was that the sound level had been lowered. I askedwere the SLD was and they pointed to on the wall high up where therewas a double socket with 2 plugs in, there was a green light on nextto the plug. I asked how it works and the DJ told me it cuts out</p>
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					when it gets too loud. I then asked him to put the music up loud and nothing happened but the light went to amber briefly. I told him to turn it back down as if it had not cut out at the level he raised it too, it was either not working properly or had not been set correctly. Ken Spedding served a section 19 closure notice to Mr Otunyu. Identified breaches of the following conditions on the premises licence 369,364/841,243, 348, 356, 357. EEM told me that she could not inspect the kitchen properly as she was told by Mr Otunyu that food is not being provided at the moment. She said the kitchen was dirty and some of the equipment was rusty and she advised Mr Otunyu that before he provided food to contact her so that a full check could be done.
26/03/2016	00:40 NTE Visit	Farhad Chowdhury	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	26/3/2016 00:40 FRC seen 3 SIA door staff on the doors premises open.
22/04/2016	22:45 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visit to premises with John Uzodinma. Accompanied John on a food visit to premises. Inspection carried out at the premises whilst John was completing the food inspection I checked club scan and the sound limiter no issues noted.
22/05/2016	00:49 NTE Visit	Farhad Chowdhury	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Long queues outside very busy
26/08/2016	22:30 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visit to Lush Bar with Matt Bourne and Stuart from NTE police. Premises closed ATOV.
09/09/2016	23:00 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visit with Ken Andrews. Compliance check. Premises closed.
24/09/2016	04:39 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Observation of premises with Adam Burtchet. Premises owner 'Douglas' arrived in a car and opened up the premises and went inside. After 15min he reappeared pulled down the shutters of the premises and drove off. No compliance related issues in regards to the suspension of the premises licence were witnessed.
14/10/2016	21:42 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Drive past premises with Farhad Chowdhury and noted that the entrance door of the premises was open and X23 males were stood outside the premises. Music was not audible from within the premises however it appeared that the premises were intending on being operational. Call made to NTE police to update them that we believed that the premises may be operational tonight.

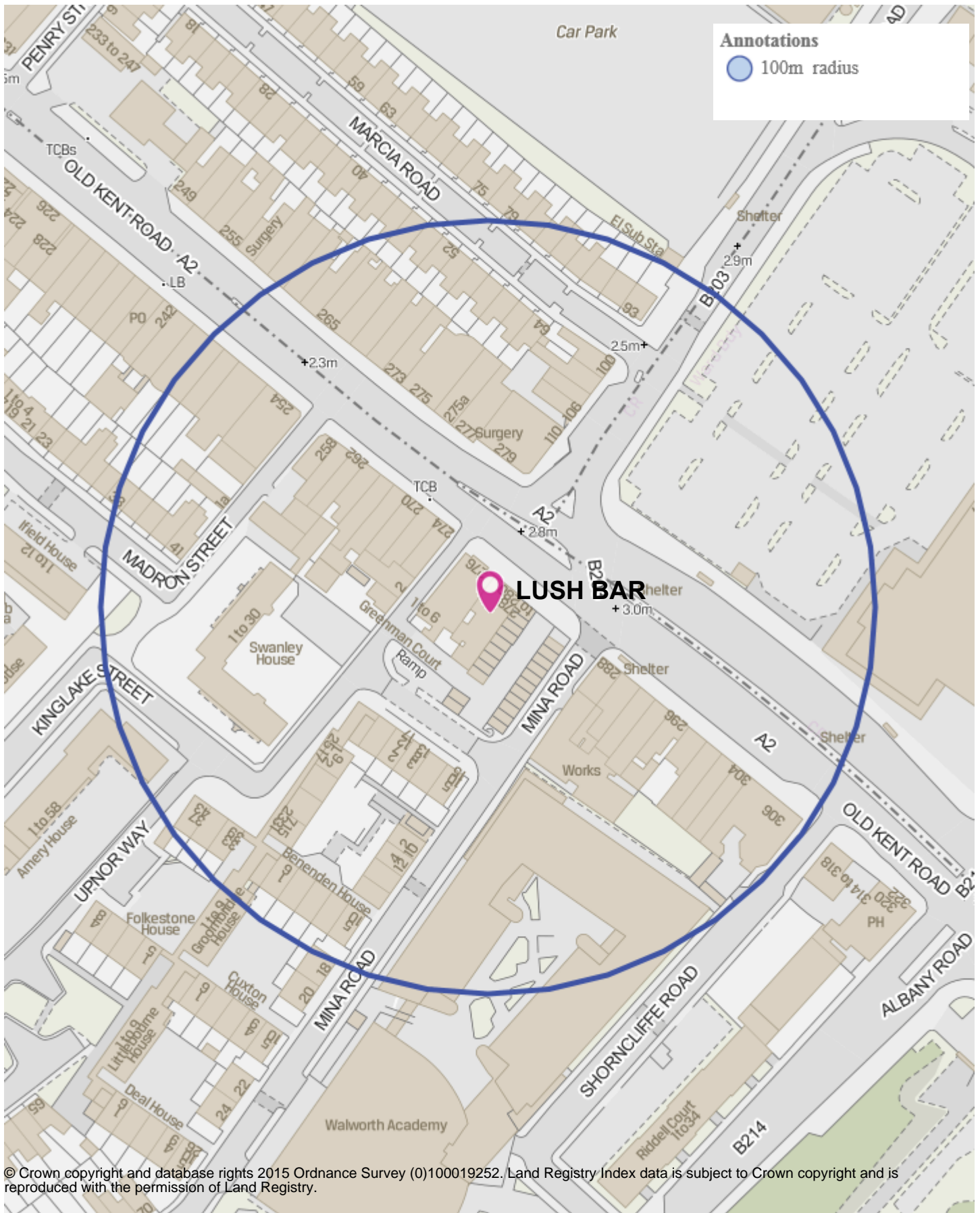
14/10/2016	22:40 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Drive past premises with Farhad Chowdhury and noted that the premises now appeared to be fully operational. Farhad Chowdhury did not want to enter into the premises as he was concerned that he would be identified by management of the premises in regards to his comments about the premises at a Review hearing for the premises at Licensing Sub – Committee. Call made to NTE police to update them that we believed that the premises was now operational and required a visit. Advised by Police Night Time Economy that they would visit the premises to establish if licensable activities were taking place within the premises. At the time this call was taking place from our vantage point of the car we were travelling in I noted that X1 IC3 male left the premises carrying from what I could see was a bottle of wine / champagne.
15/10/2016	02:16 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Drive past premises with Farhad Chowdhury. Premises closed ATOV.
12/11/2016	03:30 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	
12/11/2016	23:00 NTE Visit	Natasha O'Donogue	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Attended premises with Roy Fielding, check at premises to see if shisha is being smoked and if there is a smoking shelter up. On arrival met with the NTE Police, saw and spoke with Douglas Otunyo. The premises licence has been suspended and Mr Otunyo has been removed as a DPS. There were approx 30 people in premises at ov, Mr Otunyo said just food was available and people were bringing their own drinks, no sign of any licensable activities taking place. Mr Otunyo said the premises were closing at 11pm. In respect of the DPS at the premises, Mr Otunyo has 2 people in mind to be the DPS at Lush - he wants to speak to Licensing Police Ian Clements about it. In respect of the shisha - there is a poster in the premises window advertising e-shisha. On speaking to Mr Otunyo he said no shisha is taking place presently, he is still thinking about whether he is going to do it.. He said if he does go ahead with it it will be smoked inside at the front of the premises - it will be electronic and not tobacco shisha...
19/11/2016	19:15 NTE Visit	Farhad Chowdhury	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	19/11/2016 19:15 FRC closed at time of visit.
25/11/2016	19:15 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visit to premises with Farhad Chowdhury. Lights of the premises were on within the premises and the shutters were down. Looked through the main entrance window and it was clear that there was no activity taking place within the premises. Side and rear of the premises was checked and no activity was witnessed giving an indication that the premises was operational or planning to be operational.

25/11/2016	21:50 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visit to premises with Farhad Chowdhury. Premises were non operational ATOV.
02/12/2016	23:10 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visit to premises with Andrews. Premises closed ATOV.
03/12/2016	01:45 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visit to premises with Ken Andrews. Premises closed ATOV.
14/01/2017	22:25 NTE Visit MAD & FRC	Mark Orton	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Premises hosting private party. Small group of people eating, some alcohol and soft drinks on tables that patrons had brought in. No sign of alcohol being sold, event ending, most patrons appear to be 35+ years and above, no music playing. Discussed minor variation with Douglas and he stated that he'd taken advice from the Police and Dorcas Mills before submitting. Also discussed simple caution and he's not of the opinion that he admitted any offence.
15/01/2017	02:50 NTE Visit MAD & FRC	Mark Orton	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Shutters down but interior lights are on. Look through window but the premises is empty and not in operation.
22/01/2017	01:45	Alexander Lisowski	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visited venue at 01.45am, Sunday, 22nd January, 2017, with Roy Fielding (Housing). Venue should stop serving alcohol at 01.30am and close at 02.00am. PLH, Mr Douglas Otunyo, had applied for a TEN for the weekend, but it had been rejected. Venue still open at time of visit. Douglas Otunyo was present but the DPS, Folarin Olaopa, wasn't. Six other people present. Appeared to be drinking non-alcoholic drinks. No sign of any alcohol on the tables. Checked behind the bar. No alcohol on display and none stored under the bar. Otunyo stated that he had been operating as a restaurant until 11pm and then finished. The people still in the venue were friends. There was an electric till with a control box behind the bar. I asked Otunyo to show me the last transaction on the till. He told me that he didn't know how to operate the till and that his staff knew how to operate the till. I insisted that he show me the last transaction. He spent 5 minutes fiddling with the control box but still couldn't show me the last transaction. I then asked to see CCTV recordings for Saturday at 23.00pm. There are all sorts of things stored by the side of the bar. He pulled a monitor from amongst all this stuff and plugged it in. He then did some actions on the till control box which switched on the monitor. He was then able to show me previous CCTV recordings on the monitor. However the time was not set correctly on the monitor. The time shown on the monitor is 1 hour ahead of the time of the actual footage.
28/01/2017	03:28 NTE Visit	Richard Kalu	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visit to premises with Matt Bourne. Premises closed ATOV.

28/01/2017	21:47 NTE Visit	Alexander Lisowski	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	<p>Visited venue at 21.47pm, Saturday, 28th January, 2017, with Matt Bourne (Trading Standards). The PLH, Mr Douglas Otunyo, was present. The DPS, Mr Folarin Oloapa, wasn't. When asked, Otunyo stated that Oloapa wasn't working that night. The venue is now operating as a restaurant. There were people at 2 of the tables eating food. Alcohol was on display behind the bar. Otunyo was under the impression that he was operating under a TEN for Friday night through to Saturday morning, and for Saturday night through to Sunday morning. I looked at his copy of the TEN it only covered Friday night through to Saturday morning. Otunyo doesn't appear to understand how to fill out the times correctly on a TEN that covers more than one day. I advised him to consult my Department the next time he applies for a TEN to ensure it is filled out correctly. Condition 341 of the licence states: "That 2 SIA registered door supervisors, at least one of whom shall be female, shall be employed at all times after 22.00 when the terminal hours is after 00.30." There weren't any SIA staff present during the course of my visit. When asked, Otunyo stated he was going to close the venue at midnight. I subsequently revisited at midnight. The venue was closed. Condition 363 states: "That no children shall be on the premises where alcohol can be served after 9.00pm." At 22.03pm a woman with 4 children, who all looked under 5 years of age, came in and sat at a table. Otunyo didn't not take any action until I pointed out the relevant condition on the licence. Otunyo claimed he hadn't seen them because he was talking to me. He then asked the woman to take the children away. At the time of my visit there was a male waiter serving tables. He didn't react to the woman coming in with children. There are conditions on the licence concerning notices asking customers to leave quietly and not to take drinks outside. Contact details of a cab firm must be displayed. There should be a dispersal policy, which is available on demand to be viewed by Police and Council. All these conditions were complied with.</p> <p>31/ 1/2017 11:29 MQ3</p>
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LUSH BAR - 280, OLD KENT ROAD, SE1 5UE



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