

Licensing Sub-Committee

Thursday 23 March 2017

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Sandra Rhule
Councillor Bill Williams

Reserves

Councillor Sunil Chopra

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 14 March 2017



Licensing Sub-Committee

Thursday 23 March 2017
10.00 am

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

Order of Business

Item No.	Title	Page No.
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PART A - OPEN BUSINESS

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

A representative of each political group will confirm the voting members of the committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.

5. LICENSING ACT 2003: LUSH BAR & RESTAURANT, 280 OLD KENT ROAD, LONDON SE1 5UE	1 - 57
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6. LICENSING ACT 2003: ROCK ISLAND, 320-322 OLD KENT ROAD, LONDON SE1 5UE	58 - 106
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ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT

PART B - CLOSED BUSINESS**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT

Date: 14 March 2017

Item No. 5.	Classification: Open	Date: 23 March 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Lush Bar & Restaurant, 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 licensing sub-committee considers an application made by Douglas Otunyo to vary the premises licence under the Licensing Act 2003 in respect of the premises known as Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE.
2. Notes:
 - a) This application seeks to vary existing licensable activities held under current legislation in respect of the premises known as Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub committee. A copy of the full application and the current premises licence are attached as Appendices A and B.
 - c) Paragraphs 12 to 18 of this report deal with the representations received to the variation of premises licence application. Copies of the relevant representations are attached as Appendix C.
 - d) Paragraph 39 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix F.
 - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:

- The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:
- The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. The current licence in respect of the premises was issued on 9 January 2017. It allows the following licensable activities:
- **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
 - **Opening hours of the premises**
Sunday to Wednesday: 06:00 - 00:00
Thursday: 06:00 - 00:30
Friday and Saturday: 06:00 - 02:00.
9. A copy of the existing premises licence is attached as Appendix B.

The variation application (as amended)

10. On 26 January 2017 Douglas Otunyo applied to this council to vary the premises licence in respect of the premises known as Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE. The application sought to change the business to a restaurant and consisted of the following:
 - Variation for removal of I.D. scanner condition (condition 369)
 - Removal of regulated entertainment
 - Reduction of security from 3 to 1 (conditions 341 and 841 (842 as amended by email)
 - To add condition to serve food with drinks
 - To change the last entry on Friday and Saturday to 01:00 instead of 02:00 (condition 843)
 - To change the polycarbonate/plastic drinks container condition on Friday and Saturday from 22:00 (condition 844).
11. The premises licence application form provides the applicant operating schedule. Part M sets out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Representations from responsible authorities

12. Representations were submitted by the Metropolitan Police Service, licensing (as a responsible authority), health and safety and public health.
13. The police representation is concerned that the applicant has not offered sufficient control measures as part of the operating schedule to promote the licensing objectives. Considering the licence was subject to a recent expedited review due to serious violence and disorder. The licence was initially granted as a restaurant licence and has subsequently had the hours extended and conditions added to move more towards a night club operation by previous variations. They would expect the applicant to offer a reduction in hours if the conditions on the licence are to be removed and for them to be in line with the Southwark council statement of licensing policy for the area the venue is situated.
14. They have further suggested a number of conditions to either replace or vary the conditions the applicant proposes to remove should the licensing sub-committee be minded to grant the application.
15. Licensing (as a responsible authority) are concerned that the premises is situated within a residential area and under the Southwark statement of licensing policy, the closing times appropriate for public houses, wine bars or other drinking establishments and restaurants and cafes is 23:00 hours daily. Night clubs (with sui generis planning classification) are not considered appropriate for this area. This premises already has generous hours for a restaurant/bar and has been subject to a recent licence review on 22 September 2016 whereby the licensing sub-committee (LSC) suspended the licence for three months, removed the DPS (who was Mr Douglas Otunyo at that time and the applicant to this application), reduced the operating hours and added further conditions. The applicant has asked to remove regulated entertainment from the premises licence it should be noted that this would not prevent live music and recorded music being played before 23:00.

16. The representation from health safety is concerned that there have been a number of violent incidents associated with this premises, they are also concerned with the management of the premises with regards to security.
17. Public health is concerned that these conditions were recently imposed upon this licence by Southwark's licensing sub-committee. Additionally, this premises has had a number of issues regarding its operational management for some time and given these issues have recommended a number of conditions.
18. Copies of the representations received are attached as Appendix C.

Representations from other persons

19. There are no representations received from other persons.

Conciliation

20. The representations were forwarded to the applicant and the licensing sub committee will be notified of any updates on 23 March 2017.

Premises history

21. The premises in respect of the premises licence consists of a bar and restaurant on the ground floor of 280 Old Kent Road.
22. 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 designated premises supervisor (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.
23. A new application for a premises licence was submitted by the current premises licence holder, Douglas Otunyo on 7 April 2014 with Mr Otunyo as the DPS.
24. 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.
25. 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 three months, the DPS (Mr Douglas Otunyo, applicant of this variation application) was removed from the licence, hours were reduced and conditions modified. A copy of the notice of decision is attached as Appendix D.
26. An application to change the DPS to Mr Folarin Olaopa was submitted on 9 January 2017.
27. 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.

Inspections/visits

28. On Saturday 12 November 2016 at 23:00 there was a private party taking place. There was no regulated activity taking place.
29. On Saturday 14 January 2017 at 22:25 there was a small private party taking place. There was no regulated activity taking place.

30. On Sunday 22nd January 2017 01.45 the premises was compliant when it was visited.
31. On Saturday 28th January 2017 at 21.47 the applicant Mr Otunyo showed some confusion over dates covered by the TEN and advice was given on how to ensure TENS are completed correctly was given.
32. The 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.
33. 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.
34. 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.
35. 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 put together. Breaches included ineffective use of the ID scanning system and the admittance of patrons beyond the permitted times.
36. Further details of the licensing visits are attached to this report as Appendix E.

Temporary Event Notice

37. Temporary event notices would allow the premise to circumvent the modified licence and essentially allow the premises to operate over a period with no control measures in place.
38. Below is the recent history of TENS for the last year in respect of the premises.

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
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

No.	Premises user	Date of event	Time of event and activities
			22:00 – 00:00 Alcohol and LNR

The local area

39. A map of the area is attached to this report as Appendix F. The premises is identified by a triangle at the centre of the map. For purposes of scale-only the circle on the map has a 100 metre radius. The following licensed premises terminal hours are also shown on the map:

Off Licence

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

Late Night Refreshment

- Super Pizza, 292 Old Kent Road, London SE1 5UE (Sunday to Thursday until 01:00 and Friday and Saturday until 02:00)
- Perfect Fried Chicken, 259 Old Kent Road, London SE1 5LU (Monday to Sunday until 00:00)
- Old Kent Fish Bar, 253 Old Kent Road, London SE1 5LU (Monday to Sunday until 01:00)
- Village Pizza, 230 Old Kent Road, London SE1 5UB (Sunday to Thursday until 03:00 and Friday and Saturday until 04:00)
- Halal Kebab House, 273 Old Kent Road, London SE1 5LU (Monday to Sunday until 03:00)
- El Turkistan Takeaway, 304 Old Kent Road, London SE1 5UE (Sunday to Thursday until 02:00 and Friday and Saturday until 03:00)

Restaurant

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

Deregulation of entertainment

40. On 6 April 2015 entertainment became deregulated and as a result:

- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
- Live amplified music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people.

41. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Southwark council statement of licensing policy

42. Council Assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
 - Section 5 - Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 - Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 - Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 - The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 - Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 - The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 - The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
43. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
44. Within Southwark's statement of licensing policy, the premises are identified as being within a residential area. Relevant closing times recommended in the statement of licensing policy for licensed premises in residential areas are as follows:
- Restaurants, pubs and wine bars: Monday - Sunday to 23:00
 - Night clubs (with Sui Generis planning classification) are not considered appropriate for residential areas.

Resource implications

45. A fee of £190 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band A.

Consultation

46. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and similar notices exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

47. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of law and governance

48. The sub-committee is asked to determine the application for a premises licence under section 34 of the Licensing Act 2003.
28. The principles which sub-committee members must apply are set out below.

Principles for making the determination

49. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
50. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
51. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
52. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- Add to, omit, and/or alter the conditions of the licence or,
 - Reject the whole or part of the application for variation.

Conditions

53. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
54. The four licensing objectives are
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance

- The protection of children from harm.
55. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
 56. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
 57. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions came into force; age verification policy and smaller measures for alcoholic drinks.
 58. Members are also referred to the Home Office guidance on conditions.

Reasons

59. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for to vary the premises licence, it must give reasons for its decision.

Hearing procedures

60. 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 representations.
 - 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 application.
 - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
 - 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 any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing

61. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the licensing sub-committee

62. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
63. 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.
64. As a quasi-judicial body the licensing sub-committee is required to consider the application 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 all persons entitled to make representations to them.
65. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
66. 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.
67. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making representations 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.
68. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee 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.

Guidance

69. Members are required to have regard to the Home Office 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.

Strategic Director of Finance and Governance

70. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

Background documents

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application
Appendix B	Premises Licence
Appendix C	Representations from responsible authorities
Appendix D	Notice of decision from previous hearing
Appendix E	Night time economy team visits
Appendix F	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure		
Report Author	Dorcas Mills Principal Licensing Officer		
Version	Final		
Dated	10 March 2016		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments sought	Comments included	
Director of Law & Democracy	Yes	Yes	
Strategic Director of Finance and Governance	No	No	
Cabinet Member	No	No	
Date final report sent to Constitutional Team		10 March 2016	

26/01/2017

Business - Application to vary a premises licence under the Licensing Act 2003

Ref No. 754888

Please enter the name(s) of the premises licence holders who is applying to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

	Lush Bar and Restaurant
Premises licence number	857405

Non-domestic rateable value of premises in order to see your rateable value click here (opens in new window)

£	15000
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Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	280 OLD KENT ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE1 5UE
Ordnance survey map reference	se1 5ue
Description of the location	restaurant and bar
Telephone number	

Please select the capacity in which you are applying to convert your existing licence

Daytime contact telephone number	
Email address	
Postal Address if different from premises address	
Town / City	
Postcode	se1 5ue

Do you want the premises licence to have effect as soon as possible?

Please tick	Yes
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If not from what date do you want the variation to take effect?

(DD/MM/YYYY)	
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Please describe briefly the nature of the proposed variation (see guidance note 2)

	Changing the business to a restaurant Removal of Condition 369 (id scanner) Removal of regulated entertainment Reduction of security from 3 to 1 (341 and 841) add condition to serve food with drinks last entry fri and sat to 1am from 2am polycarbonate / plastic condition adjust to friday and sat from 22pm 844
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If 5,000 or more people attend the premises at any one time, please state the number

Please select number from range	Less than 5000
If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time. Please state the number expected to attend	

What licensable activities do you intend to carry on from the premises?

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 to the Licensing Act 2003)
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Provision of regulated entertainment

Provision of late night refreshment

	i) Late night refreshment
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Supply of alcohol

	j) Supply of alcohol
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Will the provision of late night refreshment take place indoors or outdoors or both? (Please read guidance note 3)

	Indoors
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Please give further details here (Please read guidance note 4)

	no change in late night refreshment
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Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 7)

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri		
Sat		
Sun		

State any seasonal variations for the provision of late night refreshment (Please read guidance note 5)

--	--

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed. Please list, (Please read guidance note 6)

--	--

Will the supply of alcohol be for consumption (Please read guidance note 8)

	On the premises
--	-----------------

Standard days and timings for Supply of alcohol (Please read guidance note 7)

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		

Fri		
Sat		
Sun		

State any seasonal variations for the supply of alcohol (Please read guidance 5)

--	--

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, (Please read guidance note 6)

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Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (Please read guidance note 9)

	no
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Hours premises are open to the public (standard timings Please read guidance note 7)

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri		
Sat		
Sun		

State any seasonal variations (Please read guidance note 5)

--	--

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 6)

--	--

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

	Removal of Condition 369 (id scanner) Removal of regulated entertainment Reduction of security from 3 to 1 (341 and 841) add condition to serve food with drinks
--	---

	last entry fri and sat to 1am from 2am polycarbonate / plastic condition adjust to friday and sat from 22pm 844
--	--

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 10)

	removing the regulated entertainment
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b) the prevention of crime and disorder

	removing the regulated entertainment
--	--------------------------------------

c) public safety

	removing the regulated entertainment
--	--------------------------------------

d) the prevention of public nuisance

	removing the regulated entertainment
--	--------------------------------------

e) the protection of children from harm

	removing the regulated entertainment
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If the plan of the premises are varying please upload a plan of the premises,

Upload proposed plans	
Upload existing plans	

Checklist

	I understand that I must now advertise my application. I understand that if I do not comply with the above requirements my application will be rejected.
--	---

I agree to the above statement

	I agree
PaymentDescription	██████████
AuthCode	██████
LicenceReference	L██████████
PaymentContactEmail	

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If completing on behalf of the applicant, please state in what capacity.

Full name	Douglas Otunyo
Date (DD/MM/YYYY)	26/01/2017
Capacity	owner

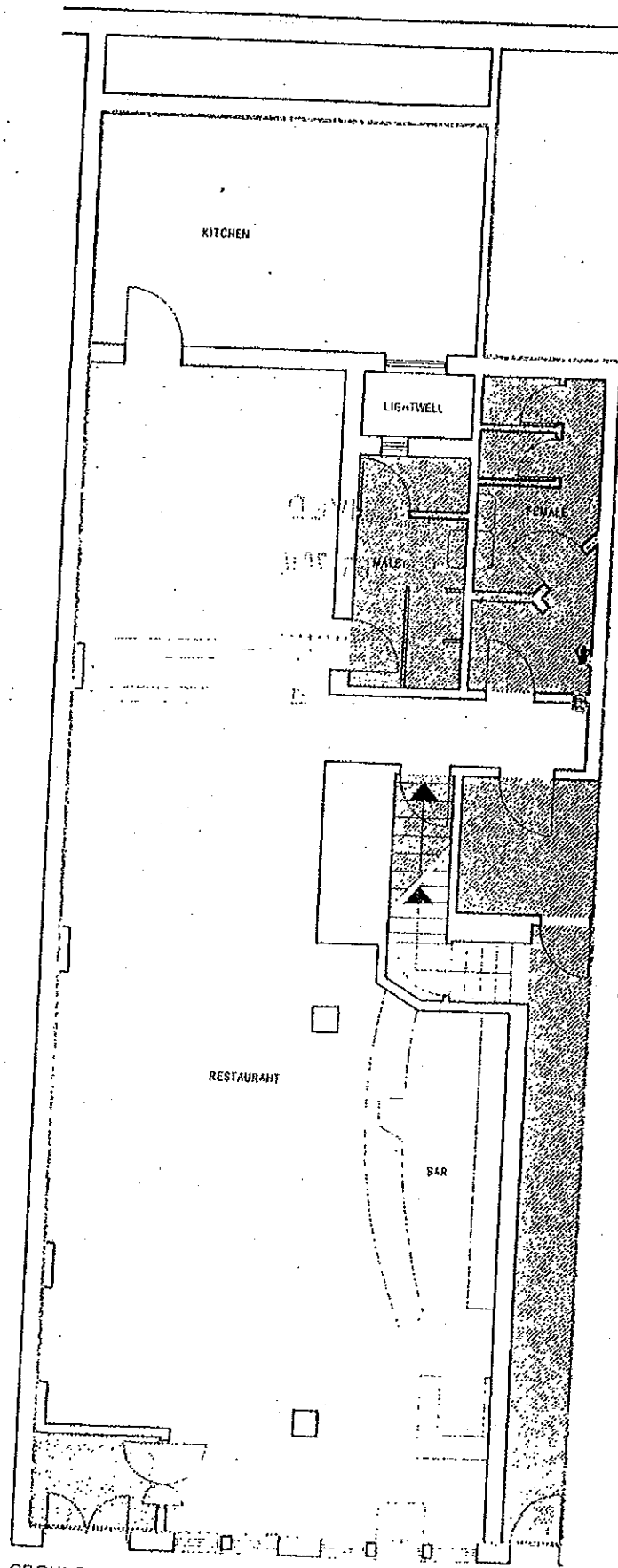
Where the premises licence is jointly held, please enter the 2nd applicants name (the current premises licence holder) or 2nd solicitor or other authorised agent (please read guidance note 13). If completing on behalf of the applicant, please state i

Full name	
Date (DD/MM/YYYY)	
Capacity	

Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 14)

Contact name and address for correspondence	
Telephone No.	
If you prefer us to correspond with you by e-mail, your email address (optional)	

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.



GROUND FLOOR PLAN
150

OLD NEW ROAD PASSEYENT

Licensing Act 2003 Premises Licence

19

APPENDIX B



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

**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/ 2917/17

Date: 22nd February 2017

Dear Sir/Madam

Re:- Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE

Police are in possession of an application from the above for a variation to the premises licence, the application is to change the use to a restaurant style premises between the following hours

Opening Hours

Sun–Wed 0600hrs – 0000hours / Thu 0600hrs – 0030hrs /Fri–Sat 0600hrs - 0200hrs

Late Night Refreshment

Sun–Wed 2300hrs – 2330hours / Thu 2300hrs – 0000hrs /Fri–Sat 0600hrs - 0130hrs

Supply of alcohol

Sun–Wed 1200hrs – 2330hours / Thu 1200hrs – 0000hrs /Fri–Sat 1200hrs - 0130hrs

He has also requested the removal of regulated entertainment and a number of conditions from the licence.

We object to the granting of the variation as the applicant has not offered sufficient control measures as part of the operating schedule. Considering the licence was subject to a recent expedited review due to serious violence and disorder they do not to satisfy us as sufficient to promote the licensing objectives.

The licence was initially granted as a restaurant licence and has subsequently had the hours extended and conditions added to move more towards a night club operation by previous variations. We would expect the applicant to offer a reduction in hours if the conditions on the licence are to be removed and for them to be in line with the Southwark council statement of licensing policy for the area the venue is situated.

As some of the conditions were placed on the licence at a review hearing, we do not consider it appropriate to agree to the removal of the conditions placed on the licence at the Sub-committee hearing.

If the Sub-Committee feel it appropriate to vary the licence to operate as a restaurant and allow the removal the ID scanning system we would like to see the following as a minimum.

1. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to their meal.
2. Alcohol only to be served to customers that are seated and eating a substantial table meal and ancillary to that meal unless waiting to be seated for a meal in a designated area with a maximum of 6 people.
3. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.
4. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of two measures per container/glass

Replace condition 341 & 842

5. That two SIA registered door supervisors will be engaged when the premises are in operation Friday, Saturday or when the terminal hour is after 00.30hrs and will be employed at all times after 21:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.

To replace condition 357

6. That all staff are trained in their responsibilities under the Licensing Act 2003, the terms and conditions of this licence and in recognising the signs of drunkenness in customers. Records pertaining to such training shall be kept at the premises and shall be updated every 6 months. The training records shall be made immediately available to officers of the Police and the Council upon request.

To replace condition 288 & 289

7. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises. It should cover all areas within the premises including the outside area to the front in all lighting conditions

8. 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.
9. At least one member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
10. That an Incident record is maintained and signed by the Designated premises supervisor (DPS) on a weekly basis and is made available to police and council officers immediately on request.

The Following is submitted for your consideration,

Yours Sincerely

PC Graham White 288MD

Southwark Police Licensing Unit

Tel: 0207 232 6756

MEMO: Licensing Unit

To Licensing Unit **Date** 23 February 2017

Copies

From Jayne Tear **Telephone** 020 7525 0396 **Fax**

Email jayne.tear@southwark.gov.uk

Subject Re: Lush Bar & Restaurant, 280 Old Kent Road, London, SE1 5UE
Application to vary the premises licence

I write with regards to the above application submitted by Douglas Otunyo to vary the premises licence under the Licensing Act 2003 which seeks the following changes to the licensable activities and conditions:

The applicant describes the nature of the proposed variation within the application as follows:

'Changing the business to a restaurant, Removal of Condition 369 (id scanner), Removal of regulated entertainment, Reduction of security from 3 to 1 (341 and 841), Add condition to serve food with drinks, Last entry Fri and sat to 1am from 2am, Polycarbonate / plastic condition adjust to Friday and sat from 22pm 844'

My representation is submitted under the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing Policy 2016 – 2020

This premises is situated within **a residential area** and under the Southwark Statement of Licensing Policy the closing times appropriate for public houses, wine bars or other drinking establishments and restaurants and cafes is 23:00 hours daily. Night clubs (with sui generis planning classification) are not considered appropriate for this area.

This premises already has generous hours for a restaurant/bar and has been subject to a recent licence review on 22 September 2016 whereby the licensing sub-committee (LSC) suspended the licence for 3 months; removed the DPS (who was Mr Douglas Otunyo at that time), reduced the operating hours and added further conditions. I attach to this representation a copy of the notice of decision for the review hearing. The decision of the licensing sub-committee was not appealed by Mr Otunyo.

Although Mr Otunyo has asked to remove regulated entertainment from the premises licence it should be noted that this would not prevent live music and recorded music being played before 23:00.

I am concerned that Mr Otunyo is seeking to remove conditions that were put on the licence at the review hearing to promote the licensing objectives. Especially those conditions regarding SIA door supervisors.

The application is not very clear so for clarification the conditions that are being asked to be removed or change are as follows:

Conditions requested to be removed from the premises licence:

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.*

Conditons requested to be changed on the premsies licence:

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.*

The application states the change will be 'reduction of security from 3 to 1'

The amendments asked for in the above condition would conflict with condition 842 which was put on the premises licence by LSC at the review hearing. Condition 842 states '*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*'.

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.*

The application states the change will be 'reduction of security from 3 to 1' which is not relevant to this condition.

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.*

The operating schedule of this application is lacking and the applicant has not offered any further replacement suggestions of those conditons to address crime and disorder or public nuisance other than '*to serve food with drinks*'.

I have no faith in Mr Otunyo to manage the premises in a responsible manner or to promote the licensing objectives. Officers of the council have visited the premises since the suspension of the licence and so far have not met the new DPS Mr Folarin Olaopa.

Further to this the licensing unit have also witnessed several breaches of the licensed conditions and enforcement action was pursued a with regards to the breaches and I may submit further information supporting this representation at a later stage.

As there is limited information provided within this application I ask the applicant to provide suitable alternatives to the conditions that he has asked to be removed/or changed that would promote the licensing objectives and to also to provide an accommodation limit for the premises and explain how that would be controlled.

I therefore submit this representation and welcome any discussion with the applicant to address my concerns

Jayne Tear
Principal Licensing officer
In the capacity of the Licensing Responsible Authority



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

MEMO: Licensing Unit

To Licensing **Date** 17th February 2017

Copies

From Farhad Chowdhury **Telephone** 020 7525 0398

Email Farhad.chowdhury@southwark.gov.uk

Subject Lush Bar and Restaurant , 280 Old Kent Road, London SE1 5UE

I write in reference to an application for a full variation of the premises licence made by Mr Douglas Otunyo in respect of **The Lush bar and restaurant 280 Old Kent Road, London SE1 5UE**. Made under the Licensing Act 2003.

I would make the following comments:

- There have been a number of violent incidents associated with this premises, the licensee clearly cannot manage the premises on his own. The licensee needs to keep his door staff which are SIA trained and registered in order to maintain a level of security within the premises. He also needs to keep his ID scanner to ensure that all persons entering the premises are scanned this is to reduce crime and for public safety.
- Officers have visited the premises at night on Night Time Economy and have discovered that the premises is open and yet the front shutters have been closed on many occasions. Customers are inside and they cannot escape safely in case of fire, I am concerned for the safety of the customers within the premises. The licensee needs to ensure the front shutters are not closed whilst the premises is open.
- The premises has been run as a nightclub, with live music and DJ etc. The licensee also hires out the venue for parties birthdays, weddings. I am concerned that there will be a serious incident soon if these conditions are removed from the licence.

I therefore object to this variation application made by Mr Douglas Otunyo.

Farhad Chowdhury
Principal Enforcement Officer

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Monday, February 20, 2017 10:32 AM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: Major Variation for Lush Bar 280 Old Kent Road

To whom it may concern:

Re: Lush Bar, 280 Old Kent Road, London SE1 5UE

On behalf of the Acting Director of Public Health for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

The representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

General Comments

Public Health are in receipt of an application from the above to vary their current licence to enable the operation of a restaurant. The following amendments have been requested:

- Removal of Condition 369 (id scanner),
- Removal of regulated entertainment,
- Reduction of security from 3 to 1 (341 and 841).
- To also add a condition to serve food with drinks.
- Last entry Friday and Saturday to change to 1am instead of 2am.
- Polycarbonate / plastic condition adjust to Friday and sat from 22pm 844.

These conditions were recently imposed upon this licence by Southwark's Licensing Sub Committee. Additionally, this premises has had a number of issues regarding its operational management for some time. Given these issues I recommend the following:

- The end time for alcohol sales be amended to 23:00 daily. This is end time for alcohol sales that is recommended in Southwark's Statement of Licensing Policy
- Alcohol can only be served ancillary to a substantial table meal
- No vertical drinking

If you have any further questions, please do not hesitate to contact me.

Carolyn Sharpe
on behalf of Dr Jin Lim, Acting Director of Public Health



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.

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

Date: 22 September 2016

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 were parked in tescos car park. As doors open there was bursts of loud music, 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 there was 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 a nightclub, 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 busy and music was being played however there was no noise breakout at the premises. Spoke with the premises Licence Holder and entered the premises which had a very high number of patrons drinking and dancing. Almost all patrons within the venue were dancing and drinking and as we walked through the premises to the kitchen we could see that there were 4 plates of food laid out on separate tables with in my opinion not substantial amounts of food on plates. In discussion with the premises licence holder he seemed to believe that he had submitted a TEN for the event taking place. Myself and the Police advised Douglas (Premises Licence Holder) that the TEN which was submitted was for Sat leading into Sun and not Fri leading into Sat based on intel received by the Police. No confirmation of the TEN submitted could be produced and the Police elected to serve a Section 19 on the premises. The Police however as a precaution advised the premises licence holder that they would visit the premises the next day and would give management the opportunity to evidence what date the TEN was submitted for. I have asked NTE Police to update Licensing in respect of this or complete a further visit to the premises on the Sat to follow up on this. Also discussed with management that it appeared that the premises was not operating as a restaurant and had appeared to morph into a club /bar. Advised management that if this is what they wanted to operate as they would need to vary the premises licence and begin to look at putting measures in place such as club scan and having a satisfactory compliment of SIA members of staff at the premises. I have also advised management if they were in the future seeking to operate the premises as a club they would also need to have a discussion with the planning department in respect of this. The premises licence holder advised us that these events were one off's and he still only wanted to operate as a restaurant. He advised us that events of this nature would only be run and operated under a TEN. Subsequently a check has been done and we now have confirmation that the premises was covered by a temporary event notice. No further action required in respect of events which were taking place at the premises (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 clubscan 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 id 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 reg ent and the condition says that he only need 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 appx 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 turn 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 EPTs 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. Tracy then went off 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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					<p>breaches of 348 (sound limiter not working), 353 (windows and door to be kept closed); 369 (club scan not in use although installed), 341 & 370 (no SIA), although a refusal log was produced it had not entries in it. We went to the lobby entrance. Tracey told Mr Otunyo that she would have to come back on Tuesday to inspect as at the moment there was someone in the kitchen doing a deep clean. Tracy said that the lady had been there since 8. I told Mr Otunyo of the breaches with regard to 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 officers would come back to check matters had been put right. Mr Otunyo was upset about this and said he does not want a warning letter and that he was not in breach. I said that I had already explained and was not going to argue with him about whether they were breaches or not and that I would write to him. I explained again that he must operate to the 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. Mr Otunyo called me a liar and said that I had said there was a DJ and there was not. I said that when we arrive I saw the male that had been behind the DJ booth there albeit he was not there continuously (this point is irrelevant as condition 341 still requires SIA irrespective of a DJ or not.). Tracy reiterated that she would be back on Tuesday and I said we had to leave now. Mr Otunyo then became angrier and said that he was fed up with us people keep coming and serving warning letters every week. I said that the NTET work all the time and that if he kept getting visits it was most probably to check if matters had been rectified. I said again that we are leaving now. As we were leaving noted two more people arriving. We walked away and Mr Otunyo was still trying to argue. I said that I had nothing more to say and that I would write to him. He followed us to the traffic lights still trying to argue. When we got back to the car I called the NTET, WITH A VIEW TO a SECTION 19 and got not answer from the phone. I left a message again.</p>
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	<p>Premises winding down. X 4 left the premises and X2 were standing in smoking area of premises. No sound escape from premises. Noted one lady staggering out the premises and SIA member of staff stood beside the female and asked if she was ok and if she wanted to sit down and call someone to help her. Female could be heard saying that she was ok and that she was fine to make her way home. No ASB issues noted at time of visit.</p>

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 (Sargent demspter, PC Spedding and another pc). On entry Ken Spedding and I set about checking the club scan. I asked the male door supervisor how many 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 of tonight's scanned in people and he did not know. He then said there were 99 people in and brought up a screen with lots of photos, however when we clicked on the photos they were people that had been scanned in 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 the front of the premises and Ken asked him if he had training with regards to the club scan and he said yes, Ken asked him to call up on the club scan the entries for tonight and he said that he could not remember how to do it. There were 2 women trying to leave the premises, who I think were polish and Ken Spedding asked them if their photo id was on the scan. The first woman said yes. So Ken asked her 'which one of these is you', pointing to the club scan and the person she picked had a completely different name. The second lady had no id on her at all so she could not have been scanned in. The female sia admitted that if they did not have id that she let them in. Mr Otunyo tried to blame the staff for the breach and the Police told Mr Otunyo that it is his responsibility to make sure that his staff are trained with regards to the rules and conditions on the premises licence and using the club scan equipment. Mr Otunyo went then to the kitchen EEM for her to inspect. Whilst we were still standing in the lobbied area which was getting quite crowded more patrons were arriving to gain entry and the sia staff was about to let them in. I told the sia that there was no new entry allowed after 01:30. When Mr Otunyo came back with EEM he let a couple of people in saying that they were already in and had gone out to smoke. But others were not let in. There was already there that arrived after us that insisted that she had been waiting to get in for an hour. She was not there when we arrived, so this was untrue, yet the lady still remained waiting and at no time did the staff tell her that she was not allowed entry at this time. I told Mr Otunyo that after we had checked the club scan, that I wanted to check that his music was being played through a SLD as it was very loud. When Mr Otunyo let a male in and when challenged Mr Otunyo said the man was his DJ. The music went down immensely very quickly once the DJ had entered the premises. EEM and I then went in to see if the music was being played through an SLD. When we got to the DJ booth there were 2 men behind it one of them was operating the decks and the one who had entered the premises was standing by him. I said to the man that had entered apex 2/3 minutes before. You came in and reduced the level of the music as it is much lower now, and he said no he did not and said that it was a different type of music now that's why it seems slower. 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 asked where the SLD was and they pointed to on the wall high up where there was a double socket with 2 plugs in, there was a green light on next to the plug. I asked how it works and the DJ told me it cuts out</p>
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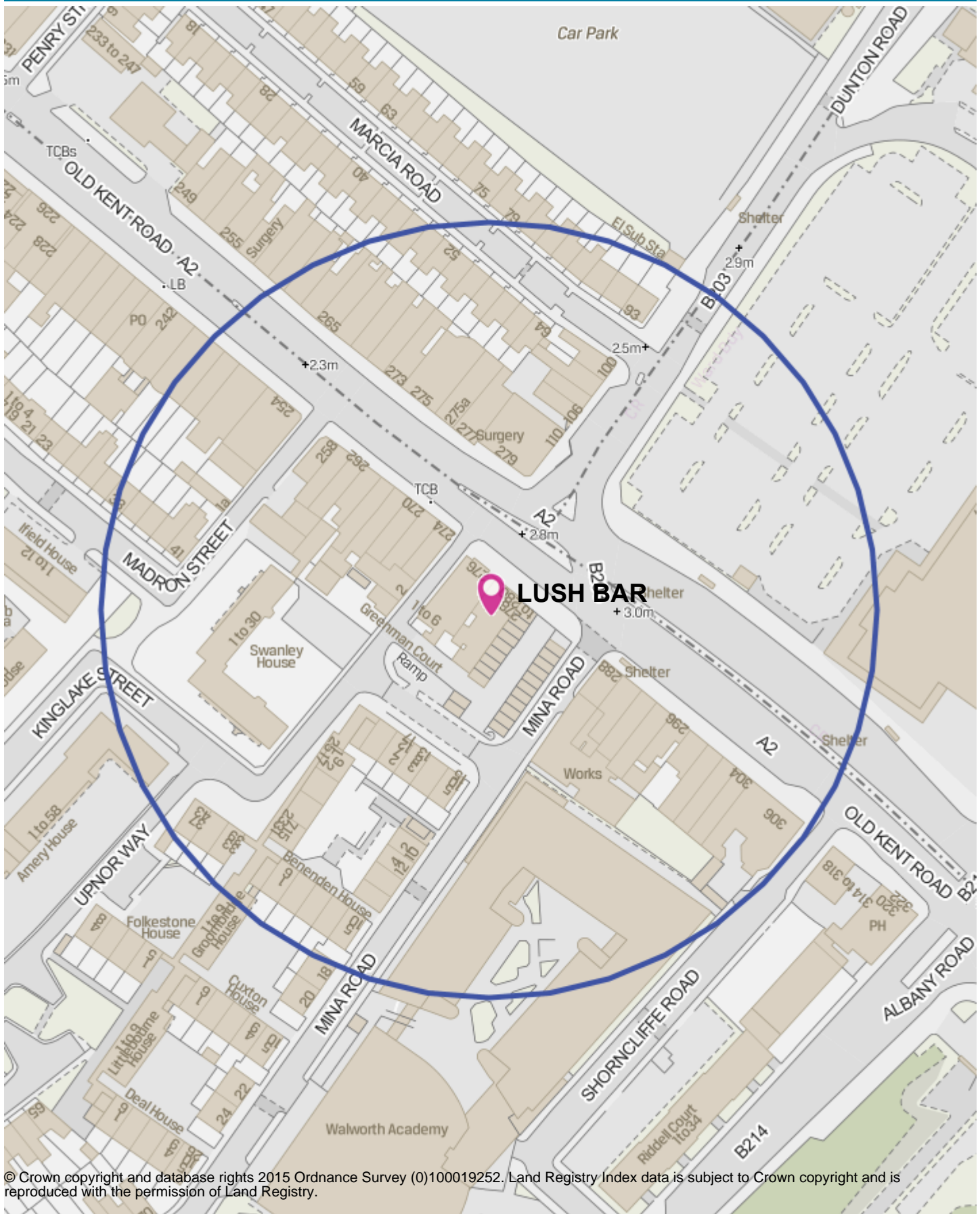
					when it gets too loud. I then asked him to put the music up loud and nothing happened but the light went to amber briefly. I told him to turn it back down as if it had not cut out at the level he raised it too, it was either not working properly or had not been set correctly. Ken Spedding served a section 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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Scale = 1 : 1323.000

8-Feb-2017

Legal Services

Item No. 6.	Classification: Open	Date: 23 March 2017	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Rock Island, 320-322 Old Kent Road, London SE1 5UE	
Ward(s) or groups affected:		East Walworth	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee decide whether or not to issue counter notices in respect of temporary event notices (TEN) 857950 and 857951 served by Ms Claire Joy Steele, in regards to events to be held at Rock Island, 320-322 Old Kent Road, London SE1 5U3. TEN 857950 is between 11:00 on 31 March 2017 and 03:00 the following day. TEN 857951 is between 11:00 on 14 April 2017 and 03:00 the following day and also for 15, 16 and 17 April 2017.

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 1 March 2017 two separate TENs were served by Ms Claire Joy Steele (the designated premises supervisor of the premises) in respect of events intended to be held at Rock Island, 320-322 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 857950: To allow the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment between 11:00 on 31 March 2017 and 03:00 the following day. The maximum number of people expected at any one time at the premises is 120. The activities are to take place on the premises only.
 - TEN 857951: To allow the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment between 11:00 and 03:00 the following day for the following dates: 14, 15, 16 and 17 April 2017. The maximum number of people expected at any one time at the premises is 120. The activities are to take place on the premises only.

The objection notice

15. On 3 March 2017 the Metropolitan Police Service served an objection notice in respect of the TENs.
16. The objection notice state that this venue has recently been granted a premises licence following the revocation of the previous licence.
17. The police make the following points in support of their objections:
 - The essence of the current licence is for a restaurant style venue with limited vertical drinking. This was promoted by the new licensee who had given assurances that the venue was to remain a food led operation.
 - This application gives the police cause for concern that the premises are promoting club-style events for every last Friday of the month and also the entire Easter weekend.
 - That the nature of the TENs would not be in line with the assurances given to the licensing sub-committee at the hearing to consider the application and the police have concerns that allowing the TENs to go ahead would have a detrimental impact on the crime and disorder and public nuisance licensing objectives.
 - The latest TENs would allow the premises to circumvent the premises licence and essentially allow the premises to operate over an entire weekend with no control measures in place.
 - The police have stated in their objection that an option for the sub-committee would be to attach the conditions of the premises licence.
 - The police also submit with their objection screen shots of on-line adverts for events advertising meal and table booking from 19:00 to 23:00 and partying from 23:00 till 02:30, guest list only. The first advertised event appears to be the TEN application for 31 March 2017. The events are advertised as happening on the last Friday of every month.
18. A copy of the Police objection notice is 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.

No.	Premises user	Date of event	Time of event and activities
1	Claire Joy Steele	14-02-17	11:00 – 02.00 following day Alcohol, LNR, and Regulated Entertainment “Grand Opening” with celebrities in attendance.

Premises history

20. The premises in respect of the premises licence consists of a bar and restaurant on the ground floor of 320-322 Old Kent Road, London SE1.
21. The premises has previously held a licence and operated as a restaurant and nightclub. The previous licence was revoked by the licensing sub-committee on 10 March 2015 following an expedited review submitted by the Metropolitan Police relating to serious crime and disorder. There were further representations regarding persistent breaches of the premises licence and antisocial behavior associated with the premises. The notice of decision is attached as Appendix C.
22. A new application for a premises licence was submitted by Paul Anthony Scarborough on 16 November 2016 and granted at the hearing held on 30 January 2017. The NOD is attached as Appendix D.

Premises Licence

23. Details of current premises licence:

- **Licensable activities authorised by the licence**

Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises

- **Opening hours of the premises**

Monday to Sunday 11:00 - 00:00

- **Late Night Refreshment - Indoors**

Monday to Sunday 23:00 - 23:30

- **Sale by retail of alcohol to be consumed on premises**

Monday to Sunday 11:00 -23:30.

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

The local area.

25. A map showing the location of the premises is attached to this report as Appendix F. The premises are identified at the centre of the circle on the map.

Policy considerations

26. 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

27. 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

28. 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.
29. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

Resource implications

30. A fee of £42.00 has been paid by the applicant in respect of each TEN, this being the statutory fee payable.

Consultation

31. 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

32. 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
33. The principles which sub-committee members must apply are set out below.

Principles for making the determination

34. 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.
35. 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.

36. 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

37. 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
38. Members are also referred to the Home Office guidance on conditions.

Reasons

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

Hearing procedures

40. 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.
41. 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.
 42. 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.
 43. 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.
 44. 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.
 45. 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.
 46. 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

47. 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.

Strategic Director of Finance and Governance

48. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

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 notices
Appendix B	The Metropolitan Police representation
Appendix C	Expedited review notice of decision
Appendix D	Premises licence notice of decision
Appendix E	Copy of current premises licence
Appendix F	Map of area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Mark Orton, Licensing Enforcement Officer	
Version	Final	
Dated	7 March 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		10 March 2017

01/03/2017

Business - Temporary events notices

Ref No. 771640

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	Ms
If other, Please state	
Surname	Steele
Firstname(s)	Clarie Joy

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

	London
--	--------

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	
Town	

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	02072413636
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	licensing@narts.org.uk

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

Address Line 1	NARTS
Address Line 2	53 Stoke Newington High Street
Town	London
County	UK
Post code	N16 8EL

9. Alternative contact details (if applicable)

	Telephone numbers:
Daytime	02072413636
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	licensing@narts.org.uk

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	THOMAS A BECKET
Address Line 2	320-322 OLD KENT ROAD
Town	LONDON

County	
Post code	SE1 5UE

Ordnance Survey grid reference

--	--

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	not issued yet
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)

	all parts of premises
--	-----------------------

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

	Restaurant and Pub
--	--------------------

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

	Dance and Dinner
--	------------------

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	

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 regulated entertainment <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)

	31/03/2017 - 01/04/2017
--	-------------------------

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"/> 31/03/2017 from 11:00 till 00:00 <input type="checkbox"/> 01/04/2017 from 00:00 till 03:00
--	--

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)

	120
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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 performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to that falling within (e), (f) or (g).

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

- making music;
- dancing; and
- 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

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	L.B of Hackney
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

	1
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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
--	----

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

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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	THOMAS A BECKET, 320-322 OLD KENT ROAD, SE1 5UE
PaymentAmountInMinorUnits	2100
AuthCode	144646
LicenceReference	LTN-94212-1248
PaymentContactEmail	licensing@narts.org.uk

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.

01/03/2017

Business - Temporary events notices

Ref No. 771655

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	Ms
If other, Please state	
Surname	Steele
Firstname(s)	Claire Joy

2. Previous names

Title	
If other, Please state	
Surname	
Firstname(s)	

3. Your date of birth

--	--

4. Your place of birth

	London
--	--------

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	
Town	

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	02072413636
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	licensing@narts.org.uk

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

Address Line 1	NARTS
Address Line 2	53 Stoke Newington High street
Town	London
County	UK
Post code	N16 8EL

9. Alternative contact details (if applicable)

	Telephone numbers:
Daytime	02072413636
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	licensing@narts.org.uk

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	THOMAS A BECKET
Address Line 2	320-322 OLD KENT ROAD
Town	LONDON

County	
Post code	SE1 5UE

Ordnance Survey grid reference

--	--

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	not issued yet
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)

	All Parts of Premises
--	-----------------------

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

	Restaurant and Pub
--	--------------------

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

	Easter Weekend
--	----------------

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	

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 regulated entertainment <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)

	14/04/2017- 18/04/2017
--	------------------------

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"/> 14/04/2017 11:00 till 00:00 <input type="checkbox"/> 15/04/2017 00:00 till 03:00 / 11:00 till 00:00
--	---

	16/04/2017 00:00 till 03:00 / 11:00 till 00:00 17/04/2017 00:00 till 03:00 / 11:00 till 00:00 18/04/2017 00:00 till 03:00
--	---

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)

	120
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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
--	----------------------

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

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	L. B of Hackney
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

	1
--	---

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

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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
--	----

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

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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	THOMAS A BECKET, 320-322 OLD KENT ROAD, SE1 5UE
PaymentAmountInMinorUnits	2100
AuthCode	680380
LicenceReference	LTN-94212-1249
PaymentContactEmail	licensing@narts.org.uk

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/21/2973/17

Date: 3rd March 2017

Re:- Rock Island @ Thomas A Beckett 320-322 Old Kent Road SE1 5UE

Dear Sir/Madam

Police are in receipt of two temporary events notices for two separate events as detailed.

TEN 1 31/03/2017 from 1100hrs to 0300hrs on the 1st April 2017

TEN 2 14th April 2017 from 1100hrs through to 0300hrs on the 18th April 2017.
(Easter Weekend)

The premises licence for this venue was only very recently issued following the revocation of the previous licence.

The essence of the current licence is for a restaurant style venue with limited vertical drinking. This was very much promoted by the new premises licence holders who gave assurances that if the premises licence was granted then the venue would remain as a food led operation.

It gives me cause for concern that the premises are now promoting club style events on every last Friday of the month in addition to the entire Easter weekend.

This is not in line with the assurances given to the licensing sub committee a number of weeks ago. I would have concerns that the granting of these TENs would have a detrimental impact on the crime and disorder and public nuisance licensing objectives.

The TEN would circumvent the conditions of the premises licence which was carefully designed to prevent the venue from being anything other than a restaurant style venue.

I would recommend that consideration is given to the service of a counter notice and assurances that the events as advertised are cancelled.

Working for a safer Southwark

Another option open to the committee would be for the committee to attach all the conditions of the premises licence to the two TENs. This would deal with the restaurant style venue but would not deal with the DJ led regulated entertainment and the late opening until 0300hrs.

The following is submitted for the consideration of the licensing sub-committee.

Yours Sincerely

Ian Clements PC362MD

[←](#) Most Recent

From Friday 31st march this is the place to be corporate Fridays at Rock island london SE1! Now taking bookings for this event. This is a guest list only event. no guest list no entry!!! Come down and celebrate your birthday! 🍾🍾🍰🍰👩🏻👩🏻🍸🍸



← Most Recent



Rock Island
Bar & Grill

Corporate Friday's
every last Friday of the month
with an exception on Good Friday April 14

*The best in city and urban music with top London Dj's
on rotation*

Dj Alton | Dj Corey | King Glamma

Buy one get one free cocktail between 5 & 7 o'clock!
Meal and Table bookings available 7-11
then we party between the hours of 11-2:30am
this is a guest list only event
For guest list please apply by Facebook messenger, name D.O.B will
be added to our guest list. No guest list no entry!

rockislandse1 rockislandse1

FREE SHOT ON ENTRY



BIRTHDAY BOOKINGS & RESERVATIONS EMAIL: BOOKINGS@ROCKISLANDLONDON.COM

Another World Power Design: 07446-904119 Email: worldpowerdesign@hotmail.co.uk



Rock Island SE1 and 2 others

1 share



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 10 MARCH 2015

LICENSING ACT 2003: THOMAS A BECKET, 320-322 OLD KENT ROAD, LONDON SE1 5UE

1. Decision

The council's licensing sub-committee, having had regard to the application made under Section 53C by the Metropolitan Police for a review of the premises granted under the Licensing Act 2003 in respect of the premises known as Thomas A Becket, 320-322 Old Kent Road, London SE1 5UE and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence.

2. Reasons

The reasons for this decision are as follows:

The thrust of the representation from the Metropolitan Police Service, the applicant for the review, concerned a serious assault that occurred at the premises on 7 February 2015 at around 02.50 where the victim was slashed in the side of the neck with a broken bottle by the suspect during an altercation. The victim received serious neck injuries and medical staff informed the police that it nearly hit a major artery, which could have proved fatal.

During the investigation it had been established that the premises were in breach of the premises licence conditions and this had hindered the investigation of the crime. The premises were found to be in breach of the following conditions: Condition 303 (696 risk assessment was not submitted to the police 14 days in advance of the event), Condition 308 (No entry or re-entry after 02.00) Condition 341 (ID scanning system to scan and store identification of patrons to be used to enter the premises was not being used to scan all customers and as a result the suspect's name and address, which would have been stored on the system was not). Furthermore, the premises had failed to preserve the crime scene, and failed to contact the emergency services and obstructed the police from entering. The police were only able to gain access once the ambulance service had arrived. The ambulance service had been called by a member of the public.

The police also referred to nine other incidents of violence that had taken place at the premises in the past year. The commonality of these incidents was that the parties involved were heavily intoxicated, demonstrating the fact that there was no responsible sale of alcohol policy at the premises. Concerning the promotion event risk assessment forms 696, these were consistently provided late, if at all. During October to November 2014, there were 12 events involving external promoters at the premises and only four of the form 696s were provided on time. The importance of these forms is to allow the police time to carry out the necessary research to be completed and any advice or recommendations from the police to be implemented.

The police advised that their position remained the same and that the licence should be revoked.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority supporting the review of the premises licence. The officer said that the premises had breached the licence conditions before and had also opened beyond the terminal hour granted in the licence. Specifically, the officer referred to nine incidents in 2014, of complaints of loud music, breaches of the premises licence conditions and opening hours in addition to advertising unlicensed events. The complaints also referred to public nuisance from people arguing in the street, sounding car horns and racing up and down the street in their cars, after leaving the premises. The licensing sub-committee were informed that further enforcement action was currently being considered. The officer recommended that the licence should be revoked.

The licensing sub-committee heard from other persons supporting the review, namely two local residents and an officer from the private sector housing enforcement team.

The officer from the private sector housing enforcement team advised the sub-committee that the premises at 320-322 Old Kent Road is owned by Mr Kashim Abdul, Mr Kazim Abdul and Mr Baian Abdul. They informed the sub-committee that here is a large high risk houses in multiple occupation (HMO) above the Thomas A Becket premises and that the freeholders have consistently breached the HMO licensing regime, under the Housing Act 2004. The officer advised that the freeholders had pleaded guilty in November 2013 to offences under the Housing Act 2004 and a further prosecution is ongoing in the magistrates' court. The officer had personally experienced aggressive behaviour from the freeholders on numerous occasions. The officer supported the police application and recommended that the licence be revoked.

The local residents advised that it had been a nightmare for at least two years, particularly at weekends when residents were experiencing loud arguments and fights, people urinating in public, loud noise caused by patrons leaving the premises, cars revving loudly and music being played loudly in cars after 4am, broken glass and rubbish being left all over the street and trespassing in the car park at Riddell Court. Since the licence had been suspended on 12 February 2015, the residents described that they were able to sleep and that the peace and quiet was blissful. Both residents stated that they felt intimidated in approaching the management of the premises.

The licensing sub-committee heard from the representatives of Thomas A Becket who advised that there was now a new management team in place who would concentrate on compliance with licensing conditions. They informed the sub-committee that premises were going to take a new direction, would be family orientated and focus on the provision of food and evening events. A new external security company would be put in place, 80% of staff would be replaced and the rest retrained. The representative referred to a management plan, which would reflect the future plan of the premises. They accepted that there was no excuse for the previous non-compliance of the licence and that the two proposed designated premises supervisors (DPS) were confident of turning the premises around by the security changes, the training of all staff, the refurbishment of the premises, good working relationships with the authorities and working closely with the community.

The sub-committee felt that it was clear that whilst there may be a change in management at the premises, the existing management team, Kazim Abdul, Kashim Abdul (and Baian Abdul) would remain the freehold owners of the premises. In a letter dated 22 December 2014 the licensing team received a letter from Thomas A Becket accepting the licensing breaches and gross mismanagement of the business. The letter advised that they intended to make right the misconduct by working with the licensing team and the police. They provisionally agreed that they would overhaul the current management staff, including Mr Kashim Abdul and that Mr Kazim Abdul and Gerrado Romero would assume management responsibilities for the premises. This never transpired, as evidenced by the fact that the premises was represented by Mr Kashim Abdul and Mr Kazim Abdul at the expedited review hearing on 12 February 2015, rather than the majority shareholder and the premises licence holder of Thomas A Becket Leisure Investments Ltd, Mr M. Chowdhury.

The licensing sub-committee also noted that there was no new management agreement with the new team and the premises licence holder. Furthermore, the two proposed DPSs had yet to pass the DPS exams thus, no variation of DPS applications have been submitted to date. The sub-committee felt that the new management team presented as a smoke screen for the old management team, which was compounded by wanting a continuation of the existing licence, despite the alleged new management direction. Particularly, despite the promise of having no external promoters at the premises, external promoters events remain advertised on social media.

In all the circumstances, the sub-committee felt that there is no alternative but to revoke the premises licence in order to fulfil the licensing objectives.

In reaching this decision the sub committee had regard to all the relevant considerations and the four licensing objectives and considered that its 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' clerk 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.

In accordance with the Licensing Act and guidance issued in 2007, the interim steps agreed on 12 February 2015 must remain in effect until the time for appealing the review has expired and any appeal determined.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 10 March 2015



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 30 JANUARY 2017

LICENSING ACT 2003: ROCK ISLAND (FORMERLY THOMAS A BECKET), 320-322 OLD KENT ROAD, LONDON SE1 5UE.

1. Decision

That the application made by Paul Anthony Scarborough for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Rock Island (formerly Thomas A Becket), 320-322 Old Kent Road, London SE1 5UE is granted as follows:

Licensable activity	Hours
Sale and supply of alcohol (on the premises)	11:00 to 23:30 Monday to Sunday
Late night refreshment	23:00 to 23:30 Monday to Sunday
Opening hours	11:00 to 00:00 Monday to Sunday
Non standard timings: None	

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form, the conciliated conditions agreed with the responsible authorities and the following additional conditions agreed by the sub-committee:

1. That all of the previous management of Thomas A Becket Leisure Investments Limited namely: Kazi Hasnat Abdul, Abdul Kashim, Abdul Baian, Hatem Yavuz, Mahfuz Chowdhury, Apeksha Dandekar and Richard Devlin be prohibited from the premises at all times. The same individuals are prohibited to have any involvement whatsoever in the running of the premises or be a director or shareholder of Rock Island Food and Leisure Limited.
2. That should either Rock Island Food and Leisure Limited or Kazi Hasnat Abdul, Abdul Kashim and Abdul Baian terminate the lease dated 14 December 2016 to the premises (Ground Floor Thomas A Becket, 320-322 Old Kent Road, SE1 5UE) terminate the lease before its expiry (in December 2031) by serving a break notice, the premises licence holder will surrender the premises licence to the licensing authority on expiry of the break notice.

3. That the premises have a maximum accommodation limit of 120 patrons made up of: 85 seated patrons and 15 waiting patrons inside the premises and also, 16 seated patrons outside the premises.
4. That the garden/outside area will be closed and clear of patrons by 22:30 daily after which only a maximum of 5 smokers may enter the garden at any one time. No drinks are permitted in the garden area after 22:30.
5. That a written dispersal policy is provided to the licensing authority and shall be kept at the premises and made immediately available for inspection by the police and authorised council officers.
6. That the premises will install a CCTV system and maintain this system in good working order, the system will be of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered including the bar and smoking areas. All CCTV footage will be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to officers of the police or the council.
7. That there shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the police or other authorised officer.
8. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals and for consumption by such persons as an ancillary to their meal or awaiting to be seated within a designated waiting area with a maximum of 15 at any time.
9. That all staff concerned in the sale or supply intoxicating liquor undergoes a training scheme for such duties. Records of such training will be kept and made available for inspection, immediately on request by police or other authorised officer.
10. That all incidents of violence and or disorder that result in an injury to another will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection immediately by any authorised officer from the police or council.
11. That a personal licence holder is on the premises and on duty at all times after 20:00 when intoxicating liquor is supplied.
12. That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed Thursday, Friday, Saturday and Sunday after 20:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admission to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.

13. That SIA when engaged at the premises will be issued mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
14. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or the half bottle.
15. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of 2 measures per container/glass.
16. That all children on the premises shall be accompanied by a responsible adult.
17. There shall be no entry or re-entry to the premises after 23:00.
18. That there will be no deliveries of stock made to the premises between 22:00 and 08:00 on any day.

3. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the would be a restaurant and he had partnered up with the Rock Island Cyprus and intended to turn the venue into a premises similar to TGI Friday or Steak House without losing its heritage. The premises became an asset of community value in 2015 following the revocation of the previous premises licence. The previous premises licence holder(s) and the applicant are unconnected. A lease had been granted by the freehold owners and as a result, the Rock Island Cyprus was a separate legal entity and agreed that if the lease to the premises terminated for whatever reason, the premises licence would be surrendered upon the termination of the lease. The applicant was also agreeable to prohibit any of the previous management to enter the premises or have any involvement in the running of the business. The premises would have an emphasis on good quality American food that would celebrate the boxing heritage of the premises.

The licensing sub-committee heard from the Metropolitan Police Service representative who advised that the operating schedule indicated that whilst the application was for a restaurant, the premises is subject to a community order and designated an asset of community value and should remain a public house. Public houses are permitted to serve food but the schedule indicates that the venue would solely be for food and alcohol only served as ancillary to food. Unless the community order is removed and the planning permission changed then the operation as described would not be allowed under the order. The officer also referred to Southwark's statement of licensing policy and highlighted that the proposed hours fell outside of the closing hours suggested in the statement of licensing policy. The representation has suggested conditions that should be in place regardless of terminal hour and also conditions that should be in place if the terminal hour falls after midnight.

The licensing sub-committee heard from the licensing responsible authority officer who referred to issues that led to the revocation of the previous premises licence (to Thomas A Beckett). The officer sought assurances that the previous licensees or management or have any control over the premises and/or the licensable activities that may take place at the premises. The officer also recommended that the closing time be brought into line with Southwark statement of licensing policy.

The officer for licensing as a responsible authority called the Chair of the Walworth Society who advised the sub-committee that the premises became an asset of community value in June 2015 as residents were concerned with that the premises would be sold, and would lose a further licensed premises in the area. The applicant felt assured that the crime and disorder and public nuisance previously associated to the premises would not re-occur and was pleased with the proposals to bring back the asset into the community's usage.

The licensing sub-committee heard from the environmental protection officer who advised that the hours applied for exceeded the recommended hours for a restaurant or public house within the Southwark statement of licensing policy. The premises were structurally connected to residential premises and that the proposed conditions to prevent public nuisance did not address the officer's concerns who sought a terminal hour of 23:00.

The licensing sub-committee heard from the public health authority officer who advised that that the increased hours of alcohol sales, such as those detailed in the application are associated with increased alcohol consumption, alcohol related injuries and alcohol related harm. Public health sought an earlier end time in regards to the sale of alcohol and that they are brought in line with Southwark's statement of licensing policy.

The licensing sub-committee noted the representations from other persons who were not present.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion and recognised that the premises had been unused since the licence revocation in 2014. A significant period of time had passed and the local community could be satisfied that the crime and disorder previously associated with the premises would not occur again.

The premises would be run by totally new management who were agreeable to prohibit any of the previous management entering the premises or being involved in the running of the business. Rock Island has demonstrated that they are committed to taking advantage of the heritage and bringing the premises back into the community. With the strict conditions imposed, this licensing sub-committee are satisfied that a premises licence should be granted and that Rock Island can make a success of its venture.

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

4. Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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

Date: 30 January 2017

Licensing Act 2003 Premises Licence

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APPENDIX E



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

Premises licence number

856653

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Rock Island Thomas A Becket 320-322 Old Kent Road London SE1 5UE	
Ordnance survey map reference (if applicable), 178319533630	
Post town London	Post code SE1 5UE
Telephone number [REDACTED]	

Where the licence is time limited the dates

Licensable activities authorised by the licence

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	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 00:00
Saturday	11:00 - 00:00
Sunday	11:00 - 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

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 23:30
Tuesday	11:00 - 23:30
Wednesday	11:00 - 23:30
Thursday	11:00 - 23:30
Friday	11:00 - 23:30
Saturday	11:00 - 23:30
Sunday	11:00 - 23:30

Part 2

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

Paul Anthony Scarborough



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

Claire Joy Steele



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

Licence No. 083934

Authority L.B Hackney

Licence Issue date 27/02/2017

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

340 That empty bottles and non - degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day so not to disturb the neighbours.

341 That a phone number of the premises shall be made available if required.

305 Signs shall be displayed requesting patrons to respect the neighbours and behave in a courteous manner.

4AA 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 to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.

4AB 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 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.

342 All refusals of the sale of alcohol shall be recorded. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

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

840 That all of the previous management of Thomas A Becket Leisure Investments Limited namely: Kazi Hasnat Abdul, Abdul Kashim, Abdul Baian, Hatem Yavuz, Mahfuz Chowdhury, Apeksha Dandekar and Richard Devlin be prohibited from the premises at all times. The same individuals are prohibited to have any involvement whatsoever in the running of the premises or be a director or shareholder of Rock Island Food and Leisure Limited.

841 That should either Rock Island Food and Leisure Limited or Kazi Hasnat Abdul, Abdul Kashim and Abdul Baian terminate the lease dated 14 December 2016 to the premises (Ground Floor Thomas A Becket, 320-322 Old Kent Road, SE1 5UE) terminate the lease before its expiry (in December 2031) by serving a break notice, the premises licence holder will surrender the premises licence to the licensing authority on expiry of the break notice.

842 That the premises have a maximum accommodation limit of 120 patrons made up of: 85 seated patrons and 15 waiting patrons inside the premises and also, 16 seated patrons outside the premises.

843 That the garden/outside area will be closed and clear of patrons by 22:30 daily after which only a maximum of 5 smokers may enter the garden at any one time. No drinks are permitted in the garden area after 22:30.

844 That a written dispersal policy is provided to the licensing authority and shall be kept at the premises and made immediately available for inspection by the police and authorised council officers.

845 That the premises will install a CCTV system and maintain this system in good working order, the system will be of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered including the bar and smoking areas. All CCTV footage will be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to officers of the police or the council.

846 That there shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the police or other authorised officer.

847 That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals and for consumption by such persons as an ancillary to their meal or awaiting to be seated within a designated waiting area with a maximum of 15 at any time.

848 That all staff concerned in the sale or supply intoxicating liquor undergoes a training scheme for such duties. Records of such training will be kept and made available for inspection, immediately on request by police or other authorised officer.

849 That all incidents of violence and or disorder that result in an injury to another will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection immediately by any authorised officer from the police or council.

850 That a personal licence holder is on the premises and on duty at all times after 20:00 when intoxicating liquor is supplied.

851 That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed Thursday, Friday, Saturday and Sunday after 20:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admission to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.

852 That SIA when engaged at the premises will be issued mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

853 That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or the half bottle.

854 That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of 2 measures per container/glass.

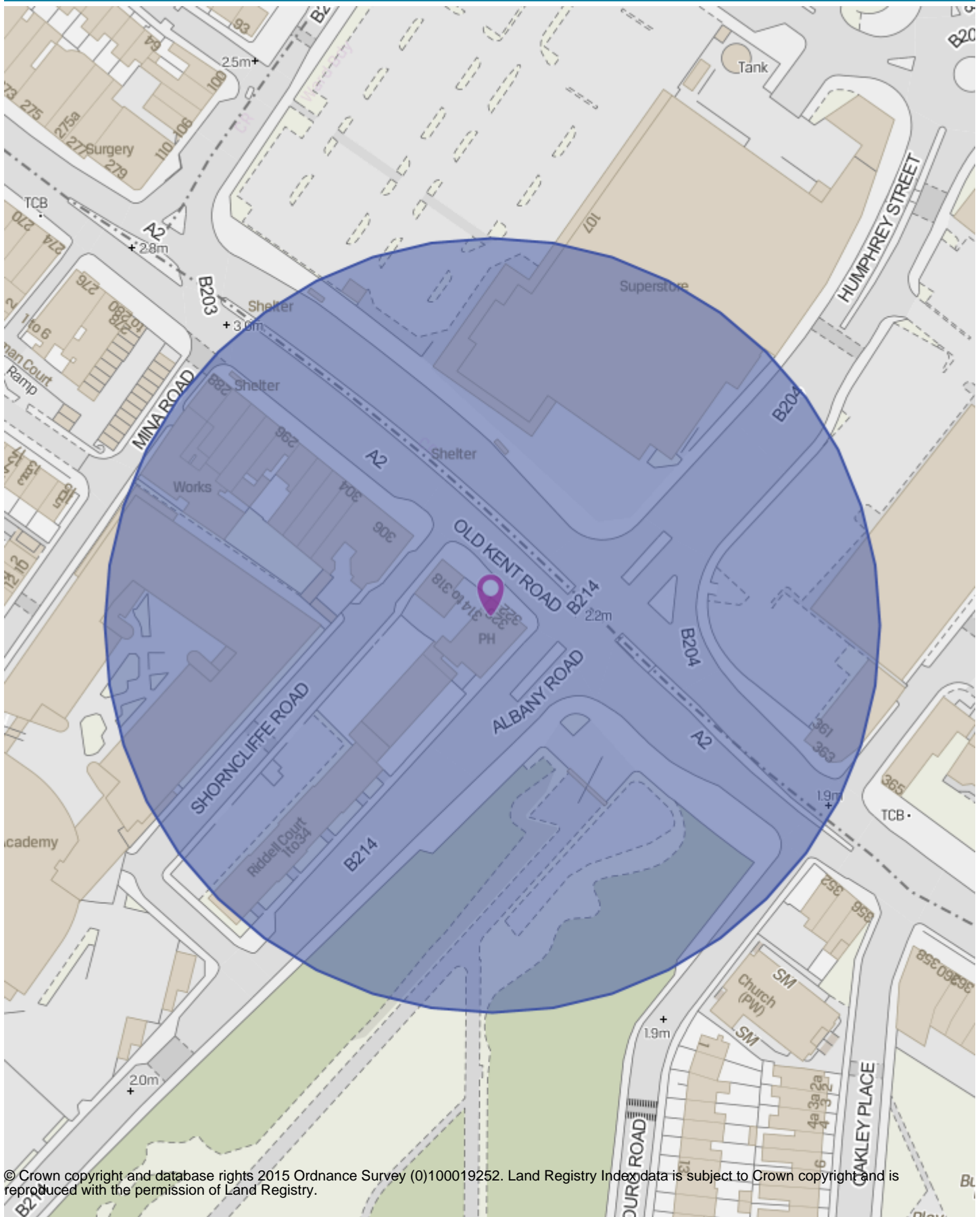
855 That all children on the premises shall be accompanied by a responsible adult.

856 There shall be no entry or re-entry to the premises after 23:00.

857 That there will be no deliveries of stock made to the premises between 22:00 and 08:00 on any day.

Annex 4 - Plans - Attached

Licence No. 856653
Plan No. N/A
Plan Date 01/11/2016



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