

## Licensing Sub-Committee

Thursday 28 September 2017

10.00 am

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

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Lorraine Lauder MBE  
Councillor Sandra Rhule

### Reserves

Councillor Bill Williams

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#### Contact

Andrew Weir on 020 7525 7222 or email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 19 September 2017



## Licensing Sub-Committee

Thursday 28 September 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: BOULEVARD COFFEE, 224 OLD KENT ROAD LONDON, SE1 5UB** 1 - 43

**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: 19 September 2017

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 28 September 2017	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Licensing Act 2003: Boulevard Coffee, 224 Old Kent Road London SE1 5UB	
<b>Ward(s) of group(s) affected</b>		East Walworth	
<b>From</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by J & Matt Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Boulevard Coffee of 224 Old Kent Road, London, SE1 5UB.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 11 to 14 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted Responsible Authorities are attached to this report in Appendix B. A map showing the location of the premises is attached to this report as Appendix F.
  - d) 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. On 4 August 2017 J & Matt Limited applied to this council for the grant of a premises licence in respect of Boulevard Coffee of 224 Old Kent Road, London SE1 5UB. The premises are described in the application simply as being:

*"The premises trades as a cafe style operation, serving food and coffee etc. during the day with the emphasis changing to alcohol in the evenings. Regulated entertainment by way of Live Music, Performance of Dance, Recorded Music, and Entertainment similar to live/ recorded music, is required , for Friday's Saturday's and Sunday's.*

*Alcohol is requested for 7 days a week, and late night refreshment for 7 days a week to allow hot food to be served whilst the premises is open to the public"*

9. The application and is summarised as follows:
- The supply by retail of alcohol (both on and off sales)
    - Monday to Thursday from 11:00 to 00:00 (midnight)
    - Friday and Saturday from 11:00 to 04:30 (the following day)
    - Sunday from 11:00 to 02:00 (the following day)
  - The provision of late night refreshment (indoors):
    - Monday to Thursday from 23:00 to 00:00 (midnight)
    - Friday to Sunday from 11:00 to 00:30 (the following day)
  - The provision of regulated entertainment in the form of live and recorded music (indoors):
    - Friday and Saturday from 21:00 to 04:00 (the following day)
    - Sunday from 21:00 to 02:00 (the following day)
  - Opening hours
    - Monday Thursday from 08:00 to 00:30 (the following day)
    - Friday and Saturday from 08:00 to 05:00 (the following day)
    - Sunday from 08:00 to 02:30 (the following day)

- The proposed designated premises supervisor of the premises is Villarroel Coca who has a personal licence with the London Borough of Southwark.
10. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures 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 any licence granted subsequent to the application. A copy of the application is attached to this report in Appendix A.

### **Representations from responsible authorities**

11. Representations have been submitted by the Metropolitan Police (licensing division) and this council's public health department.
12. The Metropolitan Police Service's representation is based upon the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The author is concerned that the applicant's company director was involved with the management of the premises when a previous licence was revoked in May 2015 following an expedited review, following two incidents of serious violence and the premises operating beyond the terminal hour.
13. The Police acknowledge that a new premises licence was granted in December 2015 with conditions that addressed the concerns raised as a result of the revocation. The current application also has excessive hours outside of the Southwark licensing policy. The police ask that the application be rejected in full, but should members be minded to grant, conditions relating to an ID scanner have been requested. The representation is available in Appendix B.
14. The representation from public health is made in relation to the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and public safety. The objection raises general concerns in relation to alcohol consumption, but in addition to the police, makes it clear that the hours applied for are outside of the Southwark licensing policy. The representation is also available in Appendix B.

### **Representations from other persons**

15. There are no representations from other persons.

### **Conciliation**

16. The applicant's legal representative was sent copies of the submitted representations. At the time this report was composed, the report author was unaware whether or not the applicant had contacted the responsible authorities.

### **Premises history**

17. A licence was initially issued in August 2014. This was revoked on 12 May 2015. The notice of decision containing reasons for the revocation are available in Appendix C.
18. A new premises licence application was made in December 2015. Representations were received from responsible authorities and the application went to the Southwark licensing sub committee on 18 January 2016. A copy of the notice of decision is available in Appendix D. That premises licence remains current and valid and is available in Appendix E.

19. The premises has utilised the temporary events notice (TEN) system; and have used up all TENs for this current calendar year.

<b>Date of Application</b>	<b>Date of Event</b>	<b>Applicant</b>	<b>Licensable Activities</b>	<b>Issue of counter notice?</b>
22/06/2017	From 02/07/2016 to 03/07/2016 18:00 - 03:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
19/07/2017	From 23/07/2016 to 24/07/2016 23:00 – 03:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	Yes (late TEN out of time)
28/07/2016	From 06/08/2016 to 07/08/2016 23:00 - 03:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
04/08/2016	From 13/08/2016 to 14/08/2016 23:00 - 03:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
31/08/2016	From 10/09/2016 to 11/09/2016 23:00 - 03:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
16/09/2016	From 24/09/2016 to 25/09/2016 23:00 - 03:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
30/09/2016	From 08/10/2016 to 09/10/2016 23:00 - 03:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
07/10/2016	From 15/10/2016 to 16/10/2016 23:00 - 04:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
21/10/2016	From 29/10/2016 to 30/10/2016 23:00 - 04:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
28/10/2016	From 06/11/2016 to 06/11/2016 00:05 - 04:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
18/11/2016	From 27/11/2016 to 27/11/2016 00:05 - 04:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
19/12/2016	From 1/1/2017 to 1/1/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
09/01/2017	From 15/01/2017 to 15/01/2017 00:05 – 04:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	Yes (late TEN out of time)

13/01/2017	From 22/01/2017 to 22/01/2017 00:05 - 04:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
13/01/2017	From 29/01/2017 to 29/01/2017 00:05 - 04:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
03/02/2017	From 12/02/2017 to 12/02/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
07/02/2017	From 26/02/2017 to 26/02/2017 00:05 - 04:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
03/03/2017	From 12/03/2017 to 12/03/2017 00:05 - 04:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
03/03/2017	From 26/03/2017 to 26/03/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
04/04/2017	From 16/04/2017 to 16/04/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
04/04/2017	From 30/04/2017 to 30/04/2017 00:05 - 04:30	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
05/05/2017	From 14/05/2017 to 14/05/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
05/05/2017	From 28/05/2017 to 28/05/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
25/05/2017	From 04/06/2017 to 04/06/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
26/05/2017	From 18/06/2017 to 18/06/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
23/06/2017	From 16/07/2017 to 16/07/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
23/06/2017	From 02/07/2017 to 02/07/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
13/07/2017	From 30/07/2017 to	Omar Villaroel	Alcohol - on premises Regulated entertainment	No



	30/07/2017 00:05 - 05:00	Coca	Late night refreshment	
24/07/2017	From 06/08/2017 to 06/08/2017 00:05 - 04:30	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
03/08/2017	From 20/08/2017 to 20/08/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
03/08/2017	From 13/08/2017 to 13/08/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
18/08/2017	From 27/08/2017 to 27/08/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
18/08/2017	From 03/09/2017 to 03/09/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
01/09/2017	From 10/09/2017 to 10/09/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No
08/09/2017	From 17/09/2017 to 17/09/2017 00:05 - 05:00	Omar Villaroel Coca	Alcohol - on premises Regulated entertainment Late night refreshment	No - TENs used up for year

20. No complaints have been received in relation to the premises.

21. Visits have been conducted at the premises.

Date	Time	Outcome
24/06/2017	23:43	Long queues outside premises witnessed.
30/06/2017	23:10	Visit by night time economy team and Police – various licence breaches. CCTV not recorded for 31 days, no records of staff training, no signs asking patrons to leave quietly and inadequate SIA door staff. A Closure Notice under Section 19 of the Criminal Justice and Police Act 2001 was issued. A copy is available in Appendix F.
14/07/2017	22:10	Premises closed.
15/07/2017	20:15	Premises closed.

### Deregulation of entertainment

22. 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 at on-licensed premises provided the audience does not exceed 500 people. 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').

## Map

23. A map showing the location of the premises is attached to this report as Appendix G. The area has a great number of licenced premises. The following licensed premises are in the immediate vicinity (within a 100 meter radius) of the premises application:

**Perfect Fried Chicken – 259 Old Kent Road, SE1 5LU**, licenced for:

- The provision of late night refreshment (indoors)
  - Monday to Sunday from 23:00 to 00:00 (midnight)

**Nisha News – 246 Old Kent Road, SE1 5UB**, licensed for:

- The sale of alcohol (off sales)
  - Monday to Saturday from 06:30 to 23:30
  - Sunday from 07:00 to 23:30

**Old Kent Fish Bar – 253 Old Kent Road, SE1 5LU**, licensed for:

- The provision of late night refreshment (indoors)
  - Monday to Sunday from 23:00 to 01:00 (the following day)

**Aubergine – 251 Old Kent Road, SE1 5LU**, licensed for:

- The provision of late night refreshment (indoors)
  - Monday to Sunday from 23:00 to 02:00 (the following day)

**Village Pizza – 230 Old Kent Road, SE1 5UB**, licensed for:

- The provision of late night refreshment (indoors)
  - Sunday to Thursday from 23:00 to 03:00 (the following day)
  - Friday and Saturday from 23:00 to 04:00

**New Wing Fu – 227 Old Kent Road, SE1 5LU**, licensed for:

- The sale of alcohol (off sales)
  - Monday to Sunday 12:00 to 00:00 (midnight)
- The provision of late night refreshment (indoors)
  - Monday to Sunday from 23:00 to 00:00 (midnight)
- **Eurotraveller Hotel – 194-202 Old Kent Road, SE1 5TY**, licensed for:
  - The sale of alcohol (on sales)
    - Monday to Sunday – 24 hours

- The provision of regulated entertainment in the form of live and recorded music and performances of dance (indoors)
  - Monday to Saturday from 11:00 to 23:00
  - Sunday from 11:00 to 22:00

### **Southwark council statement of licensing policy**

24. 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.

25. 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.

26. Within Southwark's statement of licensing policy, the premises are identified as being outside of a cumulative impact zone and as situated within a residential area. Relevant closing times recommended in the statement of licensing policy for licensed premises in residential areas are as follows:

- Public houses, wine bars or other drinking establishments / restaurants and cafes:
- Monday to Sunday 23:00

- Night Clubs (with sui generis planning classification) are not considered appropriate for this area

### **Resource implications**

27. A fee of £190.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value bands D/E.

### **Consultation**

28. 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 were exhibited outside of the premises for a period of 28 consecutive days.

### **Community impact statement**

29. 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 Democracy**

30. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
31. The principles which sub-committee members must apply are set out below.

### **Principles for making the determination**

32. The general principle is that applications for premises licence applications 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.
33. 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 interested party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
34. 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:
- To grant the licence subject to:
    - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
    - Any condition which must under section 19, 20 or 21 be included in the licence
  - To exclude from the scope of the licence any of the licensable activities to which the application relates

- To refuse to specify a person in the licence as the premises supervisor
- To reject the application.

### Conditions

35. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, 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.
36. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm
37. 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.
38. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license 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.
39. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

### Reasons

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

### Hearing procedures

41. 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.
42. This matter relates to the determination of an application for a premises licence under section 17 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**

43. 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.
44. 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.
45. 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.
46. 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.
47. 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.

The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.

48. 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.
49. 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

50. 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

51. 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 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	Kirty Read Tel: 020 7525 5748

### APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations submitted by responsible authorities
Appendix C	Notice of Decision from 12 May 2015
Appendix D	Notice of Decision from 18 January 2016
Appendix E	Copy of current premises licence
Appendix F	Map of the local area

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	13 September 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
Date final report sent to Constitutional Team		14 September 2017



**APPENDIX A**

04/08/2017

Business - Application for a premises licence to be granted under the Licensing Act 2003

Ref No. 862703

## Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	J & Matt Ltd
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## Premises Details

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

£	17000
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	Yes

## Premises trading name

	Boulevard Coffee
--	------------------

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

Address Line 1	224 OLD KENT ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE1 5UB
Ordnance survey map reference	
Description of the location	
Telephone number	

## Applicant Details

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

	a person other than an individual (limited company, partnership, etc)
--	---

If you applying as an individual or non-individual please select one of the following:-

	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
--	---

Other Applicants

Personal Details - First Entry

Name	J & Matt Ltd
------	--------------

Address - First Entry

Street number or building name	6e
Street Description	Surrey Square
Town	London
County	
Post code	SE17 2JU
Registered number ( where applicable )	09842129
Description of applicant ( for example, partnership, company, unincorporated association etc )	Limited Company

Contact Details - First Entry

Telephone number	██████████
Email address	████████████████████

Operating Schedule

When do you want the premises licence to start?

	29/08/2017
--	------------

If you wish the licence to be valid only for a limited period, when do you want it to end?

--	--

General description of premises ( see guidance note 1 )

	<p>The premises trades as a cafe style operation, serving food and coffee etc during the day with the emphasis changing to alcohol in the evenings. Regulated entertainment by way of Live Music, Performance of Dance, Recorded Music, and Entertainment similar to live/ recorded music, is required , for Friday's Saturday's and Sunday's. (Please see the application for the requested hours).                  Alcohol is requested for 7 days a week, and late night refreshment for 7 days a week to allow hot food to be served whilst the premises is open to the public.</p>
--	--

Please select the range of the number of people expected to attend the premises at any one time.

	Less than 5000
If 5,000 or more people are expected to attend the premises at any one time. Please state the number expected to attend	

Operating Schedule part 2

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)
--	---

Provision of regulated entertainment

	e) live music
	f) recorded music

Provision of late night refreshment

	i) Late night refreshment
--	---------------------------

Supply of alcohol

	j) Supply of alcohol
--	----------------------

E - Live Music

Will the performance of live music take place indoors or outdoors or both? ( Please read guidance note 2 )

	Indoors
--	---------

Please give further details here ( Please read guidance note 3 )

	The premises wishes to have the facility for providing live music on occasion Friday, Saturday and Sunday evenings for regular customers.
--	---

Standard days and timings for Live Music ( Please read guidance note 6 )

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	21:00	04:00
Sat	21:00	04:00
Sun	21:00	02:00

State any seasonal variations for the performance of live music ( Please read guidance note 4 )

	n/a
--	-----

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed. ( Please read guidance note 5 )

	n/a
--	-----

F - Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? ( Please read guidance note 2 )

	Indoors
--	---------

Please give further details here ( Please read guidance note 3 )

	Recorded music is required by way of DJ for Friday, Saturday and Sunday evenings for regular customers, and daily from 12 noon on these days, by way of background music. However this is not a licensable activity from 12 noon until 23:00 hours.
--	---

Standard days and timings for Recorded Music ( Please read guidance note 6 )

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	21:00	04:00
Sat	21:00	04:00
Sun	21:00	02:00

State any seasonal variations for playing recorded music ( Please read guidance note 4 )

	n/a
--	-----

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. ( Please read guidance note 5 )

	n/a
--	-----

I - Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? ( Please read guidance note 2 )

	Indoors
--	---------

Please give further details here ( Please read guidance note 3 )

	To allow the premises to offer hot food and drink for extended hours the premises are open to the public.
--	---

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 6)

Day	Start	Finish
Mon	23:00	00:00
Tues	23:00	00:00
Wed	23:00	00:00
Thur	23:00	00:00
Fri	23:00	00:30
Sat	23:00	00:30
Sun	23:00	00:30

State any seasonal variations for the provision of late night refreshment ( Please read guidance note 4 )

--	--

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 5 )

--	--

J - Supply of Alcohol

Will the supply of alcohol be for consumption ( Please read guidance note 7 )

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

Standard days and timings for Supply of alcohol ( Please read guidance note 6 )

Day	Start	Finish
Mon	11:00	00:00
Tues	11:00	00:00
Wed	11:00	00:00
Thur	11:00	00:00
Fri	11:00	04:30
Sat	11:00	04:30
Sun	11:00	02:00

State any seasonal variations for the supply of alcohol ( Please read guidance 4 )

	n/a
--	-----

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 5 )

	n/a
--	-----

Please upload the consent form completed by the proposed premises supervisor

	<a href="#">omar-dps-consent.1.pdf</a>
--	--

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Omar
-------------	------

Surname	Villarroel Coca
---------	-----------------

Address of proposed designated premises supervisor

Street number or Building name	█
Street Description	██████████
Town	██████
County	
Post code	██████

Personal licence number of proposed designated premises supervisor, if any,

Personal licence number ( if known )	██████
Issuing authority ( if known )	████████████████████

K

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 8 )

	n/a
--	-----

L - Hours premises are open to public

Hours premises are open to the public ( standard timings Please read guidance note 6 )

Day	Start	Finish
Mon	08:00	00:30
Tues	08:00	00:30
Wed	08:00	00:30
Thur	08:00	00:30
Fri	08:00	05:00
Sat	08:00	05:00
Sun	08:00	02:30

State any seasonal variations ( Please read guidance note 4 )

	n/a
--	-----

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 5 )

	n/a
--	-----

M - Steps to promote four licencing objectives

a) General - all four licensing objectives (b,c,d,e) ( Please read guidance note 9 )

	The premises will operate to a high standard with all staff fully trained in promoting the licensing objectives as necessary. All training will be recorded, and training records kept for inspection by the licensing officer or police. Refresher training will take place every 6 months.
--	--

b) the prevention of crime and disorder

	<p>CCTV will be maintained in good working order, and will continually record during the opening hours of the premises and for 2 hours after closing time.                  Clear facial images of all customers who enter the premises will be captured, and all licensed areas will be captured including the immediate outside pavement area.                  CCTV images will be kept for a period of 28 days and on request be made available to police officers and or officers of the council.                  A personal licence holder will be on the premises at all times after 21:00 hours, when the premises are open to the public, and the sale of alcohol is taking place.                  Any spirits of 20% abv or over may only be sold by the bottle or half bottle if all contents are poured into plastic jugs provided.                  No drinks to be taken outside at any time.</p>
--	---

c) public safety

	<p>Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police. All relevant fire procedures are in place for a premises of this size.                  An instore accident book will be in operation to record any accident/ injury incurred on the premises. This document will be retained for inspection by the store for a period of three years.</p>
--	--

d) the prevention of public nuisance

	<p>A Sound limiter device will be used on all amplified equipment to ensure that the maximum levels of volume and bass of music, song or speech from the premises does not cause a public nuisance in the vicinity of the premises, or to nearby premises. The sound levels will be set with agreement by the EHO.                  Clear signage will be in place at the exit to the premises reminding customers to leave the premises and the area quickly and quietly.                  No entry to be permitted to any customer after 02:00 on Friday's and Saturday's and 01:00 on Sundays.                  only 5 people will be allowed to smoke outside the premises at any one time.</p>
--	---

e) the protection of children from harm

	<p>Only photographic ID is accepted (passport, driving licence, proof of age card with PASS hologram). Anyone who appears to be under the age of 25 is challenged to provide ID. If the customer is unable to provide identification then no sale is made. No ID no sale. Challenge 25 POS will be on display in the store. Any staff member who may be under the age of 18 must call a senior staff member to take over the sale and</p>
--	---



	complete the transaction. If it is known that a customer intends to purchase alcohol to provide to minors then that sale will be refused. All refused sales will be recorded in a refusals book, which will be made available for inspection by Police or Licensing Officers of the council on request.
--	---

Please upload a plan of the premises

	<a href="#">omar-plans.pdf</a>
--	--------------------------------

Please upload any additional information i.e. risk assessments

--	--

Checklist

	I have enclosed the plan of the premises. 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.
--	--

Home Office Declaration

Please tick to indicate agreement

	<input type="checkbox"/> I am a company or limited liability partnership
--	--

Declaration

I agree to the above statement

	Yes
PaymentDescription	██████████
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	

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.



## APPENDIX B

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/ 3013/17

**Date:** 29th August 2017

### **Re:- Boulevard Coffee Place, 224 Old Kent Road, London SE1 5UB**

Dear Sir/Madam

Police are in possession of an application from the above for a variation to the premise licence. The applicant is J & Matt Ltd and from enquires at companies house the sole director of the company is Mr Omar VILLARROEL COCA who was involved in the management of the premises with his wife when the licence was revoked on the 12th May 2015 following and expedited review submitted by the Metropolitan police. The review was submitted after two incidents of serious violence associated with the premises and then found to be operating past the terminal hour.

The applicant then applied for a new premises licence in December 2015 which was granted on the 18<sup>th</sup> January 2016 with a number of conditions with the purpose of preventing and future incidents of serious violence and intoxication.

The application submitted goes to circumvent some of the conditions imposed and we object to any sale of spirits above 20% ABV by the bottle or half bottle in any container. This has clearly had the desired effect and reduced crime and disorder and anti-social behaviour caused by intoxication at the premises. Removing this condition and allowing the sale of bottles will take any control away from staff as to the consumption by individuals.

We also object to any extension to the hours as the venue already has a terminal hour later than that recommended within the Southwark statement of licensing policy for the area the premises is situated. Some other premises do have later hours but they were granted prior to the current policy and if the police had to comment on them they would also object, due to crime and disorder and public nuisance in the area of the Old Kent road.

If the Sub-Committee feels it is appropriate and proportionate to grant the licence with the hours requested the Police would recommend the following conditions to be included on the licence and not to allow spirits to be sold other than by those specified in condition 344 of the current licence.

1. An ID scanning system to the reasonable satisfaction of Police be installed and maintained. 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. The system will be in operation at all times after 21.00hrs whilst the premises are in operation under the premises licence when the terminal hour is after 00.30hrs. All persons that enter the premises including staff, Patrons, DJ's 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.

2. A member of staff is on duty at all times the ID scan is in operation that is capable of working and accessing the data stored on the scanner and showing this on request to council and police officers.

By recommending conditions does not imply that we recommend the granting of the licence as we object in full to the application. But feel it should be offered to the committee as an option.

Submitted for your consideration.

Yours Sincerely

**PC Graham White 288MD**

Southwark Police Licensing Unit

Tel: 0207 232 6756

**From:** Regmi, Sadie  
**Sent:** Wednesday, August 30, 2017 4:41 PM  
**To:** Regen, Licensing  
**Cc:** Public Health Licensing  
**Subject:** RE: RE: Boulevard Coffee- 224 Old Kent, LDO = 01/09/2017

To whom it may concern:

**Re: Boulevard Coffee, 224 Old Kent, SE1 5UB**

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

This 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**

The applicant requests a new premises licence for the supply of alcohol on the premises Monday to Thursday 11:00 - 00:00, Friday to Saturday 11:00 - 04:30 and Sunday 11:00 - 02:00. The licence requested is for opening hours of Monday to Thursday 08:00 - 00:30, Friday to Saturday 08:00 - 05:00 and Sunday 08:00 - 02:30.

I have concerns regarding the hours of alcohol sales requested. Research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm. Crucially, the premises are located within a residential area and Southwark's Statement of Licensing Policy recommends a closing time of 2300 for establishments such as the one proposed.

**Recommendations**

- I recommend the requested closing times are amended in line with Southwark's Statement of licensing policy to 2300 daily

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

Yours sincerely,

Dr Sadie Regmi

*on behalf of Professor Kevin Fenton, Director of Health and Wellbeing (incorporating the role of Director of Public Health)* Dr Sadie Regmi | [sadie.regmi@southwark.gov.uk](mailto:sadie.regmi@southwark.gov.uk) | 02075253063



**LICENSING SUB-COMMITTEE  
12 MAY 2015  
NOTICE OF DECISION**

**APPENDIX C**

**LICENSING ACT 2003: BOULEVARD COFFEE PLACE, 224 OLD KENT ROAD, LONDON SE1 5UB**

**1. Decision**

That the council's licensing sub-committee, having had regard to the application by the Metropolitan Police Service for a review of the premises granted under the Licensing Act 2003 to CO & JM Ltd in respect of the premises known as Boulevard Coffee Place, 224 Old Kent Road, London SE1 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 licensing sub-committee heard from the Metropolitan Police Service representative, the applicant for the review who stressed the serious nature of the alleged incident on the 12 April 2015 and referred the sub-committee to the victim's witness statement, in which he stated that he arrived after 2am, purchased drinks from the bar and made a number of references to a dance floor at the premises. The Metropolitan Police indicated that this was inconsistent with the premises holder's witness statement that had been submitted to this sub-committee. They submitted that the premises licence holder had wilfully ignored the licence conditions and that the premises licence holder was not a suitable person to hold a premises licence as they could not be trusted to comply with the licence.

With respect to 8 March 2015, they noted that two of the CCTV cameras were not working at that time and the crime report indicated that the incident happened between 3am and 4am on the premises. The Metropolitan Police provided a statement from the premises licence holder which stated that "The alleged assault was downstairs on the ground floor of the coffee place" and "in early hours". The Metropolitan Police also clarified the position with the CCTV footage from 12 April 2015. No footage had been received from the system and is undergoing further forensic examination to establish whether or not the police's removal of the CCTV had damaged the recording.

The licensing sub-committee heard from the environmental protection team officer who supported the review. They submitted that the premises holder had been shown to run the premises well beyond the operating times and this was a basic and fundamental requirement of the licence. The environmental protection officer confirmed that when the licence was originally applied for that the environmental protection team had objected to the regulated entertainment application noting that there was no noise lobby, no sound insulation, the premises was adjacent to residential properties and there were no noise limitation proposals. They stated that EPT conciliated with the applicant on the basis that regulated entertainment was withdrawn from the application.

The licensing sub-committee heard from the representatives from the premises who submitted that the event of 12 April 2015 was an isolated incident in which customers unexpectedly stayed beyond the operating hour. They stated that the front door and the bar were closed at the appropriate time. In relation to the events of 8 March 2015, they stated that the incident occurred outside the premises and disputed the time at which the Metropolitan Police suggested that the incident happened. They submitted that it would be disproportionate to revoke the licence. They submitted that the premises licence holder had shown remorse and learned from the incident. The sub-committee were advised to either suspend the licence for a period of time or change the designated premises supervisor.

The legal representative of the premises licence holder conceded that there was clearly an issue with understanding the conditions of the licence.

The sub-committee carefully considered all the representations.

The sub-committee noted that the licence holder had conceded that some action was appropriate. The sub-committee did not think that either a change of supervisor or a suspension of up to three months would further the licensing objectives. They noted that the licence holder had not provided an alternative supervisor, and that the business was a small husband and wife enterprise. The committee were not convinced that a suspension of the licence of up to three months would result in either a greater awareness of the conditions on the licence or the need for licence holder to comply with them.

The sub-committee were concerned by inconsistencies in the representations of the licence holder. The sub-committee noted that at the previous hearing the licence holder had stated that the premises had been open on a number of occasions after the operating hours in the 30 days prior to the 12 April 2015. This appeared to be consistent with the other material received by parties that suggested that the 12 April 2015 was not an isolated occurrence. In relation to the 8 March 2015, the sub-committee noted that licence holder's police statement which implies the incident occurred on the premise and after the operating hours. The sub-committee were also concerned about a number of other breaches alluded to in representations, including: not maintaining the CCTV, selling spirits by the bottle; not moving clients on after the end of the operating hours; amplified music, dancing and karaoke.

The sub-committee noted the Facebook advert retrieved by the police. Although the licence holder suggested that this was not a regular event but rather an opening party with a DJ, this did not alleviate concerns. The sub-committee further noted that if this were accepted the event occurred shortly after the licence holder had agreed not to host regulated activities. The committee considered that the premises holder was likely to breach a premises licence that did not incorporate regulated activities. The sub-committee could not impose conditions for regulated activities on an existing alcohol land late night refreshment licence.

In light of the concerns above, the sub-committee did not consider that the licensing objectives could be furthered by any actions other than to revoke the licence.

The sub-committee would remind the premise holder that they may apply for a fresh licence covering regulated activities at a future date.

The sub-committee 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

Any appeal must be made to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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.

This decision does not have effect 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.

The interim steps shall 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 Legal Services

Date: 12 May 2015



## NOTICE OF DECISION

**APPENDIX D**

## LICENSING SUB-COMMITTEE – 18 JANUARY 2016

## LICENSING ACT 2003: Boulevard Coffee Place, 224 Old Kent Road, London SE1 5UB

**1. Decision**

That the application by J & Matt Ltd for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Boulevard Coffee Place, 224 Old Kent Road, London SE1 5UB is granted as follows:

Licensable Activity	Hours
Live music (indoors)	Sunday to Thursday from 11.00 to 00.00 Friday and Saturday from 11.00 to 00.30
Recorded Music (indoors)	Sunday to Thursday from 11.00 to 00.00 Friday and Saturday from 11.00 to 00.30
Anything similar to above	Sunday to Thursday from 11.00 to 00.00 Friday and Saturday from 11.00 to 00.30
Performance of dance (indoors)	Sunday to Thursday from 11.00 to 00.00 Friday and Saturday from 11.00 to 00.30
Late night refreshment	Sunday to Thursday from 23.00 to 00.00 Friday and Saturday from 23.00 to 00.30
Sale and supply of alcohol (on/ off the premises)	Sunday to Thursday from 11.00 to 00.00 Friday and Saturday from 11.00 to 00.30
Opening hours	Sunday to Thursday from 08.00 to 00.30 Friday and Saturday from 08.00 to 01.00

**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 conditions conciliated with the environmental protection team and the following conditions agreed by the licensing sub-committee:

1. 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 and an overview of all licensed areas including outside pavement area.



2. That all CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.
4. That two SIA registered door supervisors will be employed at all times after 21.00 until the end of business when the terminal hour is after 00.00 and till all patrons have vacated the premises they will be engaged to monitor admission and re-admissions to the premises, security, protection, screening and dealing with conflict and the dispersal of all customers.
5. That customers shall use no outside area after 22.00 other than those who temporarily leave the premises to smoke a cigarette and No more than five people at any one time. No drinks shall be taken outside whilst smoking.
6. That a personal licence holder will be on the premises at all times after 21.00.
7. That a form 696 must be submitted for any occasion in a premises licensed under the provisions of the Licensing Act 2003, using a DJ or MC performing to recorded background music, operating any time between 10pm and 6am, that is promoted in some form by either the venue or an outside promoter, where entry is either free, by invitation, pay on the door or by ticket.
8. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.
9. 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
10. That the management of the premises shall be present at and will supervise any event which is held at the premises.

### **3. Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant and their representative who advised that this was a new application following the revocation of the premises licence by the sub-committee on 12 May 2015.

They informed the sub-committee that the incident which led to the revocation was the result of a one off event and that such events would no longer be held on the premises. They advised that they had conciliated a number of conditions with the environmental protection team (EPT) and were also happy to accept the conditions proposed by the police. To date they had installed a new CCTV system and had taken steps to implement EPT recommendations. The police confirmed that the CCTV system was in place.

The applicant accepted that should the licence be granted this would be a second chance for them and assured the sub-committee that they now understood the importance of complying with the conditions and times on their licence.

The licensing sub-committee heard from the Metropolitan Police Service representative who advised that the conditions listed in their written representation should prevent serious violence, if the committee were minded to grant the licence.

The licensing sub-committee noted that the environmental protection team had conciliated with the applicant.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who voiced concerns regarding the applicant's ability to comply with conditions, given their past involvement with the management of the premises. In response to questioning, they confirmed that they were not aware of complaints prior to the incident which led to the review and revocation of the licence.

The licensing sub-committee heard from the planning enforcement officer who stated that he was not aware of the lawful use for the premises. He added that there appeared to be no objection in principle to the premises being used as a restaurant. He was however concerned that the premises should not be used as a nightclub and suggested restricting the terminal hour.

The sub-committee noted the concerns of the responsible authorities but having heard the applicant's assurances that he would operate within the terms of his licence and that events of the nature that had led to the review of the premises licence would not take place in the future, they decided that it would be appropriate to give the applicant a second chance and grant a licence subject to conditions.

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) That 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 the conditions of 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: 18 January 2016.

# Licensing Act 2003 Premises Licence



Environmental Health & Trading Standards  
Licensing Unit  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

Premises licence number

850501

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Boulevard Coffee Place 224 Old Kent Road London SE1 5UB	
Ordnance survey map reference (if applicable), 178491533402	
<b>Post town</b> London	<b>Post code</b> SE1 5UB
<b>Telephone number</b> [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  
Live Music - Indoors  
Recorded Music - Indoors  
Performance of Dance - Indoors  
Entertainment Similar to live/recorded music / dance - Indoors

**The opening hours of the premises**

For any non standard timings see **Annex 2**

Monday	08:00 - 00:30
Tuesday	09:00 - 00:30
Wednesday	08:00 - 00:30
Thursday	08:00 - 00:30
Friday	08:00 - 01:00
Saturday	08:00 - 01:00
Sunday	08:00 - 00:30

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

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

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

**Live Music - Indoors**

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

**Recorded Music - Indoors**

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

**Performance of Dance - Indoors**

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

**Entertainment Similar to live/recorded music / dance - Indoors**

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

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

J & Matt Ltd  
6E Surrey Square,  
London,  
SE17 2JU

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

09129842

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

Omar Villaroel Coca

[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 18/01/2016



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** 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 and an overview of all licensed areas including outside pavement area.

**289** That all CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.

**293** That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.

**4AD** That two SIA registered door supervisors will be employed at all times after 21.00 until the end of business when the terminal hour is after 00.00 and till all patrons have vacated the premises they will be engaged to monitor admission and re-admissions to the premises, security, protection, screening and dealing with conflict and the dispersal of all customers.

**340** That customers shall use no outside area after 22.00 other than those who temporarily leave the premises to smoke a cigarette and No more than five people at any one time. No drinks shall be taken outside whilst smoking.

**336** That a personal licence holder will be on the premises at all times after 21.00.

**341** That a form 696 must be submitted for any occasion in a premises licensed under the provisions of the Licensing Act 2003, using a DJ or MC performing to recorded background music, operating any time between 10pm and 6am, that is promoted in some form by either the venue or an outside promoter, where entry is either free, by invitation, pay on the door or by ticket.

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

**343** That the management of the premises shall be present at and will supervise any event which is held at the premises.

**344** 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.

**239** That no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance

**345** The applicant shall install sound insulation of adequate specification to any shared walls/floors/ceiling to ensure that noise from the operation of the premises does not cause intrusion in neighbouring property.

**180** The applicant shall be adequately ventilate the premises to allow doors and windows to remain closed during licensed entertainment.

**346** The applicant shall close all entrance doors and windows when regulated entertainment takes place except for immediate access and egress of persons.

**309** The applicant shall install a sound limiter device, set and maintain to ensure that the maximum levels of volume and bass of music, song or speech from the premises does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest noise sensitive premises.

**347** The applicant shall route any additional sound generating equipment through the sound limiter device.

**311** The applicant shall prominently display clearly legible signage at all patron exits requesting that patrons leave the premises in a quiet and orderly manner that is respectful to the neighbours

**348** The applicant shall employ suitably experienced person(s) at all times during licensable activities to ensure that patrons do not cause a nuisance in the vicinity of the premises

**349** There shall be no more than five persons permitted to smoke outside the premises at any onetime.

**350** The applicant shall not permit patrons to take drinks outside the premises at any time.

**351** The applicant shall keep the pavement in the immediate vicinity of the premises free from litter emanating from the premises while the premises are open.

**352** The applicant shall properly present and place out all waste for collection no earlier than 30 minutes before the scheduled collection times.

**353** The applicant shall not move, remove or place rubbish including bottles in outside areas of the premises between 2300 hours and 0800hours.

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

**Annex 4 - Plans - Attached**

Licence No. 850501  
Plan No. 002-VS2  
Plan Date November 2015

**CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001**

Date of the Closure Notice: 30<sup>th</sup> / 12 Time Served: 2310 hrs

Authority issuing Notice: Metropolitan Police Service

**APPENDIX F**

Name and rank of person making the notice: Inspector Diana [redacted] 44444

Signature: [redacted]

Name (if applicable) and address of the affected premises:  
ROSEVALE - 224 WILKINS RD S.E.1 5UR

**Alleged unauthorised use of the premises (section 19 (6)(a))**

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

289 - CCTV to record for 28 days. 287 - No records? Staff are  
found a records kept for the licensing act 2003. All - sign for  
to leave quietly. 407 - No sign of staff or entry of alcohol into area.

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

CCTV only records for 28 days. There are no staff leaving records  
in evidence. - No sign of staff or entry of alcohol into area.

**Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))**

Reduce CCTV to record for 28 days per licence. Training records not  
to stored in sign that over the exit for customer to leave quietly &  
to entry sign also staff on the relevant rights.

**Third party consideration (section 19.4)**

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details) Yes

If yes they must be issued with a copy of this form

**Effect of section 20, Application for closure order.**

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

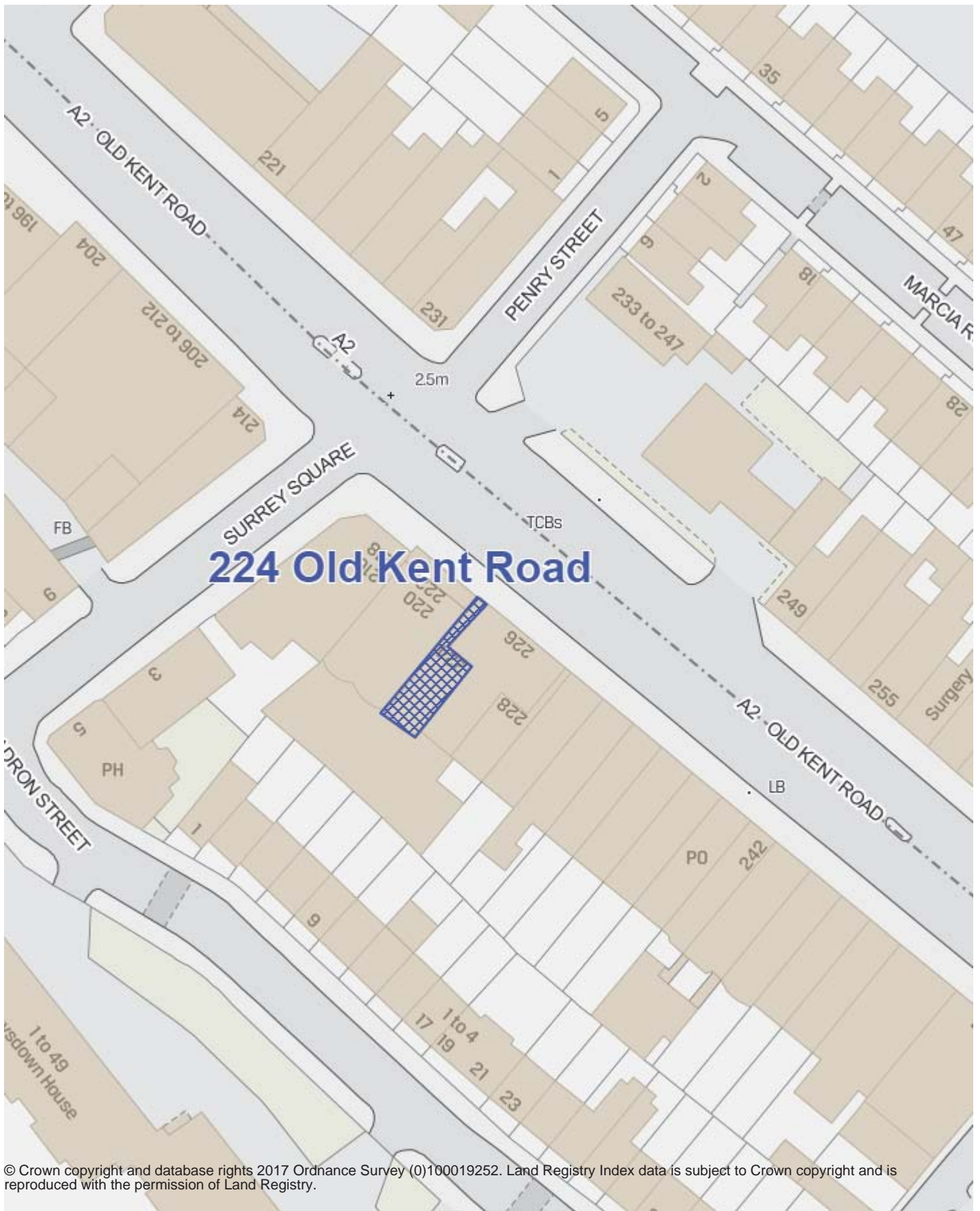
The Person (if applicable) on whom the closure notice has been served:

Name Small [redacted]

Signature [redacted]

Date 30th June 2017





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12-Sep-2017

Scale = 1 : 661 500

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