

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.