

Licensing Act 2003 Premises Licence



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

Premises licence number

862387

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Lokma Restaurant 11 Bermondsey Square London SE1 3UN	
Ordnance survey map reference (if applicable), 179382533330	
Post town London	Post code SE1 3UN
Telephone number 020 7407 2991	

Where the licence is time limited the dates
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Licensable activities authorised by the licence
Live Music - Indoors Recorded Music - Indoors Performance of Dance - Indoors Facilities for Making Music - Indoors Late Night Refreshment - Indoors and outdoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 07:00 - 00:30
Tuesday 07:00 - 00:30
Wednesday 07:00 - 00:30
Thursday 07:00 - 00:30
Friday 07:00 - 01:30
Saturday 07:00 - 01:30
Sunday 07:00 - 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

Sale by retail of alcohol to be consumed off 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 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 01:00
Saturday	12:00 - 01:00
Sunday	12:00 - 00:00

Recorded Music - Indoors

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

Performance of Dance - Indoors

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

Facilities for Making Music - Indoors

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

Late Night Refreshment - Indoors and outdoors

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

Sale by retail of alcohol to be consumed on premises

Monday	07:00 - 00:00
Tuesday	07:00 - 00:00
Wednesday	07:00 - 00:00
Thursday	07:00 - 00:00
Friday	07:00 - 01:00
Saturday	07:00 - 01:00
Sunday	07:00 - 00:00

Sale by retail of alcohol to be consumed off premises

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	12:00 - 22:30

Part 2

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

Lokma Limited
11 Bermondsey Square
London
SE1 3UN
zehra@lokmarestaurant.com

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

10602336

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

Shahrokh Parvin
[REDACTED]
[REDACTED]
[REDACTED]
[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

Licence No. [REDACTED]
Authority L.B Hammersmith and Fulham

Licence Issue date 22/05/2018

[REDACTED]

Head of Regulatory Services
Hub 1, 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

112 This licence allows for the premises to remain open for non standard timings as stated on the days below. from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

113 This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following days: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

114 This licence allows for the premises to extend the following licensable activities for non standard timings as stated below on the following days: Provision of regulated entertainment Live Music, Recorded Music, Performances of Dance, Facilities Making Music, Entertainment of a Similar Discription. from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

115 This licence allows for the premises for the provision of late night refresment for non standard timings stated below on the following days: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

138 That substantial food is to be available at all times throughout the licensed hours

180 That a ventilation system will be installed

309 That a sound limiting device is to be installed and set in agreement with the Environmental Protection Team

312 That the external seating area is to be curfew at 22.00hrs

328 That an approved under-age scheme shall be implemented and staff trained accordingly

340 That relevant fire risk assessments will be carried out as appropriate

341 That relevant health and safety policies will be in place and staff appropriately trained

342 That the licensee shall encourage patrons to leave in the direction of public transport

343 That the licensee shall encourage patrons not to congregate outside the premises after they have closed

344 That sound insulation will be installed

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

840 All regulated entertainment provisions (live music, recorded music, performance of dance and facilities for making music) from the licence are to be removed for a period of three months, between 23rd May to 22nd August 2018.

841 That a sound limiting device shall be installed, set and maintained by a sound engineer so that the maximum level of volume and bass of music, song or speech from licensed entertainment does not cause a public nuisance in the vicinity of the premises or within the nearest or most exposed noise sensitive premises.

842 That all audio and musical equipment used in the premises, permitted under the Licensing Act 2003 or the Live Music Act 2012, shall be played through the installed sound limiting device.

843 The external area will be out of use by patrons between 22:00 and 07:00, with all outdoor furniture rendered unusable by 22:15 each day.

844 That all doors and windows will be closed after 22:00, except for the immediate access and egress of persons.

845 That all patrons be directed to exit the premises via the doors leading onto Long Lane after 22:00.

Annex 4 - Plans - Attached

Licence No. 862387

Plan No. DAB/1/01

Plan Date December 2000

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 23 APRIL 2018

SECTION 51 LICENSING ACT 2003: LOKMA RESTAURANT, 11 BERMONDSEY SQUARE, LONDON SE1 3UN

1. That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by a local resident for the review of the premises licence issued in respect of the premises known as Lokma Limited, 11 Bermondsey Square, London SE1 3UN, having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:
 - Remove all late night entertainment provisions from the licence for a period of three months; that is: live music, recorded music, performance of dance and facilities for making music.
 - The following further conditions have also been added to the licence:
 1. That a sound limiting device shall be installed, set and maintained by a sound engineer so that the maximum level of volume and bass of music, song or speech from licensed entertainment does not cause a public nuisance in the vicinity of the premises or within the nearest or most exposed noise sensitive premises.
 2. That all audio and musical equipment used in the premises, permitted under the Licensing Act 2003 or the Live Music Act 2012, shall be played through the installed sound limiting device.
 3. The external area will be out of use by patrons between 22:00 and 07:00, with all outdoor furniture rendered unusable by 22:15 each day.
 4. That all doors and windows will be closed after 22:00, except for the immediate access and egress of persons.
 5. That all patrons be directed to exit the premises via the doors leading onto Long Lane after 22:00.

2 Reasons for the decision

The reasons for this decision are as follows:

The sub-committee heard from the applicant who explained that the premises had allowed their business to be conducted in a manner, over a period of months, that had led him to suffer to such an extent that his health had been compromised. The applicant stated that since the grant of the new licence at the premises in December 2017, he had observed excessively loud music, late night belly dancing and the premises remaining open outside of the hours set out in the licence. He further explained that any attempt to engage with the management team had not been dealt with satisfactorily.

The applicant was supported by another resident, who corroborated the observations and reiterated that bringing the matter to the sub-committee was very much a last resort, but that she found her flat to be inhabitable whilst this conduct continued. She further stated that on the occasion that she had been downstairs to speak with the management she had found them to be unhelpful at best and that the initial reduction in noise levels was reversed within approximately twenty minutes of her returning to her flat. Both the appellant and the witness had consulted with the council thereafter, to seek a resolution to the issue, but the licence holder failed to engage resulting in a number of warnings being issued.

Both the applicant and the witness were asked about the change of management and whether they felt that the change that had taken place in February 2018 had affected the noise levels. Both individuals stated that the levels had dropped, but that music could still be heard in their flats.

The sub-committee heard from the environmental protection team (EPT) who stated that two warning letters had been sent to the premises, owing to noise nuisance being observed outside of the opening hours permitted in the premises license. They were able to confirm that a further breach was witnessed by an officer resulting in an Abatement Notice of Noise Nuisance being issued on 19 February 2018. The representative acknowledged that there had been a change of management and that there had been a further complaint on 13 March 2018, but that the details had not been provided. Finally the representative confirmed that no contact had been made to request support or guidance by the premises in respect of a noise limiter or measure that could be taken to contain noise.

The sub-committee then heard from a representative for the licensed premises, who stated that there had been consistent ownership at the premises over a period of years, but went on to accept the period of noise nuisance as set out by the applicant. In response to this, the respondent had immediately served notice on the manager who had permitted the nuisances to occur.

The licence holder had then installed a sound limiter and indicated a willingness to engage with EPT to ensure that it was set at an appropriate level. In addressing concerns regarding the bass reverberation into the premises above, the representative confirmed that an expert had attended the premises and identified that a speaker on the raised glass floor may have been responsible. It was explained that this speaker has now been moved and no longer used. The sub-committee heard that a 'complete diagnostic of the sound system' had been completed, but that no report had been provided. When asked whether they had fitted extra insulation to further reduce noise travelling, they confirmed that this hadn't been done.

The representative did draw the sub-committee's attention to the fact that there was another neighbouring premises that had also allegedly caused noise nuisance. Finally the representative did set out that there had not been any complaints since the owner had taken immediate steps to remedy the issues.

In considering the submissions from all parties the sub-committee were concerned that not only had there been noise nuisance to such an extent as to warrant two warning letters and then a noise abatement notice, but also the fact that the noise nuisance was being conducted past the operating hours as set out in the licence.

The sub-committee acknowledged that the respondent had taken steps to prevent further noise nuisance, but also recognised the submissions from the applicant that the residents were still able to hear noise from the premises in their flats. The sub-committee were therefore satisfied that the measures taken thus far had not gone far enough to completely remedy the problem.

The sub-committee felt that circumstances of the noise nuisance were such, that a 3 month suspension of the late night entertainment element of the licence was a proportionate response. They wanted to ensure that the premises understood how seriously they regarded the breaches and the way the premises dealt with the residents in making their complaints.

In adding further conditions to the licence, the sub-committee felt that these would assist the premises in ensuring that no further issues should arise. The sub-committee wanted to ensure that the licence holder was clear that the responsibility to ensure compliance with these conditions lay with him and not EPT. The sub-committee finally recommended that if the conditions 1 and 2 detailed in this notice of decision were not complied with within three months, EPT should submit a review application so that the matter can be further considered by the licensing sub-committee.

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.

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; 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: 23 April 2018