

Licensing Sub-Committee

Friday 26 August 2016

10.00 am

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

Supplemental Agenda No.1

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Contact

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Date: 26 August 2016

Item No. 6.	Classification: Open	Date: 26 August 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE	
Ward(s) or groups affected:		East Walworth	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATIONS

That the licensing sub-committee considers whether it is necessary to take interim steps pending the determination of an application made under Section 53A of the Licensing Act 2003 by the chief of police for the metropolitan police area for a summary review of the premises licences in respect of the premises known Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE.

1. Notes:
 - a) Under section 53A(2) of the licensing act 2003 the licensing authority must consider interim steps following the submission of an application under Section 53A of the licensing act 2003.
 - b) A copy of the full application and certificate is attached as Appendix A.

BACKGROUND INFORMATION

The Licensing Act 2003

2. 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.
3. Within Southwark, the licensing responsibility is wholly administered by this council.
4. 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.
5. 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.
6. The summary review powers under sections 53A to 53C of the Act allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

KEY ISSUES FOR CONSIDERATION

The premises licence

7. The premises in respect of the premises licence consists of a bar and restaurant on the ground floor of 280 Old Kent Road.
8. The premises licence was carried over from the Justices and music and dancing licences in the 2005 transition, the premises was called Pardis during this period with a different premises licence holder and DPS. This premises licence was revoked by the licensing sub-committee on 17 December 2013 following an expedited review application by the Police for a serious assault.
9. A new application for a premises licence was submitted by the current premises licence holder, Douglas Otunyo in 07 April 2014 with Mr Otunyo as the DPS.
10. An application to vary the premises licence was made on 22/09/2014 to extend the hours. The application was opposed by EPT and a resident and was granted at a hearing of the Licensing Sub-Committee on 06/11/2014.
11. A second application to vary the premise licence to extend the hours further and adjust conditions including to extend the last entry time was made on 13 November 2015. The application was opposed by the following responsible authorities; the Police, health and safety team, public health and licensing as a responsible authority and the application was partly granted at a hearing of the licensing sub-committee on 18 January 2016 and further conditions modified.
12. The details of the current premises licence that applies to both areas are:
- **Opening Hours:**
Monday to Wednesday from 06:00 to 00:00
Thursday from 06:00 to 00:30
Friday and Saturday from 06:00 to 04:00
Sunday from 06:00 to 00:30
 - **Live music:**
Monday to Sunday from 12:00 to 23:00
 - **Recorded music:**
Monday to Wednesday from 12:00 to 23:30
Thursday from 12:00 to 00:30
Friday and Saturday from 12:00 to 03:30
Sunday from 12:00 to 00:30

- **Late night refreshment:**
Monday to Wednesday from 23:00 to 23:30
Thursday from 23:00 to 00:30
Friday and Saturday from 23:00 to 03:30
Sunday from 23:00 to 00:30
- **Sale of alcohol for consumption on the premises:**
Monday to Wednesday from 12:00 to 23:30
Thursday from 12:00 to 00:30
Friday and Saturday from 12:00 to 03:30
Sunday from 12:00 to 00:30.

13. A copy of the current premises licence is attached as Appendix B.

Designated premises supervisor

14. The designated premises supervisor (DPS) is Douglas Otunyo who has been the DPS since 7 April 2014 and holds a personal licence issued by the London Borough of Lewisham.

The review application and certificate

15. On 24 August 2016 the Metropolitan Police applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE.
16. A senior member of the police force for the area has certified that in his opinion the premises are associated with serious crime or serious disorder or both.
17. The application is concerned with a serious incident that took place on 21 August 2016 at approximately 03:00 hours it is alleged that a patron push a female to the floor and then threw a bottle hitting the head of a male patron causing injuries constant with grievous bodily harm.
18. On arresting the suspect the police were confronted by a hostile crowd outside the venue trying to prevent police from making the arrest and addition Police support was requested, two assaults on the police occurred.
19. A number of conditions were found to be contravened, including allowing patrons to enter the premises after the last entry time and allowing patrons to enter the premises without ID.
20. The police request that following interim steps are taken to prevent further incidents from occurring;
- The licence is suspended until such time as the full hearing is determined
21. The licensing sub-committee is not restricted to just considering this step.
22. A copy of the application and certificate are attached to this report as Appendix A.

The review procedure

23. The current hearing is for the purpose of considering if interim steps are needed as a result of the police review and information submitted pending the full review hearing that will be held on 22 September 2016.
24. The licensing sub-committee is not obliged to hear evidence from other parties at this stage of the procedure. However the premises licence holder has been invited to attend the hearing and members can hear any representation made regarding interim steps.
25. The review is currently being consulted on and is advertised at the premises for 10 days. Responsible authorities and any other persons may make representations that will then be considered at the full hearing of the licensing sub-committee.
26. Any interim steps made by the licensing sub-committee at this hearing will cease to have effect once the review has been determined.

Operating History

27. Two full premises inspections were made under the Licensing Act 2003, the first conducted on 24 January 2015 at 23:37, the premises was found to be in breach of five conditions of the premises licence, including the incorrect use of the ID scanning machine. A warning letter was sent on 28 January 2015.
28. A revisit on 22 March 2015 at 00:09 found the premises to be compliant.
29. The second conducted on 10 January 2016 at 02:20, the premises was found to be in breach of one condition of the premises licence, the ID scan was not being used to scan customers in.
30. Further visits by council licensing officers working on the night-time economy have been made and details of these visits are provided in Appendix C.

The local area

31. A map of the local area is attached at Appendix D.
32. This premises is not in a cumulative impact area.
33. This premises is in a residential area under the Southwark Statement of Licensing policy 2016 – 2020 section 7 Hours of Operation, the following closing times are recommended by the policy as appropriate within this area for these categories of premises:
 - Closing time for restaurants and cafes is 23:00 daily
 - Closing time for public houses, wine bars or other drinking establishments is 23:00
 - Closing time for night clubs (with sui generis planning classification) are not considered appropriate for this area.

Southwark statement of licensing policy 2016-20

34. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016. 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.
35. 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.

Resource implications

36. There is no fee associated with this type of application.

Consultation

37. The premises licence holder has been informed of the application for review and of the details of the interim hearing, they have indicated that they will attend the hearing.
38. The premises licence holder's representative has submitted a 696 promotion event risk assessment form for the event submitted to the Police central licensing promoters desk, the event was classified as low risk by the Police in an email dated

27 October 2015. An after event assessment by the club is also submitted. Copies of these documents are in Appendix E.

Community impact statement

39. 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

40. The sub-committee is asked to consider interim steps following an application to review the premises licence under Section 53A of the licensing act 2003.
41. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

42. The licensing authority must hold a hearing to consider interim steps within 48 hours of receiving an application for review of a premises licence where.
- The application is properly made in accordance with Section 53A of the Act.
 - The licensing authority has considered the ground(s) of review to be relevant to the licensing objective for prevention of crime and disorder.
43. The four licensing objectives are –
- The prevention of crime and disorder.
 - The protection of public safety.
 - The prevention of nuisance.
 - The protection of children from harm.
44. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the premises licence.
45. The steps will remain in place until the review application is determined at a full hearing of the licensing sub-committee.
46. The authority may decide to take no action if it finds no interim steps are necessary to promote the licensing objectives.
47. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action

should generally be directed at these causes and should always be no more than a necessary and proportionate response.

48. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

49. Where the authority takes interim steps on application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
 - The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

50. 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
 - To 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.

51. This matter relates to the review of the premises licence under section 53A of the Licensing Act 2003.

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

52. 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.
53. 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.
54. 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.
55. 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.
56. 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.
57. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
58. 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.

59. There is no right of appeal to a magistrates' court against the licensing authority's decision regarding the setting of interim steps at this stage.

Guidance

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

REASONS FOR LATENESS

61. The reasons for lateness are that when an application for an expedited summary review is received from the Police under section 53a of the Licensing Act 2003 the Council's licensing authority has a statutory duty hold a hearing within 48 hours from receipt of the application to consider interim steps that may be placed on the premises licence until such time as the application can be fully determined.

REASONS FOR URGENCY

62. The council has a statutory duty under section 53a to hold an interim hearing within 48 hours of receipt of a summary review.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	C/O Southwark Licensing, Community Safety & Enforcement, 3rd Floor Hub C, 160 Tooley Street PO Box 64529 SE1 5LX	Mrs Kirty Read Tel:02075255748

APPENDICES

Name	Title
Appendix A	Copy of review application and certificate
Appendix B	Copy of the existing premises licences
Appendix C	Council night time economy team visits
Appendix D	Map of local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	David Franklin, Team Leader Licensing	
Version	Final	
Dated	25 August 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	25 August 2016	


**METROPOLITAN
POLICE**
TOTAL POLICING
Form for Applying for a Summary Licence Review
Application for the review of a premises licence under section 53A of the Licensing Act 2003
 (premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:
Name: Southwark Licensing Team

Address:

3rd Floor 160 Tooley Street

Post town: Southwark

Post code:

SE1 2QH

Ref. No.:
I Police Constable Ian Clements 362MD

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details
Postal address of premises or club premises, or if none, ordnance survey map reference or description:

Lush Bar and Restaurant 280 Old kent Road

Post town: Southwark

Post code:
 (if known)

SE1 5UE

2. Premises licence details
Name of premises licence holder or club holding club premises certificate (if known):

Mr Douglas Otunyo

Number of premises licence or club premises certificate (if known):

850340

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:



PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both
(Please read guidance note 2)

PROTECTIVE MARKING

On Sunday the 21st August 2016 at around 3am there was a serious assault inside the premises resulting in the victim receiving injuries consistent with grievous bodily harm.

On Police arrival the incident had spilled out into the street where a group of about 60 & 70 were gathered, Police describe them as hostile and anti Police. Superintendent

The initial investigation found that two assaults had occurred inside the premises. A female was assaulted inside the venue and pushed to the floor by the male suspect. This same suspect has then thrown a bottle at the head of the second victim causing GBH injuries to his head.

On arrest of the suspect the Police were confronted with the hostile crowd, one of whom came to the assistance of the suspect and put himself between the suspect and the Police in an attempt to prevent or obstruct the arrest.

Police officers on scene called for more units to attend as the crowd was becoming increasingly hostile, as more units arrived on scene their concern and risk assessment led to them making the tactical option to draw their Police batons.

The victim was taken to hospital where his would was glued, the female victim who was pushed to the ground by the suspect has called Police stating that she has several bruises as a result of the assault. The suspect has been charged with assault on police x2, assault by beating and S20 assault GBH.

My initial investigation into the incident and the operation of the premises on the night show some serious breaches of the premises licence.

Condition 369 of the premises licence relates to the use of an ID scan system in relation to all staff, customers, DJ's and related staff. All persons that enter the premises will have their details scanned and recorded on the ID system.

Condition 364 relates to no new entry to the premises after **2am**

The ID scan system shows a total of **133** entries, out of those **133** there were **20** persons allowed entry without ID, it also shows a number of documents that were not scanned correctly or were not valid forms of ID.

It also reveals that **15** people were permitted entry after 2am with the last entry shown at **02:57**.

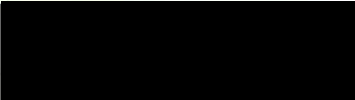
Of relevance is that the suspect for the above assaults was allowed entry to the premises without showing or having his ID scanned. The victim in his initial statement also stated that he was allowed entry without showing ID.

In January 2016 Police from the night time economy team visited the premises to conduct a licensing visit, on this occasion it was established that the ID system was not being used correctly and a number of persons inside the premises were not shown as having being scanned.

Mr Otunyo was issued with a closure notice under section 19 of the criminal justice and Police act 2001. Mr Otunyo agreed that improvements were required and he would ensure that his licence conditions were met. It was emphasised on this occasion that every person who enters the premises must be scanned onto the system prior to admission.

Due to the seriousness of this incident and the obvious non compliance of the premise licence, Police are asking the licensing sub committee to suspend the premises licence with immediate effect pending a full review hearing.

PROTECTIVE MARKING

Signature of applicant			
Signature:		362 ¹²³	Date: 24/08/2016
Capacity:	Police Licensing Officer		
Contact details for matters concerning this application			
Surname:	CLEMENTS	First Names:	Ian
Address:	Southwark Police Station 323 Borough High Street		
Post town:	Southwark	Post code:	SE10 1JL
Tel. No.:	0207 232 6756	Email:	ian.clements@met.police.uk

Notes for guidance

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
 Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



**METROPOLITAN
POLICE**

TOTAL POLICING

Form 693A

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

**I hereby certify that in my opinion the premises described below are associated with:
Serious Crime and Serious Disorder**

Premises (Include business name and address and any other relevant identifying details):

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

Lush Bar and Restaurant, 280 Old kent Road

Post town:

Southwark

Post code:
(if known)

SE1 5UE

Premises licence number (if known):

850340

Name of premises supervisor (if known):

Douglas Otunyo

PROTECTIVE MARKING

^{EH}
I am a ~~acting~~ Superintendent* in the Metropolitan Police Service.

*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

On Sunday the 21st August 2016 at around 3am there was a serious assault inside the premises resulting in the victim receiving injuries consistent with grievous bodily harm. On Police arrival the incident had spilled out into the street where a group of about 60 & 70 were gathered, Police describe them as hostile and anti Police.

The initial investigation found that two assaults had occurred inside the premises. A female was assaulted inside the venue and pushed to the floor by the male suspect. This same suspect has then thrown a bottle at the head of the second victim causing GBH injuries to his head.

On arrest of the suspect the Police were confronted with the hostile crowd, one of whom came to the assistance of the suspect and put himself between the suspect and the Police in an attempt to prevent or obstruct the arrest.

Police officers on scene called for more units to attend as the crowd was becoming increasingly hostile, as more units arrived on scene their concern and risk assessment led to them making the tactical option to draw their Police batons.

Police have concerns with regard to the management of the premises, the apparent lack of control and proper management of this incident. There are additional concerns as to the overall management of the premises and a serious breach of the premises licence on the night in question. There have also been previous concerns over the compliance with the premise licence.

I am of the opinion that immediate action is required to prevent crime and disorder and to protect the public, the standard review procedure is not appropriate on this occasion.

Signature

Signature:



Date:

24/8/16

Licensing Act 2003 Premises Licence



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

Premises licence number

850340

Part 1 - Premises details

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

Where the licence is time limited the dates

Licensable activities authorised by the licence

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

The opening hours of the premises

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

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:30
Friday	06:00 - 04:00
Saturday	06:00 - 04:00
Sunday	06:00 - 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

Live Music - Indoors

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

Recorded Music - Indoors

Monday	12:00 - 23:30
Tuesday	12:00 - 23:30
Wednesday	12:00 - 23:30
Thursday	12:00 - 00:00
Friday	12:00 - 03:30
Saturday	12:00 - 03:30
Sunday	12:00 - 00:00

Late Night Refreshment - Indoors

Monday	23:00 - 23:30
Tuesday	23:00 - 23:30
Wednesday	23:00 - 23:30
Thursday	23:00 - 00:00
Friday	23:00 - 03:30
Saturday	23:00 - 03:30
Sunday	23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday	12:00 - 23:30
Tuesday	12:00 - 23:30
Wednesday	12:00 - 23:30
Thursday	12:00 - 00:00
Friday	12:00 - 03:30
Saturday	12:00 - 03:30
Sunday	12:00 - 00:00

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**Douglas Otunyo
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]**Registered number of holder, for example company number, charity number (where applicable)****Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**Douglas Otunyo
[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. LEW3514
Authority LB Lewisham

Licence Issue date 18/01/2016

[REDACTED]
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

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

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

289 The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be made available immediately upon request of police or authorised officer throughout the proceeding 31 day period. The premises shall have the facility on the system to transfer the images to another data device.

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

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

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

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

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

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

344 That all house speakers shall be isolated from the structure of the

building, either by rubber acoustic matting, anti vibration hangers or chained.

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

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

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

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

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

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

351 That the premises will be adequately mechanically ventilated.

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

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

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

performance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the police.

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

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

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

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

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

Annex 4 - Plans - Attached

Licence No. 850340
Plan No. 150
Plan Date 7.1.2014

APPENDIX C

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

26/09/2014	19:46 NTE Visit	KZA	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	notice check for JMT
04/10/2014	01:45 NTE Visit	RAK	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	No activity taking place within the premises ATOV. Spoke to Douglas the owner and licensee of the premises. He advised me that the premises was now closed. ATOV observed the premises before entering. There was no general activity which gave the impression that an event had or was due to take place. Douglas confirmed that he had a temporary event notice for the Saturday. Words of advice given that he needed to control patrons and ensure that music level were not exceeded which could lead to a public nuisance. Douglas confirmed that he would be in control of the night and would ensure that there were no issues. Noted that Blue site notice was still on display in the front window of the premises advertising licensing application which is still within a consultation period.
10/10/2014	1:35 NTE Visit	JMT	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	01:35 19/10/14 JMT & FRC VISITED- Lush Bar, 280 Old Kent Road, SE1 5UE2 SIA on door. No customers standing outside premises.
31/10/2014	22:58 NTE Visit	KZA	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	H&S revisit - electrical socket not repaired, kitchen requires thorough deep clean
15/11/2014	03:38 NTE Visit	RAK	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visited premises with Tracey McCarthy to observe premises as a result of recent variation to extend hours of operation of premises. Premises was found to be closed and compliant ATOV. No issues noted.
16/11/2014	02:48 NTE Visit	RAK	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visited location with AB premises closed ATOV.
29/11/2014	22:00 NTE Visit	RAK	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Drive past the premises with AB and KD. Noted X3 SIA staff at the front of the premises and no patrons outside or within the premises. No issues in relation to ASB identified in and around the surrounding area of the venue.
30/11/2014	03:58 NTE Visit	RAK	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visited the premises with AB and noted that the premises was closed and that no activity was taking place at the venue. Drove around the immediate surrounding roads and noted no issues in relation to ASB.
21/12/2014	01:30 NTE Visit	RAK	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visited the premises with AB on NTE. No issues noted X3 SIA staff at the premises no noise breakout or issues in relation to ASB.
21/12/2014	01:50 NTE Visit	RAK	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	RAC and AB accompanied NTE Police to premises in relation to an allegation of an assault at the venue. Arrived at venue and there was mainly a lot of verbal between patrons and SIA staff at the premises. A patron alleged that he had been thrown out for no reason. The Police made no arrest and we left the premises and the Police treated the incident as an unfounded allegation.

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

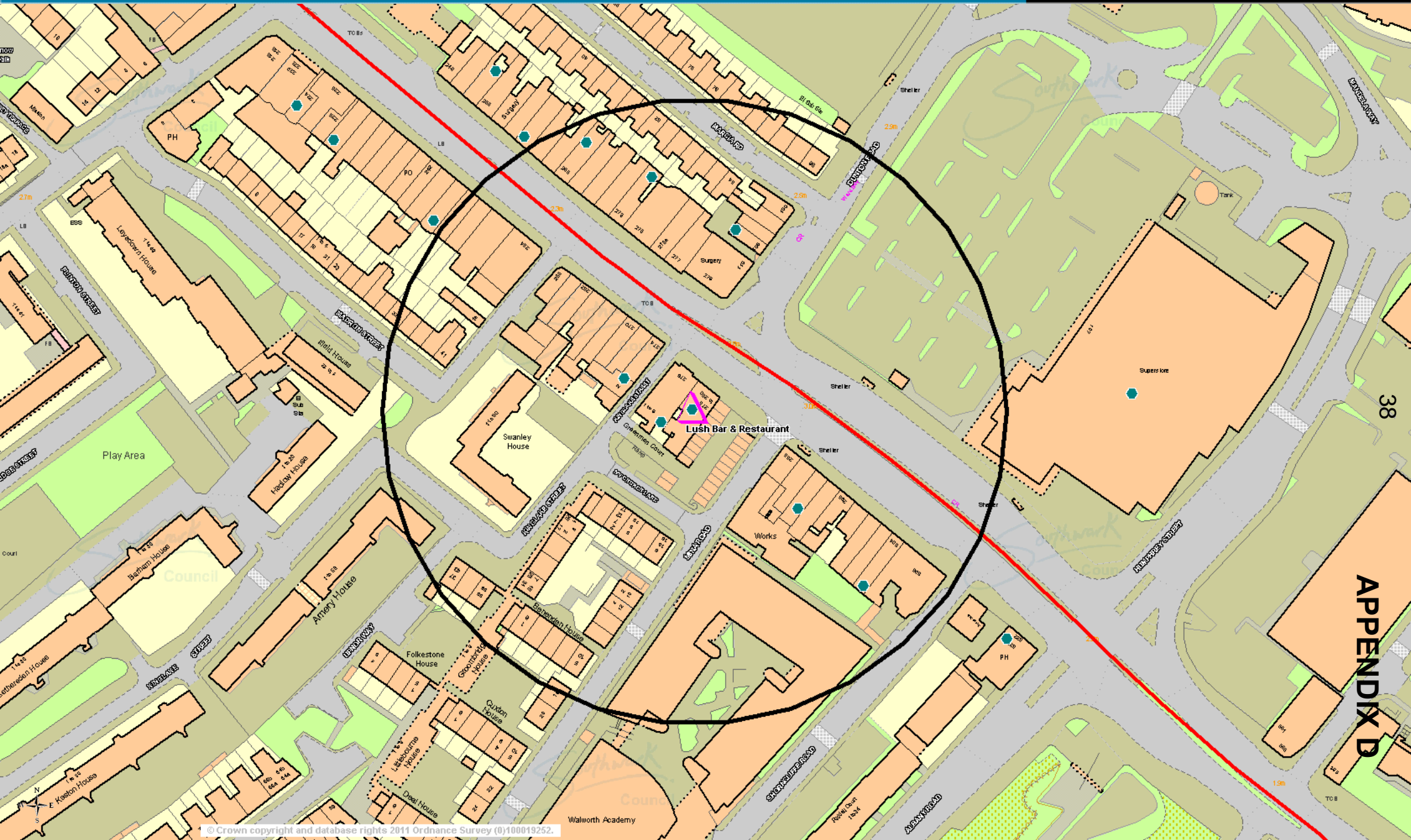
25/04/2015	00:40 NTE Visit	JMT	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	<p>00:40 25/4/2015 JMT & TMM LUSH BAR AND RESTAURANT - 280 OLD KENT ROAD, LONDON SE1 5UE – On approach to premises noted one of the doors was wide open and there was no SIA door supervisors manning the door. Could hear LAM from outside the premises. We entered the premises unchallenged and was checking the signage in the lobby. The inside lobby door was also wide open. The club scan in the lobby area was not switched on. A male came to the door and we id ourselves. I said that Tracey had come to do a food inspection so would need to inspect the kitchen area and that I had come to do a licensing inspection. The male told me he was Mr Douglas Otunyo (DPS). I asked him why there was no SIA door supervisors manning the door and he told me that he did not need them as he was not providing reg ent and the condition says that he only need them then and if there is a DJ and that the music was only background. I said that this was incorrect and that the music I could hear was not background, that it was very loud and he insisted it was background. I explained that if it was background our voices would be heard above it and that was not the case. I asked him to turn down the music so that he could hear me. He asked a male who was now behind the DJ booth to turn the music down. He then proceeded to disagree with me. He said he had no DJ and that music was background. I told him that I saw the male behind the booth when we entered, the same male who got behind the DJ booth to turn the music down. There was appx 4/5patrons in the premises. I asked Mr Otunyo if he could show me his sound limiter. There was something that looked like a sound limiter up high on the wall, which had one green bar alight on it. It was not pulsing red with the beat of the music. I asked him if it was working and he said yes. The male behind the bar DJ booth then cut it out to show it had gone of and then turned it back on again. I asked if the limiter had been set by and he said yes, to cut out if to loud. I asked him to briefly turn it up to show it cuts out (this was at01:15) The male behind Booth turn it up very loud and there was not cut out. I asked him to turn it back down as I did not want it to disturb neighbours. The sound was not up for more than 30 seconds and did not cut out when it reached a considerable level. I told him that maybe it had not been set to the correct level and asked if a sound engineer had set it. He said he was waiting for the EPT to set it. I told him that it is his responsibility to set the limiter via a sound engineer and then ask the EPT to check if the levels were okay. But that it is not EPTs responsibility to set it for him and that he could invite them when the engineer was setting it if necessary. He then went on to complain that the noise team had been and given him a FPN, but seemed confused about this. He wanted to continue arguing about this. I said that I was here to do an inspection for licensing and we would carry on. Tracey explained that she want to inspect the kitchen and asked if this was okay and he said yes. Tracy then went of to inspect the kitchen. I carried out the rest of the inspection with Mr Otunyo. I told him that we could discuss any issues afterwards. I checked the CCTV and it was working, I asked Mr Otunyo to show me footage from 28 days back. Although the footage was there it was of very</p>
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					<p>bad quality. Tracy came back from the kitchen whilst I was doing this. I found the following breaches of 348 (sound limiter not working), 353 (windows and door to be kept closed); 369 (club scan not in use although installed), 341 & 370 (no SIA), although a refusal log was produced it had not entries in it. We went to the lobby entrance. Tracey told Mr Otunyo that she would have to come back on Tuesday to inspect as at the moment there was someone in the kitchen doing a deep clean. Tracy said that the lady had been there since 8. I told Mr Otunyo of the breaches with regards to his premises licence and said that I would write to him about this. I told that at this stage it would be a warning and that officers would come back to check matters had been put right. Mr Otunyo was upset about this and said he does not want a warning letter and that he was not in breach. I said that I had already explained and was not going to argue with him about whether they were breaches or not and that I would write to him. I explained again that he must operate to the conditions of his licence or he could face prosecution or be taken to a review, but for the moment I wanted him to rectify the issues. Mr Otunyo called me a liar and said that I had said there was a DJ and there was not. I said that when we arrive I saw the male that had could behind the DJ booth there albeit he was not there continuously(this point is irrelevant as condition 341 still requires sia irrespective of a DJ or not.). Tracy reiterated that she would be back on Tuesday and I said we had to leave now. Mr Otunyo then became angrier and said that he was fed up with us people keep coming and serving warning letters every week. I said that the NTET work all the time and that if he kept getting visits it was most probably to check if matters had been rectified. I said again that we are leaving now. As we were leaving noted two more people arriving. We walked away and Mr Otunyo was still trying to argue. I said that I had nothing more to say and that I would write to him. He followed us to the traffic lights still trying to argue. When we got back to the car I called the NTET, WITH A VIEW TO a SECTION 19 and got not answer from the phone. I left a message again.</p>
01/05/2015	22:20 NTE Visit	FRC	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	1/ 5/2015 FRC Police informed us that LUSH Bar was closed tonight.
02/05/2015	00:06 NTE Visit	FRC	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	2/ 5/2015 00:06 FRC closed tonight, doors closed and no activity.
25/07/2015	02:55 NTE Visit	RAK	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Premises winding down. X 4 left the premises and X2 were standing in smoking area of premises. No sound escape from premises. Noted one lady staggering out the premises and SIA member of staff stood beside the female and asked if she was ok and if she wanted to sit down and call someone to help her. Female could be heard saying that she was ok and that she was fine to make her way home. No ASB issues noted at time of visit.
05/09/2015	2:10 NTE Visit	FRC	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	5/ 9/2015 FRC queue of people outside going inside premises, premises open.

12/09/2015	03:40 NTE Visit	JMT	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	03:45 Saw the NTET police van outside LUSH BAR all the people had gone and there was now no noise outside the premises. I went to speak to Stuart and he said that he had dealt with it. I told him that we had finished now and that C was going to take me back to Queens road to pick up my car. We left Stuart in the van outside Lush Bar. As we were walking back to our vehicle which was parked a bit further along from G & F, Mr Otunyu who I recognised from Lush Bar approached me and put me off guard (as he was rather aggressive the last time I visited his premises) He then apologised for his behaviour the last time I visited, I accepted his apology and he tried to explain about the people tonight outside his premises (I felt very uncomfortable that he had again followed me down the street). I said that the police were dealing with his premises tonight and we were going home now. He said that the women outside that he let in had been outside for something and he had let them back in.
04/10/2015	02:15 NTE Visit	RAK	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visit to premises with JU. Request by DF to check on club scan. X5 patrons located at the front of the premises who were being controlled and penned in a smoking area at the front of the premises. X2 SIA staff at the front entrance and X1 member of staff who was responsible for ticket sales and scanning in identification. Spoke with Douglas the operator and spot check of clubscan showed that it was active. Advised by Douglas that he had not encountered any problems and that so far his patrons did not seem to be causing an issue to anyone. Advised Douglas that he needed to ensure that SIA staff were keeping an eye out for ASB issues and that he needed to ensure the rear door of the premises was closed when operational.
21/11/2015	21:41 NTE Visit	FRC	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	21/11/2015 21:34 FRC party inside, people filming no manager seen and no door staff people eating and drinking, loud music will visit later.
28/11/2015	01:37 NTE Visit	RAK	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Hi E, Please see notes from an NTE inspection I completed with FAC on Saturday 28/11/2015.01:37Lush Bar, Old Kent Road – Joint Licensing and Health & Safety inspection completed with FRC. Health & Safety Inspection completed and Farhad undertook checks of the rear kitchen and it was found to be very untidy and unkept. Advisory works have been requested in relation to Health & Safety. ACTIONS• Notify food team based on the observation that the kitchen was in a dirty and unkept state. Possibly a premises the food team may wish to inspect.

10/01/2016	02:20 NTE Visit	JMT	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	<p>10/ 1/2016 02:20 JMT & EEM Visited premises at 02:20 hrs accompanied by the NTET POLICE (Sargent demspter, PC Spedding and another pc). On entry Ken Spedding and I set about checking the club scan. I asked the male door supervisor how many people were in and scanned on the club scan and he did not know. I then asked him to do a search on the club scan to bring up all of tonight's scanned in people and he did not know. He then said there were 99 people in and bought up a screen with lots of photos, however when we clicked on the photos they were people that had been scanned in October and September. It was clear that neither the female sia or male sia had no idea how to use the club scan. Mr Otunyu came to the front of the premises and Ken asked him if he had training with regards to the club scan and he said yes, Ken asked him to call up on the club scan the entries for tonight and he said that he could not remember how to do it. There were 2 women trying to leave the premises, who I think were polish and Ken spedding asked them if their photo id was on the scan. The first woman said yes. So Ken asked her ' which one of these is you', pointing to the clubscan and the person she picked had a completely different name. The second lady had no id on her at all so she could not have been scanned in. The female sia admitted that if they did not have id that she let them in. Mr Otunyu tried to blame the staff for the breach and the Police told Mr Otunyu that it is his responsibility to make sure that his staff are trained with regards to the rules and conditions on the premises licence and using the club scan equipment. Mr Otunyu went then to the kitchen EEM for her to inspect. Whilst we were still standing in the lobbied area which was getting quite crowded more patrons were arriving to gain entry and the sia staff was about to let them in. I told the sia that there was no new entry allowed after 01:30. When Mr Otunyu came back with EEM he let a couple of people in saying that they were already in and had gone out to smoke. But others were not let in. There was a lady there that arrived after us that insisted that she had been waiting to get in for an hour. She was not there when we arrived, so t is was untrue, yet the lady still remained waiting and at no time did the staff tell her that she was not allowed entry at this time. I told Mr Otunyu that after we had checked the club scan, that I wanted to check that his music was being played through a SLD as it was very loud. When Mr Otunyu let a male in and when challenged Mr Otunyu said the man was his DJ. The music went down immensely very quickly once the DJ? had entered the premises. EEM and I then went in to see if the music was being played through an SLD. When we got to the DJ booth there were 2 men behind it one of them was operating the decks and the one who had entered the premises was standing by him. I said to the man that had entered apex 2/3 minutes before. You came in and reduced the level of the music as it is much lower now , and he said no he did not ands that it was a different type of music now that's why it seem slower. The type of music was the same with an African base beat to it. The only difference was that the sound level had been lowered. I asked were the SLD was and they pointed to on the wall high up where there was a double socket with 2 plugs in, there</p>
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					was a green light on next to the plug. I asked how it works and the DJ told me it cuts out when it gets too loud. I then asked him to put the music up loud and nothing happened but the light when to amber briefly. I told him to turn it back down as if it had not cut out at the level he raised it too, it was either not working properly of had not been set correctly. Ken Spedding served a section 19 closure notice to Mr Otunyu. Identified breaches of the following conditions on the premises licence 369,364/841,243, 348, 356, 357.EEM told me that she could not inspect the kitchen properly as she was told by Mr Otunyu that food is not being provided at the moment. She said the kitchen was dirty and some of the equipment was rusty and she advised Mr Otunyu that before he provided food to contact her so that a full check could be done.
26/03/2016	00:40 NTE Visit	FRC	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	26/ 3/2016 00:40 FRC seen 3 SIA door staff on the doors premises is open.
22/04/2016	22:45 NTE Visit	RAK	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Visit to premises with JU. Accompanied JU on a food visit to premises. Inspection carried out at the premises whilst John was completeing the food inspection I checked club scan and the sound limiter no issues noted.
22/05/2016	00:49 NTE Visit	FRC	Lush Bar and Restaurant	280 Old Kent Road, London, SE1 5UE	Long queues outside very busy



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