

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 18 January 2016 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Lorraine Lauder MBE  
Councillor Charlie Smith

**OTHERS PRESENT:** Charles Streeten, legal advisor to the sub-committee  
Omar Villaroel, applicant, Boulevard Coffee Place  
Manuel Rocha, legal representative, Boulevard Coffee Place  
Graham White, Metropolitan Police Service  
Douglas Otunyo, applicant, Lush Bar

**OFFICER SUPPORT:** Rebecca Millardship, legal officer (observing)  
Dorcas Mills, licensing officer  
Gavin Blackburn, planning enforcement officer  
Jayne Tear, licensing officer representing the council as a responsible authority  
Richard Pinder, public health authority officer  
Sarah Bradbury, public health authority officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

There were none.

**4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**5. LICENSING ACT 2003: BON VOYAGE CAFE, BLACKFRIARS STATION, HOPTON STREET, LONDON SE1 9JH**

The licensing officer advised that the applicant had withdrawn this application.

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

The licensing officer presented their report. Members had questions for the licensing officer.

The applicant and their representative addressed the sub-committee. Members had questions for the applicant and their representative.

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

The planning enforcement officer addressed the sub-committee. Members had questions for the planning enforcement officer.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.10am.

The meeting resumed at 12.30pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

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

<b>Licensable Activity</b>	<b>Hours</b>
Live music (indoors)	Sunday to Thursday from 11.00 to 00.00 Friday and Saturday from 11.00 to 00.30
Recorded Music (indoors)	Sunday to Thursday from 11.00 to 00.00 Friday and Saturday from 11.00 to 00.30
Anything similar to above	Sunday to Thursday from 11.00 to 00.00 Friday and Saturday from 11.00 to 00.30

Performance of dance (indoors)	Sunday to Thursday from 11.00 to 00.00 Friday and Saturday from 11.00 to 00.30
Late night refreshment	Sunday to Thursday from 23.00 to 00.00 Friday and Saturday from 23.00 to 00.30
Sale and supply of alcohol (on/ off the premises)	Sunday to Thursday from 11.00 to 00.00 Friday and Saturday from 11.00 to 00.30
Opening hours	Sunday to Thursday from 08.00 to 00.30 Friday and Saturday from 08.00 to 01.00

### Conditions

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

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

half bottle.

9. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of two measures per container/glass
10. That the management of the premises shall be present at and will supervise any event which is held at the premises.

## **Reasons**

The reasons for the decision are as follows:

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

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

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

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

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

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

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

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

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

proportionate.

### **Appeal rights**

The applicant may appeal against any decision:

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

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

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

may appeal against the decision.

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

## **7. LICENSING ACT 2003: LUSH BAR & RESTAURANT, 280 OLD KENT ROAD, LONDON SE1 5UE**

The licensing officer presented their report. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer. The licensing officer called on the environmental protection officer as a witness. Members had questions for the environmental protection officer.

The public health authority officer addressed the sub-committee. Members had questions for the public health authority officer.

All parties were given five minutes for summing up.

The meeting went into closed session at 2.16pm.

The meeting resumed at 3.27pm and the clerk read out the decision of the sub-committee.

### **RESOLVED:**

That the application by Douglas Otunyo for a variation of a Premises Licence issued under the Licensing Act 2003 in respect of Lush Bar & Restaurant, 280 Old Kent Road, London

SE1 5UE is granted as follows:

- Recorded Music (indoors):  
Friday & Saturday until 03.30
- Late night refreshments:  
Friday & Saturday until 03.30
- Sale and Supply of alcohol (on the premises)  
Friday & Saturday until 03.30
- Operating hours of premises  
Monday to Sunday from 06.00 to 12.00 (to operate a coffee bar)  
Friday & Saturday until 04.00.
- Seasonal Variations and non - standard timings:
  - 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 .
  - 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.

### **Conditions**

- That condition 370 be removed from the licence.
- That condition 341 be varied to read “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.
- That condition 364 be varied to read “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”.
- That condition 369 be varied to read “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”
- That condition 248 be varied to read “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.

## **Reasons**

The reasons for the decision are, as follows:

The licensing sub-committee heard evidence from the applicant who advised that it was necessary for him to apply for this variation in order to ensure the continued success of his business. He advised that he had plans to sell coffees and pastries in the mornings. He stated that his customers often arrived later in the evening and that an extension in the terminal hour was required to cater for this.

He referred to correspondence with the environmental protection team, in relation to setting an appropriate noise level and explained that failures in relation to his ID scanning system were the result of his SIA staff not following proper procedures. He took responsibility for this and explained that he had instituted measures to rectify these issues.

The licensing sub-committee noted that the Metropolitan Police Service had conciliated with the applicant.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who called a witness from the Metropolitan Police Service. The licensing officer remarked on a number of breaches at the premises concerning the ID scanning system and the noise limiting device. The police evidence supported this.

The licensing sub-committee noted that the health and safety team had conciliated with the applicant on the basis that the premises operate a maximum capacity of 150.

The licensing sub-committee heard from the public health representative who raised concerns about early morning terminal hours. They stated that they had concerns relating to the later entry/re-entry time that the applicant had requested.

The sub-committee carefully considered all representations and decided on balance that a half hour extension of the last entry/re-entry time and terminal hour would promote the licensing objectives whilst also allowing the applicant to continue to run his business. The sub-committee found no reason to refuse the applicant's request for extra breakfast hours.

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.

## **Appeal rights**

The applicant may appeal against any decision to modify the conditions of the licence.

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

- a) That variation ought not to have been made; or

- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

may appeal against the decision.

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

Meeting ended at 3.40 pm

**CHAIR:**

**DATED:**