

Licensing Sub-Committee

Monday 18 January 2016

10.00 am

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Lorraine Lauder MBE
Councillor Charlie Smith

Reserves

Councillor Sandra Rhule

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

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Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk
Webpage: www.southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 8 January 2016



Licensing Sub-Committee

Monday 18 January 2016

10.00 am

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: BON VOYAGE CAFE, BLACKFRIARS STATION, HOPTON STREET, LONDON SE1 9JH	1 - 34
6.	LICENSING ACT 2003: BOULEVARD COFFEE PLACE, 224 OLD KENT ROAD, LONDON SE1 5UB	35 - 80
7.	LICENSING ACT 2003: LUSH BAR & RESTAURANT, 280 OLD KENT ROAD, LONDON, SE1 5UE	81 - 145

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT

Item No.

Title

Page No.

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT

Date: Date Not Specified

Agenda Item 5

Item No. 5.	Classification: Open	Date: 18 January 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Bon Voyage Cafe, Blackfriars Station, Hopton Street, London SE1 9JH	
Ward(s) or groups affected:		Cathedrals	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Sauk Corporation Ltd t/a Bon Voyage Café, for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Bon Voyage Café, Blackfriars Station, Hopton Street, London SE1 9JH.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and other persons and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 11 to 15 of this report deals with the representations received to the premises licence application. Copies of the relevant representations from responsible authorities and one other person are attached as Appendices B and C.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 24 November 2015 Sauk Corporation Ltd t/a Bon Voyage Café applied to this council for the grant of a new premises licence in respect of the premises known as Bon Voyage Café, Blackfriars Station, Hopton Street, London SE1 9JH.

The application is summarised as follows:

- Sale and supply of alcohol on and off the premises:
Monday to Friday from 11.00 to 20.00
Saturday from 11.00 to 19.30
Sun from 11.00 to 18.30

 - Operating hours of premises
Monday to Friday from 06.00 to 20.00
Saturday from 10.00 to 19.30
Sunday from 11.00 to 18.30.
9. The premises licence application form provides the applicant operating schedule. Parts J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

10. The proposed designated premises supervisor is Monika Szczyka who has a personal licence issued by the Waltham Forest Council.

Representations from responsible authorities

11. Three representations have been received from: the Metropolitan Police Service, licensing as a responsible authority and children's services. The representation from the Metropolitan Police Service have recommended the following conditions to be included on the licence:
 - 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.
 - 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.
 - 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.
12. The representation submitted by licensing as a responsible authority states that the area falls within the cumulative impact zone set out in southwark licensing policy and are of the opinion that, in view of the limited information contained on the application form, this application has the potential to add to the concerns raised within the analysis over high local levels of alcohol related violence, crime and disorder and / or London Ambulance Service call-outs.
13. The representation received from the council's children's services are concerned the applicant has not offered a challenge policy with regards to underage drinking.
14. Copies of representations from the responsible authorities are attached as Appendix B.

Representations from other persons

15. There is one representation submitted by a local resident who has concerns about any alcohol related premises which might set a precedent for others. There is also concern about, noise, litter and general nuisance. A copy of the representation is attached as Appendix C.

Conciliation

16. The representation has been forwarded to the applicant. The licensing sub-committee shall be updated at the hearing on 18 January 2016.

The local area

17. A map of the area is attached to this report as Appendix D. The premises is identified by a triangle at the centre of the map. For purposes of scale-only the circle on the

map has a 100 metre radius. The following licensed premises terminal hours are also shown on the map

Public house and restaurant

- Doggets Coat & Badge, 1 Blackfriars Bridge, Blackfriars Road, London SE1 (Monday to Sunday till 00.30)
- Founders Arms, 52 Hopton Street, London SE1 (Sunday to Thursday till 23.30 and Friday & Saturday till 00.30)
- Tate Modern, 53 Bankside, SE1 (Monday to Sunday till 00.00)

Deregulation of entertainment

18. On 6 April 2015 entertainment became deregulated and as a result:
 - Live unamplified music is deregulated between 08.00 and 23.00 on any premises.
 - Live amplified music is deregulated between 08.00 and 23.00 provided the audience does not exceed 500 people.
19. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Borough & Bankside cumulative impact zone

20. Council assembly approved the introduction of a special policy for Borough and Bankside on the cumulative impact of a concentration of licensed premises (saturation/cumulative impact policy) on 5 November 2008, and extended the area in April 2011. This application falls within the policy area.
21. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
22. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
23. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

24. Council Assembly approved Southwark's statement of licensing policy 2011-14 on 12 October 2011. Sections of the statement that are considered to be of particular relevance to this application are:
 - Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives.

- Section 5 which sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence.
 - Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998.
 - Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours.
 - Section 8 provides general guidance on ensuring public safety including safe capacities.
 - Section 9 provides general guidance on the prevention of nuisance.
 - Section 10 provides general guidance on the protection of children from harm.
25. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

Resource implications

26. A fee of £100 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band A.

Consultation

27. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and a similar notice exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

28. 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 & Democracy

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

Principles for making the determination

31. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
32. Relevant representations are those which:
 - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
33. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
 - To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
 - To exclude from the scope of the licence any of the licensable activities to which the application relates.
 - To refuse to specify a person in the licence as the premises supervisor.
 - To reject the application.

Conditions

34. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
35. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
36. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

37. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
38. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

40. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
 - The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
41. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

42. 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.
43. 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.
44. 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.
45. 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.
46. 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.
47. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
48. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
49. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

50. Members are required to have regard to the Department for Culture, Media and Sport 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a new premises licence
Appendix B	Representations from the responsible authorities
Appendix C	Representations from other persons
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	6 January 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	6 January 2016	

*Community Safety EHTS, Health Safety & Licensing Team, Southwark Council, 3rd Floor
Hub 2, P O BOX 65429, London, SE1P 5LX*

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

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 this 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.

You may wish to keep a copy of the completed form for your records.

I/We SANK CORPORATION LTD T/A BON VOYAGE CAFE
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part.1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
BON VOYAGE CAFE BLACKFRIARS STATION : SOUTHBANK EN- HOPTON STR TRANCE LONDON , SE1 9JH			
Post town	LONDON	Postcode	SE1 9JH

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ — NIA. J

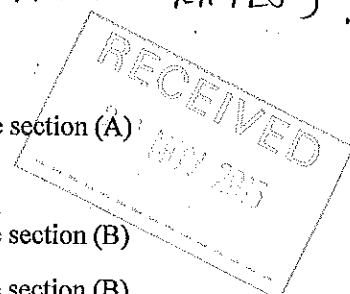
Part 2 - Applicant Details

(NOT YET REGISTERED FOR
BUSINESS RATES)

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|---|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |



- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)


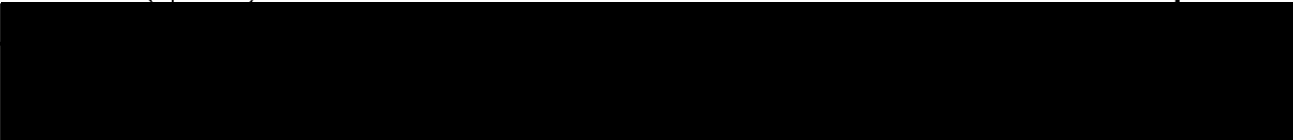
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	SAYK CORPORATION LTD TIA BON VOYAGE CAFE
Address	UNIT 22 CAPSTAN CENTRE THURROCK PARKWAY TILBURY, ESSEX RM18 7HH
Registered number (where applicable)	07736085
Description of applicant (for example, partnership, company, unincorporated association etc.)	COMPANY
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY
02 01 2016

OR AS
SOON AS POSSIBLE THERE =
AFTER

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

DD MM YYYY
[] [] [] [] [] []

NIA

Please give a general description of the premises (please read guidance note 1)
THE PREMISES IS A CAFE SITUATED ON THE
SOUTHBANK ENTRANCE OF BLACKFRIARS STATION.
OUR OPENING HOURS ARE:
MONDAY TO FRIDAY: 6:00 - 20:00
SATURDAY: 10:00 - 19:30; SUN: 11:00 - 18:30
WE HAVE A SEATING AREA, OPPOSITE THE SERVICE
COUNTER, WHERE CUSTOMERS CAN CONSUME THEIR
FOOD / DRINK.

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

NIA

What licensable activities do you intend to carry on from the premises?

SALE OF ALCOHOL AT
SPECIFIC TIMES

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

NIA

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

NIA

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

N/A

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

NIA

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

F

N/A

Recorded music Standard days and timings. (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

NIA

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

N/A.

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

N/A

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

VIA SOCIAL MEDIA AND POSTERS, OUR STAFF MEMBERS WILL BE ADVISING OUR REGULAR CUSTOMERS REGARDING THE SALE OF ALCOHOL AT SPECIFIC TIMES AT THE CAFE AND NOT LATE AT NIGHT.

b) The prevention of crime and disorder

WE INTEND ONLY TO SELL ALCOHOLIC DRINKS AT SPECIFIC TIMES. SHOULD OUR CUSTOMERS BECOME DISORDERED, WE SHALL REQUEST THEM TO LEAVE THE PREMISES, ALTERNATIVELY CALL THE POLICE AUTHORITIES.

c) Public safety

OUR PREMISES IS A CAFE - THE ENVIRONMENT OF WHICH IS MUCH MORE SUBDUED THAN A BUSY BAR OR PUB. OUR CLIENTS WILL BE SITTING AND DRINKING THEIR WINE WITH THEIR MEAL, ALTERNATIVELY BUYING A BOTTLE TO TAKE HOME.

IT IS VERY UNLIKELY THAT THERE WILL BE ANY THREAT TO PUBLIC SAFETY.

d) The prevention of public nuisance

THE TYPE OF CUSTOMERS THAT FREQUENT OUR SHOP, ARE MOSTLY BUSINESS PEOPLE, AS WELL AS A FEW TOURISTS. ITS VERY UNLIKELY THAT THEY WILL BECOME A PUBLIC NUISANCE AFTER

e) The protection of children from harm

(THE SAME STEPS WILL BE FOLLOWED HERE AS SET OUT IN POINT D. WE WILL ALWAYS BE VIGILANT AS TO

CONSUMING ALCOHOL ON OUR PREMISES. SHOULD THIS OCCUR, WE'LL CONTACT THE POLICE IMMEDIATELY, IF THEY REFUSE TO LEAVE THE PREMISES ON OUR REQUEST

OF ANY CUSTOMERS WHO COULD CAUSE ANY HARM TO CHILDREN).

DURING THE WEEK AND SCHOOL TERM, THERE ARE VERY FEW CHILDREN ON OUR PREMISES - THERE ARE MOSTLY PRESENT DURING WEEKENDS & SCHOOL HOLIDAYS. WE WILL ALWAYS BE VERY VIGILANT REGARDING ANY CUSTOMER CONSUMING ALCOHOL ON

OUR PREMISES WHO COULD POSE A THREAT TO CHILDREN'S SAFETY.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	[REDACTED]
Date	20.11.2015
Capacity	COMPANY DIRECTOR

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
[REDACTED]			
SANK CORPORATION LTD			
UNIT 22 CAPSTAN CENTRE			
THURROCK PARK WAY			
Post town	TELBRURY	Postcode	RM18 7HH
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



The Licensing Unit
Floor 3
160 Tooley Street
London
SE1 2QH

Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756
Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ 2725/15

Date: 8th December 2015

Dear Sir/Madam

Re:- Bon Voyage Cafe, Blackfriars station, London SE1

Police are in possession of an application from the above for a new premise licence. Police would recommend the following conditions to be included on the licence, some of which may have been offered as part of the operating schedule but the wording is important to avoid ambiguity.

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.
2. 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 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.

The Following is submitted for your consideration, Police would welcome the opportunity to conciliate should the need arise.

Yours Sincerely

PC Graham White 288MD
Southwark Police Licensing Unit
Tel: 0207 232 6756

MEMO: Licensing Unit

To Licensing Unit **Date** 22 December 2015

Copies

From Jayne Tear **Telephone** 020 7525 0396 **Fax**

Email jayne.tear@southwark.gov.uk

Subject Re: Bon Voyage Café, Blackfriars Station, Hopton Street, London, SE1 9JH

Application for a premises licence

I write with regards to the above application for the grant of a premises licence under the Licensing Act 2003 which seeks the following licensable activities:

- The supply of alcohol on & off the premises on Monday to Friday from 11:00 to 20:00, Saturday from 11:00 to 19:30 and on Sunday from 11:00 to 18:30
- Overall opening times shall be on Monday to Friday from 06:00 to 20:00, Saturday from 10:00 to 19:30 and on Sunday from 11:00 to 18:30

This application describes the premises as a café situated on the Southbank entrance of Blackfriars station.

I make a representation under all four of the licensing objectives for the following reasons:

- The application lacks any control measures to address the four licensing objectives within the operating schedule on part M of the application.
- The plans provided with the application are inadequate and the licensable area is not defined in bold, neither has a scale of the plan been provided.

Furthermore, this premises is situated within the saturation area for Bankside & Borough. The effect of this special policy is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

I am aware that on 3 November 2014 the Council's Licensing Committee considered the Partnership Analysis of Alcohol Related Violence Etc. for Southwark 2013 and decided upon the basis of this, that the council's current cumulative impact policy for the Borough and Bankside area remained appropriate and necessary. This policy has the effect of introducing a rebuttable presumption to refuse applications for new / extended licenses within the specified area where representations are raised that an application potentially adds to the concerns that gave rise to this policy decision. This premises falls within the boundaries of

the policy area. It is my opinion that, in view of the limited information contained on the application form, this application has the potential to add to the concerns raised within the analysis over high local levels of alcohol related violence / crime and disorder and / or London Ambulance Service call-outs.

It should be for the applicant to demonstrate to the licensing committee that he has adequately addressed the concerns raised by the partnership analysis and that the premises is capable of being operated in the manner intended without adding further impact upon the local community

.
Jayne Tear
Principal Licensing officer
In the capacity of the Licensing Responsible Authority

From: Colquhoun, Isobel
Sent: Friday, December 18, 2015 1:26 PM
To: [REDACTED]
Cc: Regen, Licensing
Subject: Your premises licensing application: The Bon Voyage Cafe

Good afternoon

I write on behalf of Southwark Council's Children's Services: one of the responsible authorities under the terms of the Licensing Act 2003.

I refer to the plans you have put in place to protect children who may be on your premises.

I note that you have not referred to your challenge policy in respect of underage drinking. Can you confirm what those are?

Your sincerely

Isobel Colquhoun
Interim QAU Service Manager
Southwark Council
Sumner House
Sumner Road
Peckham
SE 15 5QS
Tele: 0207 525 0689

THE LICENSING SERVICE
SOUTHWARK COUNCIL

RECEIVED
14 DEC 2015

SEI.

10 DECEMBER 2015

BON VOYAGE CAFE (SOUTHERN ENTRANCE/BLACKFRIARS STATION)

APPLICATION FOR ALCOHOL LICENCE.

Dear Sirs,

LICENCE No - 850497

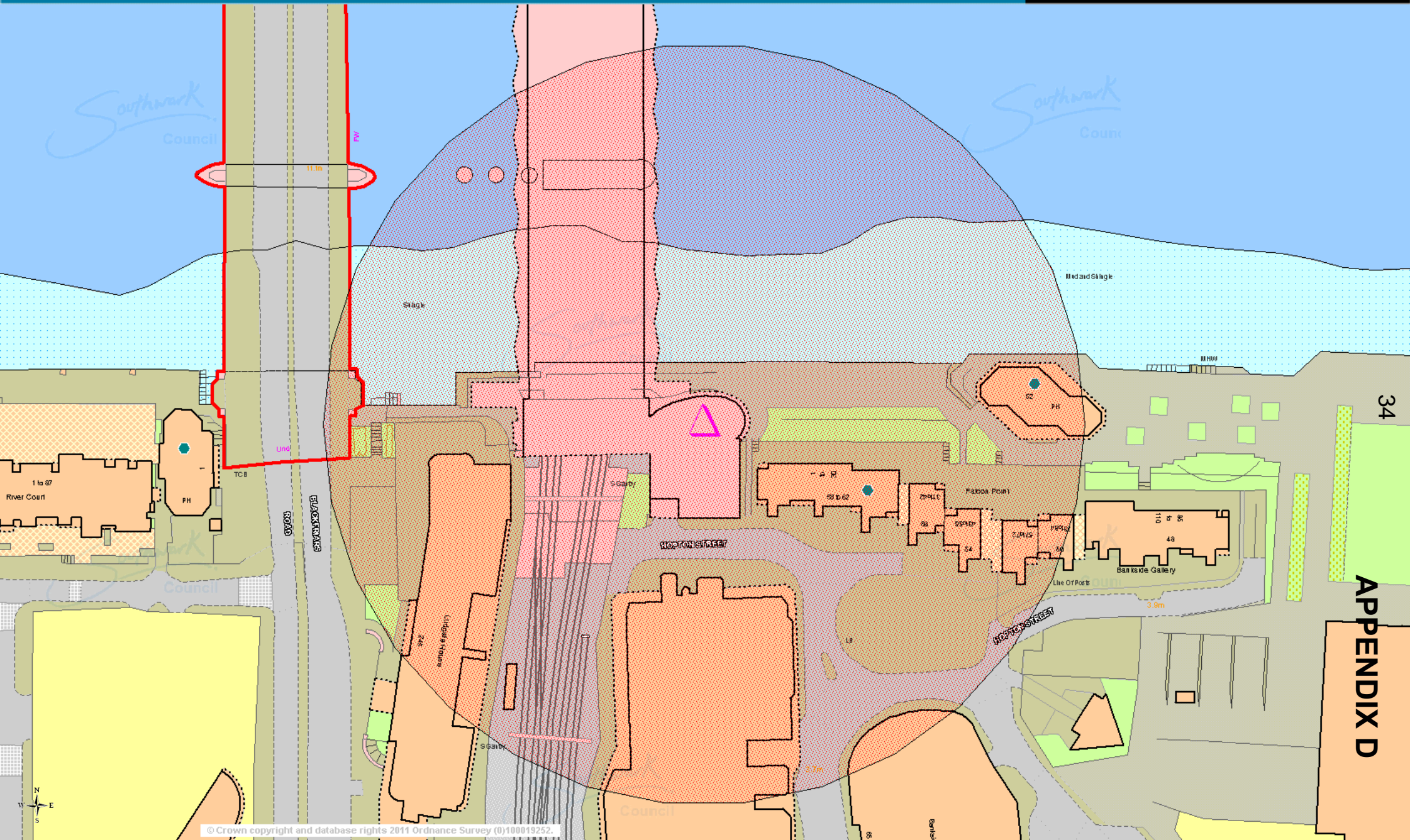
I write to OPPOSE the above because:-

- 1/ THERE ARE ALREADY AT LEAST FOUR PUBLIC HOUSES WITHIN HUNDREDS OF YARDS ALREADY SELLING ALCOHOL.
- 2/ THERE ARE SEVERAL RESTAURANTS/BARS WITHIN HUNDREDS OF YARDS ALREADY SELLING ALCOHOL.
- 3/ THE CAFE IS SITUATED IN A CRAMPED PUBLIC SPACE, OFTEN HEAVILY CONGESTED, AND MORE CUSTOMERS WOULD BLOCK ACCESS/WALKING.
- 4/ EXTRA RUBBISH, LITTER AND NOISE POLLUTION, DELIVERIES.
- 5/ THE 'THREAT' OF MORE INEBRIATED PEOPLE MAKING NOISE/NUISANCE ALONG THE THAMES WALKWAY AND OFTEN USING THE 'AREA' AS A PUBLIC CONVENIENCE - THEY HAVE NO TOILETS FOR PATRONS, AND THE NEARBY PUBLIC CONVENIENCES HAVE BEEN CLOSED FOR YEARS.
- 6/ GRANTING ANY ALCOHOLIC LICENCE WOULD SET A PRECEDENT FOR THEM/STARBUCKS/ANY LOCAL CAFE/SHOP TO ALSO APPLY TO SELL ALCOHOL - AND POSSIBLY CHANGE INTO FULL-TIME BARS/PUBLIC HOUSES.

IN CONCLUSION ANY SELLING OF ALCOHOL WOULD BE DETRIMENTAL TO RESIDENTS OF FALCON POINT (ONLY YARDS AWAY), LIFE, AND INDEED TO THE THOUSANDS OF RESIDENTS WHO LIVE NEARBY. THE SEVERE FINANCIAL CUTS TO POLICING AND COUNCIL WOULD OBVIOUSLY MEAN NOBODY TO 'PATROL' THE AREA.

Yours Faithfully,

- I AM A LOCAL RESIDENT FOR OVER 35 YEARS!



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Item No. 6.	Classification: Open	Date: 18 January 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Boulevard Coffee Place, 224 Old Kent Road, London SE1 5UB	
Ward(s) or groups affected:		East Walworth	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by J & Matt Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Boulevard Coffee Place, 224 Old Kent Road, London SE1 5UB.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities is therefore referred to the sub-committee for determination.
 - b) Paragraphs 11 to 12 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 14 to 22 of this report deals with the representations received to the premises licence application. Copies of the relevant representations from responsible authorities are attached as Appendix B.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

Previous History

8. A premises licence was previously issued to Co & JM Ltd which operated from the premises on 13 August 2014.

9. On 13 April 2015 an application for a review of the premises licence was received from the Metropolitan Police. The grounds for the review related to the following licensing objectives and are summarised as follows:
 - Prevention of crime and disorder: A serious assault occurred at the premises in the early hours of Sunday 12 April 2015 at 04.00. An altercation took place at the premises dance floor whereby a knife was pulled out causing another person to be hit on the head with a bottle. This resulted in the victim receiving a serious head injury requiring 9 stitches even though he had a hat on.
 - The premises was operating beyond its permitted hours of 01.30 and all licensed activities should have ceased at 01.00. Activities taking place at the time were unlicensed as the premises is not licensed for regulated entertainment and a temporary event notice was not in place at the time.

10. The review application was determined by the Licensing Sub Committee on the 12 May 2015 and the decision made was to revoke the licence. A copy of the notice of decision is attached as Appendix D.

KEY ISSUES FOR CONSIDERATION

The premises licence application

11. On 22 November 2015, J & Matt Ltd applied to this council for the grant of a new premises licence in respect of the premises known as Boulevard Coffee Place, 224 Old Kent Road, London SE1 5UB.

The application is summarised as follows:

- Live music (indoors)
Sunday to Thursday from 11.00 to 00.00
Friday & Saturday from 11.00 to 01.30
 - Recorded music (indoors)
Sunday to Thursday from 11.00 to 00.00
Friday & Saturday from 11.00 to 01.30
 - Performance of dance (indoors)
Sunday to Thursday from 11.00 to 00.00
Friday & Saturday from 11.00 to 01.30
 - Anything similar to above
Sunday to Thursday from 11.00 to 00.00
Friday & Saturday from 11.00 to 01.30
 - Late night refreshment (indoors)
Sunday to Thursday from 23.00 to 00.30
Friday & Saturday from 23.00 to 02.00
 - Sale and supply of alcohol on and off the premises:
Sunday to Thursday from 11.00 to 00.00
Friday & Saturday from 11.00 to 01.30
 - Operating hours of premises
Sunday to Thursday from 08.00 to 00.30
Friday & Saturday from 08.00 to 02.00.
12. The premises licence application form provides the applicant operating schedule. Parts E, F, G, J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

13. The proposed designated premises supervisor is Omar Villaroel Coca who has a personal licence issued by the Southwark Council.

Representations from responsible authorities

14. Four representations were submitted by the Metropolitan Police Service, licensing as a responsible authority, the environmental protection Team (EPT) and the planning authority.
15. The representation from the Metropolitan Police Service state that the applicant is J & Matt Ltd and from enquires at companies house the sole director of the company is Omar Villaroel Coca who was involved in the management of the premises with his wife when the licence was revoked on the 12th May 2015 following and expedited review submitted by the Metropolitan police. The review was submitted after two incidents of serious violence associated with the premises and then found to be operating past the terminal hour.
16. The notice of decision from the licensing sub-committee reminded the licence holder that they could submit a new application to include regulated entertainment, which this application does. The Metropolitan Police Service object to the granting of the licence as the operator has not changed and the review was submitted due to lack of faith in the management's ability to run a licence premises.
17. However if the sub-committee feels it is appropriate and proportionate to grant the licence the Police would recommend the following conditions to be included on the licence, some of which may have been offered as part of the operating schedule but the wording is important to avoid ambiguity. However the submission of conditions should not be seen as endorsement of granting the licence and are only placed before the sub-committee as the minimum appropriate conditions that should be considered if granting the licence.
 - 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.
 - 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.
 - 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.
 - That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed at all times after 21:00 until the end of business when the terminal hour is after 01.00hrs 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.
 - 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 5 people at one any time. No drinks shall be taken outside whilst smoking.

- That a personal licence holder will be on the premises at all times after 21:00 and intoxicating liquor is being offered for sale on Friday and Saturday.
 - A 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.
 - That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
 - That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.
 - 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
18. The representation submitted by licensing as a responsible authority shares similar concerns with the police and states that they have no confidence in the proposed management which is the same as before the review
19. The representation from EPT state they have no objections to the application for a new premises licence subject to agreeing to the conditions below:
- That no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 - That the applicant shall install sound insulation of adequate specification to any shared walls/floors/ceiling to ensure that noise from the operation of the premises does not cause intrusion in neighbouring property.
 - That the applicant shall be adequately ventilate the premises to allow doors and windows to remain closed during licensed entertainment.
 - That the applicant shall close all entrance doors and windows when regulated entertainment takes place except for immediate access and egress of persons.
 - That the applicant shall install a sound limiter device, set and maintain to ensure that the maximum levels of volume and bass of music, song or speech from the premises does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest noise sensitive premises.
 - That the applicant shall route any additional sound generating equipment through the sound limiter device.
 - That the applicant shall prominently display clearly legible signage at all patron exits requesting that patrons leave the premises in a quiet and orderly manner that is respectful to the neighbours.
 - That the applicant shall employ suitably experienced person(s) at all times during licensable activities to ensure that patrons do not cause a nuisance in the vicinity of the premises.

- That here shall be no more than five persons permitted to smoke outside the premises at any onetime.
 - That the applicant shall not permit patrons to take drinks outside the premises at any time.
 - That the applicant shall keep the pavement in the immediate vicinity of the premises free from litter emanating from the premises while the premises are open.
 - That the applicant shall properly present and place out all waste for collection no earlier than 30 minutes before the scheduled collection times.
 - That the applicant shall not move, remove or place rubbish including bottles in outside areas of the premises between 23.00 hours and 08.00.
20. The representation from planning states that no planning permission exists for either a restaurant, bar or club at this location. The planning authority has been aware that a mixed use development has operated on the site, which includes provision of food. No complaints have been received in respect of that use. That proposed terminal hour appears unduly late considering the proximity of residential accommodation to this site, which is immediately above.
21. The planning authority object to the application with the hours requested. That objection will be conciliated if the terminal hour is reduced to midnight and conditions in respect of sound proofing imposed:
- That sound insulation of an adequate specification shall be installed to any shared walls/floors/ceilings to ensure that noise from the operation of the premises does not cause any intrusion in neighbouring property (Note – specification – 100mm polystyrene, 150mm acoustic rockwool and marine plywood).
 - That all speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats
22. Copies of representations from the responsible authorities are attached as Appendix B.

Representations from other persons

23. There are no representations from other persons.

Conciliation

24. The representations were forwarded to the applicant. The conditions submitted by EPT have been agreed by the applicant. This has resulted in EPT withdrawing their representation. The applicant's agreement and EPT withdrawal statement is attached as Appendix C.

The local area

25. A map of the area is attached to this report as Appendix E. The premises is identified by a triangle at the centre of the map. For purposes of scale-only the circle on the map has a 100 metre radius. The following licensed premises terminal hours are also shown on the map:

Off Licence

- Metelica, 229 Old Kent Road, London SE1 (Monday to Sunday until 21.00)
- Nishas News, 246 Old Kent Road, London SE1 (Monday to Sunday until 23.30)
- G & F Supermarket, 272-274 Old Kent Road, London SE1 (Monday to Sunday 24 hours)

Late Night Refreshment

- Eurotraveller Hotel, 194-202 Old Kent Road, London SE1 (Monday to Sunday 24 hours)
- Perfect Fried Chicken, 259 Old Kent Road, London SE1 (Monday to Sunday until 00.00)
- Old Kent Fish Bar, 253 Old Kent Road, London SE1 (Monday to Sunday until 01.00)
- Village Pizza, 230 Old Kent Road, London SE1 (Sunday to Thursday until 03.00 and Friday & Saturday until 04.00)

Restaurant

- New Wing Fu, 227 Old Kent Road, London, London SE1 (Monday to Sunday until 00.00).

Deregulation of entertainment

26. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08.00 and 23.00 on any premises.
 - Live amplified music is deregulated between 08.00 and 23.00 provided the audience does not exceed 500 people.
27. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Southwark Council statement of licensing policy

28. Council assembly approved Southwark's statement of licensing policy 2011-14 on 12 October 2011. Sections of the statement that are considered to be of particular relevance to this application are:
- Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives.

- Section 5 which sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence.
 - Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998.
 - Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours.
 - Section 8 provides general guidance on ensuring public safety including safe capacities.
 - Section 9 provides general guidance on the prevention of nuisance.
 - Section 10 provides general guidance on the protection of children from harm.
29. 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

30. A fee of £190 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band B.

Consultation

31. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and a similar notice exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

32. 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 & Democracy

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

Principles for making the determination

35. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
36. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
37. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
 - To exclude from the scope of the licence any of the licensable activities to which the application relates.
 - To refuse to specify a person in the licence as the premises supervisor.
 - To reject the application.

Conditions

38. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
39. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
40. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
41. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night

time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.

42. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

44. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
45. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

46. 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.

47. 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.
48. 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.
49. 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.
50. 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.
51. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
52. 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.
53. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

54. Members are required to have regard to the Department for Culture, Media and Sport 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a new premises licence
Appendix B	Representations from the responsible authorities
Appendix C	Agreement and withdrawal statement from environmental protection team
Appendix D	Notice of decision from 12 May 2015
Appendix E	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	6 January 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	6 January 2016	

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

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 this 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.

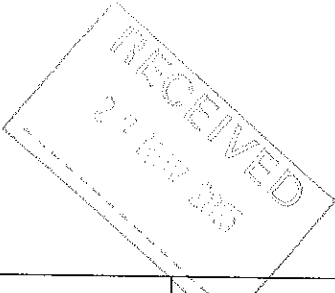
You may wish to keep a copy of the completed form for your records.

I/We **J & MATT LTD**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
BOULEVARD COFFEE PLACE 224 OLD KENT ROAD LONDON			
			
Post town	LONDON	Postcode	SE1 5UB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£9750

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	5	122015

2If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)**BOULEVARD IS A CAFE AND BAR SPECIALIZED IN SOUTH AMERICA FOOD****WE HAVE TABLE AND CHAIRS FOR OUR COSTUMERS AND TOILETTE FACILITIES****OUR BUSINESS IS VERY IMPORTANT FOR OUR LOCAL SOUTH AMERICAN COMUNITY**

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or I am making the application pursuant to a statutory function or a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name J & MATT LTD
Address 6E SURREY SQUARE LONDON SE17 2JU
Registered number (where applicable) 09129842
Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED
Telephone number (if any)
E-mail address (optional)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2) NOT APPLICABLE	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2) NOT APPLICABLE	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) NOT APPLICABLE
Day	Start	Finish	State any seasonal variations for indoor sporting events (please read guidance note 4)
Mon			
Tue			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
			NOT APPLICABLE		Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	11:00	00:00				
Tue	11:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 4)			
Wed	11:00	00:00				
Thur	11:00	00:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Fri	11:00	01:30				
Sat	11:00	01:30				
Sun	11:00	00:00				

All
 All
 17
 20.

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	11:00	00:00			
Fri	11:00	01:30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11:00	01:30			
Sun	11:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	00:00		<u>Please give further details here</u> (please read guidance note 3)	
Tue	11:00	00:00			
Wed	11:00	00:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	11:00	00:00			
Fri	11:00	01:30	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	11:00	01:30			
Sun	11:00	00:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing KARAOKE		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	11:00	00:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	00:00	Please give further details here (please read guidance note 3)		
Wed	11:00	00:00			
Thur	11:00	00:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	11:00	01:30			
Sat	11:00	01:30	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	11:00	00:00			

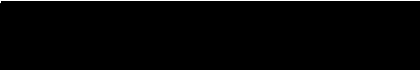

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:30	<u>Please give further details here</u> (please read guidance note 3)		
Tue	23:00	00:30			
Wed	23:00	00:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23:00	00:30			
Fri	23:00	02:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23:00	02:00			
Sun	23:00	00:30			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	11:00	00:00						
Tue	11:00	00:00						
Wed	11:00	00:00						
Thur	11:00	00:00				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	11:00	01:30						
Sat	11:00	01:30						
Sun	11:00	00:00						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name OMAR VILLAROEL COCA	
Address 	
Postcode	
Personal licence number (if known) 849967	
Issuing licensing authority (if known) SOUTHWARK COUNCIL	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

NOT APPLICABLE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	00:30	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Tue	08:00	00:30	
Wed	08:00	00:30	
Thur	08:00	00:30	
Fri	08:00	02:00	
Sat	08:00	02:00	
Sun	08:00	00:30	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

CCTV WILL BE INSTALED WITH 31 DAYS DATA. STAFF TRAINING REGARDING THE FOUR LICENSE OBJECTIVES, UNDER 25 CHALLENGES, SIGNAGE LIKE NO PROOF NO SALE,, REFUSAL BOOK, STAFF TRAINING RECORDS.
WE WILL HEALTH SAFETY RISK ASSESSEMENT.
WE WILL PARTICIPATE IN PUB WATCH MEETINGS IF INVITED
ALCHOLL DRINKS WILL BE STORED AWAY FROM CHILDRENS

b) The prevention of crime and disorder

CCTV WITH DATA FOR 31 DAYS. WIL BE INSTALED. THE BUSINESS WILL HAVE ALWAYS A STAFF MEMBER THAT IS FAMILIAR WITH THE CCTV OPERATION.
DPS AND PREMISES LICENSE HOLDER WILL PARTICIPATE IN PUB WATCH AND LOCALS NEIGHBOURS ASSOCIATION MEETINGS IF INVITED.
OUR BUSINESS WILL NOT ENGAGE ON IRRESPONSABLE ALCOHOL PROMOTIONS.
DOOR SUPERVISORS (SIA) WILL BE ON DUTY AFTER 22:00 UNTIL CLOSED ON FRIDAYS AND SATURDAYS

c) Public safety

CCTV WITH DATA FOR 31 DAYS WILL BE INSTALED. WE WILL PARTICIPATE IN PUB WATCH MEETINGS AND WITH LOCAL NEIGHBOURS ASSOCIATION.
WE WILL HAVE AN HEALTH SAFETY RISK ASSESSEMENT
ALCOHOL WILL BE STORED IN A COOL DRY PLACE AND AWAY OF ANY HEAT SOURCE.NO IRRESPONSABLE PROMOTIONS.
WE WILL IMPLEMENT ANY RECOMMENDATIONS GIVEN BY THE POLICE AND OTHER AUTHORITIES.

d) The prevention of public nuisance

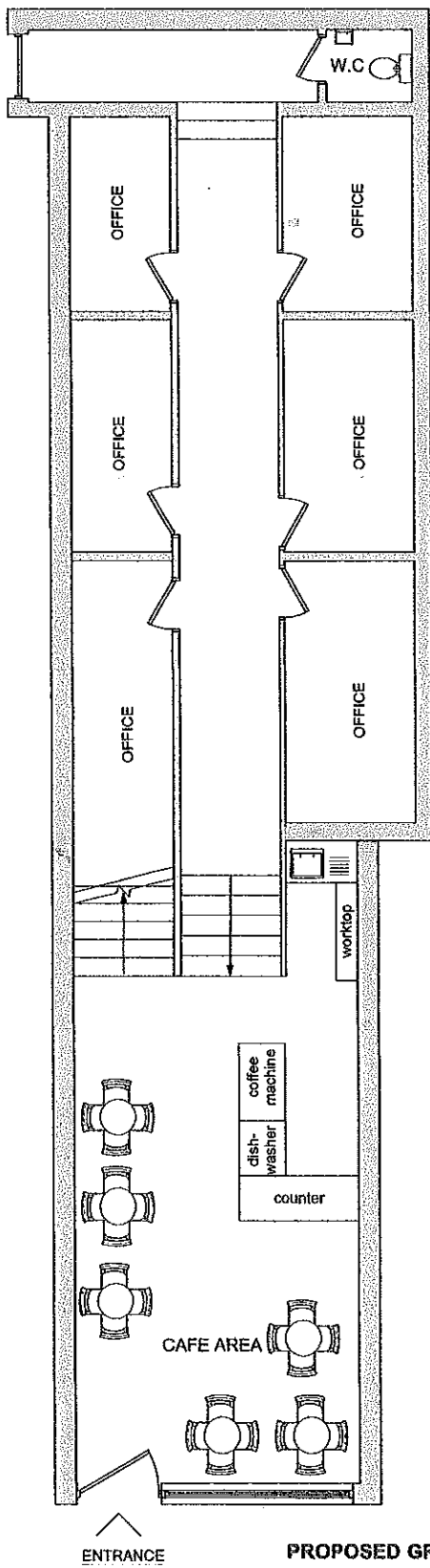
DELIVERIES DONE BY OUR SUPPLIERS WILL TAKE PLACE WITHIN THE RECOMENDED TIMES BY THE AUTHORITIES.
RUBISH BIN COLLECTION WILL TAKE PLACE WITHIN THE RECOMMENDED HOURS BY THE AUTHORITIES
SIGNAGE WILL BE IN PLACE.
STAFF TRAINING.
SOUND LIMITERS WILL BE INSTALED
DOORS AND WINDOWS WILL BE KEPT CLOSED AFTER 22.00

e) The protection of children from harm

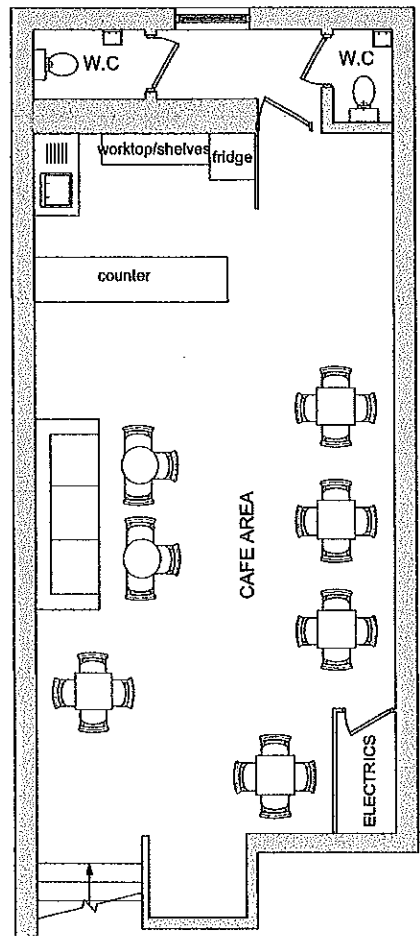
STAFF IS TRAINED ON REGULAR BASIS REGARDING THE PROTECTION OF CHILDREN FROM HARM.
OUR BUSINESS WILLHAVE A UNDER 25 CHALLENGE POLICY.

NO PROOF, NO SALE. SIGNAGE AND POSTERS WILL GO UP. STAFF TRAINING RECORDS. REFUSAL BOOK.

ALCOHOL DRINKS TO BE STORED AWAY FROM CHILDREN. WINE IS STORED ON TOP SHELF AND SPIRITS IS STORED BEHIND THE COUNTER AND THE MAIN STOCK ON DRY STORAGE LOCKED



PROPOSED GROUND FLOOR



PROPOSED MEZZANINE FLOOR

**BOULEVARD
COFFEE PLACE**

224 OLD KENT ROAD
LONDON
SE1 5UB

PREMISES LICENSE
APPLICATION

PROPOSED PLANS

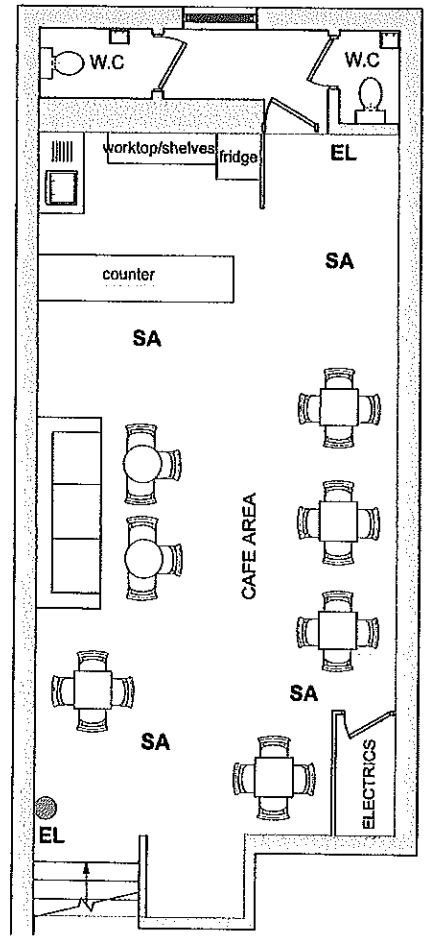
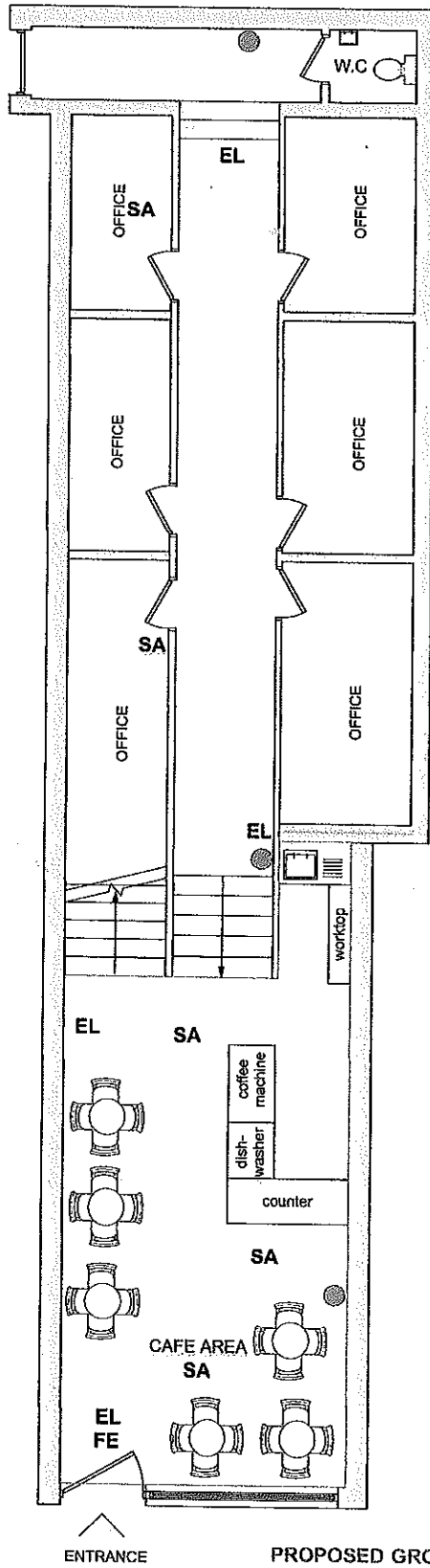
1:100 @ A4

002

GROUND FLOOR

JUNE 2014

* The premises is currently
undergoing complete renovation
and fire equipment is
yet been assigned.



PROPOSED MEZZANINE FLOOR

Key

- FE Fire Exit
- Fire Extinguisher
- SA Smoke Detector
- EL Emergency Light
- Licensable Area

**BOULEVARD
COFFEE PLACE**

224 OLD KENT ROAD
LONDON
SE1 5UB

PREMISES LICENSE
APPLICATION

PROPOSED PLANS 1:100 @ A4 002_vs2

GROUND FLOOR

NOVEMBER 2015



The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

Metropolitan Police Service
Licensing Office
 Southwark Police Station,
 323 Borough High Street,
 LONDON,
 SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ 2730/15

Date: 22nd December 2015

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

Dear Sir/Madam

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

The notice of decision from the Licensing Sub-Committee reminded the licence holder that they could submit a new application to include regulated entertainment, which this application does. The Metropolitan Police object to the granting of the licence as the operator has not changed and the review was submitted due to lack of faith in the management's ability to run a licence premises and that the licence was revoked by the sub-committee.

Due to this we are unable to conciliate with the applicant as we feel it would be appropriate for the applicant to appear before the Licensing Sub-committee to demonstrate and explain what measures have been undertaken since the revocation so that the licensing objectives are not undermined.

If the Sub-Committee feels it is appropriate and proportionate to grant the licence the Police would recommend the following conditions to be included on the licence, some of which may have been offered as part of the operating schedule but the wording is important to avoid ambiguity. However the submission of conditions should not be seen as endorsement of granting the licence and are only placed before the sub-committee as the minimum appropriate conditions that should be considered if granting the licence.

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. 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 6 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 engaged when the premises are in operation. They will be employed at all times after 21:00 until the end of business when the terminal hour is after 01.00hrs 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. Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette and No more than 5 people at one any time. No drinks shall be taken outside whilst smoking.
6. A personal licence holder will be on the premises at all times after 21:00 and intoxicating liquor is being offered for sale on Friday and Saturday.
7. A 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. Suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
9. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.
10. 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

Submitted for your consideration.

Yours Sincerely

PC Graham White 288MD
Southwark Police Licensing Unit
Tel: 0207 232 6756

MEMO: Licensing Unit

To	Licensing Unit	Date	22 December 2015	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: Boulevard Coffee Place, 224 Old Kent Road, London, SE1 5UB
Application for a premises licence

I write with regards to the above application for the grant of a premises licence under the Licensing Act 2003 which seeks the following licensable activities:

- Live music (indoors) on Sunday to Thursday from 11:00 to 00:00, Friday and Saturday from 11:00 to 01:30
- Recorded music (indoors) on Sunday to Thursday from 11:00 to 00:00, Friday and Saturday from 11:00 to 01:30
- Performance of dance (indoors) on Sunday to Thursday from 11:00 to 00:00, Friday and Saturday from 11:00 to 01:30
- Anything of a similar description to the above namely Karaoke (indoors) on Sunday to Thursday from 11:00 to 00:00, Friday and Saturday from 11:00 to 01:30
- Late night refreshment (indoors) on Sunday to Thursday from 23:00 to 00:30, Friday and Saturday from 23:00 to 02:00
- The supply of alcohol on the premises on Sunday to Thursday from 11:00 to 00:00, Friday and Saturday from 11:00 to 01:30
- Overall opening times shall be on Sunday to Thursday from 08:00 to 00:30, Friday and Saturday from 08:00 to 02:00

This application describes the premises as a Café and Bar specialising in South American Food.

I make a representation under all four of the licensing objectives for the following reasons:

This premises has previously had a licence which was granted on 13 August 2014 to the company named CO & JM LTD and MR OMAR VILLARROEL COCA was the company director, the DPS attached to the licence was MR CARLA ARACELI ESCOBAR GARCIA who was also a director. The licence was revoked on 12 May 2015 by the licensing sub-committee following and expedited review submitted by the Metropolitan police. I attach to this representation a copy of the notice of decision.

The application submitted is in the company name of J & MATT LIMITED and the company number is given as 09129842. Firstly the company number given is incorrect, the company number to match the name on companies house is 9842129, therefore the applicant needs to

clarify this. Presuming the company number is 9842129 the sole company director is MR OMAR VILLARROEL COCA, although the company name has changed the director is the same hence the licensee will be the same should this licence be granted. MR COCA will also be the DPS.

Considering the Notice of Decision attached I have no confidence in Mr COCA to operate the premises and promote the four licensing objectives. MR COCA has previously shown that he can not abide by the terms and conditions on the premises licence.

I therefore recommend that the application is refused

|

Jayne Tear
Principal Licensing officer
In the capacity of the Licensing Responsible Authority



LICENSING SUB-COMMITTEE
12 MAY 2015
NOTICE OF DECISION

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

1. **Decision**

That the council's licensing sub-committee, having had regard to the application by the Metropolitan Police Service for a review of the premises granted under the Licensing Act 2003 to CO & JM Ltd in respect of the premises known as Boulevard Coffee Place, 224 Old Kent Road, London SE1 having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence:

2. **Reasons**

The reasons for this decision are as follows:

The licensing sub-committee heard from the Metropolitan Police Service representative, the applicant for the review who stressed the serious nature of the alleged incident on the 12 April 2015 and referred the sub-committee to the victim's witness statement, in which he stated that he arrived after 2am, purchased drinks from the bar and made a number of references to a dance floor at the premises. The Metropolitan Police indicated that this was inconsistent with the premises holder's witness statement that had been submitted to this sub-committee. They submitted that the premises licence holder had wilfully ignored the licence conditions and that the premises licence holder was not a suitable person to hold a premises licence as they could not be trusted to comply with the licence.

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

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

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

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

The sub-committee carefully considered all the representations.

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

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

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

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

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

The sub-committee felt that this decision was appropriate and proportionate in order to address the licensing objectives.

3 Appeal rights

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Any appeal must be made to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The interim steps shall remain in place until either:

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 12 May 2015

From: Michael.Turay@southwark.gov.uk

To: [REDACTED]

CC: Dorcas.Mills@SOUTHWARK.GOV.UK

Subject: New Premises Licence Application-Boulevard Coffee Place, 224 Old Kent Road, London, SE1 5UB

Date: Tue, 15 Dec 2015 13:30:30 +0000

Dear Sir/Madam,

The Environmental Protection (EPT) has reviewed the application for a new premises licence for the licensable activities below:

Live Music-from **11:00-00:00 hours only Monday-Thursday and Sunday** and **11:00-01:30 hours only Friday-Saturday**

Recorded Music-from **11:00-00:00 hours only Monday-Thursday and Sunday** and **11:00-01:30 hours only Friday-Saturday**

Late Night Refreshment-from **23:00-00:30 Monday-Thursday and Sunday** and **23:00-02:00 hours only Friday-Saturday**

The Supply of Alcohol- from **11:00-00:00 hours only Monday-Thursday and Sunday** and **11:00-01:30 hours only Friday-Saturday**

The EPT has no objections to the application for a new premises licence subject to agreeing to the conditions below:

1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
2. The applicant shall install sound insulation of adequate specification to any shared walls/floors/ceiling to ensure that noise from the operation of the premises does not cause intrusion in neighbouring property.
3. The applicant shall be adequately ventilate the premises to allow doors and windows to remain closed during licensed entertainment
4. The applicant shall close all entrance doors and windows when regulated entertainment takes place except for immediate access and egress of persons
5. The applicant shall install a sound limiter device, set and maintain to ensure that the maximum levels of volume and bass of music, song or speech from the premises does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest noise sensitive premises
6. The applicant shall route any additional sound generating equipment through the sound limiter device
7. The applicant shall prominently display clearly legible signage at all patron exits requesting that patrons leave the premises in a quiet and orderly manner that is respectful to the neighbours

8. The applicant shall employ suitably experienced person(s) at all times during licensable activities to ensure that patrons do not cause a nuisance in the vicinity of the premises
9. There shall be no more than five persons permitted to smoke outside the premises at any onetime.
10. The applicant shall not permit Patrons to take drinks outside the premises at any time
11. The applicant shall keep the pavement in the immediate vicinity of the premises free from litter emanating from the premises while the premises are open.
12. The applicant shall properly present and place out all waste for collection no earlier than 30 minutes before the scheduled collection times.
13. The applicant shall not move, remove or place rubbish including bottles in outside areas of the premises between 2300 hours and 0800hours.

Regards

Michael Turay

Principal Environmental Protection Officer

Environmental Protection Team

| 3rd floor | Hub 2 | 160 Tooley Street | London | SE1 5LX.

Tel: 020 7525 7235 | Fax: 0207 525 5705

Email: michael.turay@southwark.gov.uk

Please consider the environment - do you really need to print this email?

**Chief executive's department**

Planning division
 5th floor, hub 2
 PO Box 64529
 LONDON SE1P 5LX

EH & TS Licensing Unit
 Hub 2 3rd Floor Tooley Street

X

Your Ref: 850851
Our Ref: 15-CE-01224
Contact: Gavin Blackburn
Telephone: 020 7525 7007
Fax: 020 3357 3101
E-Mail: planning.enquiries@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 15/12/2015

Dear Sir/Madam

Premises Licensing re:
 224 OLD KENT ROAD, LONDON, SE1 5UB

Summary description: New premises

Date Received: 24/11/2015

No planning permission exists for either a restaurant, bar or club at this location. The planning department has been aware that a mixed use development has operated on the site, which includes provision of food. No complaints have been received in respect of that use.

The licence application seeks permission for sale of alcohol and provision of dance with the venue not closing until 2:00am on Fridays and Saturdays. That proposed terminal hour appears unduly late considering the proximity of residential accommodation to this site, which is immediately above.

The planning authority object to the application with the hours requested. That objection will be conciliated if the terminal hour is reduced to midnight and conditions in respect of sound proofing imposed.

A) That sound insulation of an adequate specification shall be installed to any shared walls/floors/ceilings to ensure that noise from the operation of the premises does not cause any intrusion in neighbouring property (Note – specification – 100mm polystyrene, 150mm acoustic rockwool and marine plywood).

B) That all speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.

Yours faithfully

Gavin Blackburn

Senior Enforcement Officer

From: Turay, Michael
Sent: Wednesday, December 16, 2015 4:59 PM
To: [REDACTED]
Cc: Mills, Dorcas; graham.s.white@met.pnn.police.uk
Subject: RE: New Premises Licence Application-Boulevard Coffee Place, 224 Old Kent Road, London, SE1 5UB

Dear [REDACTED]

I acknowledge receipt of your email below accepting all the proposed conditions. Since you have agreed with all the proposed conditions, the EPT withdraws its objections to the new premises licence subject to compliance with the said conditions.

Regards

Michael Turay

From: [REDACTED]
Sent: Tuesday, December 15, 2015 5:01 PM
To: Turay, Michael
Subject: RE: New Premises Licence Application-Boulevard Coffee Place, 224 Old Kent Road, London, SE1 5UB

Dear Mr Michael

Yes. we agree with all your Proposed Conditions

Kind Regards
[REDACTED]



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

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

1. Decision

That the council's licensing sub-committee, having had regard to the application by the Metropolitan Police Service for a review of the premises granted under the Licensing Act 2003 to CO & JM Ltd in respect of the premises known as Boulevard Coffee Place, 224 Old Kent Road, London SE1 having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence:

2 Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from the Metropolitan Police Service representative, the applicant for the review who stressed the serious nature of the alleged incident on the 12 April 2015 and referred the sub-committee to the victim's witness statement, in which he stated that he arrived after 2am, purchased drinks from the bar and made a number of references to a dance floor at the premises. The Metropolitan Police indicated that this was inconsistent with the premises holder's witness statement that had been submitted to this sub-committee. They submitted that the premises licence holder had wilfully ignored the licence conditions and that the premises licence holder was not a suitable person to hold a premises licence as they could not be trusted to comply with the licence.

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

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

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

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

The sub-committee carefully considered all the representations.

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

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

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

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

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

The sub-committee felt that this decision was appropriate and proportionate in order to address the licensing objectives.

3 **Appeal rights**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Any appeal must be made to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

This decision does not have effect until either

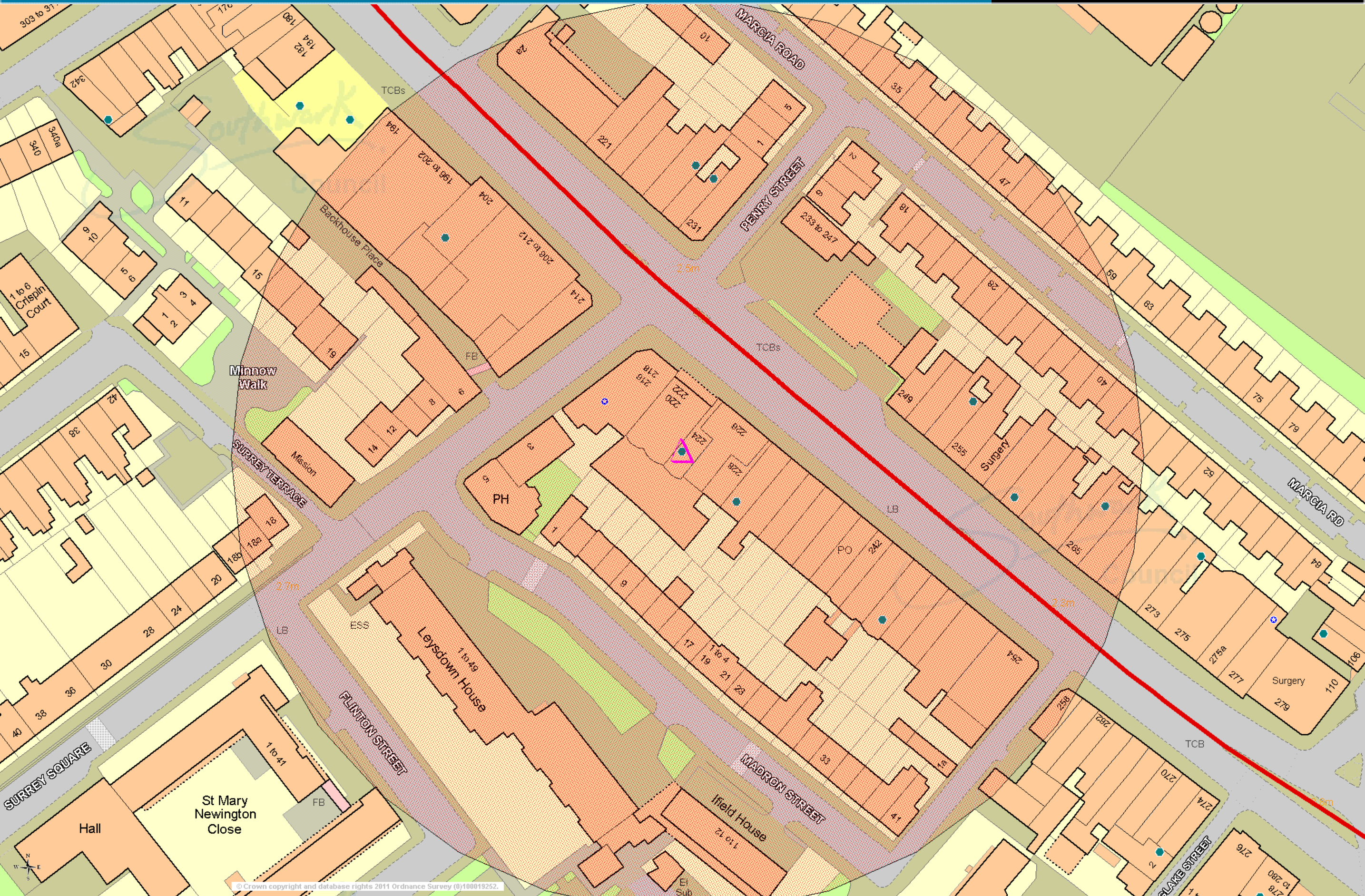
- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The interim steps shall remain in place until either:

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 12 May 2015



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Item No. 7.	Classification: Open	Date: 18 January 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	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Douglas Otunyo to vary the premises licence under the Licensing Act 2003 in respect of the premises known as Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE.
2. Notes:
 - a) This application seeks to vary existing licensable activities held under current legislation in respect of the premises known as Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from responsible authorities and is therefore referred to the sub-Committee for determination
 - b) Paragraphs 14 to 16 of this report provide a summary of the application under consideration by the sub committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 17 to 22 of this report deal with the representations received to the variation of premises licence application. Copies of the relevant representations are attached as Appendix C.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

Previous History

8. A premises licence was previously issued to Pardis Entertainment Limited which operated from the premises then known as Pardis.

9. On 20 November 2013 an application for a review of the premises licence was received from the Metropolitan Police. The review application was determined by the Licensing Sub Committee on the 17 December 2013 and the decision made was to revoke the licence.

10. A new application was made by Douglas Otunyo. The application was subject to representations and was determined by the licensing sub committee on 20 June 2014. A premises licence was subsequently issued.

11. A variation application to extend the hours was made on 22 September 2014. The application was subject to representations and was determined by the licensing sub committee on 6 November 2014. A premises licence was subsequently issued.

12. Copies of both notices of decision are attached as Appendix E.

KEY ISSUES FOR CONSIDERATION

The premises licence application

13. The current licence in respect of the premises known as Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE was issued on the 4 December 2014. It allows the following licensable activities:
 - Live Music (indoors)

Mon – Sun from 12:00 to 23:00

- Recorded Music (indoors)
Monday to Wednesday from 12.00 to 23.30
Thursday & Sunday from 12.00 to 00.00
Friday & Saturday from 12.00 to 03.00
- Late Night Refreshment (indoors)
Monday to Wednesday from 23.00 to 23.30
Thursday & Sunday from 23.00 to 00.00
Friday & Saturday from 23.00 to 03.00
- Sale and Supply of alcohol (on the premises):
Monday to Wednesday from 12.00 to 23.30
Thursday & Sunday from 12.00 to 00.00
Friday & Saturday from 12.00 to 03.00
- Operating hours of premises:
Monday to Wednesday from 12.00 to 00.00
Thursday & Sunday from 12:00 to 00:30
Fri & Sat from 12.00 to 03.30

14. A copy of the existing premises licence is attached as Appendix B.

The variation application (as amended through conciliation)

15. On 13 November 2015 Douglas Otunyo applied to this council to vary the premises licence in respect of the premises known as Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE.

The application is summarised as follows:

- Recorded Music (indoors):
Friday and Saturday from 03.00 to 04.00
- Late night refreshments:
Friday and Saturday from 03.00 to 04.00
- Sale and Supply of alcohol (on the premises)
Friday and Sat from 03.00 to 04.00
- Operating hours of premises
Monday to Sunday from 06.00 to 12.00 (to operate a coffee bar)
Friday & Saturday from 03.30 to 04:30
- Seasonal Variations and non - standard timings:

The applicant also seeks to extend the hours of the premises licensable activities on the following days Sunday preceding a Bank holiday; Easter Sunday, 24 December, 25 December, 26 December, 31 December, 1 January till 05.00 and extend the operating hours till 05.30 on the day following.

That on each 2nd October (Nigerian independence Day) o extend licensable activities to 05.00 and extend the operating hours till 05.30 on the day following.

- Removal and variation of conditions:

The applicant seeks to remove condition 370 and vary conditions 341 and 364 from the existing premises licence which states:

Condition 370

The applicant seeks to remove condition 370 as it conflicts with 341.

Condition 341

That 2 SIA registered Door Supervisors, at least one of whom shall be a female, shall be employed at all times after 21.00 when the terminal hour is after 00.30.

The applicant seeks to change the start of security time from 21.00 to 22.00.

Condition 364

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.

The applicant seeks to change the re entry time from 01.30 to 02.30 if the licence is granted to hours requested.

16. The premises licence application form provides the applicant operating schedule. Parts F, I, J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Representations from responsible authorities

17. Four representations were submitted by the Metropolitan Police Service, licensing as a responsible authority, health and safety and public health authority.
18. The police state that they do not object to the extra hour on Friday and Saturday as checks on police systems can find no record of any complaints under the current terminal hour however the premises are situated close to a residential block of flats which is immediately behind and believed to be residential above. The hours applied for on the Thursday are likely to cause public nuisance to local residents that may have to work during the week and have a detrimental impact.
19. Licensing as a responsible authority are concerned with the extended hours sought due to impact on residents and state that further submissions will be made following visits made by the night time economy team. They also request for the removal of condition 370 as it conflicts with condition 341.
20. The representation from health safety is concerned with the previous history and request a comprehensive risk assessment to be submitted.

21. The public health is concerned with the impact the extra hours will have on the resources available.
22. Copies of the representations received are attached as Appendix C.

Representations from other persons

23. There are no representations from other persons.

Conciliation

24. The representations were forwarded to the applicant and a conciliation meeting was conducted on 21 December 2015 to discuss concerns raised. The concerns raised by the police has led to the applicant withdrawing the hours sought for Thursday from the application. This has resulted in the police withdrawing their representation.. The public health authority are happy with the hours sought for Friday and Saturday, however both themselves and licensing still have concerns on the late re-entry hours sought. The risk assessment was also submitted to health and safety, but they also still have outstanding issues with regards to capacity. The Police withdrawal statement and a conciliation statement detailing the process are attached as Appendix D.

Inspections/visits

25. A visit conducted by the Police on 18 January 2015 found that the premises was operating without the club scan, a section 19 notice was issued to the premises to this effect. A further warning letter was issued by the licensing unit. Copies of a police statement and the warning letter are attached as Appendix F.

Temporary event notices (TENs)

26. Temporary events notices have been used on occasions to extend the terminal hours of the premises licence. Below is a table of TENs submitted for 2015.

Date	From	To
3 May 2015	00.00	05.30
10 May 2015	00.00	05.30
17 May 2015	00.00	05.30
30 Aug to 2 Sept 2015	02.00	06.00
1 Oct 2015	00.00	05.30
20 Nov 2015	00.00	04.00
21 Nov 2015	00.00	05.00
25 & 27 Dec 2015	00.00	04.30
26 Dec 2015	00.00	05.00

The local area

27. A map of the area is attached to this report as Appendix G. The premises is identified by a triangle at the centre of the map. For purposes of scale-only the circle on the map has a 100-metre radius. The following licensed premises terminal hours are also shown on the map:

Off Licence

- G & F Supermarket, 272-274 Old Kent Road, London SE1 5UE (Monday to Sunday 24 hours)
- Nishas News, 246 Old Kent Road, London SE1 5UB (Monday to Sunday until 23.30)
- B & B Newsagent, 104-106 Dunton Road, London SE1 5UN (Monday to Sunday until 23.00)

Late night refreshment

- Super Pizza, 292 Old Kent Road, London SE1 5UE (Sunday to Thursday until 01.00 and Friday & Saturday until 02.00)
- Perfect Fried Chicken, 259 Old Kent Road, London SE1 5LU (Monday to Sunday until 00.00)
- Old Kent Fish Bar, 253 Old Kent Road, London SE1 5LU (Monday to Sunday until 01.00)
- Village Pizza, 230 Old Kent Road, London SE1 5UB (Sunday to Thursday until 03:00 and Friday & Saturday until 04.00)
- Halal Kebab House, 273 Old Kent Road, London SE1 5LU (Monday to Sunday until 03.00)
- El Turkistan Takeaway, 304 Old Kent Road, London SE1 5UE (Sunday - Thursday until 02.00 and Friday & Saturday until 03.00)

Restaurant

- New Wing Fu, 227 Old Kent Road, London SE1 5LU (Monday to Sunday until 00.00)

Deregulation of entertainment

28. On 6 April 2015 entertainment became deregulated and as a result:

- Live unamplified music is deregulated between 08.00 and 23.00 on any premises.
- Live amplified music is deregulated between 08.00 and 23.00 provided the audience does not exceed 500 people.

29. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Southwark council statement of licensing policy

30. Council assembly approved Southwark's statement of licensing policy 2011-14 on 12 October 2011. Sections of the statement that are considered to be of particular relevance to this application are:

- Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives
- Section 5 which sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence

- Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998
 - Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
 - Section 8 provides general guidance on ensuring public safety including safe capacities
 - Section 9 provides general guidance on the prevention of nuisance
 - Section 10 provides general guidance on the protection of children from harm.
31. 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

32. A fee of £190 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band A.

Consultation

25. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and similar notices exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

33. 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 governance

34. The sub-committee is asked to determine the application for a premises licence under section 34 of the Licensing Act 2003.
28. The principles which sub-committee members must apply are set out below.

Principles for making the determination

35. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.

36. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
37. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
38. If relevant representations are received then the Sub-Committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- Add to, omit, and/or alter the conditions of the licence or
 - Reject the whole or part of the application for variation.

Conditions

39. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
40. The four licensing objectives are
- The prevention of crime and disorder;
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
41. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
42. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
43. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
44. Members are also referred to the Department for Culture, Media and Sport (DCMS) guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

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

Hearing procedures

46. Subject to the Licensing Hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing
47. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

48. 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.

49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

55. Members are required to have regard to the DCMS 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.

BACKGROUND STATEMENTS

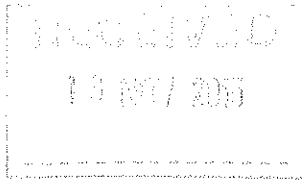
Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Variation application
Appendix B	Current premises licence
Appendix C	Representations from responsible authorities
Appendix D	Conciliation statement
Appendix E	Notices of decision from previous hearings on 20 June 2014 and 6 November 2014
Appendix F	Police statement and warning letter
Appendix G	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills Principal Licensing Officer	
Version	Final	
Dated	6 January 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		6 January 2016



Community Safety EHTS, Health Safety & Licensing Team, Southwark Council, 3rd Floor
Hub 2, P O BOX 65429, London, SE1P 5LX

Application to vary a premises licence under the Licensing Act 2003

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 this 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.

You may wish to keep a copy of the completed form for your records.

I/We DOUGLAS OTUNYO

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	846180
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Lush Bar & Restaurant			
280 Old Kent Road			
Post town	London	Postcode	SE1 5UE

Telephone number at premises (if any)	02077013420
Non-domestic rateable value of premises	£ 15000

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	
Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

- 1) To Extend the Opening Time for the premises from 06:00 to 12:00 for the sale of coffee for cafe business
- 2) To Extend the licensing time and activity on Thursdays night from 12:30 to 03:30am
- 3) To Extend the licensing time and activity on Friday and Saturday from 03:30 to 04:30
- 4) To Change the start time for Security from 21:00 to 22:00 on condition 341
- 5) To Remove Condition 370 Because it contradicts condition 341
- 6) To Change the Last Entry time on Condition 364 from 01:30 to 02:30 when the license is granted to 04:30

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
			State any seasonal variations for performing plays (please read guidance note 4)		
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
			State any seasonal variations for the exhibition of films (please read guidance note 4)			
Tue						
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left please list (please read guidance note 5)			
Wed						
Thur						
Fri						
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u> Nigerian Independence 2nd oct night 00:00 to 05:00		
Thur	00:00	03:00			
Fri	03:00	04:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u> All Bank Holiday Sundays & Mondays 12:00 to 05:00 Easter Sunday 12:00 to 05:00 Christmas Eve 03:01 to 05:00 Christmas Day 03:00 to 05:00 Boxing Day 03:00 to 05:00 New Year Eve 12:00 to 05:00 New years day 12:00 to 05:00		
Sat	03:00	04:00			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4) Nigerian Independence oct 2nd 00:00 to 05:00			
Thur	00:00	03:00				
Fri	03:00	04:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) ALL Bank Holidays Sundays & Mondays 12:00 to 05:00 Easter Sunday 12:00 to 05:00 Christmas Eve 03:00 to 05:00 Christmas Day 03:00 to 05:00 Boxing Day 03:00 to 05:00 New Year Eve 12:00 to 05:00 New years day 12:00 to 05:00			
Sat	03:00	04:00				
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) Nigerian independence 2st oct 00:00 to 05:00		
Mon					
Tue					
Wed					
Thur	00:00	03:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) All Bank Holiday Sundays & monday 12:00 to 05:00 Easter Sunday 12:00 to 05:00 Christmas Eve 03:00 to 05:00 Christmas Day 03:00 to 05:00 Boxing Day 03:00 to 05:00 New Year Eve 12:00 to 05:00 New years day 12:00 to 05:00		
Fri	03:00	04:00			
Sat	03:00	04:00			
Sun					

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p> <p style="text-align: center;">None</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00 no sale of alcohol	12:00 at this time	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>ALL BANK HOLIDAY SUNDAYS 12:00 to 05:30 Easter Sunday 12:00 to 05:30 Christmas Eve 03:30 to 05:30 Christmas Day 03:30 to 05:30 Boxing Day 03:30 to 05:30 New Year Eve 12:00 to 05:30 New years day 12:00 to 05:30</p>
Tue	08:00 no sale of alcohol	12:00 at this time	
Wed	08:00 no sale of alcohol	12:00 at this time	
Thur	06:00 no sale of alcohol	12:00 at this time	
	00:30	03:30	
Fri	06:00 no sale of alcohol	12:00 at this time	
	03:30	04:30	
Sat	06:00 no sale of alcohol	12:00 at this time	
	03:30	04:30	
Sun	06:00 no sale of alcohol	12:00 at this time	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

To Change the start time for Seculrity from 21:00 to 22:00 on condition 341

To Change the Last Entry time on Condition 364 from 01:30 to 02:30 when the license is granted to 04:30

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

We Upgraded cctv to hd lp system and monitor so customers can see them selves as they enter the venue
 Using More S.I.A Security Staff if there is need to be
 Making sure no one takes drinks out of the premises
 Making sure patrons leave quietly and do no disturb neighbours
 Warn any suspicious patron that any illegal activity done shall be reported to the police

b) The prevention of crime and disorder

In addition to current license conditions:

A prominent notice is displayed at the entrance to the bar within the premises notifying arriving customers of the fact that they will be searched. Any customer refusing to co-operate will be excluded from the premises.
 No one will be allowed entry into the premises if they appear to be drunk.
 It will be emphasised to staff, and they will be appropriately trained, to remain calm and non-confrontational at all times.

c) Public safety

At the start of each opening day Management will check escape routes, exits including fire doors are in order and not obstructed, free of trip hazards, and will check to ensure emergency exit signs are working and that the emergency lighting system is in order. Staff will be briefed to be aware of these requirements and monitor them throughout the time that the premises is open.

d) The prevention of public nuisance

The Management will take all reasonable steps to ensure that noise or vibration is not noticeable at the facade of the premises/nearest residential property, including the residential premises above the venue.
 A person nominated by Management shall be responsible for monitoring noise level to ensure that local residents are not disturbed.
 Litter shall be prevented at all times and where identified, regularly cleared from the vicinity of the premises.
 The "wind down" period will promote a more even spread of customer exits from the premises at night, helping to minimise the "bunching" of exits at closing times.

e) The protection of children from harm

No Children allowed in the premises unless unaccompanied by an adult

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	02 - NOV - 2015
Capacity	Owner

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

[Empty space for contact name and address]			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Licensing Act 2003 Premises Licence

109

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

Premises licence number

846180

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

Part 2

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

Douglas Otunyo

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

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 L.B Lewisham

Licence Issue date 04/12/2014

Anti-Social Behaviour, Noise Nuisance &
Licensing Manager
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

- (a). At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b). At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

485 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

487 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence;
 - (ii) the designated premises supervisor (if any) in respect of such a licence; or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

288 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 21.00hrs 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 compressor sound limiting device (SLD) shall be installed at the premises and shall be calibrated to the satisfaction of the council's environmental protection team (EPT). All amplification equipment in regards to both live and recorded sound must be routed through the SLD. At no time shall any amplification equipment be operated independently of the SLD. The SLD shall be calibrated to the satisfaction of the EPT prior to any recorded or amplified live music being provided at the premises. Once calibrated, the control settings of the SLD shall not to be altered at any time except with the prior consent of the EPT. The SLD shall be accessible to the licensee and/or manager of the premises only, and its installation be such that its control panel cannot be accessed by any other staff.

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 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.

365 Extension of hours of the premises license activities and operating hours on the following days; 24 December, 25 December, 31 December, for the following licensable activities till 03.30 on the days 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 in operation at the premises at all times.

369 An ID Scanning system to the reasonable satisfaction of Police should be installed and maintained. The system should be capable of sharing information of banned customers with other venues, identify the hologram from a form of ID and read passports and ID cards, and be able to identify fake or forged ID documents.

370 SIA door supervisors will be in operation at the premises after 00:30 when live music or a DJ is in operation at the premises.

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. 846180
Plan No. 150
Plan Date 07/04/2014



The Licensing Unit
Floor 3
160 Tooley Street
London
SE1 2QH

Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ 2723/15

Date: 18th November 2015

Re:- Lush Bar, 280 Old Kent Road, London SE1 5UE

Dear Sir/Madam

Police are in possession of an application from the above for a variation to the premise licence.

The applicant has requested an extension to the operating hours Thursday till 03.30hrs and Friday / Saturday till 04.30hrs. The premises currently have a licence till 00.30hrs Thursday and 03.30hrs Friday and Saturday.

Police do not object to the extra hour on Friday and Saturday as checks on police systems can find no record of any complaints under the current terminal hour however the premises are situated close to a residential block of flats which is immediately behind and believed residential above.

The hours applied for on the Thursday are likely to cause public nuisance to local residence that may have to work during the week and have a detrimental impact.

The Following is submitted for your consideration, Police would welcome the opportunity to conciliate should the need arise.

Yours Sincerely

PC Graham White 288MD
Southwark Police Licensing Unit
Tel: 0207 232 6756

MEMO: Licensing Unit

To	Licensing Unit	Date	11 December 2015	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: Lush Bar & Restaurant, 280 Old Kent Road, London, SE1 5UE
Application to vary the premises licence

I write with regards to the above application to vary the premises licence under the Licensing Act 2003 which seeks the following changes to the licensable activities:

- To extend recorded music (indoors) on Thursday from 00:00 to 03:00 and on Friday and Saturday from 03:00 to 04:00.
- To extend the provision of late night refreshment (indoors) on Thursday from 00:00 to 03:00 and on Friday and Saturday from 03:00 to 04:00.
- To extend the supply of alcohol (to be consumed on the premises) on Thursday from 00:00 to 03:00 and on Friday and Saturday from 03:00 to 04:00.

The application asks for Non- Standard Timings as follows:

- All Bank Holidays (Sundays and Mondays), Easter Sunday, News Years Eve, New Years Day, from 12:00 to 05:00
- Christmas Eve, Christmas Day and Boxing Day from 12:00 to 05:00

The conditions ask to be removed or amended are as follows:

341 - *That 2 SIA registered Door Supervisors, at least one of whom shall be a female, shall be employed at all times after 21.00hrs when the terminal hour is after 00.30.*

Is to be amended to read:

*'That 2 SIA registered Door Supervisors, at least one of whom shall be a female, shall be employed at all times after **22:00hrs** when the terminal hour is after 00.30'.*

364 - *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.*

Is to be amended to read

*'That there shall be no new entry or re-entry to the premises after **02.30** 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'*

Licensing Unit – Community Safety, Hub 2, 3rd Floor, PO Box 64529, London SE1P 5LX

Switchboard - 020 7525 5000 Website - www.southwark.gov.uk

Strategic Director of Environment & Leisure - Gill Davies

Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

The following condition is to be removed as it conflicts with condition 341

370 - SIA door supervisors will be in operation at the premises after 00:30 when live music or a DJ is in operation at the premises

It is not clear from the application in section L what the overall opening hours will be if the application is granted and what is written conflicts with the licensable activities asked for above. If this is reflected on the premises poster, then local residents who may have submitted representations may have thought that the opening hours were being reduced.

When the new licence was granted to Mr Otunyo by the licensing sub committee on 4 December 2014 there were 12 representations from local residents. I attach to this representation a copy of the notice of decision.

I object to the granting of the extended hours asked for within this application under the prevention of crime and disorder and public nuisance licensing objectives as the operation of the premises and of people leaving the premises even later at night could impact upon local residents living nearby and in the surrounding streets. The management would have no control of patrons that have left the premises and the possible impact of any rowdy and anti-social behaviour or crime and disorder.

I have no objection to the removal of condition 370 and the amendment to condition 341.

The licensing unit have also witnessed several breaches of the licensed conditions and enforcement action was pursued with regards to the breaches and I will submit further information supporting this representation at a later stage.

Jayne Tear
Principal Licensing officer
In the capacity of the Licensing Responsible Authority



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 6 NOVEMBER 2014

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

1. 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:

Licensable activity	Monday to Wednesday	Thursday	Friday and Saturday	Sunday
Live music (Indoors)	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00
Recorded music (Indoors)	12.00 to 23.30	12.00 to 00.00	12.00 to 03.00	12.00 to 00.00
Late Night Refreshment	23.00 to 23.30	23.00 to 00.00	23.00 to 03.00	23.00 to 00.00
Supply of alcohol (on) the premises	12.00 to 23.30	12.00 to 00.00	12.00 to 03.00	12.00 to 00.00
Opening Hours of premises	12.00 to 00.00	12.00 to 00.30	12.00 to 03.30	12.00 to 00.30
Seasonal variations	To grant the application for extension of hours of the premises license activities and operating hours on the following days; 24 December, 25 December, 31 December, for the following licensable activities till 03.30 on the days following.			

That condition 135 of the premises licence which states: "That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals, the premises will operate as a restaurant where the sale of alcohol is ancillary to the consumption of food. Service to table meals will be by waiting staff only" be removed from the licence.

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions and conditions derived from the operation schedule in Section M of the application form and shall be subject to the following additional conditions agreed by the sub-committee:

1. 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.
2. That at no time are patrons permitted to use the rear door for access or egress (accessed via the kitchen), except only in emergency.

LICENSING SUB-COMMITTEE – 6 NOVEMBER 2014

3. Reasons

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that he has operated the premises for the previous four months without issues. He referred to several recent temporary event notices which had proved to be successful events without complaints. He highlighted that the temporary events had operated over the weekends with similar operating hours to that of the variation application.

He stated that he maintains a good relationship with his neighbours and the responsible authorities. He also stated that his intention was to operate the premises as a wine bar/restaurant.

The sub-committee also heard from a local resident in support of the application, who stated that he had never personally been disturbed by the operation of the premises and provided his support in respect of the variation application.

The applicant submitted that his recent successful operation of the premises under the several temporary event notices illustrates his ability to manage the premises responsibly and in accordance with his current licence.

The environmental protection officer addressed the sub-committee and stated that whilst they initially had concerns in relation to public nuisance, following the recent operating history, he was satisfied that the conditions on the licence appeared to address these concerns.

The officer proposed a reduction in the hours applied for in order to further address any potential concerns of the residents. The officer also stated that he had not received any complaints in respect of any of the recent temporary event notices.

The officer proposed additional conditions to be added to the licence in order to address concerns raised by residents and these were agreed by the applicant.

The licensing sub-committee noted the written objections raised by the three local residents and an accompanying petition signed by 12 residents who expressed concerns with the variation application, in particular concerns in respect of potential noise disturbance and potential crime and disorder caused by large groups of people gathering in the area and potential public safety issues.

The residents also referred to the previous management, who caused disturbance to the residents due to poor management of the premises. However, the current applicant has assured the sub-committee that he is not connected to the previous management and sought to assure that he would operate the premises responsibly and in consideration of his neighbours.

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

4. Appeal rights

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

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

- a) That the 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 petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Legal Services.

Date: 6 November 2014



Dr Ruth Wallis FFPH
Director of Public Health
Lambeth and Southwark Public Health
1st Floor, Hub 2 160 Tooley Street
LONDON SE1 2QH

Licensing Unit
Hub 2, Floor 3,
160 Tooley Street,
LONDON SE1 2QH

7 December 2015

To whom it may concern:

Re: Lush Bar and Restaurant, 280 Old Kent Road, London SE1 5UE

As Director of Public Health for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

The representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance

General Comments

I understand that the public disorder and disruption caused by customers of this premises has reduced significantly after coming under new management. I note the business' extensive operating conditions already in place to address the licensing objectives. I also note the applicant's statement that the requested later closing time is to cater for the patrons already in the bar, rather than to attract patrons who have had to leave a different premise with an earlier closing time.

However, it is with concern that I have reviewed some of the variations applied for due to the late hours of alcohol sales requested. It is my opinion that the extended licensed opening hours would contribute to public nuisance, and would increase the likelihood of crime and disorder.

Recommendation

- I would request the committee reject the application to extend the alcohol licensing end-time on Thursdays from 0030hrs to 0330hrs, and on Fridays and Saturdays from 0330hrs to 0430hrs.



- I strongly urge the committee not to alter the time of last entry from 0130hrs to 0230hrs on Fridays and Saturdays.
- If the committee were minded to grant the application to extend the licensing hours, I would request that the time of last entry remains at 0130hrs.

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

Yours faithfully,

A handwritten signature in black ink that reads "Ruth Wallis".

Dr Ruth Wallis BM FFPH
Director of Public Health - Lambeth and Southwark

PLEASE RETURN ANY CORRESPONDENCE TO sarah.bradbury@southwark.gov.uk.

From: Graham.S.White@met.pnn.police.uk [mailto:Graham.S.White@met.pnn.police.uk]
Sent: Thursday, December 17, 2015 10:17 AM
To: Mills, Dorcas
Subject: Lush bar variation licence objection

Dorcas,
As below, he has agreed to my rep so we will draw our objection
thanks
Graham

PC Graham White 288MD

Southwark Police Licensing Unit

323 Borough High Street

London

SE1 1JL

Tel: 0207 232 6756 (26756)

Mob: 07595 011458

SouthwarkLicensing@met.police.uk

graham.white4@met.police.uk

From: douglas otunyo [mailto:████████████████████]
Sent: 16 December 2015 11:48
To: White Graham S - MD
Subject: Re: Lush bar variation licence objection

Yes thanks you sir following to our meeting and discussion, i will like to withdraw the application for the variation for the thursday night to agree for the extension for only friday and saturday as agreed with you . thanks
Douglas Otunyo

On Wednesday, 16 December 2015, 10:23, "Graham.S.White@met.pnn.police.uk" <Graham.S.White@met.pnn.police.uk> wrote:

Douglas,
Thank you for the meeting today, If you could confirm that you are withdrawing your application to extend your operating hours on a Thursday night and only extend them on Friday and Saturday as per my representation.
Many thanks

PC Graham White 288MD

Southwark Police Licensing Unit

323 Borough High Street

London

SE1 1JL

Tel: 0207 232 6756 (26756)

Mob: 07595 011458

SouthwarkLicensing@met.police.uk

graham.white4@met.police.uk

LUSH BAR, 280 OLD KENT ROAD, SE1
 CONCILIATION MEETING HELD ON 21 DECEMBER 2015 AT 160 TOOLEY STREET, LONDON
 SE1 AT 12.00

The meeting was attended by:-

Douglas Otunyo – Applicant
 Richard Pinder & Sarah Bradbury - Public Health Officers
 Farhad Chowdhury – Health & Safety Officer
 Jayne Tear – Licensing Officer (responsible authority)
 Dorcas Mills – Licensing Officer

The meeting was held to discuss representations received to the variation application for the extended hours of operation for licensable activities to 04.00 on Fridays and Saturday with 30 mins extra closing for on the following mornings, it also seeks to start operating the business from 06.00 providing coffees, however not providing any licensed activities until 12 noon..

The application sought extended hours on Thursday till 03.00 , however this has been withdrawn following police representation and conciliation.

Mr Otunyo presented his case that he has operated the premises without any major issues, he stated that he had a respectable clientele who mostly worked but however preferred to come out later in the evening rather than straight from work. He referred to recent temporary event notices which has proved to be successful event without complaints which illustrates his ability to manage the premises responsibly. He stated that he wants to run the business as an entertainment premise, his business is competing with similar premises in southwark, Lambeth and Lewisham boroughs and therefore the current hours were restrictive. He presented the health and safety officer with information he had requested in the form of risk assessment and safety policy.

The health and safety officer said the items submitted appeared satisfactory , however during the discussion he has noted that a premises capacity has not been set. Mr Otunyo confirmed that the maximum capacity of 150 inside the premises, the health and safety would be looking for a condition to be put on the licence to set the maximum capacity at 150. However he will not be withdrawing his representation as yet.

The public health officer was concerned about the extra hours sought and worry that the late opening times and the last entry request to be extended to 02.30 will mean patrons will arrive at the premises already drunk having left other venues which have had to close early. He fears this will impact on the already extensive services being provided by external agencies.

The Officer, after listening to Mr Otunyo presentation offered to go along with the police agreement for him to have the Friday and Saturday till 04.30 on condition that he drops the late entry request of 02.30 and leaves it at the current 01.30. If Mr Otunyo resist to drop the late entry request then he will revert to his original representation and still seek for 03.30 for Fridays and Saturdays. Mr Otunyo also clarified that the non standard timings sought was for the Bank Holiday Sunday preceding the Monday. Following this clarification the officer commented that he will be willing for all activities to go as far as the longest hours ie 03.30 or 04.30 (if granted) for all non standard times and not the requested 05.00.

LUSH BAR, 280 OLD KENT ROAD, SE1
CONCILIATION MEETING HELD ON 21 DECEMBER 2015 AT 160 TOOLEY STREET, LONDON
SE1 AT 12.00

The Licensing officer (responsible authority) had issues about the non operational kitchen when visits/inspections had been conducted and referred to further evidence obtained from the Night Time Economy Team (NTE) which she would submit later. She indicated that her representation still stands.

Mr Otunyo also indicated that were he to accept the 01.30 last entry he will be operating under desperate measures.

Signed.....



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 6 NOVEMBER 2014

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

1. 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:

Licensable activity	Monday to Wednesday	Thursday	Friday and Saturday	Sunday
Live music (Indoors)	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00
Recorded music (Indoors)	12.00 to 23.30	12.00 to 00.00	12.00 to 03.00	12.00 to 00.00
Late Night Refreshment	23.00 to 23.30	23.00 to 00.00	23.00 to 03.00	23.00 to 00.00
Supply of alcohol (on) the premises	12.00 to 23.30	12.00 to 00.00	12.00 to 03.00	12.00 to 00.00
Opening Hours of premises	12.00 to 00.00	12.00 to 00.30	12.00 to 03.30	12.00 to 00.30
Seasonal variations	To grant the application for extension of hours of the premises license activities and operating hours on the following days; 24 December, 25 December, 31 December, for the following licensable activities till 03.30 on the days following.			

That condition 135 of the premises licence which states: "That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals, the premises will operate as a restaurant where the sale of alcohol is ancillary to the consumption of food. Service to table meals will be by waiting staff only" be removed from the licence.

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions and conditions derived from the operation schedule in Section M of the application form and shall be subject to the following additional conditions agreed by the sub-committee:

1. 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.
2. That at no time are patrons permitted to use the rear door for access or egress (accessed via the kitchen), except only in emergency.

3. Reasons

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that he has operated the premises for the previous four months without issues. He referred to several recent temporary event notices which had proved to be successful events without complaints. He highlighted that the temporary events had operated over the weekends with similar operating hours to that of the variation application.

He stated that he maintains a good relationship with his neighbours and the responsible authorities. He also stated that his intention was to operate the premises as a wine bar/restaurant.

The sub-committee also heard from a local resident in support of the application, who stated that he had never personally been disturbed by the operation of the premises and provided his support in respect of the variation application.

The applicant submitted that his recent successful operation of the premises under the several temporary event notices illustrates his ability to manage the premises responsibly and in accordance with his current licence.

The environmental protection officer addressed the sub-committee and stated that whilst they initially had concerns in relation to public nuisance, following the recent operating history, he was satisfied that the conditions on the licence appeared to address these concerns.

The officer proposed a reduction in the hours applied for in order to further address any potential concerns of the residents. The officer also stated that he had not received any complaints in respect of any of the recent temporary event notices.

The officer proposed additional conditions to be added to the licence in order to address concerns raised by residents and these were agreed by the applicant.

The licensing sub-committee noted the written objections raised by the three local residents and an accompanying petition signed by 12 residents who expressed concerns with the variation application, in particular concerns in respect of potential noise disturbance and potential crime and disorder caused by large groups of people gathering in the area and potential public safety issues.

The residents also referred to the previous management, who caused disturbance to the residents due to poor management of the premises. However, the current applicant has assured the sub-committee that he is not connected to the previous management and sought to assure that he would operate the premises responsibly and in consideration of his neighbours.

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

4. Appeal rights

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

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

- a) That the 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 petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Legal Services.

Date: 6 November 2014



DRAFT NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 20 JUNE 2014

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

1. Decision

That the application submitted by Douglas Otunyo for the grant 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:

Licensable Activity	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Live Music - indoors	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 00.30	12.00 to 00.30	12.00 to 23.00
Recorded Music - indoors	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 00.30	12.00 to 00.30	12.00 to 23.00
Latenight refreshment	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 00.30	12.00 to 00.30	12.00 to 23.00
Sale and supply of alcohol (on the premises)	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 00.30	12.00 to 00.30	12.00 to 23.00
Hours premises are open to the public	12.00 to 23.30	12.00 to 23.30	12.00 to 23.30	12.00 to 23.30	12.00 to 01.00	12.00 to 01.00	12.00 to 23.30

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions and conditions derived from the operation schedule in Section M of the application form and shall be subject to the following additional conditions:

1. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals, the premises will operate as a restaurant where the sale of alcohol is ancillary to the consumption of food. Service to tables will be by waiting staff only.
2. That all licensable activities to cease 30 minutes prior to the terminal hour.
3. That two SIA registered door supervisors, at least one of whom shall be a female, shall be employed at all times after 20.00 hours and the terminal hour.
4. That 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.

5. That 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.
6. That a personal licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.
7. 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 Metropolitan Police Service and Southwark Council.
8. That all house speakers shall be isolated from the structure of the building, either by rubber acoustic matting, anti vibration hangers or chained.
9. 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.
10. 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.
11. 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 five persons.
12. That no food or drinks obtained from the premises will be permitted to be consumed outside of the premises at anytime.
13. That a compressor sound limiting device (SLD) shall be installed at the premises and shall be calibrated to the satisfaction of the council's environmental protection team (EPT). All amplification equipment in regards to both live and recorded sound must be routed through the SLD. At no time shall any amplification equipment be operated independently of the SLD. The SLD shall be calibrated to the satisfaction of the EPT prior to any recorded or amplified live music being provided at the premises. Once calibrated, the control settings of the SLD shall not to be altered at any time except with the prior consent of the EPT. The SLD shall be accessible to the licensee and/or manager of the premises only, and its installation be such that its control panel cannot be accessed by any other staff.
14. 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.
15. That the depositing of waste glass/earthenware into external waste receptacles shall not take place between 23.00 and 07.00 the following day.
16. That all deliveries and collections of waste shall be made between the hours of 07.00 and 23.00.
17. That the premises will be adequately mechanically ventilated.
18. 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.

19. 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.
20. 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).
21. 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.
22. That any member of staff receiving a complaint from a patron or neighbour shall complete a premises complaint form.
23. That the licensee shall ensure all entertainers performing at the premises read a copy of the premises licence before they commence their act/performance.
24. That all staff shall receive training on the contents of the premises licence and their roles and responsibilities to uphold the premises licence conditions.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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

33. 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.
34. 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.
35. That no children shall be on the premises where alcohol can be consumed after 9.00pm.

3. **Reasons**

The licensing sub-committee heard from the applicant who advised that he had taken on the lease of the premises from March 2014 for a period of seven years. He assured the sub-committee that he had no connection with the previous management of the premises. He stated that this was a completely new business. He stated that he was a DJ by profession but that he wanted to embark on running a new business by way of a restaurant with a very different clientele and operation to the previous premises. He also confirmed that there would be no entrance fee for patrons entering the premises.

He confirmed that he had employed a professional chef and that the primary purpose of the premises was to operate as a restaurant. He further stated that he had liaised with all the responsible authorities and local residents and had sought to conciliate and accepted the proposed conditions in order to work with the authorities and the residents. He stated that he wanted the business to operate for a long period of time and therefore was willing to work in conjunction with the authorities and local residents to ensure this.

In addressing the residents concerns he agreed to install lighting at the front and the back of the premises and to provide a telephone number in order to address any issues.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who advised that they had visited the premises the previous week and produced photographs showing tables and chairs situated in the premises. The police further confirmed that the kitchen equipment was witnessed on site during their visit, suggesting that the premises was properly equipped to be run as a restaurant.

Following discussions with the applicant, the police confirmed that as far as they were concerned this was a new operator who had no connections with the previous management and that they would be happy for the premises licence to be granted taking into account the proposed conditions and a reduction in the proposed hours.

The licensing sub-committee heard from the environmental protection officer who also stated that in view of the proposed primary operation being a restaurant that they would propose further reduced hours in order to address the public nuisance licensing objective. The environmental protection officer also proposed conditions which were accepted as appropriate and were adopted by the licensing sub-committee.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who suggested further enquiries should be made of the applicant in relation to the operation of the premises. Following this the sub-committee made further enquiries of the applicant.

The licensing sub-committee heard from the health and safety officer who referred to their written representations and stated that they were satisfied with the crowd dispersal policy provided by the

applicant. He further stated that he could deal with the remaining points raised in his written representation in accordance with health and safety legislation.

The licensing sub-committee noted that the trading standards representation had been withdrawn following conciliation.

The licensing sub-committee heard from a local resident who advised following the signing of a petition by 12 other residents that she was representing ten of the residents. The local resident raised concerns in relation to the previous premises known as Pardis specifically relating to noise nuisance caused by music and people loitering outside which had an effect on the residents and families living in the area.

The local resident stated that a significant reduction in hours, along with sufficient CCTV and lighting would assist in alleviating the residents concerns in relation to public nuisance and disorder.

The sub-committee accepted the evidence put forward by the applicant that they would operate a completely separate business from Pardis and accepted that the conciliated conditions would address the concerns in relation to the previous premises raised by the representations.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

4. **Appeal rights**

The applicant may appeal against any decision

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

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

- a) That the licence ought not to be 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 petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 20 June 2014

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Stuart Wythe PC 393MD** URN:

01	MS	15
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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 230234**

This statement (consisting of: ... **1**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **20 January 2015**Tick if witness evidence is visually recorded (supply witness details on rear)

On Sunday 18 January 2015 I was on duty in full uniform on mobile patrol accompanied by PC White, SC Saleem and SC Pearce.

At about 0030hrs we attended Lush Bar, Old Kent Rd, London SE1 in order to undertake a licensing visit. We spoke to Douglas Otunyo, the designated premises supervisor. Condition 369 stipulates that the premises should have a club-scan device in operation; there was no such device evident at the premises. Mr Otunyo stated that the device would be in place by the next Friday.

As a result of this breach of licence, at 0040hrs I issued Mr Otunyo a closure notice under section 19 of the criminal justice and police act 2001.

Signature: Signature witnessed by:

2006/07(1): MG 11(T)

RESTRICTED (when complete)

Witness contact details

Home address:
 Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

.....

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 393MD 230234 Stuart Wythe** Station: **Southwark**

Time and place statement taken: **1328hrs, Southwark Police Station**

Douglas Otunyo


Licensing Unit
Direct Dial - 020 7525 5733
Facsimile - 020 7525 5705
Ref. 846180

26 January 2015

Dear Mr Otunyo,

RE: THE LICENSING ACT 2003 – Lush Bar Restaurant, 280 Old Kent Road, London, SE1 5UE

I write to you in relation to a visit to made to your premises on the **18 January 2015 at 00:40** by the Metropolitan Police. When officer's visited your premises it was noted that an ID scanning system was not in operation at your premises.

This was contrary to a specific condition on your premises licence. Condition 369 on your premises licence states;

An ID Scanning system to the reasonable satisfaction of Police should be installed and maintained. The system should be capable of sharing information of banned customers with other venues, identify the hologram from a form of ID and read passports and ID cards, and be able to identify fake or forged ID documents.

I would like to take this opportunity to remind you that under Section 136 (1) (a) and (b) of the Licensing Act 2003 it states;

A person commits an offence if;

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or
- (b) Knowingly allows a licensable activity to be so carried on

You should be aware that it is the practice of the Council's Licensing Unit to send officers to visit premises to check to see if licensable activities are being carried out. Licensing officers will gain admission to the premises in the same way as ordinary members of the public, and will not necessarily make themselves known to the staff at the time of the visit.

Visits of this nature are usually carried out where it is suspected that licensable activities are being provided without the necessary licences.

I trust no further compliance related issues will occur again at this premises. If I can be of further assistance, please do not hesitate to contact me.

A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

Yours sincerely,



Richard Kaird
Licensing Enforcement Officer
licensing@southwark.gov.uk

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LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2015-16

NOTE: Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

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