

Licensing Sub-Committee

Thursday 22 September 2016

10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Eliza Mann

Reserves

Councillor Adele Morris

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Access

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 13 September 2016



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Licensing Sub-Committee

Thursday 22 September 2016
10.00 am

Ground Floor Meeting Room G02A - 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: LUSH BAR & RESTAURANT, 280 OLD KENT ROAD, LONDON SE1 5UE	1 - 58
6.	LICENSING ACT 2003: TASTI, UNIT C, MONTREAL HOUSE, SURREY QUAYS ROAD, LONDON SE16 7AQ	59 - 92

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

Item No.

Title

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: 13 September 2016

Item No. 5.	Classification: Open	Date: 22 September 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Review Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE	
Ward(s) or groups affected:		East Walworth	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATIONS

1. That the licensing sub-committee considers an application made under Section 53A of the Licensing Act 2003 by the chief of police for the metropolitan police area for a review of the premises licence in respect of the premises known as Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE.
2. Notes:
 - a) The grounds for the review are stated in paragraphs 19 to 26 of this report. A copy of the full application and certificate are provided as Appendix A.
 - b) The review application is supported by responsible authorities. Paragraphs 28 - 32 deal with the representations received for the application. Copies of the relevant representations are provided as Appendix C.
 - c) Paragraph 43 deals with licensed premises within a 100m radius of the premises. A map of the area is attached as Appendix F.
 - 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 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 applications 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. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51(1) of the Act it remains open to any responsible authority or interested party to apply to the local licensing authority for a review of the premises licence where there are concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The premises in respect of the premises licence consists of a bar and restaurant on the ground floor of 280 Old Kent Road.
10. The premises licence was carried over from the Justices and music and dancing licences in the 2005 transition, the premises was called Pardis during this period with a different premises licence holder and DPS. This premises licence was revoked by the licensing sub-committee on 17 December 2013 following an expedited review application by the police for a serious assault.
11. 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. The notice of decision is attached as part of Appendix E.
12. An application to vary the premises licence was made on 22 September 2014 to extend the hours. The application was opposed by EPT and a resident; the application was determined by the licensing sub committee on 6 November 2014 and granted as follows; live music (indoors) (Mon – Sun 12.00 to 23:00); recorded music (indoors) (Mon – Wed 12:00 to 23:30; Thurs 12:00 to 00:00; Fri & Sat 12:00 to 03:00; Sun 12:00 to 00:00); late-night refreshment (Mon – Wed 23:00 to 23:30; Thurs 23:00 to 00:00; Fri & Sat 23:00 to 03:00; Sun 23:00 to 00:00); supply of alcohol (on the premises) (Mon – Wed 12:00 to 23:30; Thurs 12:00 to 00:00; Fri &

Sat 12:00 to 03:00; Sun 12:00 to 00:00); opening hours (Mon- Wed 12:00 to 23:30; Thurs 12:00 to 00:00; Fri & Sat 12 :00 to 03:00; Sun 12:00 to 00:00). The notice of decision is attached as part of Appendix E.

13. A second application to vary the premise licence was made on 13 November 2015 to extend the hours further and adjust conditions including to extend the last entry time as follows; recorded music (indoors) (Fri & Sat from 03:00 to 04:00); late-night refreshments (Fri & Sat from 03:00 to 04:00); sale and supply of alcohol (on the premises) (Fri & Sat from 03:00 to 04:00); operating hours (Mon – Sun from 06:00 to 12:00) (to operate a coffee bar); Fri & Sat from 03:30 to 04:30).
14. The application sought to remove condition 370 of then existing premises licence and vary conditions with relation to door staff, start of the security times and to change the re entry time from 01:30 to 02:30.
15. The application was opposed by the following responsible authorities; the police, health & safety team, public health and licensing as a responsible authority and the application was determined at a hearing of the licensing sub-committee on 18 January 2016 and was partly granted and further conditions modified of which are detailed below in the current premises licence. The notice of decision is attached as part of Appendix E.
16. The details of the current premises licence that applies to both areas are:
 - Live music;
Mon to Sun 12:00 to 23:00
 - Recorded music
Mon to Wed 12:00 to 23:30
Thurs 12:00 to 00:00
Fri & Sat 12:00 to 03:30
Sun 12:00 to 00:30
 - Late-night refreshment
Mon to Wed 23:00 to 23:30
Thurs 23:00 to 00:00
Fri & Sat 23:00 to 03:30
Sun 23:00 to 00:30
 - Sale of alcohol (on the premises)
Mon to Wed 12:00 to 23:30
Thurs 12:00 to 00:00
Fri & Sat 12:00 to 03:30
Sun 12:00 to 00:30
 - Operating hours
Mon to Wed 06:00 to 00:00
Thurs 06:00 to 00:30
Fri & Sat 06:00 to 04:00
Sun 06:00 to 00:30
17. A copy of the current premises licence is attached as Appendix B.

Designated premises supervisor

18. The designated premises supervisor (DPS) is Douglas Otunyo who has been the DPS since 07 April 2014 and holds a personal licence issued by the London Borough of Lewisham.

The review application and certificate

19. On 24 August 2016 the Metropolitan Police applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE.
20. A senior member of the police force for the area has certified that in his opinion the premises are associated with serious crime or serious disorder or both.
21. The grounds for the full review relate to the following licensing objectives and are summarized as follows:-
22. Prevention of crime and disorder – The application is concerned with a serious incident that took place on 21 August 2016 at approximately 03.00 hours it is alleged that a patron pushed a female to the floor and then threw a bottle hitting the head of a male patron causing injuries constant with grievous bodily harm.
23. On arresting the suspect the Police were confronted by a hostile crowd outside the venue trying to prevent Police from making the arrest and additional police support was requested, 2 assaults on the police occurred.
24. A number of conditions were found to be contravened, including allowing patrons to enter the premises after the last entry time and allowing patrons to enter the premises without ID.
25. A copy of the application and certificate are attached to this report as Appendix A.
26. Any additional evidence submitted will be made available at the hearing.

Representations from other persons

27. There are no representations from other persons at the time of writing this report.

Representations from responsible authorities

28. There are three representations from Environmental Protection Team (EPT), Health and Safety and Licensing (as a responsible authority).
29. The EPT support the review on the grounds of public nuisance and public safety and ask for the licence to be revoked. However in the event that members are minded not to revoke, they seek a reduction in hours and the removal of the DPS.
30. The health and safety team support the review application and state that there have been a number of violent incidents associated with this premises and request that the licensee explain how they will deal with violence within the premises and carry out suitable and sufficient violence at work risk assessments and regularly review the risk assessments for the premises.

31. The licensing team (as a responsible authority) state that they fully support the review application as there have been several occasions in the past whereby Mr Douglas the licensee and designated premises supervisor has failed to abide by the terms and conditions of the premises licence in spite of being warned about this. They lack faith in the management of the premises to abide by any conditions put upon the licence and to promote the prevention of crime and disorder and to protect the public and recommend that the licence is revoked.
32. The representations are attached as Appendix C.

Inspections/visits

33. Two full premises inspections were made under the Licensing Act 2003, the first conducted on 24 January 2015 at 23:37 hours, the premises was found to be in breach of 5 conditions of the premises licence, including the incorrect use of the ID scanning machine. A warning letter was sent on 28 January 2015.
34. A revisit on 22 March 2015 at 00:09 hours found the premises to be compliant.
35. The second conducted on 10 January 2016 at 02:20 hours, the premises was found to be in breach of 1 condition of the premises licence, the ID scan was not being used to scan customers in.
36. Further visits by Council licensing officers working on the night-time economy have been made and details of these visits are provided in Appendix D.

Temporary Event Notice

37. A late temporary event notice was applied for an event scheduled for 26 August 2016 but the EPT objected to the event taking place under the grounds of public nuisance due to a complaint made.

Operating History

38. The current premises licence was issued on 18 January 2016.
39. The expedited review application was determined on 26 August 2016. The licensing sub-committee considered the application made by the metropolitan police service who informed the sub-committee that on 21 August 2016 they received a call at approximately 03:00. A male patron pushed a female to the floor and then threw a glass bottle, hitting the head of another male patron, causing injuries consistent with grievous bodily harm. The police advised that the ID scanner at the premises was not being used in line with condition 369 of the licence. Furthermore, in inspecting the ID scan, it revealed that 15 people were admitted after 02:00 (with last entry shown as 02:57), which is a breach of condition 364 of the licence that there shall be no new entries after 02:00. The police provided further evidence showing a history of non-compliance of the ID scan condition. They referred to breaches of this condition on 31 January 2015, 25 April 2015 and 10 January 2016.
40. The premises licence holder also explained the events of 21 August 2016. He stated that following the assault on the male victim, he instructed the suspect not to leave the premises and then called the police and ambulance. In the meantime the female victim had called the police from outside the premises. The suspect apologised for the incident and the premises licence holder advised that the atmosphere had not

been hostile and that 90% of the patrons were his friends. Concerning the use of the ID scanner, this was carried out by SIA security staff and he could not explain why ID scanner had not been used correctly. He accepted that he had major problems with his SIA staff, who were not following his instructions, despite regularly training them.

41. He also admitted that the premises was being run as a nightclub and that it was a struggle for him to manage it. He proposed several modifications that could be applied to the licence as interim steps including; change of security team, a specific named person operating the ID scanner system and no glassware to be used in the premises.
42. After determining the application the licensing sub-committee's decision was for the premises licence to be suspended as an interim step to promote the licensing objectives pending the determination of the review application at the full hearing on 22 September 2016. A copy of the notice of decision is attached as part of Appendix E.

The local area

43. A map of the area is attached to this report as Appendix F. 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, SE1 5UE (Monday - Sunday 24hrs)
- Nishas News, 246 Old Kent Road, SE1 5UB (Monday - Sunday until 23:30)
- B & B Newsagent, 104-106 Dunton Road, London, SE1 5UN (Monday - Sunday until 23:00)

Late Night Refreshment

- Super Pizza, 292 Old Kent Road, SE1 5UE (Sunday - Thursday until 01:00 and Friday -Saturday until 02:00)
- Perfect Fried Chicken, 259 Old Kent Road, SE1 5LU (Monday - Sunday until 00:00)
- Old Kent Fish Bar, 253 Old Kent Road, SE1 5LU (Monday – Sunday until 01:00)
- Village Pizza, 230 Old Kent Road, SE1 5UB (Sunday - Thursday until 03:00 and Friday -Saturday until 04:00)
- Halal Kebab House, 273 Old Kent Road, SE1 5LU (Monday - Sunday until 03:00)
- El Turkistan Takeaway, 304 Old Kent Road, 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 - Sunday until 00:00)

44. This premises is not in a cumulative impact area.
45. This premises is in a residential area under the Southwark Statement of Licensing policy 2016 – 2020 section 7 Hours of Operation, the following closing times are

recommended by the policy as appropriate within this area for these categories of premises:

- Closing time for restaurants and cafes is 23:00 hours daily
- Closing time for public houses, wine bars or other drinking establishments is 23:00 hours
- Closing time for night clubs (with sui generis planning classification) are not considered appropriate for this area

Southwark Council statement of licensing policy

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

47. 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

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

Consultations

49. The premises licence holder has been informed of the application for review and of the decision of the interim hearing.

50. The premises licence holder's representative has submitted a 696 promotion event risk assessment form for the event submitted to the Police central licensing promoters desk, the event was classified as low risk by the Police in an email dated 27 October 2015. An after event assessment by the club is also submitted. Copies of these documents are in Appendix E.

Community impact statement

51. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

52. The sub-committee is asked to determine, under Section 52 of the Licensing Act 2003, an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
53. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

54. The licensing authority must hold a hearing to consider an application for review of a premises licence where:
- The application is properly made in accordance with Section 51 of the Act
 - The applicant has given notice in accordance with Section 51(3) of the Act
 - The advertising requirements provided for under Section 51(3) of the Act are satisfied
 - The licensing authority has considered the ground(s) of review not to be frivolous, vexatious or repetitious
 - The licensing authority has considered the ground(s) of review to be relevant to one or more of the licensing objectives.
55. The four licensing objectives are:
- The prevention of crime and disorder
 - The protection of public safety
 - The prevention of nuisance
 - The protection of children from harm.
56. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence.
57. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:

- Are relevant to one or more of the licensing objectives
 - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
 - Have not been withdrawn
 - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
58. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
59. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
60. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
61. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

62. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
 - The applicant
 - Any person who made relevant representations
 - The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

63. 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.
64. This matter relates to the review of the premises licence under section 51 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

65. 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.
66. 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.
67. 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.
68. 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.

69. 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.
70. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
71. 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.
72. 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

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

Strategic Director of Finance and Governance

74. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

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	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Review application
Appendix B	Premises licence
Appendix C	Responsible authorities representations
Appendix D	Visits to premises
Appendix E	Notices of decisions made by licensing sub-committee
Appendix F	Map of area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	9 September 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	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	9 September 2016	

PROTECTIVE MARKING


**METROPOLITAN
POLICE**
TOTAL POLICING

Form 693

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

Use additional sheets if necessary.

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

Address:

3rd Floor 160 Tooley Street

Post town: Southwark

Post code:

SE1 2QH

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

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

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

Lush Bar and Restaurant 280 Old kent Road

Post town: Southwark

Post code:
 (if known)

SE1 5UE

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

Mr Douglas Otunyo

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

85 [REDACTED]

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

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

Please tick the box to confirm:



PROTECTIVE MARKING

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

PROTECTIVE MARKING

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

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

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

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

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

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

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

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

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

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

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

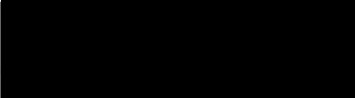
Of relevance is that the suspect for the above assaults was allowed entry to the premises without showing or having his ID scanned. The victim in his initial statement also stated that he was allowed entry without showing ID.

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

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

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

PROTECTIVE MARKING

Signature of applicant			
Signature:		362 ¹²³	Date: 24/08/2016
Capacity:	Police Licensing Officer		
Contact details for matters concerning this application			
Surname:	CLEMENTS	First Names:	Ian
Address:	Southwark Police Station 323 Borough High Street		
Post town:	Southwark	Post code:	SE1 1JL
Tel. No.:	0207 232 6756	Email:	ian.clements@met.police.uk

Notes for guidance

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



**METROPOLITAN
POLICE**

TOTAL POLICING

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

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

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

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

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

Lush Bar and Restaurant, 280 Old kent Road

Post town:

Southwark

Post code:
(if known)

SE1 5UE

Premises licence number (if known):

850340

Name of premises supervisor (if known):

Douglas Otunyo

PROTECTIVE MARKING

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

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

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

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

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

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

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

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

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

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

Signature

Signature:



Date:

24/8/16

Licensing Act 2003 Premises Licence



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

Premises licence number

850340

Part 1 - Premises details

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

Where the licence is time limited the dates

Licensable activities authorised by the licence

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

The opening hours of the premises

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

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

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2 of the full premises licence

Live Music - Indoors

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

Recorded Music - Indoors

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

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

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

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**Douglas Otunyo
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]**Registered number of holder, for example company number, charity number (where applicable)****Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**Douglas Otunyo
[REDACTED]
[REDACTED]
[REDACTED]**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**Licence No. LEW3514
Authority LB Lewisham

Licence Issue date 18/01/2016


Head of Regulatory Services
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

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

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

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

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

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

- (a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

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

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

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

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

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

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

489 The responsible person shall ensure that -

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

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

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

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

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor

Duties Act 1979;

(b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence:
 - (ii) the designated premises supervisor (if any) in respect of such a licence; or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

351 That the premises will be adequately mechanically ventilated.

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

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

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

performance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the police.

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

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

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

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

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

Annex 4 - Plans - Attached

Licence No. 850340
Plan No. 150
Plan Date 7.1.2014

From: Newman, Paul
Sent: Thursday, September 01, 2016 3:16 PM
To: Regen, Licensing
Subject: Lush Bar 280 Old Kent Road - representation for expedited review Premises Licence number 850340

**Lush Bar 280 Old Kent Road - representation for expedited review
 CMU 839794
 Premises Licence number 850340**

I wish to make representations on review about this licence on the grounds of public safety and public nuisance, and I recommend revocation of the licence.

In the event that the sub-committee are not minded to revoke the licence, then I would ask that hours are reduced, conditions are added, and consideration is given to removing the Designated Premises Supervisor.

Public Safety;

The Licensing Policy notes under the heading 'Women's Safety Charter' at paragraphs 211-213 page 54, that women are particularly at risk of harassment in bars and night clubs.

The risk that women's safety may be compromised in higher risk premises like bars and night clubs, may be made worse by poor management. Any incidents of harassment carry with them the risk that such incidents may be flashpoints for escalation into violent conduct.

The sub-committee will note from the Police Expedited Review application, that the incident that led to the serious assault causing wounding of a male, appears to have started with an assault by a man on a woman, leading to minor injuries.

In this case, the poor management that contributed to the initial assault and the seriousness of the subsequent assault included;

- I.d. scan not being performed on perpetrator or victim, in breach of licence conditions;
- A glass bottle being available to the assailant for use as a casual weapon;
- No apparent attempt to encourage an atmosphere of respect for women by implementation of Southwark's Women's Safety Charter.

In the event that the sub-committee are not minded to revoke the licence I would ask that conditions are imposed;

To require accredited 3rd party verification of correct functioning, operation and use of the i.d. scan system, including unannounced test entry to the premises

After 11 p.m. only polycarbonate or toughened glass drinking vessels are available to patrons, and all bottled drinks sold must be decanted into a drinking container before service to the customer. I would ask that this condition is imposed even if licensed hours are cut back to 11 p.m., so that in the event a TEN is applied for to extend licensed hours, the conditions on the premises licence can be attached to the TEN.

I would also ask that the sub committee draw the to licence holders attention the Women's Safety Charter, and paragraphs 211 to 213 of it's parent committee's statement of licensing policy.

Preventing Public nuisance; Policy

The statement of licensing policy paragraph 215 page 55 says It is important to recognise that the impacts of licensed activity are not contained within a building. Inevitably there is a wider impact as people travel to and from the premises or congregate outside while it is in operation.

Closing times and licensed hours are an important control to prevent public nuisance. If the sub-committee is not minded to revoke the licence, then it may wish to consider what would be the starting point for an acceptable licence at these premises, if this licence were revoked, and a new licence were applied for.

The premises are in a residential area. The starting point for licensed hours for premises in a residential area are; (see statement of licensing policy paragraph 153 page 39)

Closing time for Restaurants and Cafes is 23:00 hours daily

Closing time for Public Houses Wine bars or other drinking establishments is 23:00 hours

Night Clubs (with sui generis planning classification) are not considered appropriate for residential areas.

If the premises are to be used for licensed activities outside these hours, the onus is on the premises licence holder to explain fully the arrangements to ensure that the premises does not add to cumulative impact. (paragraph 150 page 37).

Preventing public nuisance; other information

Allegations of noise nuisance and poor management were received in March 2016 from a former member of staff,(reproduced below). Noise nuisance from the sound system was said to be affecting people complaining direct to the club, but who had not contacted the council. Complaints of noise nuisance have been received by the noise service, but have not been substantiated.

The sub-committee may wish to treat the allegations from the former employee with some caution, as they have not come forward as a witness to the review, however the sub-committee may also wish to note that allegations regarding non-licensing matters including food safety and health and safety were substantiated, and the concern about the potential for assaults has been realised, and the sub-committee may wish to give the allegations some credibility.

Confidence in management;

There is an expectation that all licensed premises will be well managed (statement of licensing policy paragraph 141 bullet point 1, page 36). Having read the Police application for review, and notes of the food safety officer, and health and safety inspector, I draw the conclusion that the premises are incompetently managed.

In the event the sub-committee is not minded to revoke this licence, I would suggest a condition is imposed that the premises may not be used for night club activities, and that the licensed hours are cut back to 11 p.m.

The sub-committee may also wish to consider the extent of personal responsibility that should be attributed to the current DPS for the management failings of the licensed premises, and may therefore wish to give consideration to removal of the DPS.

--

Complaint received 16 March 2016;

To: The Strategic Director of Environment and Leisure

A breach of Licensing Act 2003: Lush Bar & Restaurant, 280 Old Kent Road, London, SE1 5UE

I am writing to you in connection to the breach of food safety and hospitality premises licensing taking place at Lush Bar & Restaurant, 280 Old Kent Road, London, SE1 5UE. 3 weeks ago I was a bar staff at Mr Douglas Otunyo's establishment and during my employment I had to work in appalling conditions, putting public safety at risk due to management's negligence.

As a first class graduate in hospitality management I requested that Mr Otunyo apply for a license that permits me to sell alcohol during the night club periods which are on Fridays and Saturday (10pm – 4:30am) and he declined to do so. For the months I worked there I sold alcohol without a license to and charged a gate fee of £10 to patrons. In some cases children were still inside the premises when the night club started as customers were confused if it was a night club or a late night restaurant. I had to deal with residents coming down to the restaurants to complain of nuisance and noise from the loud speakers. Although I knew that they were right about the loud music and nuisance I couldn't do anything as I was only a staff. In addition, the CCTV do not work and several cases of assault couldn't be investigated because of that. We had no food safety procedures or training and staff were unfortunately placing the customers health and safety at risk.

Due to these findings I consider Lush Bar & Restaurant, 280 Old Kent Road, London, SE1 5UE in breach of The Licensing Act 2003 and the Premise's licensing contract

<http://modern.gov.southwark.gov.uk/documents/s59057/Report%20Licensing%20Act%202003%20Lush%20Bar%20Restaurant%20280%20Old%20Kent%20Road%20London%20SE1%205UE.pdf>.

I hereby urge you to put a stop to the continuation of these practices before someone gets hurt. Please find attached images depicting the issues mentioned in this letter.

Yours sincerely,

--

I hope this is helpful, and please let me know if there are any queries.

Kind regards

Paul Newman, EHO
Principal Environmental Protection Officer

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only) : Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

Tel: 020 7525 3551 | Fax: 020 7525 5705 | e mail: Paul.Newman@southwark.gov.uk
visit: www.southwark.gov.uk

MEMO: Licensing Unit

To Licensing **Date** 25th August 2016

Copies

From Farhad Chowdhury **Telephone** 020 7525 0398

Email Farhad.chowdhury@southwark.gov.uk

Subject **Lush Bar and Restaurant , 280 Old Kent Road, London SE1 5UE**

I write in reference to an application made by The Metropolitan Police for an expedited review of the Premises Licence in respect of **The Lush bar and restaurant 280 Old Kent Road, London SE15UE**. Made under Section 53a of the Licensing Act 2003 (premises associated with serious crime or serious disorder).

I would make the following comments in support of the Police review.

- There have been a number of violent incidents associated with this premises the licensee needs to explain how they will deal with violence within the premises. Carry out suitable and sufficient violence at work risk assessments; regularly review the risk assessments for the premises.
- Review the security policy and procedures on a regular basis.
- Refresher training needs to be provided for all staff including bar staff and door staff.

I therefore fully support the Police Review for the suspension of the premises licence.

Farhad Chowdhury
Principal Enforcement Officer

MEMO: Licensing Unit

To Licensing Unit **Date** 7 September 2016

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 review the premises licence

I write with regards to the above application to review the premises licence submitted by the Metropolitan police under the Licensing Act 2003.

The application is concerned with a serious incident that took place on 21 August 2016 at approximately 03:00 hours it is alleged that a patron pushed a female to the floor and then threw a bottle hitting the head of a male patron causing injuries constant with grievous bodily harm.

On arresting the suspect the Police were confronted by a hostile crowd outside the venue trying to prevent Police from making the arrest and addition Police support was requested, 2 assaults on the Police occurred.

A number of conditions were found to be contravened, including allowing patrons to enter the premises after the last entry time and allowing patrons to enter the premises without ID.

My representation is concerned with the prevention of crime and disorder, the prevention of public nuisance and public safety.

There have been several occasions in the past whereby Mr Douglas the licensee and designated premises supervisor has failed to abide by the terms and conditions of the premises licence in spite of being warned about this. In my opinion if the premises were abiding by the conditions/control measures placed upon the licence the incident mentioned above may not have happened.

I have a lack of faith in the management of the premises to abide by any conditions put upon the licence and to promote the prevention of crime and disorder and to protect the public I recommend that the licence is revoked.

I fully support the metropolitan police in submitting the review. The licensing unit is pursuing enforcement action 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

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

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

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

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

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

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

NOTICE OF DECISION**LICENSING SUB-COMMITTEE – 26 AUGUST 2016****LICENSING ACT 2003: SECTION 53A: Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE****1. Decision**

That the premises licence be suspended as an interim step to promote the licensing objectives pending the determination of the review application at the full hearing on 22 September 2016.

2. Reasons

This was a hearing to consider if it is appropriate to take interim steps to promote the licensing objectives upon receipt of an application by the Metropolitan Police Service for an expedited summary review of the premises.

The licensing sub-committee have considered the application made by the Metropolitan Police Service and supplementary evidence from the police presented at this hearing. The police advised that on 21 August 2016 they received a call at approximately 03.00. A male patron pushed a female to the floor and then threw a glass bottle, hitting the head of another male patron, causing injuries consistent with grievous bodily harm. When the police arrived they were confronted by what they described as a hostile crowd of around 60-70 people, trying to prevent the police from making the arrest. As a result more police units were required involving almost the entire night shift on duty which resulted in leaving the rest of the borough virtually unmanned.

The police advised that the ID scanner at the premises was not being used in line with condition 369 of the licence. Furthermore, in inspecting the ID scan, it revealed that 15 people were admitted after 02.00 (with last entry shown as 02.57), which is a breach of condition 364 of the licence that there shall be no new entries after 02.00. The police provided further evidence showing a history of non-compliance of the ID scan condition. They referred to breaches of this condition on 31 January 2015, 25 April 2015 and 10 January 2016.

The licensing sub-committee have also considered evidence submitted by the premises licence holder in relation to the application. The premises licence holder explained the events of 21 August 2016.

Following the assault on the male victim, he instructed the suspect not to leave the premises and then called the police and ambulance. In the meantime the female victim had called the police from outside the premises. The suspect apologised for the incident and the premises licence holder advised that the atmosphere had not been hostile and that 90% of the patrons were his friends. Concerning the use of the ID scanner, this was carried out by SIA security staff and he could not explain why ID scanner had not been used correctly. He accepted that he had major problems with his SIA staff, who were not following his instructions, despite regularly training them.

On questioning, he admitted that the premises was being run as a nightclub and that it was a struggle for him to manage it. He proposed several modifications that could be applied to the licence as interim steps including; change of security team, a specific named person operating the ID scanner system and no glassware to be used in the premises.

The licensing sub-committee were not convinced by the premises licence holder's account of events, in particular the failure in the use of the ID scanner and allowing patrons to enter the premises after 02.00. Given the number of occasions of non-compliance, with condition 369, the licensing sub-committee has no confidence in the premises licence holder being able to comply with the licence. If this condition had been complied with, this incident would not have occurred. This incident had an unacceptable impact on the emergency services in the borough. Finally, the premises licence is in respect of a bar/restaurant but yet in evidence the premises licence holder called the premises a nightclub. Under the Southwark statement of licensing policy 2016-20, nightclubs are not considered appropriate for this area and the recommended closing time for restaurants in this area is 23.00. The sub-committee were of the opinion that in order to promote the licensing objectives they had no alternative but to suspend the licence.

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

3. Appeal rights

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

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation.

Any representation should be in writing and cannot be received outside of normal office hours.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 26 August 2016



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 18 JANUARY 2016

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

1. Decision

That the application by Douglas Otunyo for a variation of a Premises Licence issued under the Licensing Act 2003 in respect of Lush Bar & Restaurant, 280 Old Kent Road, London SE1 5UE is granted as follows:

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

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

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

- That condition 370 be removed from the licence.
- That condition 341 be varied to read "That 2 SIA registered door supervisors, at least one of whom shall be a female, shall be employed at all times after 22.00 when the terminal hour is after 00.30."

- That condition 364 be varied to read “That there shall be no new entry or re-entry to the premises after 02.00 when the terminal hour is 04.00 other than those who temporarily leave to smoke a cigarette in accordance with condition 346 of the licence”.
- That condition 369 be varied to read “That an ID scanning system to the reasonable satisfaction of police be installed and maintained and operational after 22.00 until the terminal hour when licensable activities continue after mid-night. The system should be capable of sharing information about banned customers with other venues, identify the hologram of an ID and read both passports and ID cards, able to identify fake or forged ID documents to a reasonable standard. All persons that enter the premises including all SIA registered door supervisors, patrons, DJs and associated staff will be scanned and have their details recorded on the system. The details shall be stored and made available on request for a period of no less than 31 days”
- That condition 348 be varied to read “That a sound limiting device shall be installed to the ground floor and maximum volume and bass levels set in conjunction with a qualified sound engineer, to ensure any music, speech or song from licensed entertainment is not audible in nearby residential premises nor will cause a public nuisance in the vicinity of the premises. Once set, should there be any change to the equipment involved in the broadcast or limiting of sound from licensed entertainment that the sound limiters be re-set in conjunction with a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible in nearby residential premises nor will cause a public nuisance in the vicinity of the premises.

2. Reasons

The reasons for the decision are, as follows:

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

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

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

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

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

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

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

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

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

May appeal against the decision

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

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 18 January 2016



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

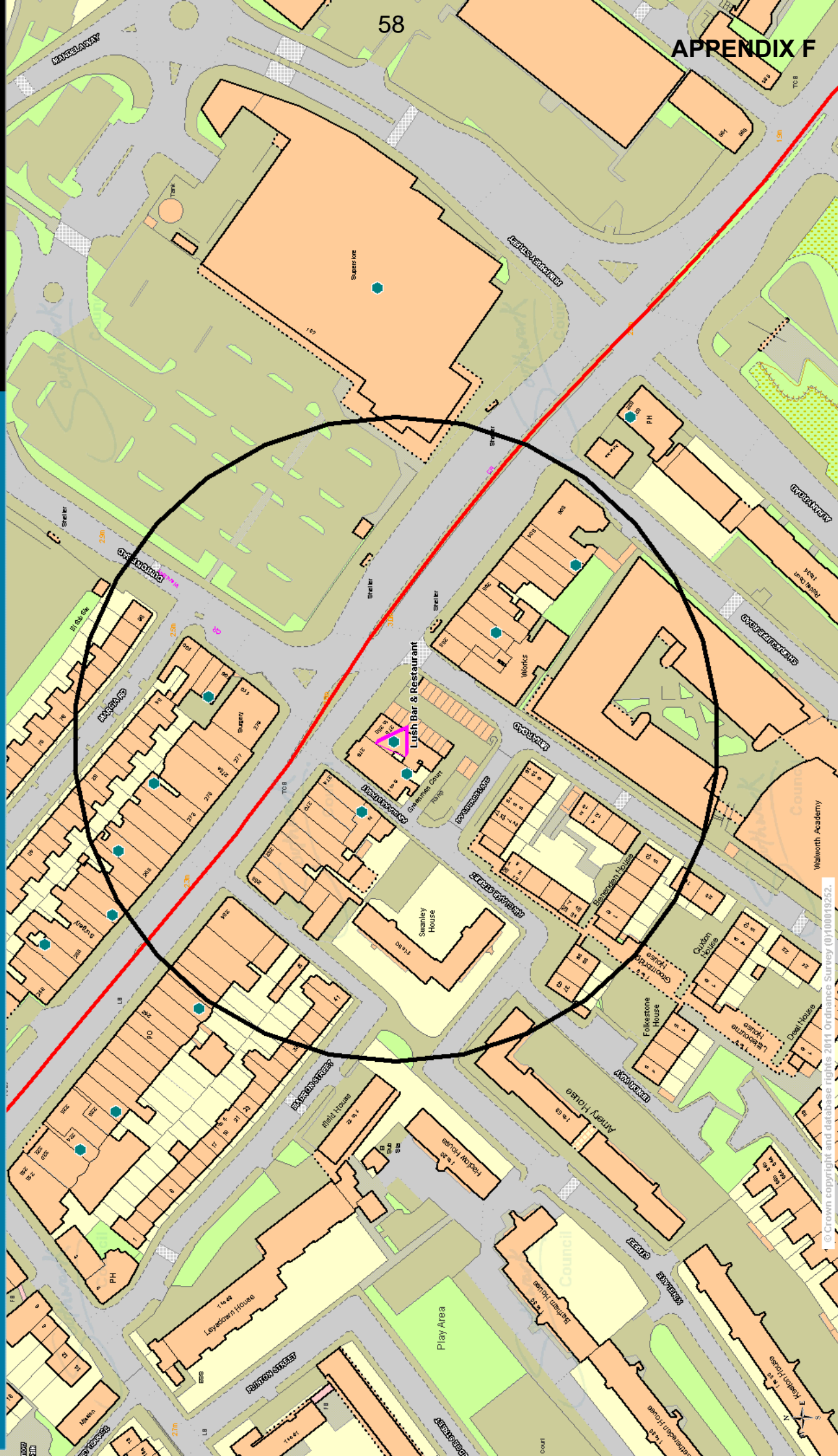
- a) That the licence ought not to be granted; or
- b) That on granting the licence, the Licensing Authority ought to have imposed different or additional conditions the conditions of the licence, or ought to have modified them in a different way

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



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Item No. 6.	Classification: Open	Date: 22 September 2016	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Tasti, Unit C, Montreal House, Surrey Quays Road, London SE16 7AQ	
Ward(s) of group(s) affected		Rotherhithe Ward	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Paul Graham for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Unit C, Montreal House, Surrey Quays Road, London, SE16 7AQ
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 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 12 to 16 of this report deal with the representations submitted by responsible authorities in respect of the application. Copies of the representations submitted are attached to this report in Appendices B and C. A map showing the location of the premises is attached to this report as Appendix D.
 - 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 26 July 2016 Paul Graham applied to this council for the grant of a premises licence in respect of Unit C, Montreal House, Surrey Quays Road, London, SE16 7AQ.
9. The premises are described as being a restaurant and bar.
10. The application and is summarised as follows:

The provision of regulated entertainment (recorded music)

- Monday to Sunday – between 07:00 and 01:00

The supply of alcohol to be consumed On & Off the premises

- Monday to Sunday – between 07:00 and 01:00

Opening hours

- Monday to Sunday – between 07:00 and 01:00

The proposed designated premises supervisor of the premises is Ann-Marie Barwick who has been granted a personal licence by L.B. Lewisham.

N.B. The application was submitted online and did not detail where the designated premises supervisor had obtained her personal licence from. The consent form

additionally did not detail the personal licence holders personal licence number. Applications submitted online cannot be amended. These omissions have now been clarified by the applicant on email.

11. The premises licence application form provides the applicant's operating schedule. Parts F, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures 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 any licence granted subsequent to the application. A copy of the application and additional pages amending the application are attached to this report in appendix A.

Representations from responsible authorities

12. Representations have been submitted by this council's public health directorate and the licensing as a responsible authority.
13. The public health directorate's representation has been submitted in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The representation notes that closing times sought in the application are outside those recommended in this council's Statement of Licensing Policy. Public health recommend a start time of alcohol sales of 11:00 hours for all days of the week; the terminal hour for the sale of alcohol to be brought in line with Southwark Council statement of licensing policy.
14. Licensing as a responsible authority's representation refers to this council's statement of licensing policy and relates to the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The representation notes that the opening hours applied for are not consistent with this council's licensing policy and requests that the applicant consider amending hours sought for licensable activities in line with the licensing policy for bars in this area, with terminal hours of Sunday to Thursday of 23:00 hours and Friday and Saturday to 23:30 hours.
15. Licensing as a responsible authority state should the applicant reconsider the application to include late night refreshment and a condition that alcohol shall be supplied as ancillary to substantial table meals then the later hour for a restaurant can be considered.
16. Copies of the representations submitted by the responsible authorities are attached in Appendix B.

Representations from other persons

17. Two local councillors have objected to the granting of this new premises licence application. The Councillor's state that the unit is situated in a residential block and residents have expressed concerns about the possibility of noise nuisance. The Councillor's states that the other two units in the block are estate agents and therefore only operate from 8:00 until 18:00 hours.

18. The councillors state that they do not object to the opening of a new restaurant in the area however the hours should be scaled back to 9:00 to 23:00 Sunday to Thursday and 9am until midnight on Friday and Saturday.
19. One local resident has made objection to this new premises licence application. stating that they are concerned by crime and disorder and the effects to the residents whose entrance door is located near the premises.
20. The resident states that they are a leaseholder who live and face the courtyard. The resident states that they are concerned by the noise and nuisance implications and that the hours sought for the sale of alcohol to be consumed on the premises from 7am to 1am is an unreasonable request. The local resident states that 'it would be more feasible for alcohol to be served between 12:00 and 21:30 and that there is no basis for the premises to be operating beyond 22:00 Monday to Sunday'.
21. The local resident also states that they live in close proximity to the premises. They state that the hours sought for the sale of alcohol from 7:00 to 01:00 hours is unreasonable. Further the applicant states that there is a children's playground just over 100 meters from this establishment and children playing outside until 7pm.
22. Copies of the representations submitted by the responsible authorities are attached in Appendix B.

Conciliation

23. The applicant was sent the representations submitted and advised to address the concerns within the representations. At the time of the writing of this report all of the representations submitted remain outstanding and must therefore be considered by the sub-committee. The sub-committee will be updated, at the hearing to determine this application, should any of the representations be conciliated prior to the hearing.

Premises history

24. No premises licence, or equivalent licence under prior legislation, has previously been granted in respect of the premises.

Temporary Event Notices (TENS)

25. No TENS have been submitted in respect of the premises.

Deregulation of entertainment

26. On 6 April 2015 entertainment became deregulated and as a result:
 - Live unamplified music is deregulated between 08:00hrs – 23:00hrs on any premises.
 - Live amplified music is deregulated between 08:00 and 23:00 at on-licensed premises provided the audience does not exceed 500 people, 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').

Map

27. A map showing the location of the premises is attached to this report as Appendix D. The premises are identified at the centre of the map by a black diamond. The following licensed premises are also shown on the map:

- **Canada Water Plaza, 21 Water Sports, Surrey Quays Road, SE16 7AR licensed for:**

Entertainment similar to live/recorded music – outdoors, Facilities for dancing – outdoors, Facilities for making music – outdoors, Films – outdoors, Live music – outdoors, Performance of dance – outdoors, Plays – outdoors, Provisions similar to making music and dancing – outdoors, Recorded music – outdoors

Monday to Saturday: 10:00 to 22:00

Sunday: 11:00 to 22:00

- **Canada Water Library, 21 Canada Water Library, Surrey Quays Road, SE16 7AR licensed for:**

Entertainment similar to live/recorded music – indoors, Films – indoors, Live music – indoors, Performance of dance – indoors, Plays – indoors, Recorded music – indoors, Sale by retail of alcohol

Monday to Sunday: 08:00 to 00:00

Late Night Refreshment – indoors & outdoors

Monday to Sunday: 23:00 to 00:00

- **Odeon Cinema, The Mast Leisure Park, Surrey Quays Road, SE16 1LL licensed for:**

Entertainment similar to live/recorded music – indoors, Films – indoors, Live music – indoors, Performance of dance – indoors, Plays – indoors, Recorded music – indoors

Monday to Sunday: 09:00 to 03:00

Sale by retail of alcohol to be consumed on premises

Monday to Sunday: 11:00 to 01:00

Late Night Refreshment – indoors

Monday to Sunday: 23:00 to 03:00

- **Sainsbury's, 30 & 32 Ontario Point Surrey Quays Road, SE16 7ED licensed for:**

The sale of alcohol

On Monday to Sunday: 06:00 to 00:00

Southwark council statement of licensing policy

28. Council assembly approved Southwark's statement of licensing policy 2011-14 on 12 October 2011. Council assembly approved Southwark's Statement of Licensing Policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016.
29. Within Southwark's statement of licensing policy, the premises is identified as being within a residential area with a recommended closing time appropriate within this area for this categories of premises, being a restaurant as 23:00 hours daily. Takeaways are not considered as appropriate for this area.
30. Further sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 - Purpose and Scope of the Policy which reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
 - Section 5 – Determining Applications for Premises Licences and Club Premises certificates which explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local Cumulative Impact Policies which sets out this Authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
 - Section 7 – Hours of Operation which provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 – The Prevention of Crime and Disorder which provides general guidance on the promotion of the first licensing objective
 - Section 9 – Public Safety which provides general guidance on the promotion of the second licensing objective
 - Section 10 – The Prevention of Nuisance which provides general guidance on the promotion of the third licensing objective
 - Section 11 – The Protection of Children from Harm which provides general guidance on the promotion of the fourth licensing objective.
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 £315.00 has been paid by the applicant in respect of this application being the statutory fee payable for premises within non-domestic rateable value band C.

Consultations

33. 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 were exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

34. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

37. 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.
38. 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
39. 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

40. 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.
41. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
42. 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.
43. 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.
44. 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

45. 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

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 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

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.

The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.

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

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	Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a premises licence and related documents
Appendix B	Representations submitted by responsible authorities
Appendix C	Representations submitted by other persons
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Richard Kalu, Licensing Enforcement Officer	
Version	Final	
Dated	1 September 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		7 September 2016

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

26/07/2016

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

Ref No. 656857

Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	Paul Graham
--	-------------

Premises Details

Non-domestic rateable value of premises in order to see your rateable value [click here](#) (opens in new window)

£	69,000
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises

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

Address Line 1	UNIT C
Address Line 2	MONTREAL HOUSE SURREY QUAYS ROAD
Town	LONDON
County	
Post code	SE16 7AQ
Ordnance survey map reference	
Description of the location	
Telephone number	

Applicant Details

Please select the capacity in which you are applying to convert your existing licence

	An individual or individuals
--	------------------------------

If you applying as an individual or non-individual please select one of the following:-

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

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

Details of Individual Applicant

Personal Details

Title	Mr
If other, please specify	
Surname	graham
Forenames	paul
I am 18 years old or over	Yes

Current Address

Street number or Building name	[REDACTED]
Street Description	[REDACTED]
Town	[REDACTED]
County	[REDACTED]
Post code	[REDACTED]

Contact Details

Daytime contact telephone number	[REDACTED]
Email Address	[REDACTED]

Do you wish to add a second individual applicant?

	No
--	----

Operating Schedule

When do you want the premises licence to start?

	19/09/2016
--	------------

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

--	--

General description of premises (see guidance note 1)

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

	Restaurant and bar
--	--------------------

Please select the range of the number of people expected to attend the premises at any one time.

	Less than 5000
If 5,000 or more people are expected to attend the premises at any one time. Please state the number expected to attend	

Operating Schedule part 2

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

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

Provision of regulated entertainment

	f) recorded music

Provision of late night refreshment

--	--

Supply of alcohol

	j) Supply of alcohol
--	----------------------

F - Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? (Please read guidance note 2)

	Indoors
--	---------

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

Please give further details here (Please read guidance note 3)

	recorded music
--	----------------

Standard days and timings for Recorded Music (Please read guidance note 6)

Day	Start	Finish
Mon	07:00	01:00
Tues	07:00	01:00
Wed	07:00	01:00
Thur	07:00	01:00
Fri	07:00	01:00
Sat	07:00	01:00
Sun	07:00	01:00

State any seasonal variations for playing recorded music (Please read guidance note 4)

--	--

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. (Please read guidance note 5)

--	--

J - Supply of Alcohol

Will the supply of alcohol be for consumption (Please read guidance note 7)

	Both
--	------

Standard days and timings for Supply of alcohol (Please read guidance note 6)

Day	Start	Finish
Mon	07:00	01:00
Tues	07:00	01:00
Wed	07:00	01:00
Thur	07:00	01:00
Fri	07:00	01:00
Sat	07:00	01:00
Sun	07:00	01:00

State any seasonal variations for the supply of alcohol (Please read guidance 4)

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

--	--

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, (Please read guidance note 5)

--	--

Please upload the consent form completed by the proposed premises supervisor

	DPS-Consent-Form-2011.pdf
--	---------------------------

Premises Supervisor

Full name of proposed designated premises supervisor

First names	annmarie
Surname	barwick

Address of proposed designated premises supervisor

Street number or Building name	
Street Description	
Town	
County	
Post code	

Personal licence number of proposed designated premises supervisor, if any,

Personal licence number (if known)	
Issuing authority (if known)	

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)

	NONE
--	------

L - Hours premises are open to public

Hours premises are open to the public (standard timings Please read guidance note 6)

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

Day	Start	Finish
Mon	07:00	01:00
Tues	07:00	01:00
Wed	07:00	01:00
Thur	07:00	01:00
Fri	07:00	01:00
Sat	07:00	01:00
Sun	07:00	01:00

State any seasonal variations (Please read guidance note 4)

--	--

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 5)

--	--

M - Steps to promote four licencing objectives

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 9)

	Ensure a DPS is appointed at all times of operation A Challenge 25 policy in place Restriction of access to under 16's CCTV installed
--	--

b) the prevention of crime and disorder

	<ul style="list-style-type: none"> -The setting of a safe capacity limit -Notices to warn of pickpockets -Display details of the premises opening and closing times -Installation of CCTV -No drinks promotions encouraging excessive drinking -Establish a clear written anti-drugs policy Only stock from legitimate and traceable suppliers -Denying access to hawkers -Employ SIA company for events and busy periods to regulate capacity/age restrictions/drunken behaviour.
--	---

c) public safety

	<ul style="list-style-type: none"> -Provide adequate means of escape and signage • Fire safety • Emergency systems • Ensuring appropriate access for emergency services, such as ambulances • Good internal and external communication systems, including with local bars and authorities • Ensuring the presence of trained first aiders on the premises and appropriate firstaid kits
--	---

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

	<ul style="list-style-type: none"> • Hygiene and welfare facilities • Ensuring the safety of people when leaving the premises providing of late night transport local taxi firms etc • Ensuring appropriate and frequent waste disposal, particularly of glass and bottles • Ensuring appropriate safe limits on the maximum capacity of the premises • use of CCTV in and around the premises • Considering the use of licensed security firm for high volume nights
--	---

d) the prevention of public nuisance

	<ul style="list-style-type: none"> -No drinks promotions encouraging excessive drinking -Establish a clear written anti-drugs policy Only stock from legitimate and traceable suppliers -Denying access to hawkers -Employ SIA company for events and busy periods to regulate capacity/age restrictions/drunken behaviour. good communication and support with local bars
--	--

e) the protection of children from harm

	<p>There will be no gaming or adult entertainment on the premises. Under 16's to be accompanied by an adult at all times. Restrictions of hours permitted to under 16's in the restaurant. Challenge 25 age verification scheme.</p>
--	---

Please upload a plan of the premises

	unit-3-ground-floor.pdf
--	---

Please upload any additional information i.e. risk assessments


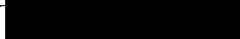
--	--

Checklist

	<p>I have enclosed the plan of the premises. 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.</p>
--	---

Declaration

I agree to the above statement

	I agree
PaymentDescription	
AuthCode	
LicenceReference	

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

PaymentContactEmail

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

From: [REDACTED]

Sent: Wednesday, July 27, 2016 2:52 PM

To: McCarthy, Debbie

Subject: Re: New Premises Licence Montreal House

Hi Debbie,

My apologies, the DPS is [REDACTED] and she has a licence issued by Lewisham Council. The personal licence number is [REDACTED]

best wishes,

[REDACTED]

—

[REDACTED]

MEMO: Licensing Unit

To Licensing Date 22 August 2016

Copies

From David Franklin Telephone 020 7525 5800

Email

david.franklin@southwark.gov.uk

Subject Unit C Montreal House, Surrey Quays Road SE16 7AQ

I make this representation with regards to the application to vary a premises licence by Mr Paul Graham for the premises Unit C Montreal House, Surrey Quays Road SE16 7AQ under the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

The premises is described in the application as a "Restaurant and bar".

The application asks for the following:

Recorded music indoors.

Monday to Sunday 07:00 to 01:00 hours

Supply of alcohol both on and off the premises

Monday to Sunday 07:00 to 01:00 hours

Opening hours

Monday to Sunday 07:00 to 01:00 hours

Steps to promote the licensing objectives are provided as part of the operating schedule.

The premises is situated in the Canada Water Major Town Centre Area.

The Southwark Statement of Licensing Policy states under section 7 hours of operation, from the table in paragraph 153 that the recommended closing times are as follows:

Closing time for Restaurants and Cafes

Sunday to Thursday 00:00 hours

Friday and Saturday 01:00 hours

Closing time for Public Houses Wine bars or other drinking establishments

Sunday to Thursday 23:00 hours

Friday and Saturday 00:00 hours

Late night refreshment does not form part of this application and therefore hot food will not be available after 23:00 hours and the premises will be operating predominantly as a public house.

Additionally no provision has been made for patrons to finish drinks purchased just before the terminal hour for the sale of alcohol, patron will have to finish their drinks quickly, which can lead to intoxication and patrons wishing to use a toilet once they have left the premises, or confrontation for staff trying to remove drinks purchased just before closing time when patrons have to leave the building.

Therefore, to promote the licensing objectives and prevent public nuisances and disorder at night when residents will be sleeping I recommend that the following hours of operation are granted in keeping with the licensing policy for bars in this area:

Recorded music indoors.

Sunday to Thursday 07:00 to 22:30 hours

Friday and Saturday 07:00 to 23:30 hours

Supply of alcohol both on and off the premises

Sunday to Thursday 07:00 to 22:30 hours

Friday and Saturday 07:00 to 23:30 hours

Opening hours

Sunday to Thursday 07:00 to 23:00 hours

Friday and Saturday 07:00 to 00:00 hours

Should the applicant reconsider the application to include late night refreshment and a condition that alcohol shall be supplied as ancillary to substantial table meals then the later hour for a restaurant can be considered.

David Franklin

Licensing Authority as a Responsible Authority

From: Sharpe, Carolyn On Behalf Of Public Health Licensing

Sent: Monday, August 22, 2016 1:22 PM

To: Regen, Licensing

Subject: RE: Consultation LDO 23.8.2016 New Premises application Unit

C Montreal House Surrey quays Road

To whom it may concern:

Re: Unit C Montreal House, Surrey Quays Road, London SE16 7AQ.

On behalf of the Acting 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
- Public safety

General Comments

The applicant requests licence to sell alcohol both on and off the premises between the hours of 07:00 and 01:00 on Mondays to Sundays. I have concerns regarding the hours of alcohol sales requested. I would suggest a later start time of alcohol sales. Early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking. I would also request an earlier end time of alcohol sales. Research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm.

Moreover the hours requested are outside those recommended in Southwark's Statement of Licensing Policy.

Recommendations

- I recommend that the start time of alcohol sales be changed to 11:00 for all days of the week
- I recommend the end time of alcohol sales be brought in line with Southwark's Statement of Licensing Policy guidelines which are 23:00 Sundays to Thursday and 00:00 Fridays and Saturdays

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

Yours faithfully,

Carolyn Sharpe

on behalf of Dr Jin Lim, Acting Director of Public Health

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | [REDACTED]

Public Health Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH

From: McCarthy, Debbie

Sent: 27 July 2016 08:55

To: Chowdhury, Farhad; Chudasama, Sailesh; DIP Team; Farrington, Ian;

Graham White; Lfepa; Mahanga, Justine; Masini, Bill; Moore, Ray;

Planning.Enquiries; Public Health Licensing; Reg Env Protection;

Richards-Vassell, Thomas; safer; Shannon, Rochelle;

southwark.repro@pbms.co.uk; Tear, Jayne; West Team diary

Subject: Consultation LDO 23.8.2016 New Premises application Unit C

Montreal House Surrey quays Road

From: Williams, Cllr Bill

Sent: Monday, August 15, 2016 11:35 AM

To: Cryan, Stephanie; McCarthy, Debbie

Cc: Whittam, Kath

Subject: RE: Consultation LDO 23.8.2016 New Premises application unit

C Montreal House Surrey Quays Road

Hi Debbie

I would also like to express my objection to the proposed sale of alcohol and the playing of music during the times stated in the application.

I agree with my Ward colleague – Cllr Cryan; the unit is situated in a residential block and residents have expressed concerns about the possibility of noise nuisance.

The other two units in the block are estate agents and therefore only operate from 8am until 6pm. Allowing the premises to operate from 7am until 1pm is out of keeping with the area and although I welcome the opening of a new restaurant I do feel that the hours should be scaled back to 9am-11pm Sunday to Thursday and 9am until midnight on Friday and Saturday.

Regards,

Councillor Bill Williams

Chair of Bermondsey & Rotherhithe Community Council

Assistant Whip

Labour Member for Rotherhithe Ward

07985-114-352

From: Cryan, Stephanie

Sent: Monday, August 15, 2016 11:15 AM

To: McCarthy, Debbie

Cc: Whittam, Kath; Williams, Cllr Bill

Subject: RE: Consultation LDO 23.8.2016 New Premises application unit
C Montreal House Surrey Quays Road

Dear Debbie

I would like to raise an objection to the proposed hours for selling alcohol and for the playing of music. The unit is situated in a residential block and residents have expressed concerns about the possibility of noise nuisance. The other two units in the block are estate agents and therefore only operate from 8am until 6pm. I think that allowing the premises to operate from 7am until 1pm is out of keeping with the area and although I have no objections to the opening of a new restaurant I doo feel that the hours should be scaled back to 9am-11pm Sunday to Thursday and 9am until midnight on Friday and Saturday.

Best wishes

Cllr Stephanie Cryan

Deputy Leader and Cabinet Member for Housing

Labour Member for Rotherhithe Ward.

Tel: 020 7525 0247

Mob: 07985116251

From: [REDACTED]

Sent: Monday, August 22, 2016 11:47 AM

To: Regen, Licensing

Subject: Re Licensing Application 854922 Trading Name: Unit C Montreal House, Surrey Quays Road SE16 7AQ

Dear Licensing Committee,

I object to licensing application 854922 Trading Name: Unit C Montreal House, Surrey Quays Road SE16 7AQ. I am a concerned leaseholder who

[REDACTED] I remain unclear as to what type of business the applicant wishes to open. What kind of food offering will be on offer. I object with respect to the requested hours of operation that are being presented. In my opinion, I am concerned by the noise and nuisance implications. I do not accept the sale by retail of alcohol or accept that sale by retail of alcohol to be consumed on the premises from 7 am till 1 pm. This is an unreasonable request.

Issues of public safety: I do not accept that the applicant needs to be serving alcohol and providing entertainment from 7 am till 1 pm Monday to Sunday. At present, there is no other business or shopfront that allows this type of venue near the Canada Water tube station in SE16 or trades in this manner. Therefore, this is not in keeping within a residential area.

Issues of crime and disorder: I do not accept that serving alcohol from 7 am till 1 pm provides a safe or inviting environment.

It presents serious anti-social concerns and behavior. We are concerned by the effects to our residents; children and adults alike especially given our proximity and the fact that tenant entrance doors are located near this shopfront.

We are concerned by those loitering around the buildings, the proximity to the residential car park and the issues of public liability that could arise. We are concerned by noise and general nuisance. We have evidenced that the noise levels along Surrey Quays Road increase excessively on a Friday and Saturday evening when those that have enjoyed a few drinks at The Hawker's House make their way along Surrey Quays Road to the tube station or to the buses. There have been various examples of public loitering, loud screaming and those playing jokes on locals by pressing their intercoms to gain entry into private blocs. As you can appreciate, we wish to avoid this anti-social behavior and any further arising especially from a venue located under a residential bloc.

We are concerned by the public liability and insurance implications given our proximity to the applicant. We are concerned by those loitering after visiting these premises and the possible impact of anti-social; public safety and crime that could result from those who have consumed alcohol. It would be deemed unfair and unreasonable for us to feel unsafe when walking home or trying to enter our buildings. We are concerned by the noise implications and not being able to keep our windows open of an evening.

We wish to understand the scope of the license and what kind of venue is being offered. We would appreciate it if they could re-think the hours of operation. That the council's licensing team takes into consideration the views of the rate payers and the fact that the retail space is located under a residential demise. Furthermore, that our rights [REDACTED] in good faith should not be impacted or inconvenience in any way. This would be deemed as unfair and unreasonable. I remain unclear why the applicant requires Sale by retail of alcohol to be consumed off premises from 7 am to 1 pm. This seems excessive and unreasonable.

We cannot see how the applicant will monitor this or provide security to address anti-social behavior from arising. In addition, we cannot accept any tables on the outside perimeter of the premises e.g. small tables and chairs as the insurance is presently paid for by the tenants in the courtyard. There are also fire safety implications in blocking walkways to residential blocs and the bicycle stores. Furthermore, we understand that it has been noted that there is a wind tunnel along the Plaza and therefore, would be surprised if table and chairs be positioned along the shopfront facing the Plaza. We wish to receive an assurance that the tenants of Maple Quays e.g Toronto and Montreal House will not have to contribute to any insurance costs for this venue in any way in the event of any incident arising. Could the applicant please confirm if the insurance costs for incidents arising outside of the demise will be covered by the applicant.

In my opinion, it would be much more feasible for alcohol to be served between 12 pm Monday to Sunday till 9. 30 pm. If the venue needs to be maintain music after this they need to keep it to a satisfactory minimum. In my opinion, there is no basis for opening hours to extend beyond 10 pm Monday to Sunday.

Kind regards,



##

Please remove my address from any published letter.

From 

Sent: Tuesday, August 23, 2016 10:13 PM

To: Regen, Licensing

Subject: Licensing Application 854922 Trading Name: Unit C Montreal
House, Surrey Quays Road SE16 7AQ

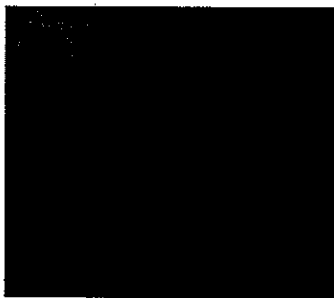
Dear Licensing Committee,

I object to licensing application 854922 Trading Name: Unit C Montreal
House, Surrey Quays Road SE16 7AQ. I am a concerned resident who lives
adjacent and will share a courtyard with the business.

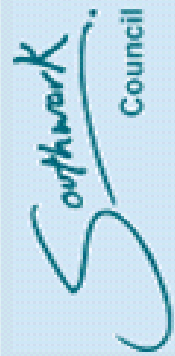
I am concerned with the retail of alcohol to be consumed on the
premises from 7 am till 1 pm. This is unreasonable.

There is a children's playground just over 100metres from this
establishment and children play out till 7pm.

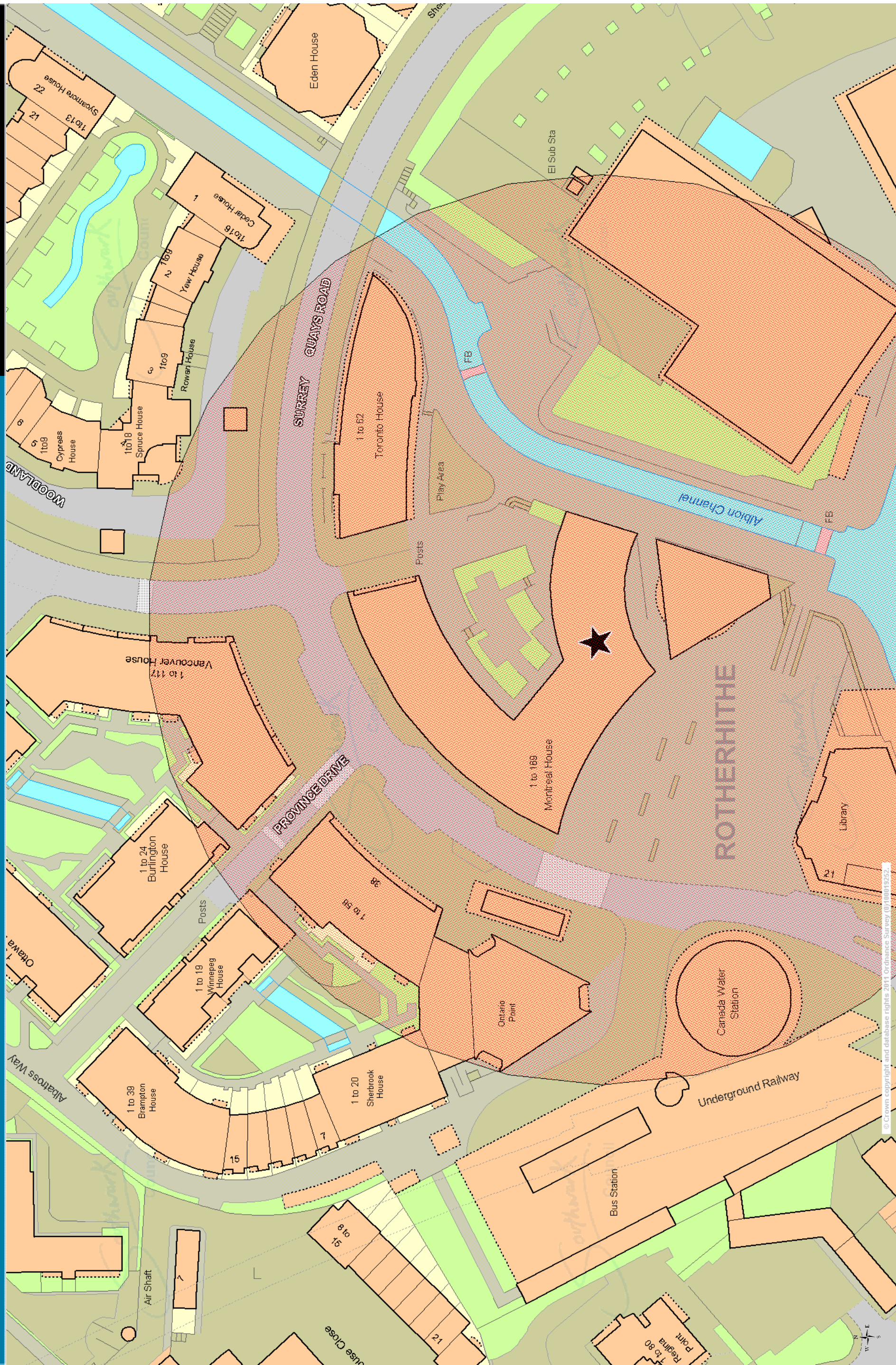
I am also concerned by crime and disorder and the effects to the
residents whose entrance door is located near the premises.



TASTI, UNIT C, MONTREAL HOUSE, SURREY QUAYS ROAD



Date 6/9/2016



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Scale 1/789
RICHARD KALU

LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2016-17

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

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Councillor Sunil Chopra	1	Devlin, Joanne, Legal Team	1
Councillor Eliza Mann	1	Richard Kalu, Licensing team	1
		Dorcas Mills, Licensing team	1
		Jayne Tear, Licensing team	1
		David Franklin, Licensing team	1
Reserve		Carolyn Sharpe, Public health	1
Councillor Adele Morris	By Email	Paul Newman, Environmental protection team	1
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