

From: Earis, Richard <Richard.Earis@southwark.gov.uk>

Sent: Tuesday, October 19, 2021 2:58 PM

To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>

Cc: office@dadds.co.uk

Subject: Representation to New Premises License application 1736779 (The Executive Lounge 777 Old Kent Road)

RE: New Premises License Application 875588 - The Executive Lounge, Unit 1, 777 Old Kent Road, London, SE15 1NZ

I have considered this application on behalf of EPT (Prevention of Public Nuisance Responsible Authority).

I object to the application on the following grounds:

- The proposed operating hours are inappropriate for the area and significantly exceed the Licensing Policy hours for this area, which require that restaurant premises close at 23:00 daily
- The area is residential and particularly sensitive, as indicated by the significant history of complaint from surrounding residents relating to the directly adjacent unit. Operation outside recommended Policy hours is likely to lead to Public Nuisance in this location
- The proposed hours are more akin to drinking establishment hours and the site plan is more indicative of a bar than the stated restaurant (with few seats, a small kitchen and a large bar and what appears to be large vertical drinking areas). The premises capacity is stated to be limited to 100 people but only 24 seats are shown on the plan. The remaining 76 patrons would be unable to consume a substantial table meal with alcohol as required by the suggested condition
- The premises appears to have an internal door directly into another Licensed Premises (the adjacent 'Empire Lounge') and it is unclear how this can operate as an independent premises or allow enforceability of conditions
- The listed controls \ conditions in Part M of the application are insufficient to ensure the Prevention of Public Nuisance Licensing Objective
- The unit is converted from a shop (as allowed without consent by the new Planning Use Class 'E') however no detail has been provided of any suitable kitchen extraction system to prevent public nuisance from odours and fume as a result of commercial cooking activities. The kitchen is located internally with no ductwork shown. For a restaurant of this size operating to these hours we would expect kitchen extract discharge at 1m above building eaves level with substantial smoke and odour abatement plant in line with EMAQ guidance. This does not appear to be in place and leads to high risk of smoke\odour nuisance and potentially health and safety issues inside the premises

Kind Regards,

Richard

Richard Earis
Principal Environmental Protection Officer
Environmental Protection Team

020 7525 2469



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Our
reference:
Date:

MD/21/229/21

20th October 2021

Dear Sir/Madam

Re: Speedlink Services Ltd The Executive Lounge Unit 1 777 Old Kent Road SE151NZ

Police are in receipt of an application from the above for a new premises licence. The premises is described as a restaurant with the opening hours as licensable activities as follows.

Late Night Refreshment
Sun-Thu 2300 to 0000
Fri-Sat 2300 to 0100

Sale of Alcohol
Sun-Thu 1100 to 0000
Fri-Sat 1100 to 0130

The premises being open to the public 30 minutes after the cessation of licensable activities.

The application is in the name of Speedlink Services Ltd, as per the information shown on Companies House. One of the two directors shown is a Mr George Nwachukwa. Mr Nwachukwa also holds a premises licence for Unit 2 777 Old Kent Road as is the adjoining unit.

It should be noted that unit one is accessed via a doorway that has been created between the two venues. This was evident during licensing visits conducted by Police on the 28th May 2021 and 11th July 2021. During these visits the premises was found to be operating in contravention of the then coronavirus regulations relating to the service of food and drink to patrons whilst sat at tables only.

Working for a safer Southwark

On the first visit on the 28th May Mr Nwachukwa was given advice on the then Corona Virus regulations and the breach was dealt with by way of a verbal warning. On the second visit on the 11th July 2021 the premises were again found in breach of the regulations. Patrons seen at the bar purchasing drinks, groups of people were standing around and some dancing. No Face coverings being worn. Mr Nwachukwa was issued with a £1000 fixed penalty notice for this offence. Legal proceedings are currently underway, so at this stage no further comment will be made on the matter.

This is of importance due to this essentially being the same applicant for a new premises licence with adjoining access to his current premises licence. This is not the behavior I would expect of a responsible licence holder and one that claims within the application to be a responsible operator. To operate a premises in contravention of the then Corona virus regulations potentially undermines all four of the licensing objectives.

The application describes the premises as a restaurant, within the operating schedule it also states that the capacity of the premises is 100 persons. The applicant has also offered a number of control measures, one of which restricts the service and consumption of alcohol to those seated having a table meal.

7 - That alcohol shall not be sold or supplied for consumption on the premises otherwise than to persons taking substantial table meals and for consumption by such persons as ancillary to their meal.

The plan submitted with this application shows a total of 24 seated covers, this potentially leaves 76 patrons with no way of being seated to consume a table meal. Further clarification on this matter is needed before I can fully assess the potential impact this premises could have on the four licensing objectives, in particular the prevention of crime and disorder. A restaurant style venue where all patrons are seated and consuming table meals is far less likely to impact on the licensing objectives than one that allows its patrons to drink vertically only without the consumption of a table meal. The intended operation as a restaurant does not fit with the plans submitted with this application.

This premises sits within a residential area as detailed within Southwark's Statement of licensing policy. The Policy looks at the potential impact certain types of premises are likely to have of the licensing objectives. The recommended closing times for Restaurants in a residential area is 2300. The hours applied for are substantially greater than those recommended. Having looked at Google maps it is clear to see there are a number of residential premises within very close proximity to this premises. The applicant should consider the details contained within the Policy and reduce the hours to those recommended.

I have concerns that the director of the company applying for this licence has previously shown a complete disregard for the licensing objectives whilst operating his current premises which adjoins this new one. His suitability as a responsible operator has been called into question. Taking all the above into consideration I have to recommend that this application is refused on the grounds that if granted it would undermine the licensing objectives.

Respectfully submitted for consideration

PC Ian Clements 2362 AS

MEMO: Licensing Unit

To Licensing Unit **Date** 20 October 2021
From Jayne Tear
Email jayne.tear@southwark.gov.uk

Subject Re: The Executive Lounge, Unit 1, 777 Old Kent Road, London, SE15 1NZ

- Application for a premises licence

I write with regards to the above application for a premises licence submitted by Speedlink Services Limited under the Licensing Act 2003 which seeks the following licensable activities:

- Provision of late night refreshment (indoors) on Sunday to Thursday from 23:00 to 00:00 and on Friday and Saturday from 23:00 to 01:00 the following day
- The supply of alcohol (on and off the premises) on Sunday to Thursday from 11:00 to 00:00 and on Friday and Saturday from 11:00 to 01:00 the following day
- Overall opening times shall be from on Sunday to Thursday from 11:00 to 00:30 and on Friday and Saturday from 11:00 to 01:30 the following day
- Non Standard Timings:
On Bank Holidays the permitted hours in respect of licensable activities are 11:00 to 02:00 and the permitted opening times are 11:00 to 02:30

The premises within the application as a '*Restaurant*'.

My representation is based on the Southwark Statement of Licensing Policy 2021 – 2026 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

The premises is situated in a residential area and under the Southwark Statement of Licensing Policy 2021 – 2026 the appropriate closing times for restaurants, public houses, wine bars or other drinking establishments in this area is 23:00 daily. Night Clubs (with sui generis planning classification) are not considered appropriate for this area.

To promote the licensing objectives I ask the applicant to consider bringing the opening times in line with that recommended as appropriate within this residential area as follows:

- Late night refreshment (indoors) to remove the activity as not required up to 23:00.
- Supply of alcohol (on the premises) on Monday to Sunday shall to cease at 22:30
- Supply of alcohol (off the premises) on Monday to Sunday shall to cease at 23:00
- Overall opening times shall cease on Monday to Sunday at 23:00

There is a premises next door to the applicant premises known as Empire Lounge, Unit 2, 777 Old Kent Road, London, SE15 1NZ, which also holds a premises licence no 859547, the licensee and DPS is George Nwachukwu. Mr George Nwachukwu is also a company director of Speedlink Services Limited the applicant company for this application although the DPS for this application is Temple Ubazue.

During recent enforcements visits licensing officers have noted that there is an interlinking door for Unit 1 and Unit 2 and initially Unit 1 was being used for licensable activities without a licence first being obtained. A warning letter was sent to Mr George Nwachukwu and advice given.

On the plans submitted with this application the interlinking door is not showing and I seek more information from the applicant as to whether the interlinking door is still in situ and if so why it is not showing on the premises plan for this application.

Furthermore on the plans provided with the application there are places for 24 covers. The accommodation limit offered with this application is 100. The restaurant condition has been offered within the operating schedule. Will the other 76 possible persons be seated with a table meal, I ask the applicant to confirm.

I may submit further comments once this information is provided and further supporting information before any LSC Hearing.

I therefore submit this representation and welcome any discussion with the applicant.

Southward's Statement of Licensing Policy 2021 – 2026 can be found on the following link:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

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