

From: Binya, Raymond <Raymond.Binya@southwark.gov.uk>

Sent: Friday, March 25, 2022 2:00 PM

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

Cc: ERIDOE@YAHOO.COM

Subject: Application for a new premises licence for Kent Restaurant & Lounge, First Floor, 516 Old Kent Road, London SE1 5BA our ref 972052

Dear Licensing Team

Application for a new premises licence under the Licensing Act 2003

Application reference number: 876930

Address:
Kent Restaurant & Lounge
First Floor, 516 Old Kent Road
London
SE1 5BA

I wish to make a representation on behalf of Southwark Environmental Protection Team (EPT) in our capacity as Environmental Health Responsible Authority, about the likely effect of the sought licence if granted on the promotion of the 'prevention of public nuisance' licensing objective.

The application lists proposed opening hours as 23.00-03.00 Thursday to Saturday and a 04:00 closure on non-standard timings Bank Holiday Mondays, Christmas Eve/Day New Year's Eve/Day.

The Licensing Policy for this area states:

- 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 this area

We have previous and very recent history of complaints of noise and antisocial behaviour from this premises. Furthermore, Southwark Council Noise Team visited the premises on 3rd March 2022 in response to noise complaints from 3 local resident's. Noise Officers observation was that loud amplified music was likely to cause a Public Nuisance / Statutory Noise Nuisance.

It is my understanding that it was later explained that noise breakout on this particular day was because engineers were installing a sound system and decided to test the system without the sound limiter being on to measure the amount of sound (noise) that can escape whenever the sound limiter is not activated. However, the Noise Officers also expressed their concerns on the structural integrity, that the structure was not capable of

preventing sound outbreak. In addition to this, I found no evidence to suggest that there is a planning consent the existing and proposed uses of this premises.

There are residential housing blocks directly opposite the site. The nature of the wider area is changing rapidly with many more residential properties are to be constructed in the area in the coming years, an example is the Malt Street Regeneration Site.

In light of the history of complaints against similar premises at this site, observations from the Noise Team and the very large difference between the current Licensing Policy recommended hours and the application hours, I object to this application.

Kind Regards

Raymond Binya
Principal Environmental Protection Officer
Environmental Protection Team
Tel: 020 7525 4809

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Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH



The Licensing Unit
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160 Tooley Street
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SE1 2QH

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Licensing Office
Southwark Police Station,
323 Borough High Street,
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southwarklicensing@met.police.uk
ian.clements@met.police.uk

Our **MD/21/038/22**
reference:

Date: **28th March 2022**

Re:- Erico Entertainment Ltd, Kent Restaurant & Lounge First Floor 516
Old Kent Road SE15BA

Dear Sir/Madam

Police are in receipt of an application from the above for a new premises licence under the licensing act 2003. The applicant describes the premises as:

Kent Restaurant & Lounge, located on the first floor of the 516 building envisages the provision of Continental and Pan African cuisines.

Premise shall include hall for dining, private events such as weddings, birthday celebrations, and special events.

The premises shall also include an Event hall for hiring and rental activities with the provision of live or recorded Music and late night refreshment.

Premise consist of three (3) fire exits, a kitchen for food preparation, two (2) cubicle-fitted toilet, five points urinal and basins for males and three (3) cubicle-fitted toilet with wash basins for females, employees locker and rest room, a VIP lounge, Gaming boards, dining and bar seating arrangements, DJ booth, and televisions for live sports viewing.

The applicant seeks the following opening hours and permitted hours for the provision of licensable activities including recorded/live music, performance of dance, films, sale of alcohol and late night refreshment as follows.

All licensable activities as per application.

THU-SAT 2300 to 0300
SUN 2300 to 0300

Premises open to the public

THU-SAT 1130 to 0300

The first thing I note is that the premises are open to the public from 1130 each day of the week, but the applicant only wishes to provide the licensable activities including the sale of alcohol from 2300 on the Thursday to Sunday. Even taking into consideration the live music act, there seems to be disparity between the opening hours and the provision for licensable activities. Clarification on this is required.

Save for the above this premises sits within a residential area as defined by Southwark's statement of licensing policy. The recommended closing times for restaurants and public houses is 2300 each day of the week. Night clubs are not considered appropriate for this area.

The applicant has supplied an operating schedule containing a number of proposed licence conditions.

- 1. Alcohol supplied for consumption on the premises shall be ancillary to the provision of food.**
- 2. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.**
- 3. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.**
- 4. Alcohol shall only be sold for consumption by persons on the premises between the hours of 23:00 and 03:00 when used as a bona fide pre-booked function.**

The above relate the supply of alcohol in relation to the availability and consumption of food. This would suggest that the supply of alcohol would be ancillary to the consumption of food, save for when a bona fide pre-booked function is taking place after 2300.

This also appears to be in conflict with the licensable activities applied for as alcohol can only be supplied after 2300 as per the application.

I also take some issue with the bona fide pre booked function. This would give the premises the ability to open as a night club style venue each Thursday, Friday & Saturday night as long as someone has booked the venue. This leaves itself open to a venue operated by third parties and external promoters every weekend until 0300 although alcohol only supplied between 2300 & 0300. Is the applicant suggesting no alcohol will be sold or consumed before 2300 when the premises is in operation?

The application has been made by Erico Entertainment Limited. A companies house check shows the director as a Mr Eric Nimely Doe. Mr Doe also holds the premises licence for the ground floor of 516 Old Kent Road known as Club 701. This premises licence was the subject of a summary review in November 2019 following a serious assault inside the premises. The notice of decision is attached but of note was the licensing sub committees decision the Mr Eric Doe shall play no part in the day to day management or operation of the premises.

This application appears not fit for purpose for the intended operation. The applicant for the new premises licence, although in a company name is essentially Mr Eric Doe. His previous history of operating licensed premises in Southwark has already been brought into question and left the responsible authorities and the licensing sub committee with a lack of confidence in his abilities to manage licensed premises.

Under the prevention of crime and disorder licensing objective I recommend that this application is refused.

Submitted for your consideration,

Yours Sincerely

PC Ian Clements 2362AS
Licensing Officer
Southwark Police Licensing Unit

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 28 NOVEMBER 2019

LICENSING ACT 2003: SECTION 53A: CLUB 701, BASEMENT AND GROUND FLOORS, 516 OLD KENT ROAD, LONDON SE1 5BA

1. Decision

That the council's licensing sub-committee, having considered an application made under section 53A of the Licensing Act 2003 by the Metropolitan Police Service for the review of the premises licence in respect of Club 701, Basement and Ground Floors, 516 Old Kent Road, London SE1 5BA and having had regard to all relevant representations decided to suspend the licence for a period of three months, to remove Alfred Manseray as the designated premises supervisor and to modify the conditions of the licence as follows:

1. That the premises will be closed on Wednesdays.
2. That the measures set out in the licensing compliance plan attached to the premises licence as annex 5 shall be implemented in full prior to the reopening of the premises.
3. That there shall be no shisha smoking equipment on the premises at any time.
4. That all security staff at the premises shall be supplied by an SIA approved contractor.
5. That condition 288 of the licence shall be amended by the addition of the following: "The premises shall not be open at any time when the CCTV is not operating correctly."
6. That condition 342 of the license shall be reworded as follows:

"That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. **The system must be operating correctly at all times when the premises are open** and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and / or if the person's details are already stored on the system and they are identified using a biometric identification system."

7. That Eric Doe shall play no part in the day-to-day management or operation of the premises.

2. Reasons

The licensing sub-committee heard from the representative of the Metropolitan Police Service, the applicant for the review, who referred to his previous representations (considered at the interim steps hearing on 7th November 2019) and to his further witness statement dated 22nd November 2019, in which he exhibits CCTV stills from the night of the incident showing the licence holder Eric Doe behind the bar in the outside shisha area where the assault occurred. In his view, this undermined Mr Doe's assertion that the incident had been the fault of others, in particular the designated premises supervisor, who had let him down. Mr Doe had been in

that area of the premises himself that night, yet had allowed multiple breaches of licence conditions to occur. It was clarified that the CCTV appeared to be 1 hour behind actual time, so that the incident had occurred after 3.00 a.m. by which time the premises should have been closed. In the view of the police, Mr Doe had shown a disregard for the licensing objectives and they had no confidence that he could manage the premises safely in future. The licence should therefore be revoked. If the sub-committee did not agree with that, the licence should be suspended for 3 months, the designated premises supervisor changed and an SIA approved contract team appointed.

The sub-committee heard from the representative of the licensing authority, who referred to written representations submitted on her behalf. These traced the chronology of previous interventions by licensing officers attempting to secure compliance at the premises. It was clear that despite three separate licensing induction visits breaches of licence conditions had continued to occur, eventually leading to police cautions being issued for licensing offences. She urged the sub-committee to revoke the licence or, at the least, suspend the licence for 3 months while all the remedial measures proposed by the licence holder were put in place.

The representative of the licence holder entirely accepted that a serious incident had occurred. However, the sub-committee had to distinguish between a history of long-running minor non-compliance at the premises and this serious incident of violence, which was a one-off and could not in itself justify revocation of the licence, particularly where – as here – it was possible for the premises to be run in future in a compliant way. The proposal was for Mr Doe to play no further part in managing the premises. A new designated premises supervisor had been identified. A comprehensive licensing compliance plan had been devised and would be implemented. The premises could cease trading on a Wednesday, as this had attracted an unfamiliar crowd. There would be no shisha smoking henceforth. The premises would be closed if either the CCTV or ID scanning system were not working. A 6 week suspension was volunteered, which would allow time for the new regime to bed in.

The sub-committee took account of the fact that a serious assault had taken place on the premises which had been caused or contributed to by multiple breaches of premises licence conditions. The premises should have been closed before the incident took place, the ID scanner was not working, no drinks or glassware should have been in the shisha area and no patrons should have been allowed to wear hats or hoods.

Revocation was considered, but on balance the sub-committee took the view that a 3 month suspension of the licence, the removal of the designated premises supervisor and the additional conditions set out above would be sufficient in this case to promote the licensing objectives, in particular the prevention of crime and disorder. The sub-committee considered that other measures short of suspension were insufficient given the seriousness of the incident, the multiple breaches of licence conditions and the previous operating history of the premises.

The sub-committee noted with approval the applicant's willingness to eliminate single-use plastics in glasses and straws.

In reaching its decision, the sub-committee had regard both to the revised guidance and to its own statement of licensing policy, and considered that its decision was appropriate and proportionate in order to promote the licensing objectives, in particular the prevention of crime and disorder.

3. Appeal rights

This decision is open to appeal by either

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

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

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

4. Review of interim steps pending appeal

At the conclusion of the review hearing the licensing sub-committee reviewed the interim steps to determine which interim steps were appropriate for the promotion of the licensing objectives, pursuant to section 53D of the Licensing Act 2003. The sub-committee concluded that these interim steps were appropriate:

- To suspend the premises licence.

The interim steps are open to appeal by:

- a) The chief officer of police for the police area in which the premises is situated; or
- b) The holder of the premises licence

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

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

Date: 28 November, 2019.