

## APPENDIX C

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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 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 Clarissa. 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 John 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 &amp; 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 Tracey 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. Tracey explained that she want to inspect the kitchen and asked if this was okay and he said yes. Tracy then went of to inspect the kitchen. I carried out the rest of the inspection with Mr Otunyo. 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 &amp; 370 (no SIA), although a refusal log was produced it had not entries in it. We went to the lobby entrance. Tracey 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 28/11/2015.01:37 Lush Bar, Old Kent Road – Joint Licensing and Health & Safety inspection completed with FRC. Health & Safety Inspection completed and Farhad 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 &amp; 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