

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.

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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,

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

Kind regards

Paul Newman, EHO
Principal Environmental Protection Officer

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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 additional 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