

LICENSING SUB-COMMITTEE SUPPLEMENTARY AGENDA

23 January 2026

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

5 APPLICATION FOR A PREMISES LICENCE - THE PALMS HOTEL (BOKA BY PALMS) SOUTHEND ARTERIAL ROAD, HORNBURCH, RM11 3UJ (Pages 3 - 12)

This application for a premises licence is made by Boka By Palms Ltd under section 17 of the Licensing Act 2003.

**Zena Smith
Head of Committee & Election
Services**

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PROPOSED CONDITIONS – BOKA RESTAURANT 19 January 2026

OPENING HOURS FOR PREMISES

Sunday to Thursday: 10:00 to 01:20

Friday and Saturday: 10:00 to 02:20

LICENSABLE ACTIVITIES

Supply of Alcohol, Live Music, Recorded Music:

Sunday to Thursday: 10:00 to 01:00

Friday and Saturday: 10:00 to 02:00

Late Night Refreshment

Monday- Thursday: 23:00 to 01:00

Friday & Saturday: 23:00 to 02:00

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public, and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be available to show recordings of the previous two days to responsible authorities when requested subject to data protection law requirements.

2. An incident log shall be kept at the premises and made available on request to the Police or other authorised officers. The log will record the following details:

- All crimes reported to the venue
- All ejections of customers and all refusals of alcohol
- Any incidents of disorder and any seizures of items
- Any faults in the CCTV system and the actions taken to remedy such faults

3. A written dispersal Policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to the neighbours.

4. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

5. There shall be no sale of alcohol in unsealed containers for consumption off the premises.
6. A 'Challenge 25' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide proof of age in a form approved in legislation.
7. Persons under the age of 18 years shall not be allowed on the premises after 21:00 hours where licensable activities are taking place unless accompanied by an adult
8. The Licence holder shall keep a written record of all staff authorised to sell alcohol. This record shall include the full name, home address, and date of birth of each authorised person. The staff record to be kept on the licensed premises and made available for inspection by the Police and other authorised officers in accordance with data protection requirements.
9. All staff engaged in the provision of licensable activities, including the sale of alcohol, shall receive appropriate training. The training shall include the responsible sale of alcohol, drug awareness, conflict management, safeguarding of children and vulnerable persons.
10. Staff training records shall be kept on the premises for a minimum of 1 year and be made available for inspection by Police and other authorised officers upon reasonable request. Refresher training shall be undertaken at intervals of no more than 6 months.
11. The Licence holder shall ensure that each member of staff authorised to sell alcohol is fully aware of his/her responsibilities in verifying a customer's age and able to effectively question purchasers and check evidence of proof of age.
12. The Licence holder shall ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge persons under 18 years of age attempting to purchase alcohol.
13. The premises licence holder shall implement a written drugs policy. This shall detail the strategies to minimise the use and supply of illegal drugs within the premises.
14. Alcohol shall only be sold ancillary to a meal. There shall be no vertical drinking at the premises, all consumption of alcohol on site shall be whilst seated.
15. Alcohol shall be supplied to customers by waiter/waitress service only.
16. There shall be no separate bar area in the outdoor area.
17. An appropriate automatic noise control device must be used for any licensable amplified sound. The device should be set so that the volume of any licensable amplified sound emanating from the premises does not cause a public nuisance.
18. Doors and windows to the premises shall remain closed (save for entrance and egress) at all times when regulated entertainment is occurring.
19. No regulated entertainment shall occur in the outside area.

20. The outdoor area shall be continuously monitored whenever it is in use for licensable activities. SIA licensed door supervisor shall be on duty outdoors at the premises in accordance with a Risk Assessment Policy to be agreed with the Metropolitan Police. That risk assessment shall include:

- A register to be maintained at the premises including all details of SIA licensed staff and made available for inspection.
- Clear written instructions regarding:
 - (a) Ensuring that no alcoholic drinks leave the licensed premises;
 - (b) Conducting age verification checks (as appropriate)
 - (c) Refusing entry to any person who appears to be intoxicated;
 - (d) Conducting searches of customers as considered necessary;
 - (e) Monitoring and controlling maximum occupancy levels; and
 - (f) Ensuring compliance with any specific conditions attached to the premises licence.

19 January 2026

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BOKA RESTAURANT
PALMS HOTEL, SOUTHEND ARTERIAL ROAD, HORNCHURCH, RM11 3UJ

Premises Licence Application

Submission to Committee

My name is David Morbin and I am Managing Director. Together with Hekmat Bavary we have been running our business since March 2025.

I have been in the hospitality industry for over 20 years. I've had many roles within the industry from General Manager to Operations Director. I've opened over 20 sites all over the UK and finally opened my first restaurant 6 years ago and have opened 2 more since. I employ over 150 staff between 3 different counties within the UK; this includes several managers who oversee the day to day running of the business.

I, David Morbin, will be the DPS of Boka restaurant and I will be closely involved with these premises.

We were originally approached by the owners of the Palm Hotel to open a restaurant, which we named Boka, within the hotel and offer catering services to their events. We came on board in March 2025 but had no plans to open the restaurant until September 2025. Between March and September we simply provided the catering for events that had already been pre-booked within the hotel. During the time we were waiting to open the restaurant, we served food to maybe a dozen events at the Palms.

We work alongside the Palms sales team to actively sell our catering services, but the Palms do take a lot of "dry hire" bookings, meaning that the person booking the event space will bring their own caterers and bar service team. We do work alongside the Palms team but ultimately, we make money from selling our food at events and they make money on the hire fee. This means that for the large majority of the time, people booking an event space can find cheaper options elsewhere for the food and will go with that option. This would mean that we received no money from an event, and the Palms receive only their hire fee.

The hotel has 3 events spaces, ranging in size from 100 - 300 person capacity. A lot of the events are a dry hire event, but some events are run by the Palms hotel itself. The hotel operators actively sell tickets, serve drinks and serve the food. These events are held within their events space and never include our Boka restaurant or our outside area. These are entirely separate areas, and under our exclusive control by the terms of our contractual agreement with the hotel.

It is true that there was a stabbing at an event in June 2025, but the Committee papers do not make explicit what actually occurred. It had nothing to do with us, and nothing to do with our spaces that we are proposing to have licensed. It happened at a Palms Hotel event. We had been hired to serve the food, but that is all. The event was booked before we came on board, and we had no involvement or control over it. We inherited the catering side of it when we came on board. The event was for 180

people in the hotel's Sapphire Lounge. We started serving food at around 5pm, and we finished serving desserts by around 8pm. That was all the involvement we had. It was a wedding. The Palms outsourced to another supplier to serve the alcohol at this event; we had no input into that. I don't really know what happened, as it all occurred long after we had left. I am under the impression that a fight broke out between the people at the wedding at around midnight. We had absolutely nothing to do with it; neither did it occur in either of the spaces that we control.

After that incident in June 2025, the Police requested that the hotel submit an application for a minor variation of their licence, and I am aware that something was submitted, and I recognise Appendix II in the bundle as being the proposed application by the hotel. This was a proposal that was considered to be suitable for the hotel after their difficulties, and in relation to their operation and events however. We decided that we needed to operate separately from the hotel, and that is why we applied for our own licence. The terms and proposed conditions of the minor variation are not suitable for our licence in many respects. For example, the application refers to promoted events, and we don't do those.

The way the Palms Hotel is run is not for us to comment on, but we would not be proposing to run our spaces in the same way as them. We specifically want our own licence, with our own operating proposals and conditions. We do not want to operate our spaces under the Palms Hotel licence, and that is the purpose of this application. We are very happy to work with the Police and the Environmental team in order to arrive at suitable conditions, but it appears there has been some misunderstanding as to how our spaces and our licence will work, together and in conjunction with the hotel. That is something that we wanted to explain before our application was heard, in order to provide some clarity and reassurance. We wish to run a secure and high quality operation.

The idea for our outside area is have it as an extension to the restaurant and have a pleasant outside space for dining and drinking during the summer months. This will give us a key feature for local people, and also for people staying within the hotel who don't want to just sit in their rooms all night. We can serve our full menu to people sitting outside. There are no regulated entertainments out there, and no additional bar. The food and drink will be ordered via waiter/waitress service and brought to people seated outside.

There is no access from the hotel event space to our outside area other than through fire exits, which are not to be used for ordinary ingress and egress. The only music outside would be background music at a level below licensable. There will be no bar outside, and so the only licensable activity outdoors will be late night refreshment - the supply of hot food and drink after 11pm. The alcohol provision will be covered by the licence for the restaurant, as that is where the alcohol will be appropriated to the contract. It is simply served and consumed outside, which is not the licensable activity. The vessels from which the alcohol is served will also be selected from inside the premises – it will not be practical to have different drinks vessels inside the premises and outside the premises. People will be seated inside the premises and outside the premises when they are consuming their food and drink - this is a restaurant establishment, not an event space or similar.

In our meeting with the Police and the Licensing Officer from the Council, Mr Daly on 16 December 2025, I did agree that we could have a member of doorstaff monitoring the outside area from 11pm. This is a significant financial outlay for a business such as ours. It is not realistically possible to hire door staff for just one or two hours, as they will not accept a job that does not pay much, and it is difficult to find door staff these days. If our hours are curtailed from those for which we have applied, then employing security staff would become financially unviable. In that event, I would propose that the condition should be in terms that we have a risk assessment policy which we can deploy to decide whether door staff are required, and do so in liaison with the Police, to seek their agreement. I have some concerns that our operation has been confused with that of the hotel and that we are potentially being asked to supplement the hotel's security provision for their events. We are not a nightclub or late night event space: we are just a restaurant, and our margins are very small. Overloading the licence at this stage will simply mean that we are not viable and will be unable to run. At this point in time, we are actually losing money and not making it. The cost of operating is going up constantly, together with wages and energy costs. We are suffering in the current climate, as many licensed premises are, and we welcomed the Government's support in the form of paragraph 1:18 of the Secretary of State's S.182 Guidance and the new National Licensing Policy Framework.

We are hoping that by opening our outdoor area for patrons of the hotel and our restaurant, we can offer something different and attractive during the warmer months. We are not expecting it to be particularly popular during colder winter months. We would like to retain our patrons for longer, and increase their spend. We currently hire just under 20 staff and with the new outside area we would like to expand by another 3-4 full time staff to help oversee this area. The outdoor area will therefore be well monitored.

There is currently a smoking area located directed at the front of the hotel, which is separate to our outdoor area. Our patrons will obviously be able to smoke in our outdoor area, if they choose to do so.

Currently, our business model of the restaurant on its own is not working, and it won't last another year of trading with the sales that we have now. We need something new and different to be able offer our guests, and the outside area gives us that.

We have a good and positive working relationship with the hotel, and we all cooperate as much as we can. Hotel residents use our restaurant already, and we provide breakfast and meals throughout the day. But we must emphasise that our operation is separate, and our scrutiny of our own licence conditions will be separate. We should not be confused with the hotel, nor be asked to have conditions which are strictly appropriate to them.

Conditions

We did retain the services of a licensing consultant to put together our application, and submit it, but we have become concerned that the work he did was not adequate. It appears to have made things more confusing.

The application to date has been based upon the minor variation application that was submitted on behalf of the Palms Hotel (Appendix II). This is not appropriate and has not assisted with the clarity of our application. The condition relating to promoted events does not apply to our premises, as we will not be doing any promoted events. Similarly, the condition relating to polycarbonate drinking vessels is not suitable for our restaurant, and a number of the other conditions either.

Our consultant did propose a set of conditions for our particular application on 8 December 2025 (Appendix I), but we now feel this did not sufficiently differentiate our operation. It described the outdoor area as “dedicated to smoking”, which is not correct. The application put together by the consultant proposed different conditions for the restaurant area and the outdoor area which has come across as muddled and confusing.

A further set of conditions was proposed by our consultant on 17 December 2025, after the meeting with the Police and the Licensing Officer on 16 December 2025. We believe that these conditions set out by our consultant have still not achieved the clarity that we hoped for, and do not reflect the operation that we expect to have. We can see that it is not helpful to separate conditions for the restaurant area and the outdoor area.

We have therefore retained Counsel, Sarah Clover, who is an expert in Licensing to assist with this application. She has assessed our application and made appropriate amendments to address the concerns of the Police and the Licensing Officer, and she will be presenting the application at the hearing.

Representation – Metropolitan Police, PC Chris Stockman

We have met with PC Stockman at the premises on 16 December 2025. We welcome the Officer’s representation of the same date that the Police do not object in principle to the grant of the premises licence. We note the concern around the lack of clarity, which we acknowledge and, as explained, have taken serious steps to address.

The Officer raises concerns that the two areas could operate completely independently of each other, with different conditions. This is not the case. The two areas are inherently interdependent. As pointed out, the only licensable activity taking place in the outdoor area is late night refreshment. Alcohol must be ordered from and provided by the restaurant. There is no authorisation sought to supply alcohol from the outdoor area, and it could not operate independently as a drinking venue. It is hoped that, after the meeting, the Police are clearer as to how the outdoor area will operate, as an adjunct to the restaurant during better weather. The connection made by the officer between later hours and increased levels of intoxication are not typical of seated meals in a restaurant in a hotel, with waiter/waitress service to the table. This is not a nightclub or a vertical drinking establishment.

Representation - Licensing Officer Oisin Daly

We have met with Mr Daly at the premises on 16 December 2025 . We have taken on board all the issues raised by the officer, and we respect his concerns, but these are general in nature, and do not relate to the nature of our operation. There will be no dance floor or dancing. Alcohol will be ancillary to the service of food to people

seated at tables. There is no notable association between the service of food and alcohol together at later hours in a restaurant environment, and heightened levels of crime and disorder or anti-social behaviour. This is particularly the case for patrons who are resident in the hotel, and will not be associated with dispersal on the street, or congregation in town centre hot spots. We will have professional service and monitoring of the outdoor area: alcohol will only be served in the outdoor area by waiter/waitress service, which allows a heightened level of scrutiny of customers placing further orders, as to whether they have had too much to drink and should be declined service. This will be enforced by recruitment of suitable staff who will be carefully trained in their responsibilities.

The proposal by Mr Daly relating to restricting us in serving late night refreshment to residents in their rooms is not necessary, as this would be covered by the hotel's licence, as the supply takes place at the point of delivery to the customer in the room.

The contentious condition identified by Mr Daly from the minor variation proposed by Palms Hotel concerning customers bringing their own alcohol would not be applicable to our licence and does not appear on our operating schedule.

We do not object to having a noise control device in the restaurant, and indeed, there is already a device in situ. However, we have no intention of having regulated entertainment in the restaurant, and so this should be extraneous to requirement.

We hope that we have been able to provide some clarity to this application and we look forward to attending the hearing with our Counsel, Sarah Clover to answer any questions.

**19 January
2026**

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