

Licensing Sub-Committee (Reconvened from 13 December 2016)

Monday 6 March 2017

1.00 pm (or at the rise of the 10am meeting, whichever is later)

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Sunny Lambe

Reserves

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 24 February 2017



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Licensing Sub-Committee (Reconvened from 13 December 2016)

Monday 6 March 2017

1.00 pm (or at the rise of the 10am meeting, whichever is later)

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: THE CLF ART CAFÉ, UNIT A1, A2, & A3, AG1, BASEMENT A, THE BUSSEY BUILDING, COPELAND PARK, 133 COPELAND ROAD, LONDON SE15 3SN	1 - 121
	ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.	

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: 24 February 2017

Item No. 5.	Classification: Open	Date: 6 March 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN	
Ward(s) or groups affected:		The Lane	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by an other person under Section 51 of the Licensing Act 2003 for a review of the premises licence held by Michael Smith and Saija Marjaana Kamarainen in respect of the premises known as The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN.
2. Notes:
 - a) The grounds for the review are stated in paragraph 13 of this report. A copy of the premises licence review application is attached as Appendix A.
 - b) The application is supported in representations submitted by four responsible authorities. Copies of the representations are attached in Appendix B. Details of the representations are provided in paragraphs 15 to 21 of this report.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix C.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to:
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The premises licence allows the provision of licensable activities as follows:
 - Regulated entertainment and the sale of alcohol to be consumed on the premises:

Sunday to Wednesday	between 09:00 and 23:00
Thursday	between 09:00 and 02:30 the following day
Friday and Saturday	between 09:00 and 06:00 the following day

 - Late night refreshment:

Thursday	between 23:00 and 02:30 the following day
Friday and Saturday	between 23:00 and 05:00 the following day

 - Opening hours:

Sunday to Wednesday	between 09:00 and 23:00
Thursday	between 09:00 and 02:30 the following day

Friday and Saturday between 09:00 & 06:00 the following day.

10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as Appendix C.

Designated premises supervisor (DPS)

11. The current designated premises supervisor (DPS) named on the licence is Saija Marjaana Kamarainen.

The review application

12. On 17 October 2016, an application was made on by an 'other person' under Section 51 of the Licensing Act 2003, for the review of the premises licence held by The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN.
13. The review application was submitted in respect of the prevention of public nuisance licensing objective on the grounds that:
 - The premises give rise to public nuisance. The nuisance is due to the constant noise pollution caused by drunken very noisy customers.
 - This nuisance is elevated by the fact that this night club has a licence until 6am in the morning, both Saturday and Sunday mornings and also on bank holiday Monday mornings.
 - The applicant states that the nuisance impinges the applicant's, and the applicant's family's human rights, in particular the "right not to have one's home life interfered with and the right to respect for one's established family life."
 - The ongoing noise pollution from this building going on till 6am in the morning is excessive.
 - The applicant wants the opening times of the premises reviewed.
 - The applicant states that the applicant cannot open windows or patios doors at their residence in summer months and that the noise from music and customers screaming and shouting in a narrow pathway right next door to the applicant's bedroom goes on 'till 6-7am.
 - The premises are situated right next door to a built up housing complex. The applicant feels that the premises opening hours are excessive.
 - Calls to the council's Noise and Nuisance Team have not addressed the problem.
14. A copy of the review application is attached as Appendix A.

Representations from responsible authorities

15. This council's planning department, public health directorate, environmental protection team and licensing responsible authority have submitted representations in respect of the review.
16. The planning department's representation refers to planning permission granted in respect of the premises and that there have been no complaints since 2009 when the first planning application was approved. The officer also advises that whilst the acceptability of an entertainment use at this location has been established, to operate as intended and not cause harm to amenity the conditions placed on the planning permission need to be discharged. The planning department will open a case in respect of the failure to discharge planning conditions. It is requested that the operator be required to demonstrate the adequacy of or a scheme of improvement of sound insulation and ventilation.
17. The public health directorate representation expresses concern over the events alleged to have taken place and concern that a local resident claims to have been extensively disturbed by the premises. The public health directorate supports the application to review the premises licence issued in respect of the premises.
18. The environmental protection team's representation supports the review application in respect of the prevention of public nuisance licensing objective. The representation notes that the premises are in the Peckham cumulative impact policy (CIP) area and also refers to the closing times suggested in this council's statement of licensing policy for nightclubs in the area that the premises are located in. The representation refers to a warning letter sent to the premises' licensees in respect of allegations of noise nuisance attributed as emanating from the premises, an instance of statutory nuisance being witnessed at the premises and a warning letter sent to the premises' licensees in regards to the statutory nuisance witnessed. The representation notes that the premises do not have planning permission to operate as a nightclub. The representation refers to various complaints submitted by the review applicant in respect of the premises. The environmental protection team recommend that the hours of operation permitted in respect of the premises are reduced to those suggested in the statement of licensing policy for public houses (as the premises is without sui generis planning permission) in the area, that the hours permitted for regulated entertainment be reduced and that regulated entertainment is not permitted after 22:00 unless various planning conditions have been discharged.
19. The licensing responsible authority's representation has been submitted in respect of the prevention of public nuisance licensing objective. The representation states that there have been several complaints to the licensing unit regarding noise and anti-social behaviour from the patrons of the premises. In spite of the management of the premises being given advice and warnings from council officers, they have not rectified these issues and do not appear to have any control of their patrons in the outside courtyard of the premises." The representation also notes that the premises are in the Peckham Cumulative Impact Policy (CIP) area and states that "...the licensing sub committee may want to consider bringing the hours of operation in line with that of the hours recommended within the Southwark Statement of licensing policy..." The representation fully supports the review application.
20. Copies of the representations and related correspondence are attached to this report as Appendix B.

Representations from other persons

21. No representations have been submitted by other persons.

Operating history

22. A premises licence (number 832624) was issued in respect of the premises on 15 September 2010. It allowed for the same licensable activities as permitted by the current premises licence, however with earlier terminal hours in respect of those licensable activities (Monday to Thursday – 23:00, Friday and Saturday – 02:00 and Sunday – 22:00). The licence was stopped on 25 April 2013. The current premises licence in respect of the premises was issued in 15 August 2014.
23. An application for a new premises licence was submitted on 10 April 2012. A premises licence (number 837671) was issued on 6 June 2012. Licence 837671 ran concurrently with licence number 832624 until 25 April 2013 when licence number 832624 was stopped. Licence number 837671 allowed for the provision of licensable activities with terminal hours as per the current premises licence.
24. On 23 June 2014 an application to vary licence 837671 was submitted. The application sought to include the basement area of the premises (known as 'Rye Wax') into the licensable area of the premises and also to amend various licence conditions. Subsequent to the application the current licence (number 845207) was issued on 15 August 2014.
25. On 13 July 2016 an application was submitted to vary licence 845207 by removing and amending various licence conditions. The application was subject to representations. A licensing sub-committee hearing was scheduled to determine the application but was adjourned twice to facilitate conciliation of the representations. All representations were conciliated on 1 December 2016 licence number 854693 was issued. Licence number 854693 is the current and only premises licence issued in respect of the premises.
26. On 17 October 2016, an application was made on by an other person under Section 51 of the Licensing Act 2003, for the review of the premises licence held by The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN. The grounds for the review are given in paragraph 13 above.
27. On 13 December 2016 a licensing sub-committee hearing was held to determine the review application that is the subject of this report. The Licensing Sub Committee decided to adjourn the hearing until 6 March 2017 so that the council's Environmental Protection Team could inspect the premises as directed by the sub-committee and provide an acoustic report. The notice of adjournment is attached as appendix D.
28. A copy of the environmental protection team's acoustic report is attached as appendix E.
29. A list of all temporary event notices submitted in respect of the premises is attached in Appendix F.

30. A list of all night time visits to the premises by licensing officers is attached in Appendix G.

Noise complaints in respect of the premises

31. On 2 July 2012 a local resident complained to the licensing unit about noise nuisance caused during an event that took place on the roof of the premises on 31 June 2012. The complainant was advised of the council's noise and nuisance team service. The complainant was also advised that the noise and nuisance team had attended the premises to investigate another complaint about the same event, but that the noise and nuisance team had not witnessed any nuisance arising from the event.
32. On 2 July 2012 a different local resident complained to the licensing unit about noise nuisance caused during the event that took place on the roof of the premises on 31 June 2012. In response to the complaint visits to the premises by licensing officers were undertaken on 9 and 10 November 2012. Details of these visits are in Appendix E.
33. On 23 April 2015 a complaint relating to continued noise nuisance arising due to the operation of the premises was submitted to the council's environmental protection team by the review applicant. The complaint was copied to the licensing unit for informative purposes. In response to the complaint visits to the premises by licensing officers were undertaken on 24 April 2015 and 9 May 2015. Details of these visits are in Appendix E.
34. On 22 May 2015 the review applicant contacted the licensing unit to inform the licensing unit that the review applicant was still experiencing noise nuisance caused by the operation of the premises. The review applicant also enquired as to how a licence was granted to the premises. The review applicant was advised as to the premises licence application procedure, given details of the noise and nuisance team service, provided with advice as to the licence review procedure, provided with advice as to taking private legal action in respect of noise nuisance and also given advice on licensing enforcement and the temporary event notice procedure. In response to the complaint visits to the premises by licensing officers were undertaken between 23 May 2015 and 5 September 2015. Details of these visits are in Appendix E.
35. On 7 September 2015 the review applicant contacted the environmental protection team and the noise and nuisance team to inform them that the review applicant was still experiencing noise nuisance caused by the operation of the premises. This complaint was copied to the licensing unit. Two visits to the premises by licensing officers were undertaken on 13 September 2015. Details of these visits are in Appendix E.
36. During the visits of 13 September 2015 breaches of licence conditions 313, 345 and 354 were noted. The licensees were invited to, and attended, an interview under caution in accordance with the Police and Criminal Evidence Act 1984 on 15 October 2016 to discuss the breaches of licence. The licensees gave an undertaking to install an acoustic baffle in the courtyard area of the premises and to vary the premises licence to remove and amend various licence conditions. The purpose of the acoustic baffle would be to attenuate noise caused by patrons in the courtyard. No further action was taken in regards to the breached licence conditions. (**N.B.** – an acoustic baffle has been installed in the courtyard area of the premises but its

acoustic attenuation properties (if any) are unknown. An application to vary the premises licence was submitted on 13 July 2016 as per paragraph 25 above). In response to the continued complaint visits to the premises by licensing officers were undertaken between 19 September and 5 November 2016. Details of these visits are in Appendix E.

37. On 17 October 2016, an application was made on by an other person under Section 51 of the Licensing Act 2003, for the review of the premises licence held by The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN. The grounds for the review are given in paragraph 13 above.

The local area

38. A map of the area is attached to this report as Appendix H. The premises are identified by a black diamond at the centre of the map. The following licensed premises are also shown on the map:

- **PECKHAMPLEX, 95A Rye Lane, London SE15 4ST** licensed for:

The provision of films on Sunday to Thursday between 09:00 and 00:00 (midnight) and on Friday and Saturday between 09:00 and 02:00

Sale of alcohol to be consumed on the premises on Monday to Thursday between 14:00 and 22:00 and on Friday to Sunday between 12:00 and 23:00.

- **Roof B (Bussey Building), 133 Copeland Road, London SE15 3SN** licensed for:

The sale of alcohol to be consumed on the premises on Monday to Friday between 17:00 and 22:30 and on Saturday between 12:00 and 22:30

The provision of films on Monday to Sunday between 12:00 and 00:00

The provision of live music on Monday to Sunday between 12:00 and 22:00

The provision of plays on Monday to Sunday between 12:00 and 23:00.

- **Forza Win Ltd, Unit 4.1, Copeland Industrial Park, 133 Copeland Road, London SE15 3SN** licensed for:

The sale of alcohol to be consumed on the premises on Wednesday to Saturday between 12:00 and 23:30 and on Saturday between 12:00 and 22:30.

- **The Last Refuge Arts, 133 Unit, 9a Copeland Road, London SE15 3SN** licensed for:

The provision of films on Monday to Friday between 18:00 and 00:00 and on Saturday and Sunday between 12:00 and 00:00

The sale of alcohol and the provision of live music and recorded music on Monday to Friday between 17:30 and 00:00 and on Saturday and Sunday between 14:30 and 00:00

The provision of plays on Monday to Friday between 19:30 and 22:30 and on Saturday and Sunday between 14:30 and 22:30.

- **Frank's Café, Levels 9 & 10, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4ST** licensed for:

The sale of alcohol to be consumed on the premises on Monday to Sunday between 11:00 and 23:00.

- **Frank's Café, Levels 7 & 8, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4ST** licensed for:

The sale of alcohol to be consumed on the premises Tuesday to Friday 17:00 to 23:00 Saturday 12:00 to 23:00 and Sunday 12:00 to 22:00.

- **Bold Tendencies, Levels 7 & 8, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4ST** licensed for:

The provision of live and recorded music to Friday 17:00 to 23:00 Saturday 12:00 to 23:00 and Sunday 12:00 to 22:00.

- **Rye Express, 137-139 Unit 1 Rye Lane, London SE15 4ST** licensed for:

The sale of alcohol to be consumed off the premises Monday to Sunday 08:00 to 00:00.

- **John The Unicorn, 157-159 Rye Lane, London SE15 4TL** licensed for:

The sale of alcohol to be consumed on the premises Sunday to Thursday 11:00 to 00:00 and Friday to Saturday 11:00 to 01:00

The provision of late night refreshment Sunday to Thursday 23:00 to 00:00 and Friday to Saturday 23:00 to 01:00.

- **Iceland Frozen Foods, 74 Rye Lane, London SE15 5DQ** licensed for:

The sale of alcohol to be consumed off the premises Monday to Saturday 08:00 to 23:00 and Friday to Saturday 10:00 to 22:30.

- **Ali Baba Bar, 133 Copeland Road, London SE15 3SN** licensed for:

The sale of alcohol to be consumed on the premises Friday 16:00 to 22:45 and Saturday and Sunday 12:00 to 22:45

The provision of live and recorded music Friday and Saturday 18:00 to 23:00 and on Sunday 12:00 to 22:30.

Southwark council saturation policy for Peckham

39. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011. This was renewed in November 2015 when full council assembly approved the 2016 - 2020 statement of licensing policy.

40. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
41. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
42. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

43. Council assembly approved Southwark's statement of licensing policy 2016 - 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 - Purpose and Scope of the Policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
 - Section 5 - Determining Applications for Premises Licences and Club Premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 - Local Cumulative Impact Policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 - Hours of Operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 - The Prevention of Crime and Disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 - Public Safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 - The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 - The Protection of Children from Harm. This provides general guidance on the promotion of the fourth licensing objective.
44. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining

applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

45. Within Southwark's statement of licensing policy 2016 - 2020, the premises are identified as being within the Peckham major town centre area. The closing times recommended in the statement of licensing policy for the Peckham major town centre area are as follows for the types of premises stated:

- **Restaurants and cafes**
Friday and Saturday 01:00
Sunday to Thursday 00:00
- **Public Houses / wine bars**
Friday and Saturday 01:00
Sunday to Thursday 00:00
- **Nightclubs (with 'sui generis planning permission)**
Friday and Saturday 03:00
Monday to Thursday 01:00
Sunday 00:00.

Resource implications

46. There is no fee associated with this type of application.

Consultation

47. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

Community impact statement

48. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

49. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

50. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

51. Under Section 52 of the Licensing Act, the licensing authority must hold a hearing to determine the review and any relevant representations.

52. The four licensing objectives are:
- The prevention of crime and disorder
 - The protection of public safety
 - The prevention of nuisance
 - The protection of children from harm.
53. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence.
54. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
 - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
 - Have not been withdrawn
 - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
55. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
56. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
57. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
58. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

59. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
 - The applicant
 - Any person who made relevant representations

- The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

60. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant:
 - To the particular application before the committee, and
 - The licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
61. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the licensing sub-committee

62. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
63. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing

of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.

64. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
65. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
66. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
67. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
68. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
69. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

70. Members are required to have regard to the Home Office guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Strategic Director of Finance and Governance

71. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 Home Office Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Copies of the representations and related correspondence submitted by responsible authorities
Appendix C	Copy of the current premises licence
Appendix D	Copy of notice of Adjournment
Appendix E	Copy of environmental protection team acoustic report
Appendix F	Details of licensing visits to the premises
Appendix G	Details of temporary event notices submitted in respect of the premises
Appendix H	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	22 February 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	22 February 2017	

17/10/2016

Application for a review of a premises licence or club premises certificate under the Licensing Act
Ref No. 695902

Please enter the name of the applicant who is applying for the review of a premises licence under section 51/apply for a review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises

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Postal address of premises or club premises, or if none, ordnance survey map reference or description

Address Line 1	The CLF Art Cafe, Units A1, A2, A3, AG1 & Basement A, The Bussey Building
Address Line 2	Copeland Park, 133 Copeland Road
Town	London
County	
Post code	SE15 3SN
Ordnance survey map reference or description	

Name of premises licence holder or club holding club premises certificate (if known)

	Michael Smith & Saija Kamarainen
--	----------------------------------

Name of premises licence or club premises certificate (if known)

	The CLF Art Cafe
--	------------------

I am

	1) an individual, body or business which is not a responsible authority (please read guidance note 1)
--	---

This application to review relates to the following licensing objective(s)

	Please check one or more boxes if appropriate
	3) the prevention of public nuisance

Please state the ground(s) for review (please read guidance note 2)

	<p>The CLF Art Cafe night club situated ki the Bussey Building causes a public nuisance. The nuisance is due to the constant noise pollution which is caused by drunken very noisy punters . This nuisance to us is elevated by the fact that this night club has a licence till 6am in the morning , both Saturday and Sunday mornings including bank holiday Monday mornings at times when applicable .</p> <p>This I feel is not only a nuisance as listed above but I feel it impinges on mine and my family Human Rights . Article 8 Respect for my home , article 8 states " right not to have one's home life interfered with . And the right to respect for one's established family life .</p> <p>I strongy feel that the ongoing noise pollution from this building going on till 6am in the morning is excesssive and cruel . I want the opening times reviewed please . We ned some respite and need to have our windows and patio doors open as and when required. We have just suffered a summer of hell , not being able to have my bedroom window open or patio even she it was very hot . The noise from music and punteres screaming and shouting in a narrow pathway right next door to my bedroom goes on till 6-7am .</p>
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Please provide as much information as possible to support the application (please read guidance note 3)

	<p>I have suffered gong on nearly three years now with this situation. I cannot beleive that a council has allowed this to go on. I have tried everything, noise pollution team visiting my address. Constant calls to on call noise pollution services. Liaising with the council noise pollution, environmental teams constantly. Contacting Mr Mickey Smith directly to discuss without success. It is like living in purgatory with no let up. The night club is situated right next door to a built up housing complex I can visibly see the night club from my bedroom window. I want the license hours reviewed I feel that the license opening hours are excessive. Noise pollution team came out to review the noise pollution issues and found that they were in breach of the license from this view point and it took months for The Art Cafe to apply some sound proofing, which does not filter out any noise. The noise pollution is still as bad.</p>
--	---

Have you made an application for review relating to this premises before?

	No
--	----

If yes, please state the date of the application

--	--

If you have made representations before relating to these premises please state what they were and when you made them

--	--

Checklist

	<p>I understand that if I do not comply with the above requirements my application will be rejected. I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate</p>
--	--

Declaration - Full name of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant and please state in what capacity.

Applicant Full Name	[REDACTED]
Applicant's Solicitor/Other duly authorised agent Full name	
Date	17/10/2016
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 4)

Full name	[REDACTED]
-----------	------------

Address (please read guidance note 4)

Address Line 1	[REDACTED]
Address Line 2	[REDACTED]
Town	[REDACTED]
County	[REDACTED]
Post code	[REDACTED]
Telephone number (if any)	[REDACTED]
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	[REDACTED]

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

**Chief executive's department**

Planning division
 5th floor, hub 2
 PO Box 64529
 LONDON SE1P 5LX

EH & TS Licensing Unit
 Hub 2 3rd Floor Tooley Street

X

Your Ref:

Our Ref: 16-CE-00975

Contact: Gavin Blackburn

Telephone: 020 7525 7007

Fax: 020 3357 3101

E-Mail: planning.enquiries@southwark.gov.uk

Web Site: <http://www.southwark.gov.uk>

Date: 04/11/2016

Dear Sir/Madam

Premises Licensing re:

THE CLF ART CAFE, 133 COPELAND ROAD, LONDON, SE15 3SN

Summary description: Review of licence

Date Received: 11/10/2016

The planning status of the Bussey building Block A is that it received planning permission in 2009 and that its hours of operation were varied in 2012 under reference 12/AP/1160. The wording of that later permission is slightly confused because the earlier permission including the originally permitted hours are repeated in the development description.

The use of the premises is permitted as a mixed use of a bar, theatre, exhibition space, sandwich bar and TV/web production suite. These uses were permitted from the ground to the third floor of the building

The permitted hours of use are 9-11pm Mon-Wed, 9- 2:30am Thursday 9-6:00am Friday Saturday and bank holidays and 9 to 10pm Sunday.

Conditions were imposed in respect of submitting noise insulation to be fitted to the southern elevation and a scheme of internal ventilation. Those conditions have not been discharged so the planning permission has not been complied with. It is not known what the current arrangements for noise insulation and ventilation are.

The planning department has not received any compliant since 2009 which was made prior to the first application being approved. The acceptability of an entertainment use at this location has been established. However, to operate as intended and not cause harm to amenity the conditions placed on the planning permission need to be discharged. The planning department will open a case in respect of the failure to discharge planning conditions. It is requested that the operator be required to demonstrate the adequacy of or a scheme of improvement of sound insulation and ventilation.

Yours faithfully

Gavin Blackburn

Senior Enforcement Officer

From: Sharpe, Carolyn On Behalf Of Public Health Licensing
Sent: Wednesday, November 09, 2016 1:51 PM
To: Regen, Licensing
Subject: RE: The CLF Art Cafe 133 Copeland Road,, Bussey Building, Copeland Park, London Ido 7/11/2016

To whom it may concern:

Re: Bussey Building, 133 Copeland Road, London SE15 3SN

On behalf of the Acting Director of Public Health for Southwark (a responsible authority under the Licensing Act 2003) I wish to express my concern over the alleged events to have taken place at The Bussey Building. A local resident claims to have been extensively disturbed by this premises. This premises holds a licence until 06:00 on both Fridays and Saturdays as well as Bank holidays and is located adjacent to a residential area.

Therefore I support that the licence for The Bussey Building be reviewed.

If you have any further questions, please do not hesitate to contact me.

Yours faithfully,

Carolyn Sharpe

on behalf of Dr Jin Lim, Acting Director of Public Health

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 02075250025
Public Health Officer (People & Health Intelligence), London Borough
of Southwark, 160 Tooley Street, London SE1 2QH

From: Newman, Paul
Sent: Monday, November 14, 2016 3:41 PM
To: McArthur, Wesley
Cc: Tahir, Sarah; Blackburn, Gavin; Tear, Jayne; Ogden, Ian
Subject: RE: Application for a review - The CLF Art Cafe, Units A1, A2, A3, AG1 & Basement A, The Bussey Building, 133 Copeland Road, London, SE15 3SN (our ref: L1U 856091)

Hi Wesley and Sarah

Thank you for a copy of the application to review the premises licence at CLF Art Café, received from a local resident ('the applicant').

Please note that I have blind copied (Bcc) both the applicant and the premises licence holder into this email.

Having reviewed the history of the premises, I wish to support the application for review, on the grounds of prevention of public nuisance.

The application claims the premises are being operated as a night club, and are causing noise nuisance. It also says the current hours, until 6am are excessively long, and this also causes noise and disturbance until 7am, from patrons leaving.

The premises are situated within the Peckham Cumulative Impact Policy (CIP) area, which applies to use of premises as a nightclub. This implies that the environmental impact of nightclubs and other premises to which the CIP applies, is already at saturation level in this area.

The sub committee will also wish to note their parent committee's Statement of Licensing Policy, which says that closing time for Night Clubs (with sui generis planning classification) are Monday to Thursday 1am, 3am for Friday and Saturday, and midnight on Sunday.

The sub committee may wish to note that the premises do not appear to have sui generis planning consent for use as a nightclub. The premises is permitted since 2009 to be used as a mixed use bar, theatre, exhibition space, sandwich bar, and TV/web production suite. These uses are permitted from the ground to the third floor of the building. The permitted planning hours of these uses are 9-11pm Mon-Wed, 9- 2:30am Thursday 9-6:00am Friday Saturday and bank holidays, and 9 to 10pm Sunday.

Without sui generis planning permission for use as a nightclub, the Statement of Licensing Policy indicates these premises should be treated as a drinking establishment for alcohol licensing purposes. The closing time for Public Houses, Wine bars, or other drinking establishments is 11pm from Sunday to Thursday, and midnight on Friday and Saturday.

Uses as a theatre and TV/web production suite imply use of amplified sound during performances and productions. In my opinion it will be appropriate to require the premises owner to submit a scheme of noise insulation to be fitted to the southern elevation, and a scheme of internal ventilation before the authorised use continues, as is in fact required by an as yet still undischarged condition of the 2009 planning consent.

To be satisfactory, I would wish to see the report of a professionally qualified acoustic consultant, with measurements and calculations, that demonstrate that the scheme of insulation will be sufficiently effective such that activities from the building will have no impact on nearby residential

premises, such as that occupied by the applicant for this review. I would expect this to include, among other mitigating measures, a sound limiting device on each floor.

I note that the applicant says that she has tried everything, including visits from noise pollution team, constant calls to the noise pollution service, and constant liaison with the council environmental team. Please see below a record of complaints received by environmental health and noise teams from the applicant on this matter, which indicates the extent to which we are able to confirm these claims.

- On 17 April 2015 at 13.42 hrs a complaint was received from the applicant. During a subsequent telephone conversation on 20 April 2015, the applicant stated that she has been experiencing ongoing noise issues from this licenced premises. According to customer the club operates until 04.00 Hrs. Customer stated that noise from people congregating outside to smoke and drink affects her sleep. Complainant also alleged that noise of a P.A system from Church services on Sundays has also disturbed her. Following this complaint, an advisory letter was sent to the premises on 25 April, copy attached.
- On 23rd April 2015 at 11.46 a complaint was received from the applicant stating that there is noise from large numbers of patrons using the smoking area and a 'boom boom' noise from club, which she said she has to suffer from 9 pm on Friday nights, until as late as 5 am on Saturday morning, and from 9 pm Saturday night until 6am Sunday morning. Additionally on Bank Holiday weekends from 9 pm on Sunday until 6 am on Monday. She said the noise from the club was disturbing her sleep and causing depression, and impacting her working life. The complainant said she had had a recent argument with the premises licence holder over the use of an angle grinder. Colleagues advised that household do not contact licensee directly as the complainant and her husband were not sure they could stay calm. Colleagues sent details of the Premises licence to the complainant, and passed details of the complaint for information to noise & NTE team.
- At 1.30 am approximately on Sunday 26 April 2015, the applicant called the out of hours noise service, unfortunately the officer was not able to return the call, due to the applicant's line not accepting number withheld calls. The officer called a mobile number twice at 3.35 am and 3.45 am, but this was not answered, and a voice message was left on both occasions.
- At 4.46 am on Sunday 26 April 2015, the applicant sent an email to Environmental Protection Team and NNT officers, complaining that she had been woken at 1 am approximately by music and patron noise from the venue, and setting out her experience of attempting to contact the NNT officers. In her view, persons using the smoking area were predominantly not using the area for smoking, they were using the outdoor area for nightclub activities (she described this as 'partying and raving').
- On Thursday 30 April the applicant also complained about activities at an open air cinema on the roof of the Bussey building, in breach of the licence for that premises. It should be noted that this is a separate licence, not forming part of the CLF Arts Café.
- On Saturday 2nd May 2015 the applicant called the NNT, and two officers attended the premises at approximately 11.30 pm. At 12.25am a noise officer made an assessment at the applicant's sleeping accommodation with windows both open and closed. Noise was audible from crowds of up to 150 people smoking and drinking outside the Bussey Building consisting of occasional screaming, shouting, loud talking and general movement. Noise was

audible with windows closed. The music noise was sometimes audible, but sporadic. Officers were of the opinion that the noise amounted to a statutory nuisance, and this resulted in a formal warning letter from the noise team, sent on 20th May (copy attached).

- At 4.49 am on Saturday 9 May 2015 the applicant again sent an email to Environmental Protection Team, saying that she had not been able to sleep that night due to music and crowd noise from activities at the CLF Art Café, and that she was finding this very distressing. She said the music noise had been turned up louder than usual. It is noted from our records that officers had attended at 10.45pm and had told the sound engineer that the music was potentially too loud, and that the engineer should conduct external sound checks for noise breakout as the event continued.
- On Sunday 10th May the applicant sent an email saying she had not been able to sleep that weekend, and that the music noise had included people blowing party whistles, and beating drums. Two members of the noise team had attended at 1am, unfortunately this coincided with a break in the music, although the crowd noise was still obvious, including a rendition of 'happy birthday'. Music commenced again after the noise team left, and continued until 6am. She said that yet again her weekend was ruined as a result. She said she would collect petition signatures from other residents who were also disturbed. I am unable to find any record of this petition ever being forwarded to Southwark, and no copy of any such petition has been made available to me, and I am unable to comment on whether this petition was in fact ever collected, or how many other people signed it.
- On Sunday 17th May 2015 at the applicant sent an email to EPT and NNT officers saying there was very loud music and loud crowd noise coming from the Bussey Building.
- On 23 May 2015 between 12.22 am and 12.40 am there was an exchange of text messages between NTE officers and the applicant as NTE officers tried to arrange a visit. In her reply the applicant said she had been awake since 4am the day before, and wanted to try and get some sleep. Later on that morning the NTE officers visited at 2.30am and observed CLF Art Café patrons drinking in the courtyard in breach of the premises licence conditions, and a warning letter was sent by the Licensing Team in response.
- On 24 May 2015 between 2am and 4am there was an exchange of text messages between the applicant and NTE officers. The applicant was unable to give access to her flat as her husband was unwell and needed to rest. The applicant said the music and crowd noise was as loud as ever.
- On 28 May 2015, the applicant sent an email to EPT officers, saying that she was concerned that the likely disturbance in the coming weekend would cause her 2 more consecutive nights without sleep, and said that the lack of sleep was contributing to her anxiety and stress, and affecting her work.
- On 1 September 2015 the applicant sent an email to EPT officers saying that the noise from the CLF Art Café was continuing, and in addition complaining about the separate roof top venue. She also said that she could hear loud screaming and shouting from actors on stage during the Sunday theatre events held at CLF Art café, as well as loud drum and trumpet noise. Following this complaint, a monitoring visit was made to the premises by Licensing Officers, and an alleged offence was witnessed, leading to warning letters being sent on 1

October 2015, and a subsequent PACE interview on 15 October 2015. I do not have access to the warning letters or transcript of the interview.

- At 1.04am on Friday 16 October 2015, the applicant sent an email to EPT officers, saying she had just logged a call with the noise team, and the operator that took the call agreed he could hear crowd noise from the CLF Art Café down the phone, and agreed it was loud. The operator later reported to NNT officers that the applicant had declined a visit to her premises.
- On Sunday 18 October 2015 at 12.23 am The applicant sent an email to EPT officers saying there was noise in progress from CLF Art Café including loud bass music and crowd noise including screaming and shouting, which she expected to continue until 6am. A NNT officer telephoned the applicant, however the phone would not accept number withheld calls. The officer then called from his private phone, the applicant declined a visit saying she was fed up of officers visiting to tell her how loud or low the noise is in her flat, and she was expecting a planned visit from a Licensing officer in the next week.
- On Saturday 7 November 2015 the applicant wrote an email to EPT officers saying she had been woken at 4am that morning by loud bass music, and very loud screaming and shouting coming from the Bussey building. In this email, the applicant requested a visit to her premises by council officers. In response, the EPT officer repeated their earlier offer to visit if the applicant would kindly let him know her availability.
- On 9 May 2016 at 10am a complaint was received from the applicant about loud music from the CLF Art Café.
- On 16 August 2016, the applicant wrote to the licensing manager saying she had sent numerous e mails to the noise pollution team regarding the constant noise pollution coming from the above venue. She requested the Licensing Manager to address these, and also requested that he review all the Premises Licences in the vicinity. The Licensing Manager replied referring to advice that had been given last year, and saying this had not changed, and offering a meeting at our offices to discuss matters further. The applicant replied saying that the date offered for a meeting was not convenient, and suggesting three alternative dates later in August including 24 August.
- An appointment was arranged on 24 August 2016 to meet the Licensing Manager and myself, unfortunately the applicant had to cancel this appointment. The appointment was re-arranged for 2 September, unfortunately the applicant also had to cancel this appointment. The appointment was rearranged for 16 September, unfortunately the applicant also had to cancel this appointment. The review application was received from the applicant shortly afterwards, without any meeting having taken place.

In summary, EPT recommend;

That the alcohol licensed hours are cut back to the hours indicated for 'Public Houses, Wine bars, or other drinking establishments' by the Statement of Licensing Policy: In the absence of grant of planning consent for sui generis use as a nightclub, the hours for the supply of alcohol should be 11 p.m. on Sunday to Thursday, and midnight on Friday and Saturday.

That the regulated entertainment licensed hours, limited to theatre performances and web/t.v. production, should be limited to 10 p.m. on Sunday, 11 p.m. Monday to Wednesday, 2.30 am

Thursday, and 6 a.m. Fridays, Saturdays and Bank Holidays excluding Christmas Day, Boxing Day, and Good Friday.

That the licence not authorise regulated entertainment after 10 pm on any evening, unless and until the outstanding planning conditions for use as theatre and t.v. web production have been discharged.

The Premises Licence Holder be informed that if they should obtain sui generis planning consent for use of the premises as a nightclub, they may then wish to consider applying to vary their alcohol licensed hours and varying restrictions this sub-committee may see fit to impose, thereby permitting regulated entertainment for nightclub activities. The Premises Licence Holder should expect the hours for alcohol and regulated entertainment for nightclub use to be limited to 1am on Monday to Thursday, 3am on Friday and Saturday, and midnight on Sunday, Christmas Day, Boxing Day, and Good Friday.

Kind regards

Paul Newman
Principal Environmental Health Officer



25 April 2015

Noise & Nuisance Team
Phone - 020 7525 5777
Fax - 020 7525 2378
Our ref: **808784**

Michael Smith
The CLF Art Cafe
Block A Roof Top (Rear Of)
133 Rye Lane
SE15 4ST

Dear, Mr Smith

Re: Environmental Protection Act 1990 and/or the Anti-Social Behaviour, Crime & Policing Act 2014 (from October 2014). Allegation of nuisance –from The CLF Art Cafe Block A Roof Top Rear Of, 133 Rye Lane, London, SE15 4ST

On **17 April 2015 at 13.42 hours** the Council received a complaint alleging that loud music and general anti social noise from shouting was coming from your premises. As a consequence neighbouring residents allege that the noise was causing a nuisance.

On this occasion a nuisance was not witnessed, and no further action will be taken. However, we want to bring this matter to your attention, as you may be unaware that neighbouring premises are complaining. You may also wish to comment on the allegation made.

If further complaints are received, and in the event a nuisance is witnessed, various types of enforcement action may be taken under the above acts. These could include:

- An abatement notice requiring the nuisance to stop. If this type of notice is contravened, legal action may be initiated, and for every proven contravention, a fine up to **£20,000** may be imposed.
- A community protection notice requiring the nuisance to stop. If this type of notice is contravened, legal action may be initiated, and for every proven contravention, a fine up to **£20,000** may be imposed.

Please contact our department should you wish to discuss this matter further.

Yours Sincerely

Curth Henry
Principal Enforcement Officer



20 May 2015

Noise & Nuisance Team
Phone - 020 7525 5762
Our reference: 809774

Ms Saija Marsaawa Kamarainen
The CLF Art Cafe
133 Unit A1, A2, A3, AG1 & Bsmt A
Copeland Road,
SE15 3SN

Dear Ms Kamarainen

RE: ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80
NOISE NUISANCE FROM CLF Art Café 133 Copeland Road SE15

On **3 May 2015 at 00.02 hours** the Council received a complaint alleging that noise generated from the congregation of people within your courtyard was causing a noise nuisance.

I visited in response to the complaint on **3 May 2015 at 00.25 hours** and was satisfied that the level of noise heard was causing a statutory nuisance to your neighbour(s). I confirmed at the time of my visit that there was not any other event in operation within the immediate area of Copeland Road and Rye Lane of which would have had an impact on your neighbouring residents. My colleague, Ms Kwofie, also witnessed a Statutory Nuisance, in response to a complaint on **27 April 2015**, regarding noise nuisance from the congregation of patrons within your court yard area.

We appreciate that due to the nature of the noise nuisance an immediate resolve will not be possible at this juncture.

On 14 May a site visit was arranged to discuss our findings and to consider various options to resolve this matter. I was accompanied by Ms Kwofie and Mr Binya (**Noise Enforcement Officers**).

Various options were discussed in regards to minimizing noise nuisance from the court yard area. Please review your suggested or alternative options, with the aim of producing a plan of action of how you intend to prevent further nuisance from the site within 7 days of this letter. Please note that suggestions or recommendations made will not be directed or endorsed by Southwark Council.

Although we are in a position to serve you with a Noise Abatement Notice, I have taken into consideration your cooperation and willingness to engage with us to find a quick solution to the problem.

As a result of this, the Noise team does not intend to take formal enforcement action at this time. However, I am sending this letter as a warning (which is purely administrative) on the understanding that once the works you proposed have been carried out, that this will be the end of the matter, provided the proposals resolve the problem.

At this point of time, we would like to continue discussing this matter further so as to avoid potential formal action from happening. Therefore I would advise you to take such reasonable steps as may be necessary to prevent any further repetition of the matter raised.

Thank you for your co-operation at the time of our visit and your willingness to achieve a positive resolve.

Yours sincerely



Curth Henry
Principal Enforcement Officer
curth.henry@southwark.gov.uk



18 May 2015

Noise & Nuisance Team
Phone - 020 7525 5762
Our reference: 809774

Mr Michael Smith
The CLF Art Cafe
133 Unit A1, A2, A3, AG1 & Bsmt A
Copeland Road,
SE15 3SN

Dear Mr Smith

RE: ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80
NOISE NUISANCE FROM 133 Copeland Road SE15

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Thank you for your co-operation at the time of our visit and your willingness to achieve a positive resolve.

Yours sincerely



Curth Henry
Principal Enforcement Officer
curth.henry@southwark.gov.uk

MEMO: Licensing Unit

To Licensing Unit **Date** 15 November 2016

Copies

From Jayne Tear **Telephone** 020 7525 0396 **Fax**

Email jayne.tear@southwark.gov.uk

Subject Re: The CLF Art Café, Unit A1, A2, A3, AG1, & Basement, The Bussey Building, Copeland Park, Copeland Road, London, SE15 3SN - Application to review the premises licence.

I write with regards to the above application to review the premises licence submitted by [REDACTED] under the Licensing Act 2003.

The application is submitted under the prevention of public nuisance licensing objective and the grounds for the review are:

'The CLF Art Cafe night club situated in the Bussey Building causes a public nuisance. The nuisance is due to the constant noise pollution which is caused by drunken very noisy punters . This nuisance to us is elevated by the fact that this night club has a licence till 6am in the morning , both Saturday and Sunday mornings including bank holiday Monday mornings at times when applicable . This I feel is not only a nuisance as listed above but I feel it impinges on mine and my family Human Rights . Article 8 Respect for my home, article 8 states " right not to have one's home life interfered with. And the right to respect for one's established family life . I strongly feel that the ongoing noise pollution from this building going on till 6am in the morning is excessive and cruel. I want the opening times reviewed please. We need some respite and need to have our windows and patio doors open as and when required. We have just suffered a summer of hell, not being able to have my bedroom window open or patio even she it was very hot. The noise from music and punters screaming and shouting in a narrow pathway right next door to my bedroom goes on till 6-7am'.

My representation is concerned with the prevention of public nuisance.

There have been several complaints to the licensing unit regarding noise and antisocial behaviour from the patrons of the premises.

In spite of the management of the premises being given advice and warnings from council officers, they have not rectified these issues and do not appear to have any control of their patrons in the outside courtyard of the premises.

Furthermore the premises was described in the past on a previous licensing application as

'The premises are set on levels 1 + 2 within the first Block of CIP House (also known as The Bussey Building). A large mixed use 5000 sqm multi level victorian red brick warehouse, with X3 flat open plan roofs. Situated in Block A, the premises are set on 2 different (predominantly open plan] 280sqm spaces. linked at both ends by double width stone staircases. Main Stairwell 1 leads up to the Block A- 5th floor open plan roof and down to the premises main entrance, private

courtyard (designated smokers area] and (via a 22m long corridor- beneath a victorian building] to Rye lane. The main staircase is used exclusively by the premises for access & egress to and from the Premises, with stairwell 2 used as a fire exit, leading in the opposite direction to Copeland Road. Level 1 of the premises is open plan with a medium sized stage and bar at opposite ends of the space. Level 2 is divided in to times 4 spaces. The first a small conference room with small stage, the second a TV & Web Production Suite, the third [Main Space] an open plan Fringe Theatre [without fixed seating] and the fourth a small lounge bar which services the Fringe Theatre. The building is set alongside a train track and is surrounded by low rise warehouses and at the rear a large private car park which is part of Copeland Industrial Park. The private car park utilised by contractors who service and maintain the premises and CIP House'

It would seem that the premises is now operating as a night club and not as the description above when the licence was granted. The premises is situated within the cumulative impact Zone for the Peckham and the licensing sub committee may want to consider bringing the hours of operation in line with that of the hours recommended within the Southwark Statement of licensing policy, which are:

- Closing time for Public Houses Wine bars or other drinking establishments Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours
- Closing time for Cinemas and Theatres is 02:00 hours daily

I therefore submit this representation in full support of the applicant [REDACTED]

I may provide further supporting information to this representation at a later stage.

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

Licensing Act 2003

Premises Licence



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

854693

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The CLF Art Cafe Unit A1, A2, A3, AG1 & Basement A The Bussey Building Copeland Park 133 Copeland Road	
Ordnance survey map reference (if applicable): 176313534475	
Post town London	Post code SE15 3SN
Telephone number	

Where the licence is time limited the dates
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Licensable activities authorised by the licence
Plays - Indoors Films - Indoors Live Music - Indoors Recorded Music - Indoors Performance of Dance - Indoors Entertainment Similar to live/recorded music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 09:00 - 23:00
Tuesday 09:00 - 23:00
Wednesday 09:00 - 23:00
Thursday 09:00 - 02:30
Friday 09:00 - 06:00
Saturday 09:00 - 06:00

Sunday	09:00 - 23:00
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Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2 of the full premises licence

Plays - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

Films - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

Live Music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

Recorded Music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

Performance of Dance - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

Entertainment Similar to live/recorded music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00

Sunday	09:00 - 23:00
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Late Night Refreshment - Indoors

Thursday	23:00 - 02:30
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Friday	23:00 - 06:00
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Saturday	23:00 - 06:00
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Sale by retail of alcohol to be consumed on premises

Monday	09:00 - 23:00
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Tuesday	09:00 - 23:00
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Wednesday	09:00 - 23:00
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Thursday	09:00 - 02:30
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Friday	09:00 - 06:00
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Saturday	09:00 - 06:00
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Sunday	09:00 - 23:00
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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Michael Smith

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Saija Kamarainen

[REDACTED]
[REDACTED]
[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Saija Kamarainen

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No.: [REDACTED]

Authority: [REDACTED]

Licence Issue date: 01/12/2016

Head of Regulatory Services
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

102 The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself.

485 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

487 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of

alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a

change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

4AA The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

4AB All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

4AC Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.

4AI A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

112 This licence allows for the premises to remain open for non standard timings as stated on the days below. During new years eve and August Bank Holiday weekends, the premises will be open no later than 06:00 (August BH) and 06:00 (New years eve).

113 This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following days: During new years eve and August Bank Holiday weekends, the premises will be open no later than 06:00 (August BH) and 06:00 (New years eve).

114 This licence allows for the premises to extend the following licensable activities for non standard timings as stated below on the following days: Plays, films, live music, recorded music, performance of dance, facilities for making music and facilities for dancing: During new years eve and August Bank Holiday weekends, the premises will be open no later than 06:00 (August BH) and 06:00 (New years eve).

115 This licence allows for the premises for the provision of late night refreshment for non standard timings stated below on the following days: During new years eve and August Bank Holiday weekends, the premises will be open no later than 06:00 (August BH) and 06:00 (New years eve).

156 All SIA Staff are required to record their details, including SIA Badge number, in a booking on/off register.

162 A security search of the premises is conducted prior to opening to the public and a record kept of who conducted the search.

288 That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.

289 That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council.

290 That SIA registered door supervisor, one of whom shall be a female, shall be employed at all times after 22.00hrs until the terminal hour. This requirement is restricted to days when the premises licence permits

operation past 23.00hrs i.e. Friday/Saturday/Sunday and any days for non standard timings. SIA door supervisors shall be provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded..

298 That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry, Management reserve the right to refuse entry'.

302 That all matters relating to drugs shall be in accordance with any current Metropolitan Police Service guidance in relation to drugs in nightclub / entertainment venues. A copy of any such guidance shall be kept at the premises and be made available / accessible to officers of the council or police immediately on request.

303 That the licensee shall require any regular and external promoters, or any other 3rd parties hiring the premises, to complete the 'Promotion Event Risk Assessment - Form 696' (or equivalent) provided by Southwark Police Licensing Unit and, once completed, the licensee shall ensure that a copy of the form is provided to the central police licensing unit as detailed on the form and also to Southwark Police Licensing Unit a minimum of fourteen days prior to the date of the event.

307 That the maximum number of persons that may be accommodated at the premises at any one time shall not exceed 1050 as follows:

Basement: 100

Ground floor: 50

First (1st) floor: 350

Second (2nd) floor: 300

Third (3rd) floor: 250

311 That suitable notices shall be displayed and announcements made requesting people to leave the premises in quiet and orderly manner so as not to disturb local residents.

313 Ground Floor Front (SW) Court Yard

- No amplified music or speech be permitted to be performed on or broadcast on to courtyard
- No artificial lighting other than that to facilitate the safe passage of patrons to, from and on the courtyard
- That the courtyard shall be closed to patrons by 02:00 on each day, but thereafter may be used as a smoking area. No drinks are to be permitted in the courtyard after 02:00

336 That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.

340 That the Premises Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch Scheme should there be one in existence for the area in which the premises is located.

341 Basement, Ground, First (1st), Second (2nd) and Third (3rd) floors of the premises:

a) That each of the above floors is equipped with adequate and sound insulated means of extract ventilation

and replacement air.

b) That permanent sound limiting devices (or other similar sound limiting equipment) shall be installed on each of the above floors and shall be in use at all times that amplified sound is provided on any of the above floors.

c) That the sound limiting devices (or other similar sound limiting equipment) are calibrated so that amplified sound at the premises does not give rise to public or statutory nuisance.

d) That any temporary or permanent amplification system(s) and any amplified instrument(s) used on any of the above floors shall be connected to the sound limiter device (or other similar sound limiting equipment) installed on that floor.

e) That no music be played in the theatre lounge / café in the south west corner of the premises.

f) That all north facing windows on the first (1st), second (2nd) and third (3rd) floors of the premises are maintained shut during performance of regulated entertainment.

343 The premises shall enforce a no re-admissions policy after 23:00hrs on weekends and during late night events.

344 A refusal book shall be introduced and details of all refusals recorded.

345 That fixed / fitted seating on the 3rd floor of the premises shall only be temporarily removed or reconfigured during the performance of plays, and not during any other licensable activity except for sales of alcohol and provision of late night refreshment that is ancillary to the performance of a play

346 The promotion, staging or exhibition of works that will cause offence or incite violence shall be avoided.

347 The display, staging or exhibition of sexually explicit material in any form shall be prohibited.

348 Access to the premises shall be restricted to persons under 18 (unless accompanied by an adult). All persons under the age of 18 shall be denied access after 22:00hrs.

349 That only plastic containers and toughened glass shall be used for the serving of beverages after 22:00 during the staging of late night events.

350 A drugs and weapons box shall be provided at the entrance to the premises.

351 That the opening times of the premises shall be displayed at the entrance to the premises.

352 No open containers of alcohol or any other drink shall be taken outside of the premises.

353 The premises shall only use the private courtyard and alleyway as a designated smokers area.

354 That a written dispersal policy shall be devised and be implemented at the premises at all times that the premises are in use in accordance with the Licensing Act 2003. The dispersal policy shall be available / accessible at the premises at all times the premises are in use, and shall be provided immediately to officers of the council or police on request. All staff shall be trained in regards to the dispersal policy. A record of such training shall be kept. The training record shall include the name of the trainer, the name of the trainee, the date of the training and the trainer and trainee's signatures. The training record shall be available / accessible at the premises at all times the premises are in use and shall be provided immediately to officers of the council or police on request.

355 Access shall be denied and no counterfeit products such as alcohol, tobacco, DVDs, CDs will be supplied or sold at the venue.

356 An incident log shall be kept at the premises detailing any problems relating to crime and disorder at the premises.

- 357** That the necessary fire signage shall be clearly displayed and kept in good condition.
- 358** That secondary emergency lighting units, independent from the mains supply shall be provided to THE FIRE EXIT ROUTES AND FIRE EXIT DOORS. The illumination provided by each unit shall be sufficient to enable members of the public to make their way out of the premises in safety at any one time.
- 359** Monthly health, safety and fire prevention meetings shall be hosted with tenants from relevant businesses located in CIP house.
- 360** Sound limiters shall be fitted and set to appropriate levels on all levels to ensure all music is kept to an acceptable and legal level.
- 361** The premises shall use the corridor which connects to the private courtyard for the queuing of customers arriving at the venue to avoid noise disturbance to the surrounding area. The corridor shall also be used to ensure the smooth dispersal of customers leaving the premises.
- 362** First aid kits shall be provided at the premises and all staff shall be trained in basic first aid.
- 363** A premises greeting / security station shall be set up at the private courtyard entrance so as avoiding queuing, admission, security issues.
- 364** All rubbish shall be stored on site at the rear of the venue in the Copeland Road Industrial Park car park. Post operation clean ups and bin collections shall only take place between 08:00hrs and 20:00hrs.
- 365** The front of the premises shall be kept clean and free of rubbish at all times.
- 366** The perimeter of the premises shall be regularly checked to ensure that the premises is not creating public nuisance.
- 367** That a minimum of 1 staff member shall be present per 50 children during the staging of children specific events.
- 368** Irresponsible drinks promotions shall be avoided at the premises.
- 369** There shall be the provision of fire precaution and alarms, training of staff to implement significant findings of risk assessment.
- 370** All child specific films or animation screenings shall be seating only.
- 371** That a policy shall be developed, implemented and continually evolved for keeping children safe from harm. All staff shall be trained to ensure that they are able to implement the policy.
- 372** An accessible complaints system shall be put into place to ensure children are able to report any forms of inappropriate or violent behaviour towards them. This shall include a system to report any issues or concerns relating to the welfare of children to the local police, education authority and/or social services.
- 374** That before the variation to the premises license can take effect, using a qualified sound engineer, the licensee shall set maximum volume and bass levels to ensure that any music, speech or song from licensed entertainment from any/all of the spaces where licensed entertainment is permitted is not audible in nearby residential premises or will cause a public nuisance in the vicinity of the premises.
- 376** That should there be any change to the equipment involved in the broadcast or limiting of sound from licensed entertainment in any of the spaces where licensed entertainment is permitted, the sound limiter/s shall be re-set, using a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible in nearby residential premises or will cause a public nuisance in the vicinity of the premises.
- 377** That all speakers for the broadcast of sound shall be isolated from the structure of the premises by anti-

vibration mountings or mats.

378 That any additional amplification equipment imported on to the premises by third parties shall be connected to and use the sound limited circuit. No additional front-of-house amplification shall be imported onto the premises at any time.

379 That live music performers may bring backline amplification onto the premises subject to the following limitations Guitar amplifiers: no more than one speaker cabinet per performer, containing no more than two speakers of up to 12" diameter. Bass and keyboard amplifiers: no more than one speaker cabinet per performer, containing no more than one speaker of diameter 15", or, no more than two speakers of diameter 12", or, no more than 4 speakers of diameter up to 10".

380 That an adequate and suitable internal ventilation or air cooling system shall be installed in all of the spaces where licensed entertainment is permitted by this licence.

381 That patrons shall not be permitted to take drinks into the smoking area or anywhere outside the premises after 02:00hrs

382 That external waste handling, collections, deliveries (including performers equipment) and the cleaning of external areas shall only occur between the hours of 08:00hrs and 20:00hrs.

383 Suitable and sufficient health and safety risk assessments are carried out which include provisions for dealing with violence and aggression in the premises.

Annex 4 - Plans - Attached

Licence No. 854693
Plan No. N/A
Plan Date 01.11.2013

NOTICE OF ADJOURNMENT**LICENSING SUB-COMMITTEE – 13 DECEMBER 2016**

LICENSING ACT 2003: LICENSING ACT 2003: THE CLF ART CAFÉ, UNIT A1, A2, & A3, AG1, BASEMENT A, THE BUSSEY BUILDING, COPELAND PARK, 133 COPELAND ROAD, LONDON SE15 3SN

1. **Adjournment**

This matter be adjourned part-heard 10.00 am on to 6 March 2017.

2. **Direction**

The Licensing Sub-Committee direct that the premises is to be inspected by Southwark's Environmental Protection Team ("EPT") and an acoustic report is prepared addressing:

- i. Whether sound limiters have been fitted and are working in the premises and if they are set at an appropriate level.
- ii. Whether there has been a change to the equipment involved in the broadcast or the limiting of sound from licensed entertainment and if so, whether the sound limiters have been re-set and to what level.
- iii. The viability of the external acoustic barrier.
- iv. Make any additional recommendations to noise insulation.
- v. The EPT report should be served on the representatives for the premises before 4pm on 27 January 2017.
- vi. Any response to the EPT report should be served on EPT and Licensing Unit before 4pm on 3 March 2017.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 13 December 2016

Version 1.0 – 26 January 2017

Classification: Open	Date: 26 January 2017	Report for information to: Licensing Sub Committee
Report title:	Acoustic report on sound limiters, sound barrier, and other public nuisance noise issues at Chronic Love Foundation Arts Café, the Bussey Building, Copeland Park, 133 Copeland Road, Peckham	
Ward(s) or groups affected:	The Lane	
From:	Paul Newman, Principal Environmental Health Officer	

BACKGROUND INFORMATION

1) This report is produced to fulfil directions in:

Notice of Adjournment, Licensing Committee – 13 December 2016, Licensing Act 2003: The CLF Art Café, Unit A1, A2 and A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN;

1.1 The premises is to be inspected by Southwark's Environmental Protection Team ("EPT")

1.2 An acoustic report is prepared addressing:

- a. Whether sound limiters have been fitted in the premises;
- b. Whether any sound limiters fitted in the premises are working;
- c. Whether sound limiters fitted in the premises are set at an appropriate level;
- d. Whether there has been a change to the equipment involved in the broadcast or limiting of sound from licensed entertainment;
- e. If there has been a change to the equipment involved in the broadcast or limiting of sound from licensed entertainment, whether the sound limiters have been re-set and to what level;
- f. The viability of the external acoustic barrier
- g. Make any additional recommendations to noise insulation.

1.3 The Notice of Adjournment includes requirements as to exchange of information by way of service of copies between the Environmental Health Responsible Authority, and representatives for the Premises Licence Holder.

Version 1.0 – 26 January 2017

- 2) The premises have planning consent to be used for mixed use of a bar, theatre, exhibition space, sandwich bar and TV/web production suite from ground to third floor.
- 3) The de facto use of the premises is predominantly for night club activities. The basement is set up as a club lounge with loose comfortable seating rather than predominantly for dancing, and there is also a record shop counter. The ground floor, while licensed, is not presently used, except for storage. The main dance floor is on the first floor, and the second floor has been divided into two smaller dance floors. There is also a third floor area with fixed raked seating that is used as a 'chill out' area during night club activities, that also has a sound system, and an area of floor between the seating and the sound system that is suitable for use as a smaller dance floor.
 - a) Night club activities require a high internal sound level for commercial success, and the engineer will usually wish to have the maximum sound level that is consistent with protection of the loudspeakers. This level is thought, based on the report issued by Vanguardia, to be around 103 dB(A) internally on the third floor, and is likely to be similar on the other floors.
 - b) In addition to music noise, there is crowd noise during access and egress through the alleyway and courtyard, and from the de facto use of the courtyard and alleyway for smoking, meeting and chill out area.
- 4) There are residential properties in Thalia Court nearby. Figure 2 shows the noise sensitive facades, and the second floor location of the balcony at the applicant for Review's flat. It is approximately 30 metres from the façade of the Bussey building, to the façade of the nearest residential premises.
- 5) Where there is nearby conflicting residential use, it is relevant to consider whether there are openable windows or doors on the noise sensitive facades, and whether it is reasonable to expect that residents will be able to keep windows and external doors closed, and for that purpose to consider the thermal insulation and comfort cooling of the residential property.
- 6) The layout and capacity of the premises
 - a) The courtyard is shown marked blue in figure 3. Further impression of the space can also be gained from photographs 32, 33 and 35 (Appendix 4).
 - b) The floor plans of the licensed area are shown in Appendix 6.
 - c) The licensed capacity of each area (condition 307) is:
 - i) Basement: 100
 - ii) Ground floor 350
 - iii) First Floor: 300
 - iv) Second Floor: 300

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- v) Third Floor: no limit specified in condition 307, but subject to an overall limit of 1050 across the whole of the licensed premises.
- 7) Two acoustic reports have been produced by Vanguardia for the Premises Licence Holder, and these are reproduced at Appendices 1 and 2.

INVESTIGATION AND TESTING

- 8) Inspections and testing undertaken.
- a) EPT undertook a subjective assessment of crowd noise and entertainment noise from CLF Art Cafe at the applicant for review's residential premises, on early hours of Saturday morning the 17th December 2016 at 00.30 to 01.10.
 - b) In order to answer question c on the Notice of Adjournment, EPT believe 6 tests will be needed to measure sound levels inside the premises and make a simultaneous subjective assessment outside the premises, either at the applicant for Review's flat, or at the monitoring point in the courtyard to Thalia Court used by Vanguardia. The first 5 tests should take place with each of the 5 systems being operated individually, and with all the systems operated together for the 6th test.
 - c) EPT have identified crowd noise from the courtyard and alleyway that includes the tented outdoor seating and gathering area, as a problem that causes disturbance to the applicant for Review in her residential flat.
 - d) EPT findings of the 17th December visit are set out at Appendix 3
 - e) An inspection of the premises layout by an EPT Officer accompanied by a Licensing Officer took place to determine the number, location and type of sound limiting equipment on 4th January 2017, and these are listed at 12 a (i) below. Officers inspected the sound limiting equipment in Basement, First, Second and Third Floors. Licensed areas on the Ground Floor were not inspected, and the Premises Licence Holder confirmed this area is not used for licensable activities.
 - f) EPT Officers have not found detailed records of the type of sound limiters and entertainment systems in use in the past, and have not been able to answer question 1 d on the Notice of Adjournment, whether there has been any change in the sound systems or sound limiters.
 - g) Officers took photographs of the premises, and these are reproduced numbered 1 – 35 together with a photograph produced in evidence by the applicant for Review, a satellite photograph, and map plans, in Appendix 4.

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i) Commentary on photographs;

(1, 2) View from stairwell window looking north across railway track towards Peckham Levels.

(5) Third floor theatre right speaker stack and sound limiter and amplifier rig.

(6) Third floor theatre showing performance area and speakers and rig containing amplifiers and two sound limiters wired in series, and cooling fan

(7) Third floor theatre seating and red painted structural columns to ceiling height approx. 3 metres.

(8) Second floor looking into west dance area.

(9) Second floor east dance area showing DJ booth.

(11) Sound limiter and amplifiers to second floor east dance area. Note this type of sound limiter attenuates as well as trims.

(12) taken inside partitioned area between 2nd floor east and west dance areas. Sound limiter and amplifiers to second floor west dance area.

(14) Second floor west dance area looking towards bar and showing apparently identically constructed insulation panels in window recesses, and cooling fans.

(15) Second floor west dance floor area showing high range speakers (suspended), mid range speakers (mounted) and low range speakers (on floor). White painted structural columns approx. 3 m ceiling height.

(16) First floor bar area.

(17) View of first floor with ceiling height 3 m approx., and repeating insulating infill panels in window recess above radiators. Corner of bar to right, stage and DJ booth to left. Pale yellow painted structural columns.

(18) Narrow angle view of left speaker stack

(19) First floor showing right speaker stack, and high level ventilation duct, and recently installed insulation infill over windows in recess above thermal radiator.

(20) View from 1st floor dance floor onto stage with DJ booth and left speaker stack.

(21) Same as CLF 022, but also showing view across stage into first floor bar area.

(22) First floor rear of stage, rig in cage containing 3 sound limiter units (1 said to be in use, 2 said to be redundant) and amplifiers.

(23) showing interior of Basement A with loose furniture removed for floor cleaning, bar, 2.3 M height approx. pale yellow painted structural column.

(24) Inside Basement A view of Rye Wax record shop counter.

(25) Internal shot of Basement A, showing type of tables and benches identical to the ones under the gazebo, comfort cooling/ heating, stairs to ground floor and ceiling height approx. 2.5 metres.

(27) close up shot of Basement A Soundweb limiter and amplifier stack.

(29) Soundweb noise limiter and amplifiers in Basement A.

(32) shows the courtyard with grotesque murals, with 4 story chamfered rear extension to 136 Rye Lane to the right, and forming part of the southern boundary wall to the courtyard. To the left, the western end of the Bussey Building. Central, the gazebo roof and the noise barrier.

(33). This shows the benches in Bussey Alley outside the triple glazed windows to Basement A.

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(35) This shows the distance from the alleyway surface to the base of the acoustic barrier is approx. 4.7 metres. There is a table and benches provided under a gazebo structure, and a nearby low wall, which could also be used as informal seating. The gazebo also appears on the satellite photograph.

- h) Following consideration of the layout and sound insulation works above, EPT officers suggested to the Premises Licence Holder's representatives by email on 16 January 2017 (copy in Appendix 5), a further exercise to set the sound limiters at an acceptable level, and requesting a weekday late evening appointment for this purpose. Technical information was also sought relating to the reverberation time of the entertainment spaces.
 - i) The email of 16th January 2017 included a further copy of an email sent on Wednesday 11th January 2017 requesting a reply to a technical question to the Premises Licence Holder's sound engineer, relating to the ability of the sound limiters to adjust in real time in response to changes in the reverberation time of the entertainment spaces. It also included a copy of an email sent to the Premises Licence Holders representative informing them of the number and size on disk of the photographs, and requesting direction on the most convenient way for them to receive this material. Correspondence requesting this information is set out in Appendix 5.
 - j) As of the time of writing, no reply was received from the Premises Licence Holder or their representative. In the absence of the Premises Licence Holders cooperation in this matter to arrange an appointment, or to provide the requested technical information, it has not been possible to answer, within the required time constraints for producing this report and serving a copy on the representatives for the Premises Licence Holder by 4 pm on Friday 27th January at 4 pm, the question c posed by the sub committee adjournment notice: whether the sound limiters fitted in the premises are set at an appropriate level.
 - k) On 17 January 2017, EPT officers had contact by email with the applicant for Review. The applicant cast doubt on whether the sound insulation works had been sufficient to permit operation with the sound limiters set at their current levels, as she said the weekend of 14-15 January 2017 had been a problem, and that the bass had been heard loudly.
- 9) Noise sources: music noise
- a) Equipment used for the broadcast of entertainment sound is required to be isolated from the floor (see feet underneath 3rd floor speaker stack in photo 5).
 - b) The maximum capacity of the music equipment is said in the Vanguardia reports to be 103 dB: if the equipment were played at 106 dB for any length of time, this would result in damage to the equipment.

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10) Noise source: crowd noise

- a) Crowd noise is highly variable, and depends on the numbers of people present, their state of excitement, and levels of intoxication. The information content in the noise also attracts additional attention, and may therefore be more disturbing than might be expected from considering the equivalent sound level.

11) Noise propagation

- a) The noise propagation characteristics of the third floor sound system have been determined by relying on and assuming as accurate, data contained in the Vanguardia reports (attached as appendices 1 and 2).
- b) The data included in the reports permit calculations that indicate there is currently a reduction in entertainment music noise of 41 dB(A) inside to outside across the building envelope.

12) Noise reduction, attenuation, and mitigation.

- a) Sound limiters
 - i. The sound limiters in use at the time of the inspection were;
 - (a) Basement: Soundweb BSS
 - (b) First floor: Lake Contour and 2 redundant units; Soundweb BSS and SIDD Xtra
 - (c) Second floor west: BSS Omnidrive
 - (d) Second floor east: AVC2.
 - (e) Third floor: Soundweb BSS and AVC2 wired in series.
 - ii. The sound limiter on the third floor theatre was hired, and not owned by the venue. The permanence of the system is therefore open to question, as it could be sent back to the owners and replaced at any time.
 - iii. The sound limiters work by splitting the signal in three broad frequency bands (low, mid, and treble), and 'trimming' the signal between the amplifiers and the speakers. Where the signal in one band is causing the exceedance, the trimmed signal is equalized, so that the sound is reproduced across the frequency range, but at an overall lower volume. The intended effect is that the system cannot go louder than when it was set.
 - iv. The AVC2 additionally attenuates the volume slightly as it approaches the maximum, the effect is that the level will be slightly quieter than when it was set, and will creep up to the maximum over a set period.
 - v. The sound levels can only be set by persons with an access code or password, and with the appropriate software installed on a portable computer, or an access key. The sound engineer present said that he is the only person with the access codes and

keys, and he would not entrust them to any other person due to the risk of damage to the sound systems.

b) Sound absorbance due to occupancy

- i. The occupancy levels of the entertainment areas will have an effect on the amount of sound absorption due to the presence of people, each person being responsible for approximately half a metric sabine of additional absorbance. In order to calculate the effect of occupancy on the resultant noise level, it would be necessary to know the reverberation time of each entertainment space.
- ii. It is believed that the sound limiters used are not capable of adjusting sound levels to compensate for occupancy, and confirmation has been sought by email on Wednesday 11th January, although despite reminders, no reply has been received.
- iii. Calculations go here for illustration if reverberation time/ estimates are received.

c) Sound insulation

- i. At the time of the site visit on 4th January 2017 the visible part of the sound insulation installed across the window openings at the premises was inspected. On the room side, this consists of $\frac{3}{4}$ inch marine plywood flush with the adjoining wall pillars as seen in photographs 8, 13-17, and 19. It was apparent that the remaining space to the windows had been filled with a sandwich of a number of different materials.
- ii. At the hearing on 16 December 2016, EPT officers sought from the Premises Licence Holder, and the Premises Licence Holder agreed to provide, construction drawings or adequate description of details of the sound insulation installed at the premises. At the time of the site visit on 4th January 2017, no construction details had been received, and officers again sought these details. The Premises Licence Holder gave a rapid verbal description of the construction, and officers requested confirmation by email, which the Premises Licence Holder agreed to provide. A reminder email was sent to the Premises Licence Holder on 11 January 2017 with a copy to his representative (copy in Appendix 5). At the time of writing, no reply or acknowledgement or written confirmation of the construction details has been provided.

d) Building envelope

- i. The building is metal frame, with a brick façade. In theory, containment in a brick built structure could give a reduction of up to 50 dB(A). The Premises Licence Holder has given consideration to bricking up the windows, and has in fact already bricked up the second floor windows overlooking the courtyard. This is likely to give some additional improvement, but unlikely to be as much as the potential 9 dB(A) suggested by the calculated

current attenuation of 41 dB(A) due to the steel frame construction of the building.

- e) Effect of noise barrier
- i. A barrier has been erected on the top edge of the existing first storey on the southern margin of Bussey Alley, between the courtyard and Thalia Court (photos 32, 34 and 35). The photograph supplied by the applicant for Review shows that the barrier permits a direct line of sight between the upper part of the second floor window openings, and the applicant for Review's balcony. The barrier is also partially open at the east end. Reference to photographs and plans also show that the courtyard is surrounded by higher buildings, creating a reverberant space, and crowd noise can be reflected from the upper parts of the buildings. The barrier will provide some attenuation for crowd noise, but due to the character of the noise, and variability of the source volume, and the effect of 4 and 5 storey adjacent walls creating a reverberant space, it is not possible to calculate with any certainty, how much reduction. Any benefit is already accruing to the Premises Licence Holder, and removing the barrier without relocating the crowd will make it worse.
 - ii. The barrier at present does not appear to provide any useful reduction of the crowd noise to an acceptable level as it affects the applicant for Review's flat.

KEY ISSUES FOR CONSIDERATION

- 13) Attempting to set sound limiters that are designed to protect loudspeakers against damage, in a way that also prevents noise nuisance, may not achieve the desired result on the first, or even on one of several subsequent attempts due to the effect of background level masking and internal absorbance.
- a) If the limiters are set with the premises empty, then the internal sound level may decline as the premises fills up, due to sound absorbance. In order to calculate the likely effect of introducing 300 people into a space where the signal output of the sound system is limited, on the reduction in internal sound levels, the reverberation time of each space needs to be known (and the cubic volume of each space, which may be calculated from room heights as noted during inspection and scale floor plans). As the premises fills up, the venue management and staff may perceive that the noise limiters have been set at an unnecessarily low level, inconsistent with their business operation.
 - b) If the limiter levels are set with the premises full, then there may be a perceptible change in the volume of music at different times, depending on how full the venue is. Residents may wrongly suspect that the venue is altering the limit levels over the course of the evening.

- 14) Control of external crowd noise should be considered consistently with how an application to have a beer garden in this location would be considered, and a time limit should be imposed for use of any external area that causes significant crowd noise.
- 15) Section 224 of the Licensing Committee's Statement of Licensing Policy states that 22.00 hours is the latest that outdoor areas should be used where there is an impact on residential property.

RECOMMENDATIONS

- a) The sound limiters at the CLF Art Café should be set to limit the sound systems at a level where music entertainment noise is not audible at the façade of the nearest exposed residential premises when all five sound systems are operating together, and the premises is empty.
- b) Maximum internal sound levels expressed as LAeq (1 minute) should be stated on Annex 3 of the Premises Licence for each licensed area or part with a separate sound system in de facto use for night club activities. (The level may be different for each of the entertainment spaces).
- c) A condition should be placed on Annex 3 of the Premises Licence requiring the sound limiters not to be altered in such a way as to increase the maximum internal sound levels.
- d) A condition should be placed on the Premises Licence that if a sound limiting system is replaced, the replacement system should be set at or below the maximum internal sound level, measured when the premises is empty.
- e) Sound limiters should be either hard wired to the amplification system, or removed. There should be no redundant sound limiting equipment in the amplifier racks.
- f) The courtyard area and the alleyway should not be used except for access to and egress from the premises. The gazebo structure and tables and chairs should be removed from these areas, and not be replaced, except for those in Bussey Alley protecting the basement windows against damage, and any replacement structures in Bussey Alley must not be suitable for seating, or for informal seating.
- g) Patrons must not be allowed to wait or congregate in the courtyard or Bussey Alley to the south of the Bussey building.
- h) A designated smoking area should be created at the eastern end of Bussey Alley near the two disabled parking spaces dedicated for use by CLF Art Cafe, and smoking should not be allowed in the courtyard or alleyway.
- i) No drinks, or empty drinking vessels or drinking containers should be allowed out of the building.

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APPENDICES

No.	Title
Appendix 1	Vanguardia report dated 26 October 2016
Appendix 2	Vanguardia report dated 24 November 2016
Appendix 3	Insert title of document
Appendix 4	Photos and plans
Appendix 5	Correspondence
Appendix 6	Licence Plans
Appendix 7	Premises Licence Holder response

Lead Officer	Debra Allday on behalf of Director of Legal Services	
Report Author	<i>Paul Newman</i>	
Version	<i>v 1.0</i>	
Dated	26 January 2017	
Key Decision?	No – this paper provides information to fulfil a direction of a Licensing Sub-Committee.	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	
Director of Law and Democracy	No	No
Strategic Director of Finance and Governance	No	No
List other officers here	n/a	n/a
Cabinet Member	No	No
Date report sent to Constitutional Team / Community Council / Scrutiny Team	26 January 2017	

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Appendix 1: Vanguardia report dated 26th October 2016

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Appendix 2: Vanguardia Report Dated 24 November 2016

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Appendix 3

EPT findings of visit 17 December 2016 00.30 – 01.10

Subjective assessment of crowd and entertainment music noise from CLF Art Café at residential premises occupied by the applicant for review.

The outdoor air temperature at the time of visit was 10 degrees C.

Before attending the applicant for reviews' premises visual observations were made of the area outside the entrance on Rye Lane. At 23.50 on 16 December, it was observed that there were no patrons queuing behind the crowd barriers on the pavement on Rye Lane. A few dozen young adults were observed arriving in Peckham Rye Overground station at this time, but it appeared their initial destination was the MacDonalDs restaurant on Rye Lane, and other nearby premises. At 00.30 the queuing area was full, but not overflowing.

The flat appears to be very well thermally insulated. On arrival inside the flat, the internal air temperature was very warm, despite the balcony door being open. On remarking on the air temperature, the occupants informed the EPT officer that they did not have their heating on, and the heat was because of heat from the downstairs neighbours' flat, and because the building was very well insulated. The officer noted that it was apparent when not wearing shoes that the floor temperature was noticeably warmer than the air temperature.

It appears from the apparent very high standard of thermal insulation that due to their thermal comfort needs, it would be unreasonable to expect the applicant for review to keep the windows and balcony door closed on days when the building has been space heated, or has experienced solar gain.

Two sources of noise were apparent from the CLF Art Café; crowd noise, and entertainment music noise.

With the balcony door open, crowd noise was clearly audible, and disturbing. The crowd noise was similar to what might be expected in a residential premises fronting onto a beer garden during opening hours, with a lively buzz of conversation, and occasional shouting.

Music noise was clearly audible in the applicant's flat, although was not causing vibration, and was not at a level that would be considered a nuisance. The applicant said that the music was noticeably quieter on this evening than it had been previously. The officer suggested that this might be because the Premises Licence Holder had very recently completed sound insulation works to the windows.

With the balcony door closed, the music noise was only faintly and intermittently audible. Shouting from the courtyard was still audible.

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After attending the applicant for Review's premises ,a further observation was made of the queuing area at 01.12. No patrons were queuing, and staff from the premises were engaged in removing the crowd barriers.

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Appendix 4

Photographs and plans



Figure 1

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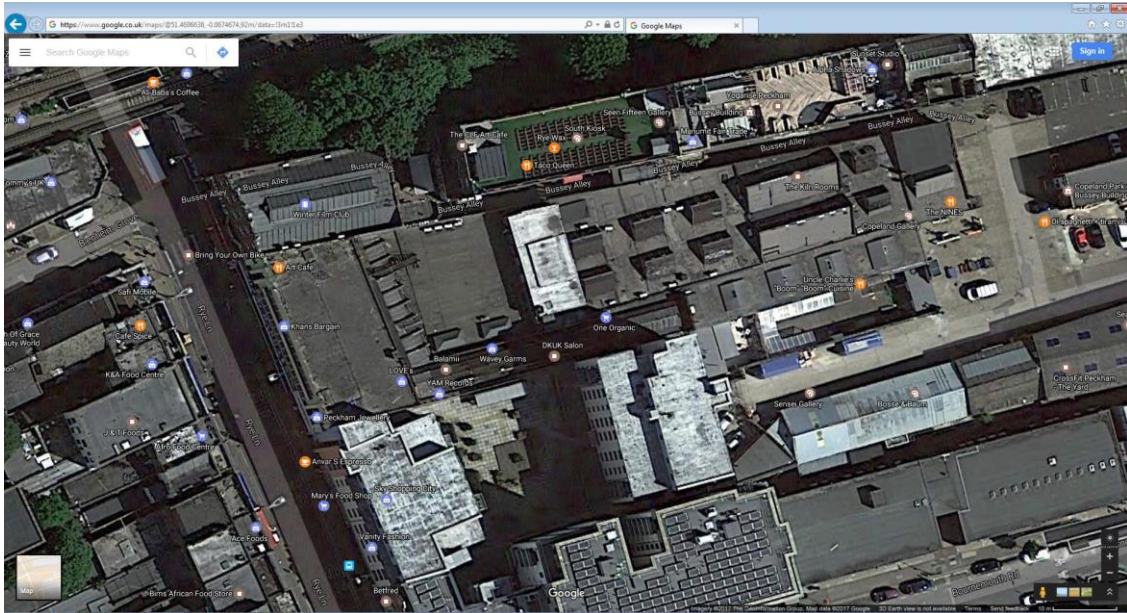


Figure 2 Google Earth satellite photograph Thalia Court and Bussey Building



Figure 3 Map showing courtyard and approximate position of gazebo

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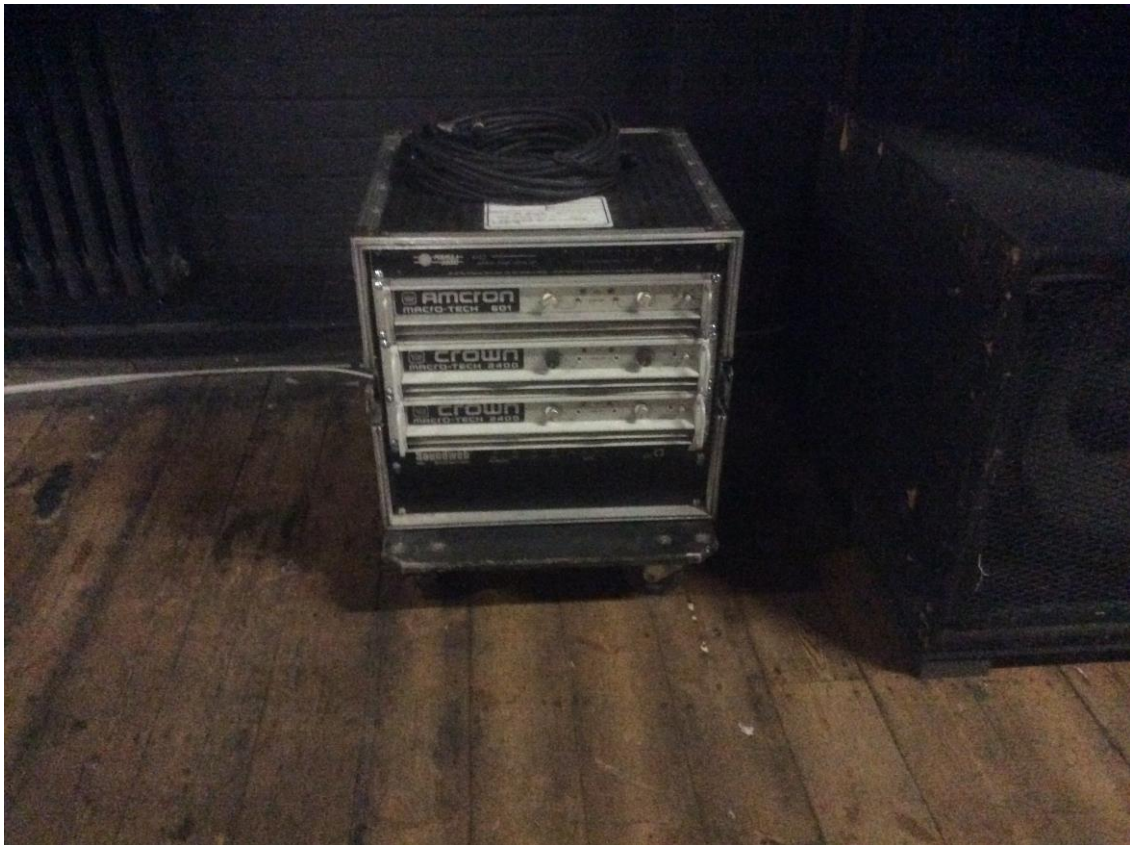


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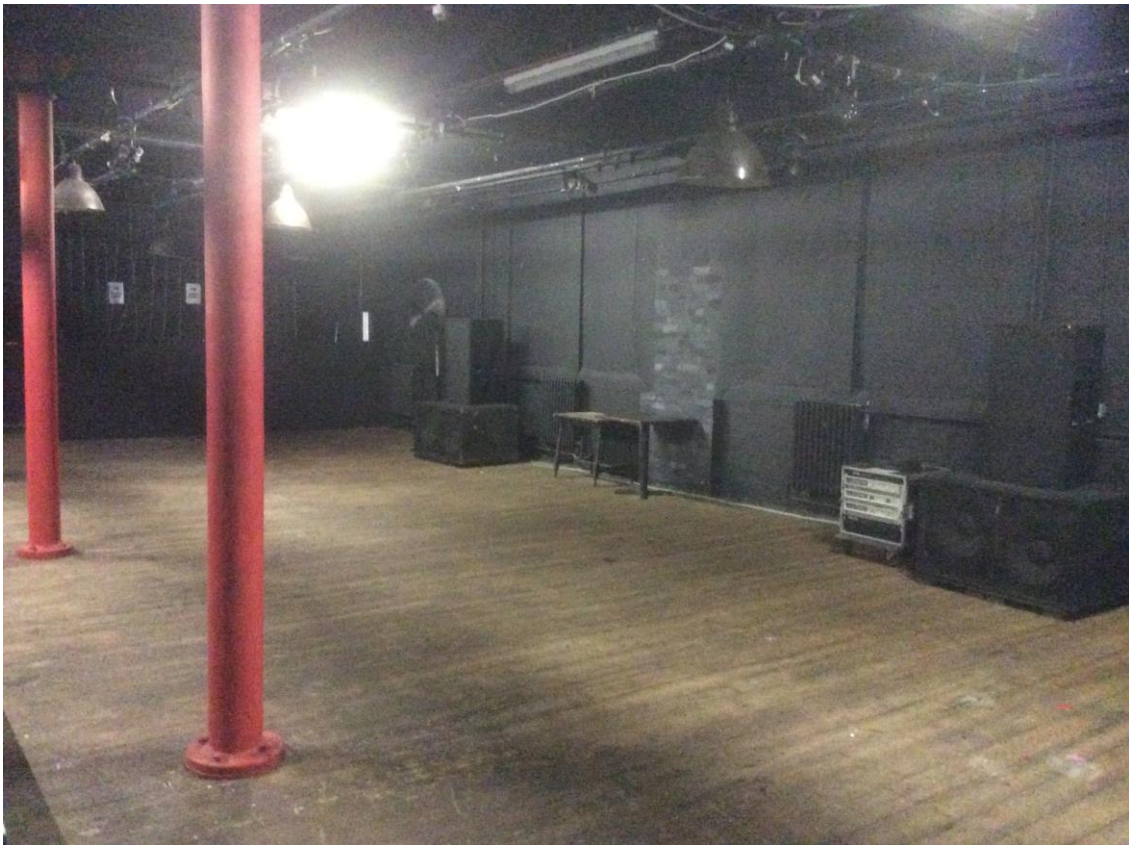


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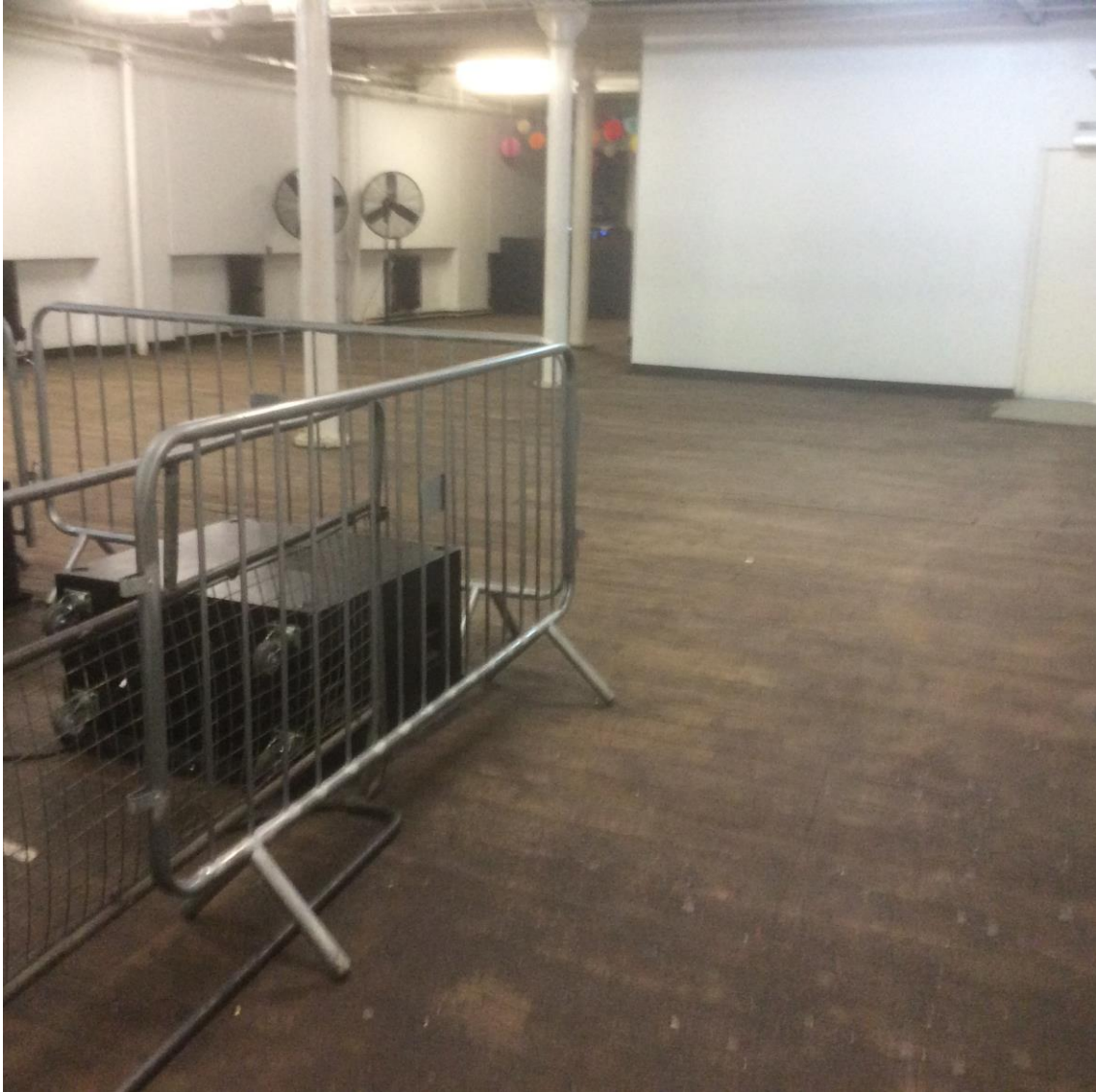
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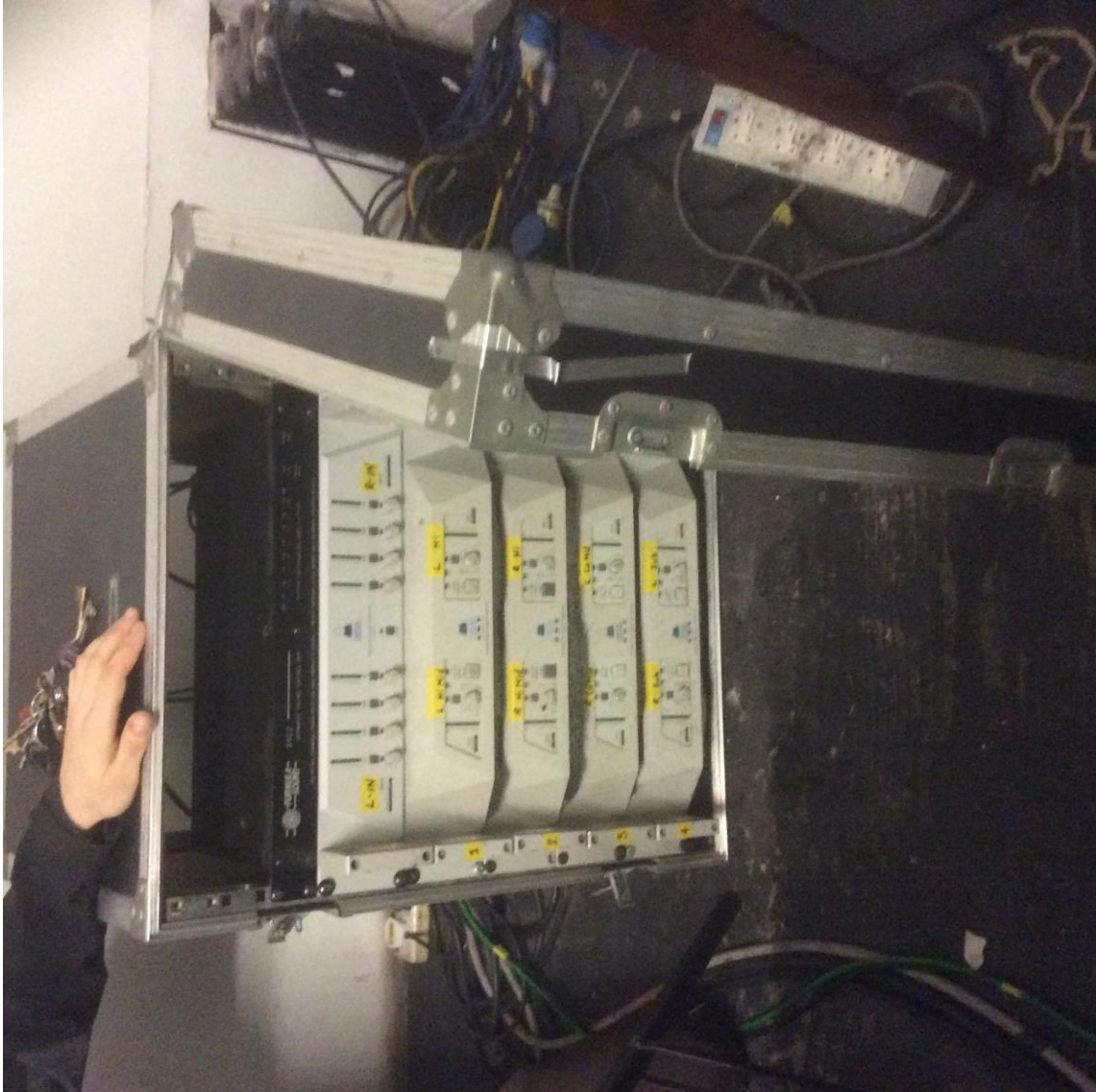
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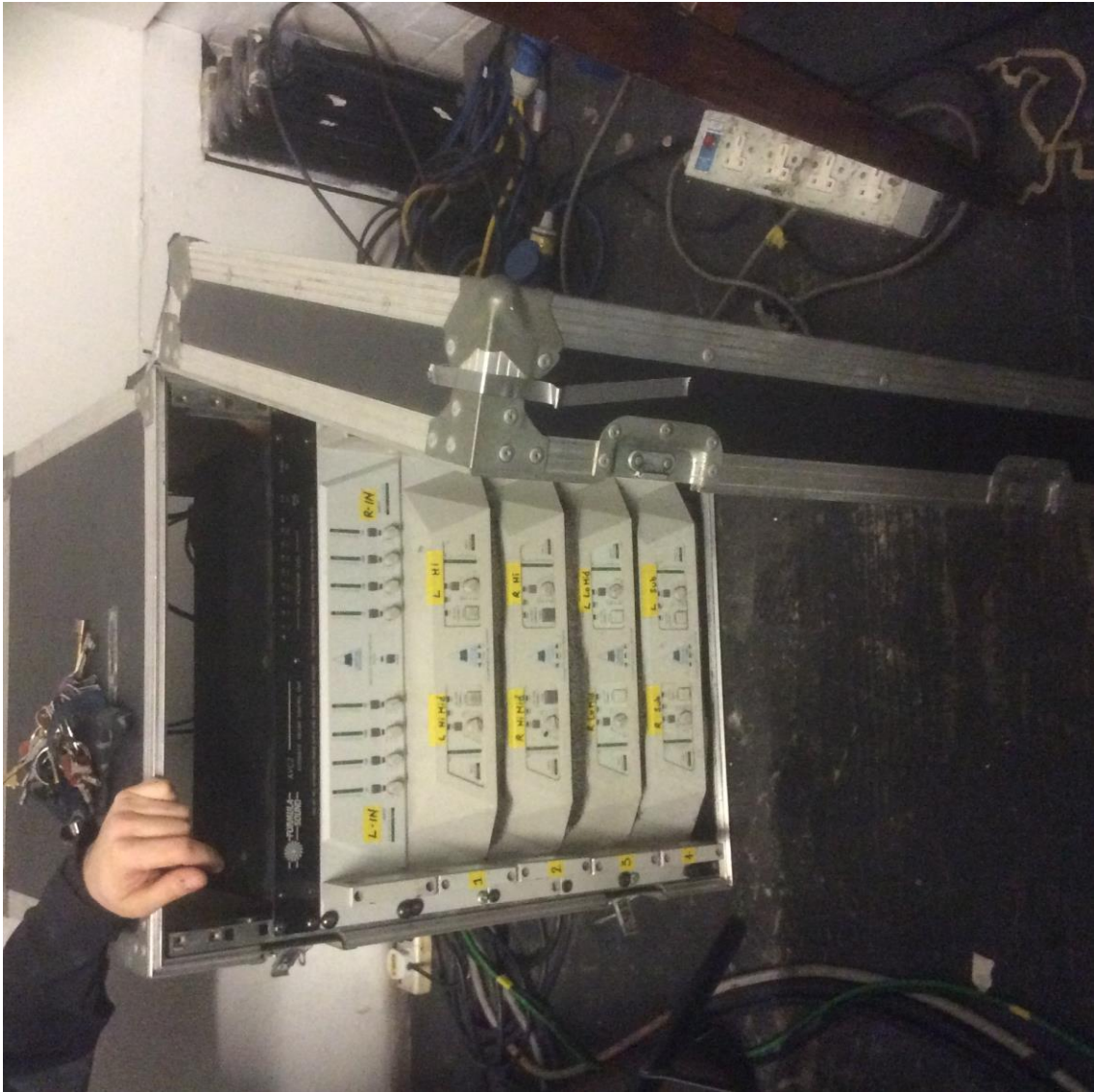
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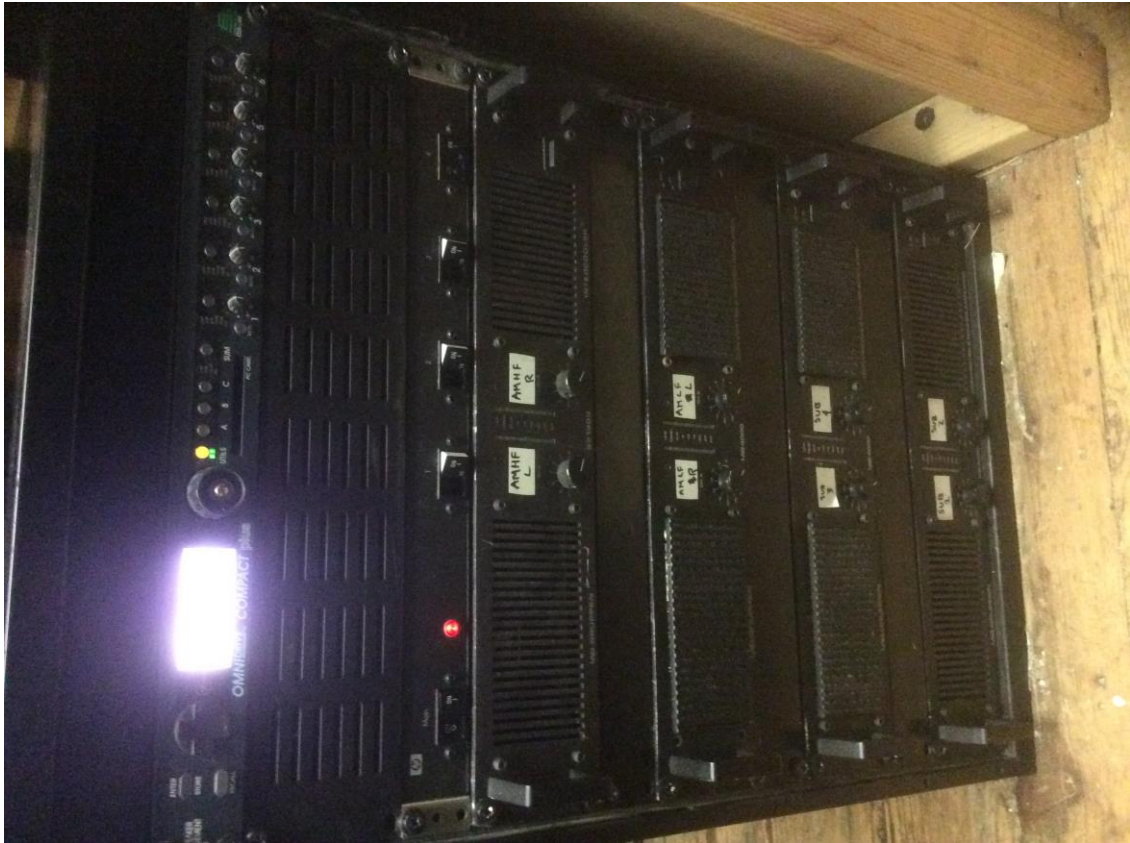
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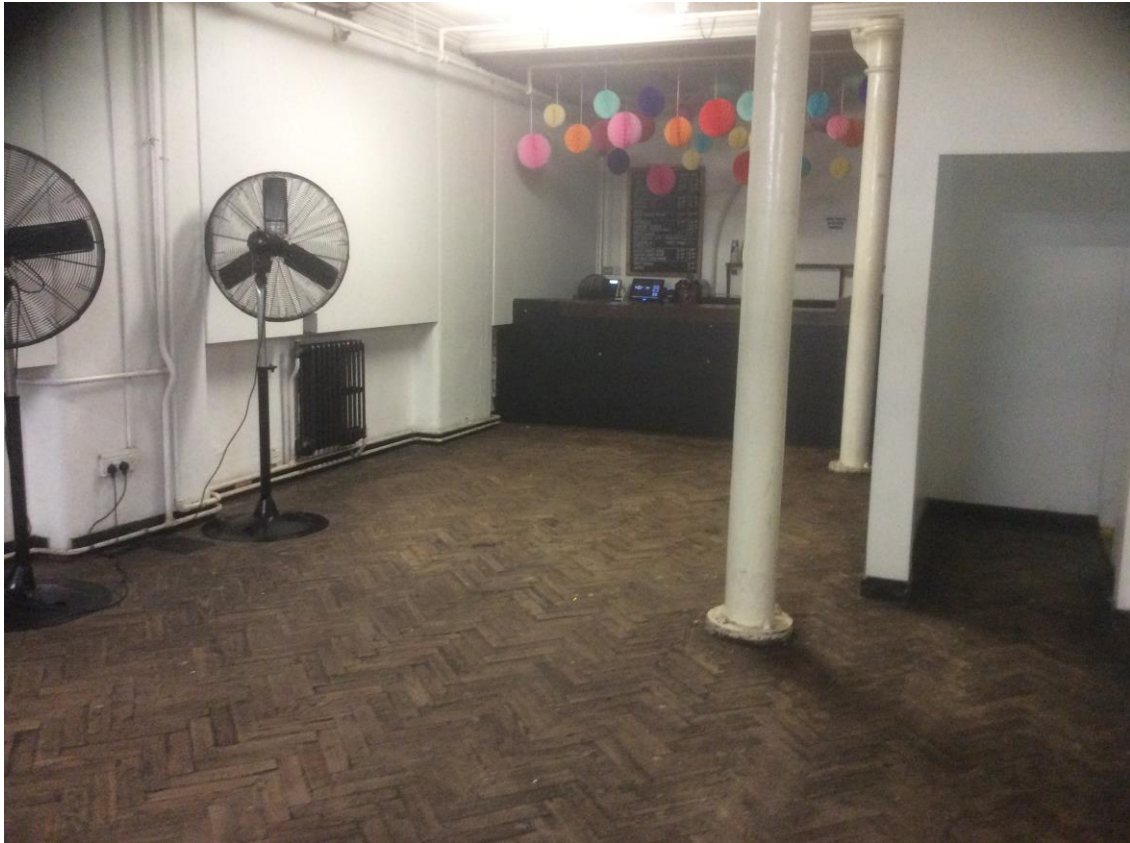
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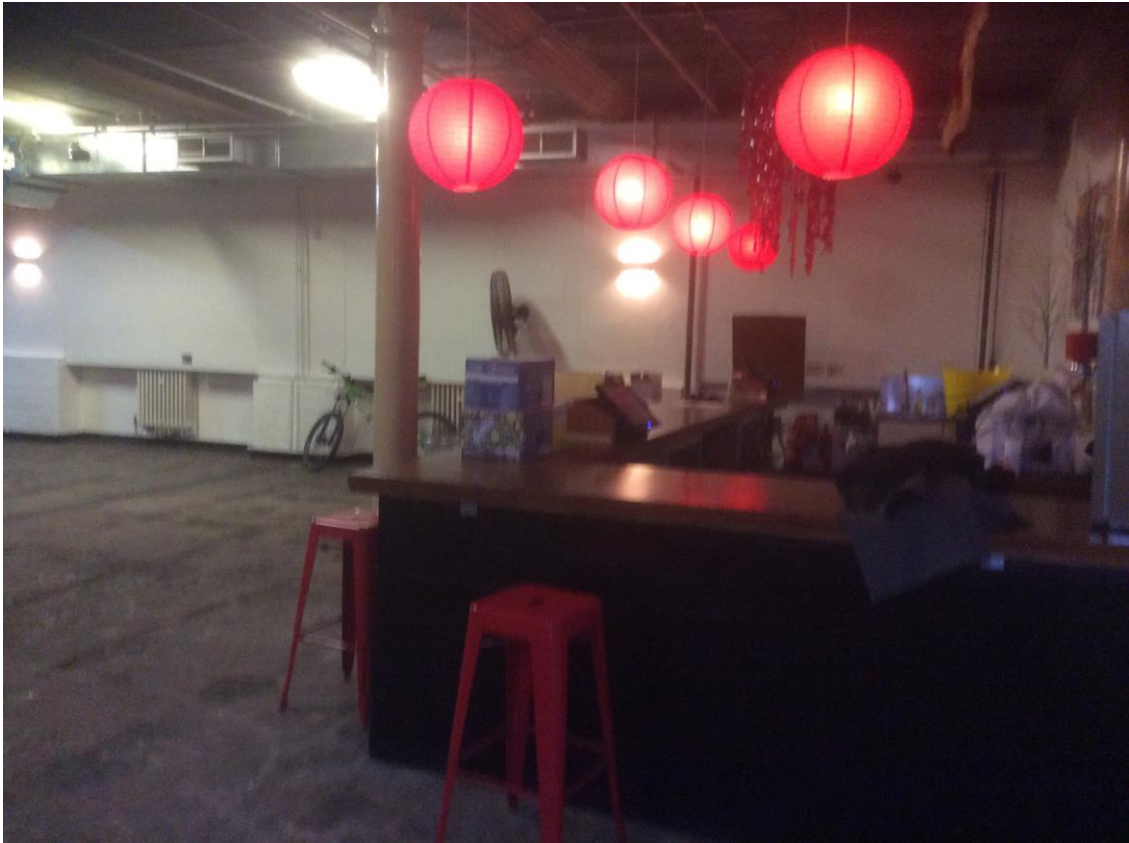
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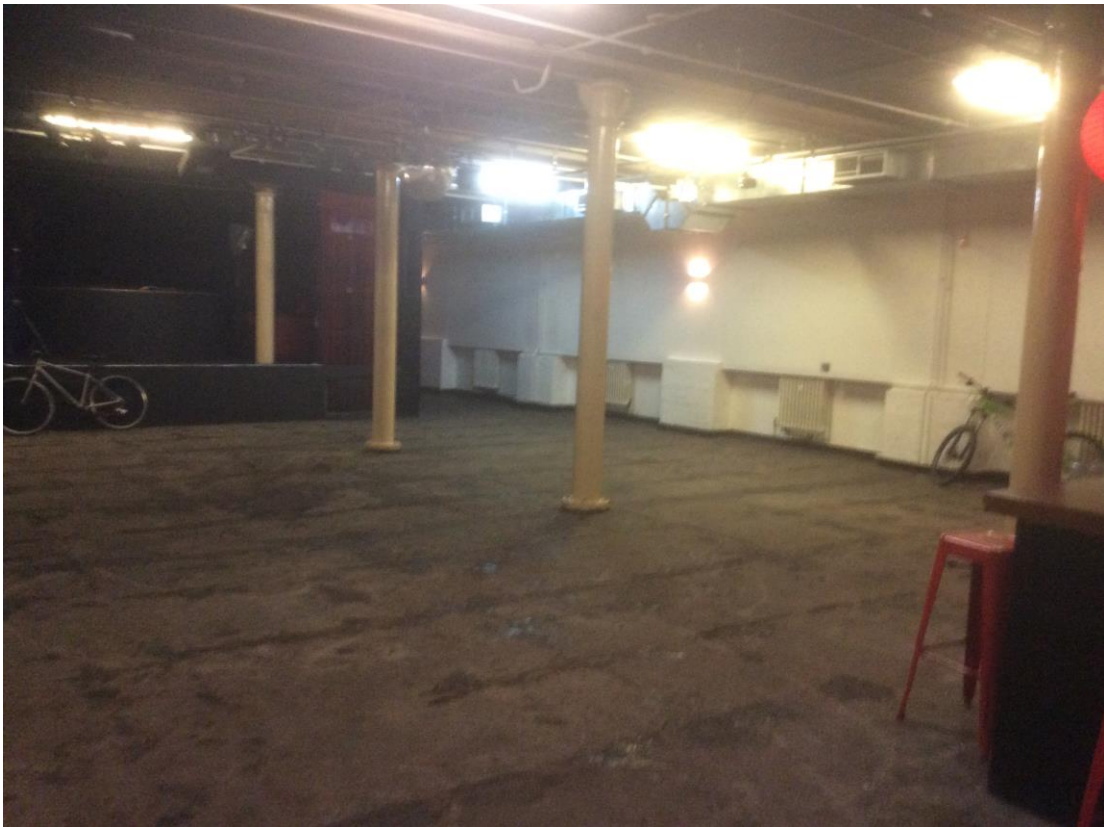
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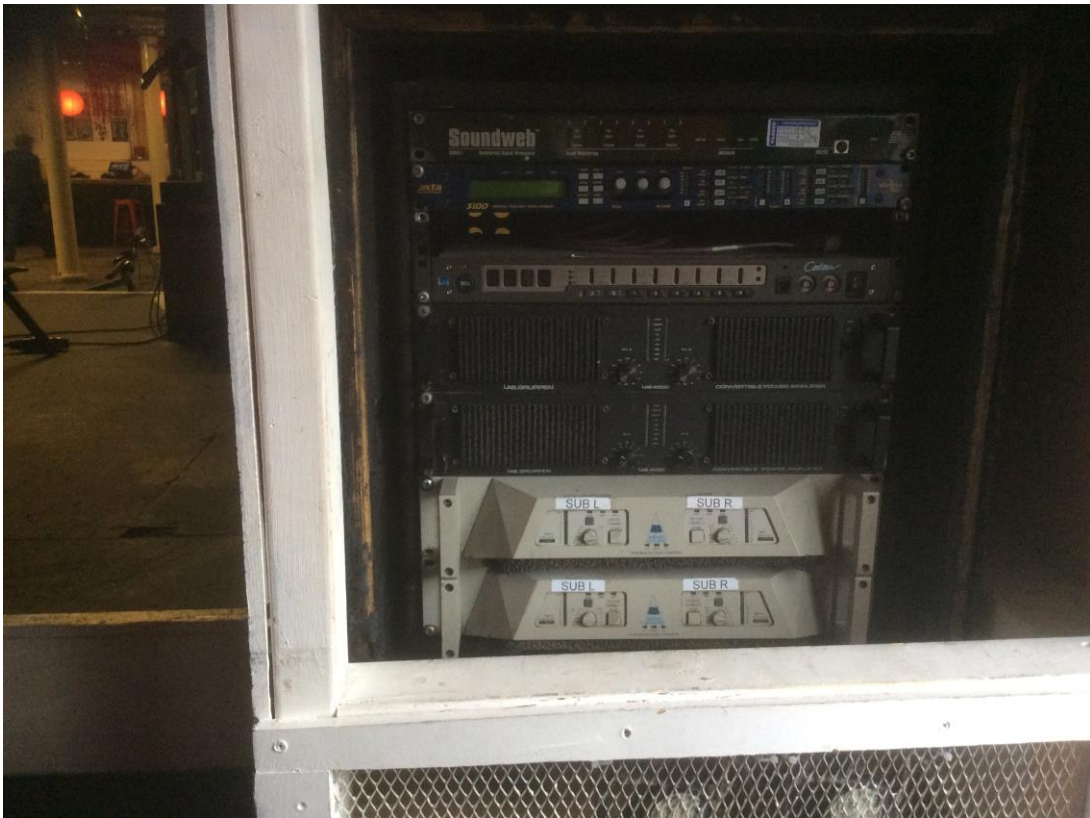


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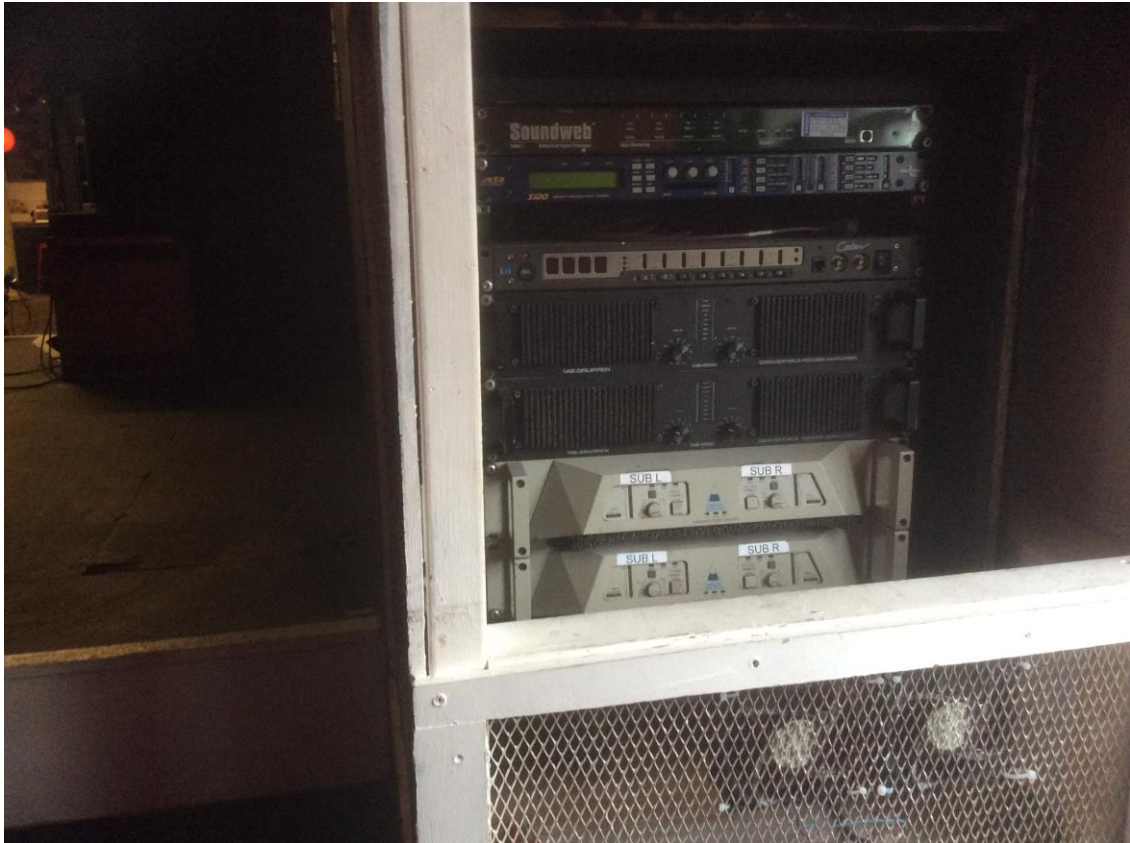


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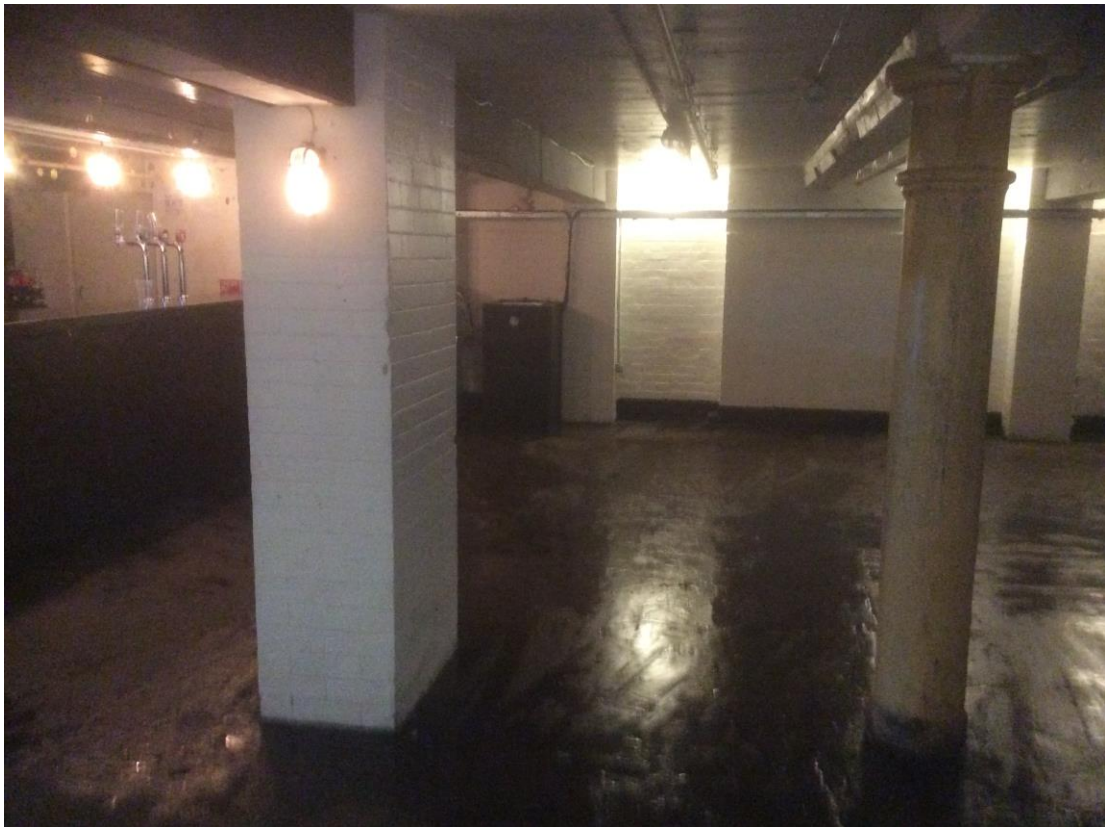


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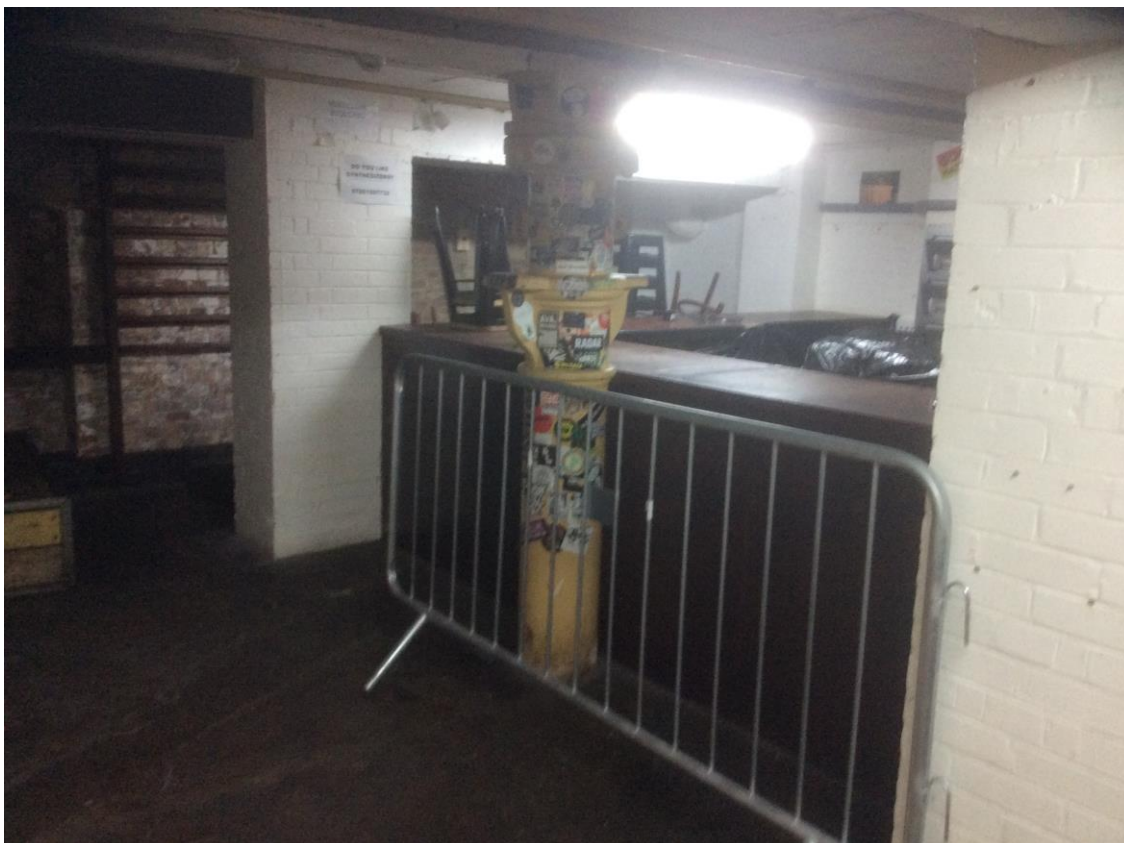


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Appendix 5

Correspondence sent to representatives for the Premises Licence Holder.

1, requesting confirmation in writing of the construction details of newly installed sound insulation.

From: Newman, Paul
Sent: Wednesday, January 11, 2017 10:52 AM
To: 'Mickey Smith'
Cc: Allday, Debra
Subject: Request for confirmation of construction detail of sound insulation at CLF Art Cafe

Hi Mickey

At our meeting on site you said you would provide me with confirmation by email of the materials used in the sound insulation panels over the windows at CLF Art Cafe.

Please would you kindly provide me with this?

Many thanks and kind regards

Paul Newman
Principal Environmental Health Officer

2, seeking confirmation that the sound limiters cannot compensate for absorption.

From: Newman, Paul
Sent: Wednesday, January 11, 2017 11:32 AM
To:
Cc: 'Mickey Smith'; Allday, Debra
Subject: Technical questions about the sound limiters.

Hi David

I have some technical questions about the sound limiters for Max.

Essentially I want to know if the signal trimming level in the sound limiters can automatically compensate for additions and reductions in internal sound absorption as the space fills up with people, and as it empties.

Please would you kindly put me in touch with Max. I will copy you in to the email correspondence.

Many thanks and kind regards

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Paul Newman
Principal Environmental Health Officer

3, requesting directions on format and delivery of copies photographs requested

From: Newman, Paul
Sent: Thursday, January 12, 2017 2:25 PM
To:
Cc: Allday, Debra
Subject: Photographs of visit

Hi David

There are 35 photographs totaling 36 Megabytes. When compressed as a WinZip file, it is 29.5 MB approx.

How would you like to receive these photographs?

Kind regards

Paul Newman
Principal Environmental Health Officer

4, requesting evening appointment for second visit, technical query about the reverberation times inside CLF, and reminder of non reply to emails 2 and 3 above. Attachments: copies of emails 2 and 3 above.

From: Newman, Paul
Sent: Monday, January 16, 2017 10:30 AM
To:
Cc: Earis, Richard; Prickett, Mark; Allday, Debra; Tear, Jayne
Subject: CLF Art Cafe notice of adjournment

Hi David

I hope this finds you well.

1. Arrangements for complying with notice of adjournment

I would like to arrange a second visit to CLF while their sound engineer sets the limiters.

I would like to do this from around 10 pm on a weekday evening. I propose that a colleague will be inside the premises with a sound level meter to check LAEQ 1 min at the time the limiter is set. I will be making a subjective assessment from either the applicant for review's balcony, or from courtyard Thalia Court location as used by Vanguardia on their second report (location to be confirmed

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to you by email once known, and before the visit). I will remain in touch with my colleague by text message during the tests.

I would like this to be done for each of the 5 separately limited systems (basement, first floor, two on the second floor, and third floor). I would then like to do a 6th subjective test with all the 5 systems operating at the same time.

Please would you contact the relevant people that will need to be present for CLF, and please suggest some convenient dates, and also let me have any comments or queries they may have.

2. Request for information from CLF sound engineer and/or Vanguardia

Please can you confirm whether or not the reverberation time of each of the licensed spaces is known (basement, first, second and third floor dance/theatre areas), and if not, please can you provide a working estimate that you would be prepared to use as a realistic assumption of the reverberation time.

For the basement, please can you confirm whether sound systems in the Basement venue are ever operated without the loose furniture present (couches and armchairs etc), and if so, please would you provide two estimates of the reverberation time, one with, and one without furniture present.

3. Reminder: correspondence not yet replied to

You will remember that I wrote to you on date and date (copies attached), but I have not heard from you. Please have you had the opportunity to consider these matters, and please would you kindly provide replies as soon as possible.

Many thanks and kind regards

Paul Newman
Principal Environmental Health Officer

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Appendix 6

Floor plans of the licensed areas

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Appendix 7
Premises Licence Holder response.

PROJECT NOTE

DOCUMENT CONTROL			
DOCUMENT TITLE	MUSIC NOISE PROPAGATION FROM CLF THEATRE SPACE	REVISION	R00
DOCUMENT NUMBER	VC-102316-EN-RP-0003	ISSUE DATE	24 TH NOV 2016
PROJECT NAME	CLF THEATRE	AUTHOR	A QUIBELL
STATUS	ISSUE	CHECKED	M WHITE
ISSUED TO	MICKEY SMITH (CLF ART CAFÉ)	PASSED	M MURPHY

INTRODUCTION

- 1.1. Vanguardia have been commissioned by CLF Art Café to provide a follow-up assessment of the noise break-out from the CLF Theatre space on the third floor of the Bussey Building, 133 Rye Lane, Peckham.
- 1.2. An initial assessment was carried out in October 2016, details of which can be found in Vanguardia document ref. VC-102316-EN-RP-0001.
- 1.3. As per previous recommendations, the CLF Art Café have sought to improve the sound insulation performance of the CLF Theatre space, to reduce the potential noise impact on neighbouring residential areas.
- 1.4. Both assessments have been carried out by means of a noise propagation test from within the CLF Theatre space to a location representative of the nearest noise sensitive residence.
- 1.5. This report details the findings of the second propagation test, conducted during the night of 22nd/23rd November 2016.

SITE INFORMATION

- 2.1. The Bussey Building is surrounded by Rye Lane to the west, with a railway line to the north, the Copeland Industrial park to the east and Thalia Court and Chloe Court to the South. The residents of Thalia Court and Chloe Court are the nearest noise sensitive receivers to the Bussey Building.
- 2.2. The CLF Art Café occupies spaces on the 1st, 2nd and 3rd floor of the Bussey Building, with windows facing towards the residential properties to the south. All windows have been boarded up with layers of plywood and mineral fibre in order to improve the sound insulation

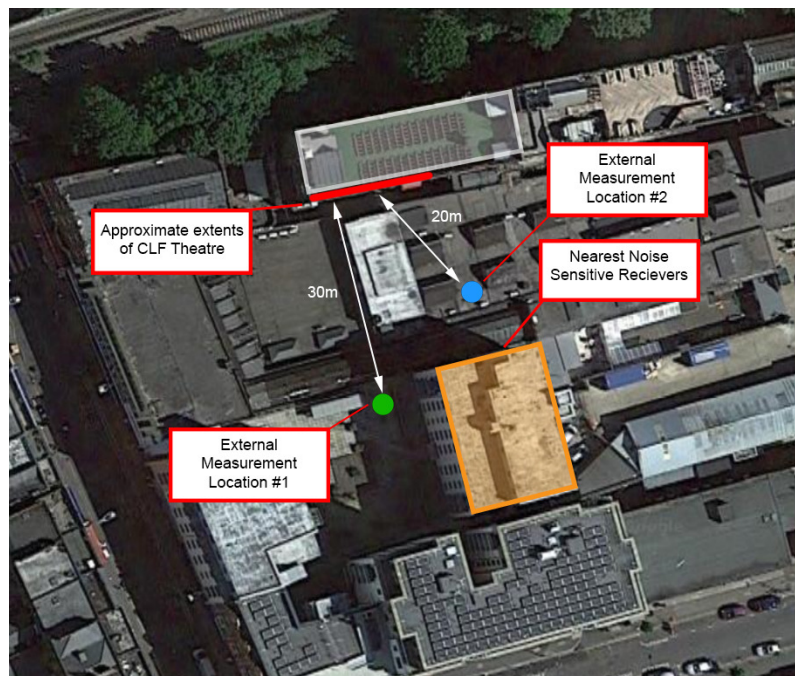
performance of the overall wall construction. On the 1st and 2nd floors, the same treatment has been applied to the outside of the windows as well.

- 2.3. The CLF Theatre occupies part of the third floor of the building. The theatre has a small PA system, including subwoofers arranged in a left-right stereo pair.
- 2.4. Since the initial assessment, additional sound insulation has been applied to the internal faces of the CLF Theatre windows.

MEASUREMENTS

- 3.1. Measurements took place on the night of Tuesday 22nd/23rd November between 23:30 and 01:00.
- 3.2. External measurements were taken from the roof of 135 Rye Lane, approximately 10m from the window of the nearest noise sensitive receivers at Thalia Court. The location is marked as External Measurement Location #2 on Fig. 1 below.

Figure 1 Site location plan showing external measurement positions for both assessments



- 3.3. Music noise levels were monitored internally with the use of an NTi Class 2 XL2 sound level meter. External measurements were taken with a Larson Davis LxT Class I sound level meter.

- 3.4. Using the installed PA system, full-range music was played within the theatre space and monitored both internally and externally in time-synchronous 1-second and 1-minute time periods.
- 3.5. The existing ambient and background noise levels were continually sampled in between measurements of music noise, in order to assess the contribution of music noise.
- 3.6. Notes were taken on the subjective impression of the noise, as well as any contaminating noise sources. In this way, a judgement could be made on the contribution of music noise in the total measured noise level.

RESULTS

- 4.1. Table 1 below summarises the measurements taken. The sound propagation to the external measurement position was measured for five different internal levels in 3dB increments between 94dB and 106dB.
- 4.2. The existing ambient (dB LA_{eq}) noise levels were sampled before and after each measurement of music noise. Train movements in and out of Peckham Rye station became less frequent between measurements 3 and 4, resulting in lower ambient noise levels.

Table 1 Results of propagation test.

Measurement	Existing Ambient Noise Level dB LA _{eq, 1min}	Internal Music Level dB LA _{eq, 1min}	External Measured Music Noise Level dB LA _{eq, 1min}	Comments
1	42	94	43	Music Inaudible at measurement position
2	42	97	42	Music inaudible at measurement position
3	41	100	42	Some low frequency noise perceptible
4	39	103	41	Music just audible
5	39	106	42	Music audible

DISCUSSION

- 5.1. Measurements 1 to 3 demonstrate that internal music levels of up to 100dB(A) have minimal impact on the existing noise levels. For measurements 1 and 2, music noise was inaudible at the external measurement position. For measurement 3 (100dBA internal level), some low frequency noise was just perceptible, but not measurable above the existing ambient noise.
- 5.2. Events such as cinema, theatre, spoken word and acoustic music performances are unlikely to exceed 100dB(A) for more than short periods. The low-frequency content of these types of material is substantially lower than in amplified dance music, as used for this propagation test. It is therefore felt that for the majority of events in the CLF Theatre, there will be no noise impact on the nearest residents.
- 5.3. Measurement 4 represents the upper end of internal music levels for a dance music club night. At this level, the music noise was just audible above the existing ambient noise at the external measurement position. It can be seen that a small increase in the ambient noise level of 2dB can be attributed to the music noise from within the CLF Theatre space. It is not felt that this increase would be likely to cause disturbance within the residences of Thalia and Chloe Court.
- 5.4. Measurement 5 represents the maximum level achievable (106dBA) within the CLF Theatre space with the currently installed PA system. At this internal level, music is audible at the external measurement position. However, the increase in noise level is still within 3dB above the existing ambient noise level.
- 5.5. Playing music at this level over long periods would cause damage to the PA system, and is therefore very unlikely to occur for more than short time periods.

CONCLUSIONS

- 6.1. The previous assessment found that for the majority of intended program for the CLF Theatre, music noise would be just audible. As a result of the additional sound insulation that has been installed on the third floor windows, internal levels of up to 103dB(A) can now be achieved without significantly impacting the nearest residences.
- 6.2. The maximum achievable output of the CLF Theatre sound system is between 103dB(A) and 106dB(A). Music played at this level was found to be audible above the lowest ambient noise measurements at the nearest residences. The only measurable increase in noise levels is in the 63Hz and 125Hz 1/1 Octave bands.

- 6.3. The additional sound insulation that has been installed in the CLF Theatre space has successfully reduced the noise break-out to the nearest residential premises. At internal music levels of up to 103dB(A), the noise measured at the nearest neighbouring properties is unlikely to cause disturbance to the residents.

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PROJECT NOTE

DOCUMENT CONTROL			
DOCUMENT TITLE	MUSIC NOISE PROPAGATION FROM CLF THEATRE SPACE	REVISION	R00
DOCUMENT NUMBER	VC-102316-EN-RP-0003	ISSUE DATE	24 TH NOV 2016
PROJECT NAME	CLF THEATRE	AUTHOR	A QUIBELL
STATUS	ISSUE	CHECKED	M WHITE
ISSUED TO	MICKEY SMITH (CLF ART CAFÉ)	PASSED	M MURPHY

INTRODUCTION

- 1.1. Vanguardia have been commissioned by CLF Art Café to provide a follow-up assessment of the noise break-out from the CLF Theatre space on the third floor of the Bussey Building, 133 Rye Lane, Peckham.
- 1.2. An initial assessment was carried out in October 2016, details of which can be found in Vanguardia document ref. VC-102316-EN-RP-0001.
- 1.3. As per previous recommendations, the CLF Art Café have sought to improve the sound insulation performance of the CLF Theatre space, to reduce the potential noise impact on neighbouring residential areas.
- 1.4. Both assessments have been carried out by means of a noise propagation test from within the CLF Theatre space to a location representative of the nearest noise sensitive residence.
- 1.5. This report details the findings of the second propagation test, conducted during the night of 22nd/23rd November 2016.

SITE INFORMATION

- 2.1. The Bussey Building is surrounded by Rye Lane to the west, with a railway line to the north, the Copeland Industrial park to the east and Thalia Court and Chloe Court to the South. The residents of Thalia Court and Chloe Court are the nearest noise sensitive receivers to the Bussey Building.
- 2.2. The CLF Art Café occupies spaces on the 1st, 2nd and 3rd floor of the Bussey Building, with windows facing towards the residential properties to the south. All windows have been boarded up with layers of plywood and mineral fibre in order to improve the sound insulation

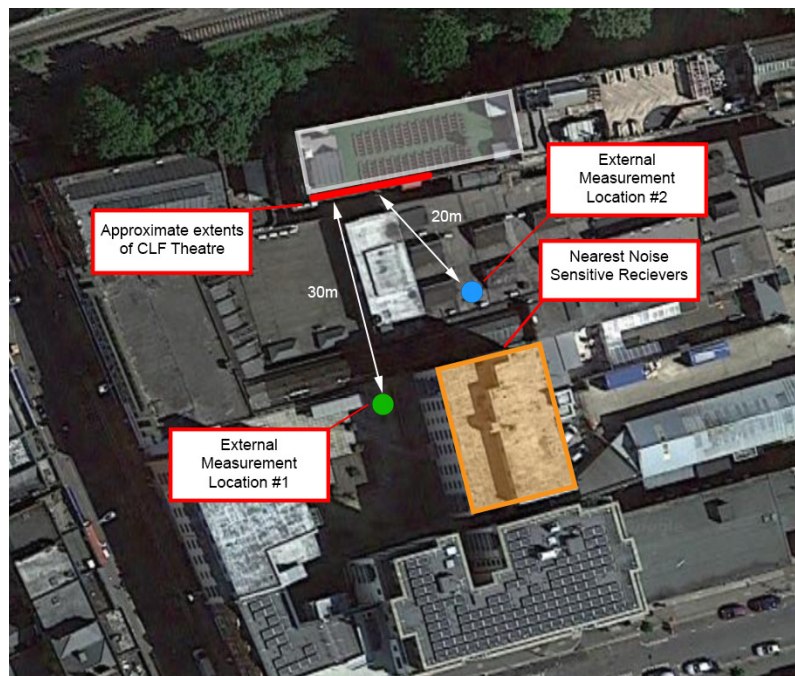
performance of the overall wall construction. On the 1st and 2nd floors, the same treatment has been applied to the outside of the windows as well.

- 2.3. The CLF Theatre occupies part of the third floor of the building. The theatre has a small PA system, including subwoofers arranged in a left-right stereo pair.
- 2.4. Since the initial assessment, additional sound insulation has been applied to the internal faces of the CLF Theatre windows.

MEASUREMENTS

- 3.1. Measurements took place on the night of Tuesday 22nd/23rd November between 23:30 and 01:00.
- 3.2. External measurements were taken from the roof of 135 Rye Lane, approximately 10m from the window of the nearest noise sensitive receivers at Thalia Court. The location is marked as External Measurement Location #2 on Fig. 1 below.

Figure 1 Site location plan showing external measurement positions for both assessments



- 3.3. Music noise levels were monitored internally with the use of an NTi Class 2 XL2 sound level meter. External measurements were taken with a Larson Davis LxT Class I sound level meter.

- 3.4. Using the installed PA system, full-range music was played within the theatre space and monitored both internally and externally in time-synchronous 1-second and 1-minute time periods.
- 3.5. The existing ambient and background noise levels were continually sampled in between measurements of music noise, in order to assess the contribution of music noise.
- 3.6. Notes were taken on the subjective impression of the noise, as well as any contaminating noise sources. In this way, a judgement could be made on the contribution of music noise in the total measured noise level.

RESULTS

- 4.1. Table 1 below summarises the measurements taken. The sound propagation to the external measurement position was measured for five different internal levels in 3dB increments between 94dB and 106dB.
- 4.2. The existing ambient (dB LA_{eq}) noise levels were sampled before and after each measurement of music noise. Train movements in and out of Peckham Rye station became less frequent between measurements 3 and 4, resulting in lower ambient noise levels.

Table 1 Results of propagation test.

Measurement	Existing Ambient Noise Level dB LA _{eq, 1min}	Internal Music Level dB LA _{eq, 1min}	External Measured Music Noise Level dB LA _{eq, 1min}	Comments
1	42	94	43	Music Inaudible at measurement position
2	42	97	42	Music inaudible at measurement position
3	41	100	42	Some low frequency noise perceptible
4	39	103	41	Music just audible
5	39	106	42	Music audible

DISCUSSION

- 5.1. Measurements 1 to 3 demonstrate that internal music levels of up to 100dB(A) have minimal impact on the existing noise levels. For measurements 1 and 2, music noise was inaudible at the external measurement position. For measurement 3 (100dBA internal level), some low frequency noise was just perceptible, but not measurable above the existing ambient noise.
- 5.2. Events such as cinema, theatre, spoken word and acoustic music performances are unlikely to exceed 100dB(A) for more than short periods. The low-frequency content of these types of material is substantially lower than in amplified dance music, as used for this propagation test. It is therefore felt that for the majority of events in the CLF Theatre, there will be no noise impact on the nearest residents.
- 5.3. Measurement 4 represents the upper end of internal music levels for a dance music club night. At this level, the music noise was just audible above the existing ambient noise at the external measurement position. It can be seen that a small increase in the ambient noise level of 2dB can be attributed to the music noise from within the CLF Theatre space. It is not felt that this increase would be likely to cause disturbance within the residences of Thalia and Chloe Court.
- 5.4. Measurement 5 represents the maximum level achievable (106dBA) within the CLF Theatre space with the currently installed PA system. At this internal level, music is audible at the external measurement position. However, the increase in noise level is still within 3dB above the existing ambient noise level.
- 5.5. Playing music at this level over long periods would cause damage to the PA system, and is therefore very unlikely to occur for more than short time periods.

CONCLUSIONS

- 6.1. The previous assessment found that for the majority of intended program for the CLF Theatre, music noise would be just audible. As a result of the additional sound insulation that has been installed on the third floor windows, internal levels of up to 103dB(A) can now be achieved without significantly impacting the nearest residences.
- 6.2. The maximum achievable output of the CLF Theatre sound system is between 103dB(A) and 106dB(A). Music played at this level was found to be audible above the lowest ambient noise measurements at the nearest residences. The only measurable increase in noise levels is in the 63Hz and 125Hz 1/1 Octave bands.

- 6.3. The additional sound insulation that has been installed in the CLF Theatre space has successfully reduced the noise break-out to the nearest residential premises. At internal music levels of up to 103dB(A), the noise measured at the nearest neighbouring properties is unlikely to cause disturbance to the residents.

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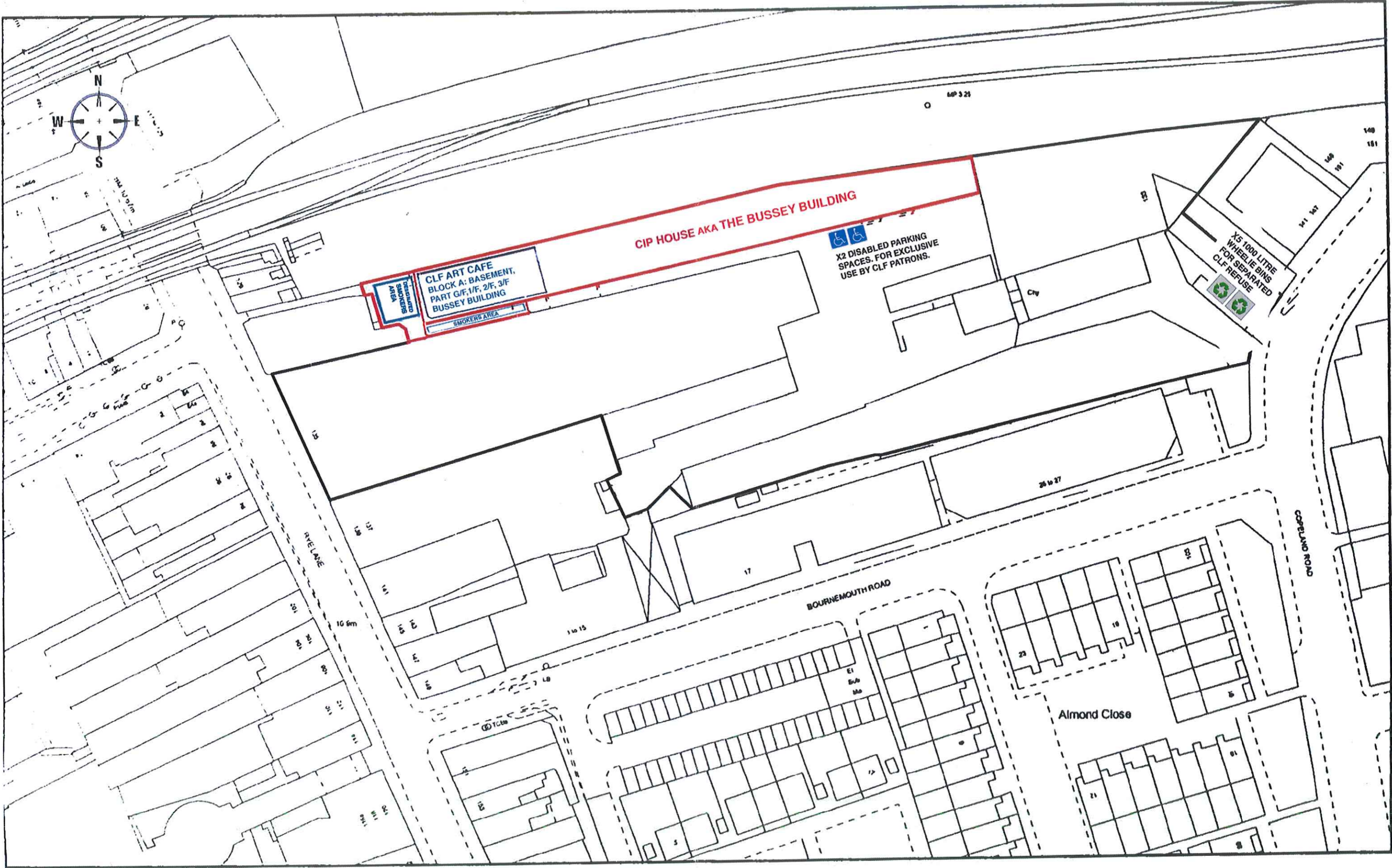
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Scale 1:1250



APPENDIX F

No.	Ref' no.	Start date	End date	Duration	Max' no. people	Alcohol?	Entertainment?	LNR?	Late TEN?	Premises user	Police obj?	EPT obj?	Counter notice?
1	824597	10/08/2007	12/08/2007	12:00 - 00:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
2	824900	15/09/2007	16/09/2007	12:00 - 03:00	499	Yes	No	No	No	Saija Kamarainen	No	No	
3	828874	20/12/2008	21/12/2008	20:00 - 06:00	499	Yes	Yes	Yes	No	William George Greg	No	No	
4	829343	20/03/2009	21/03/2009	21:00 - 04:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
5	830035	27/06/2009	28/06/2009	22:00 - 05:00	499	Yes	Yes	Yes	No	Terence Ulysses	No	No	
6	830514	18/09/2009	19/09/2009	20:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
7	830535	26/09/2009	27/09/2009	19:00 - 04:00	499	Yes	Yes	Yes	No	Michael Smith	No	No	
8	830568	02/10/2009	03/10/2009	19:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
9	830963	28/11/2009	29/11/2009	22:00 - 06:00	499	Yes	Yes	Yes	No	Michael Smith	No	No	
10	831191	31/12/2009	02/01/2010	22:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
11	831259	29/01/2010	30/01/2010	20:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
12	831327	05/02/2010	06/02/2010	20:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
13	831528	12/03/2010	13/03/2010	21:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
14	831578	21/03/2010	21/03/2010	00:00 - 06:00	499	Yes	Yes	Yes	No	Michael Smith	No	No	
15	831615	26/03/2010	26/03/2010	22:00 -	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	

				06:00									
16	831761	17/04/2010	17/04/2010	00:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
17	832003	28/05/2010	29/05/2010	19:00 - 03:30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
18	832055	06/06/2010	06/06/2010	00:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
19	832128	18/06/2010	18/06/2010	00:00 - 04.30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
20	832211	26/06/2010	26/06/2010	00:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
21	832731	28/08/2010	28/08/2010	00:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
22	834624	14/05/2011	15/05/2011	02:00 - 09:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
23	834895	18/06/2011	19/06/2011	02:00 - 06.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
24	835006	01/07/2011	03/07/2011	00.00 - 04.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
25	835056	09/07/2011	09/07/2011	12:00 - 06.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
26	835110	24/07/2011	24/07/2011	13:00 - 22:00	350	Yes	Yes	No	No	Michael Smith	No	No	
27	835354	20/08/2011	20/08/2011	14:00 - 00:00	499	Yes	Yes	No	No	Michael Smith	No	No	
28	835619	30/09/2011	30/09/2011	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
29	835765	15/10/2011	15/10/2011	00:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
30	835822	23/10/2011	23/10/2011	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
31	835823	30/10/2011	30/10/2011	02:00 -	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	

				06:00									
32	836020	20/11/2011	20/11/2011	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
33	836068	27/11/2011	27/11/2011	02:00 - 09:00	499	Yes	Yes	Yes	No	Michael Smith	No	No	
34	836616	28/01/2012	28/01/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
35	836609	04/02/2012	04/02/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
36	836690	12/02/2012	12/02/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
37	836692	19/02/2012	19/02/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
38	837257	25/02/2012	25/02/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
39	837359	11/03/2012	11/03/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
40	837439	13/03/2012	13/03/2012	17:00 - 23:00	250	Yes	Yes	Yes	No	Laura Crampsie	No	No	
41	837451	25/03/2012	25/03/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
42	837557	06/04/2012	08/04/2012	00.00 - 06.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
43	837559	07/04/2012	07/04/2012	18:00 - 03:00	300	Yes	Yes	Yes	No	Alexandra Martinelli	No	No	
44	837589	14/04/2012	14/04/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
45	837707	28/04/2012	28/04/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
46	837779	05/05/2012	06/05/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
47	838087	02/06/2012	02/06/2012	02:00 -	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	

				06:00									
48	838329	30/06/2012	01/07/2012	13:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
49	840531	31/03/2013	01/04/2013	22:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
50	840841	03/05/2013	03/05/2013	02:30 - 05:30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
51	840907	05/05/2013	06/05/2013	22:00 - 05:30	499	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
52	841202	05/05/2013	06/05/2013	23:00 - 04.00	499	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
53	841204	17/05/2013	18/05/2013	23:00 - 04.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
54	842313	25/08/2013	26/08/2013	22:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
55	842429	24/08/2013	24/08/2013	12:00 - 23:00	499	Yes	Yes	No	Yes	Samuel James Barker	No	No	
56	842949	12/10/2013	13/10/2013	18:00 - 04:30	250	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
57	843601	31/12/2013	01/01/2014	21:00 - 06.00	300	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
58	843619	21/12/2013	22/12/2013	21:00 - 06:00	300	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
59	844031	08/02/2014	09/02/2014	12:00 - 04:00	300	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
60	844302	22/03/2014	23/03/2014	21:00 - 05:00	300	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
61	844651	04/05/2014	05/05/2014	22:00 - 05:00	499	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
62	844865	25/05/2014	26/05/2014	22:00 - 06:00	499	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
63	844951	14/06/2014	15/06/2014	12:00 -	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	

				04:00									
64	845195	28/06/2014	29/06/2014	12:00 - 05:00	250	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
65	845199	05/07/2014	06/07/2014	22:00 - 05:00	250	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
66	847821	03/04/2015	03/04/2015	02:30 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
67	847822	05/04/2015	06/04/2015	23:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
68	848129	03/05/2015	04/05/2015	23:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
69	848486	24/05/2015	25/05/2015	23:00 - 03:30	150	Yes	Yes	Yes	Yes	Saija Kamarainen	No	Yes	Yes
70	848834	07/07/2015	08/07/2015	19:00 - 04:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
71	850292	20/11/2015	22/11/2015	22:00 - 05:00	250	Yes	Yes	Yes	Yes	Saija Kamarainen	No	Yes	Yes
72	850455	28/11/2015	29/11/2015	22:00 - 04:30	200	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
73	850456	04/12/2015	06/12/2015	22:00 - 05:00	250	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
74	851554	25/03/2016	25/03/2016	22:30 - 05:30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
75	851558	27/03/2016	28/03/2016	23:00 - 05:30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
76	851896	01/05/2016	02/05/2016	23:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
77	852233	29/05/2016	30/05/2016	23:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
78	855665	02/10/2016	03/10/2016	23:00 - 03:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	

APPENDIX G

Date	Time	Officer	Notes
09/11/2012	22:36	Kristie Ashenden	Call on police radio re: overcrowding. We arrived on scene and there were anywhere from 500 youths in Rye Lane trying to gain access to the premises. An 18th b' day party had been booked for 300 guests on closed invite on Facebook, however it was leaked publicly on Facebook and several hundred people turned up. Spoke to DPS Michael Smith. He said he had a Jazz night planned on 1st floor. Stu made several announcements over the police van loudspeaker, advising people to leave the area. Michael Smith admitted that his security did not handle the situation well. Spoke to the parents of the girls whose 18th party it was. Inspector Mark Lavin from the police was overseeing everything. We went inside to check that the premises were not overcrowded – the party was on 2nd floor, with maybe 100 people? Not crowded at all. Very hot. 2nd room at the back very quiet, not many people at all. 12 door staff on this evening. Photos taken
09/11/2012	23:54	Kristie Ashenden	On our way out PC Whythe searched a white male suspected of having cannabis
10/11/2012	00:00	Kristie Ashenden	Inspector Lavin said no one else was allowed into the premises. We waited for the youths to disperse
02/12/2012	02:30	Wesley McArthur	As FRC and I approached the premises from Blenheim Grove we noted 2 security / steward staff by the passage way that leads to the premises from Rye Lane. One of the security staff was an IC3 male the other was an IC3 female. A number of people were entering and exiting the passage. I approached the security staff and asked if the premises were still open, the IC3 male stated that it was. I ID'd myself and asked to speak to the manager. I was lead to the courtyard area to the front of the premises. The courtyard was very busy with approx.' 25 people smoking, drinking and socialising. The pay desk and security hub was located in the courtyard. I spoke to the licensee & DPS, Saija Kamarainen (SK). I asked SK what time the premises were going to shut, SK stated 'around 4am'. I asked if the 2nd floor was being used, SK confirmed that it was. I advised SK that under licence number 832624 (a copy of which I produced to her) that the premises should be shut by 02:00. SK stated that she had been granted a new licence allowing licensable activities until 06:00. I advised SK that the 6am licence should only be used once the works required by conditions on the licence had been complete. SK stated that the works required had taken place and invited me to inspect them. As the works required included soundproofing I explained that a member of the council's EPT would inspect the works at a later date. SK stated that the licence had been issued already. SK couldn't produce either of the licences issued in respect of the premises. A regular promotion ("Soul Train") was taking place on the first floor of the premises. The second floor had been hired for an external promotion. The third floor of the premises was not in use. Both the 1st and 2nd floors were very busy. I asked SK how she monitored capacities on each floor. SK stated that she used a wristband system whereby certain types of wristband admit entry to certain floors. Neither SK nor her security staff could provide current numbers of customers on either floor. I estimated that there were 250

			<p>people on the first floor and 200 on the second floor. I advised SK that counting devices should be used as follows: 1 for in, 1 for out on each floor, that the counters are colour coded for each floor so they cannot be mixed up, that only one person at a time is responsible for 1 set (pair) of counters on each floor. Breaches of the following conditions were noted: 156 – The staff log at the premises was not in use. 162 – Security inspections of the premises had been undertaken. 288 – The time code on the CCTV was 27 minutes fast. 290 – The hand held metal detector was not in use and had been left in the office. 298 – There was no signage displayed re' the search policy at the premises. The anti drug signage was obscured by a door that was secured open. 312 – There was no evidence that persons re-entering the premises were being searched. 313 'c' – Customers were being allowed to drink in the courtyard. 341 'a' & 342 'b' – Not all north facing windows were closed. At least 1 north facing window contained a broken pane of glass. In addition to the above the below was noted in regards to the following conditions: 341 'b' – Floor standing fans were being used to cool the venue. With the amount of customers on each floor at the time of the inspection the level of cooling was barely acceptable; however in summer the current cooling arrangements will not be sufficient. 342 'd' – On the 2nd Floor sound attenuation was in place via compressor. I spoke to a sound engineer who explained that the PA system on the 2nd floor had been hired in specifically for the event taking place and that he was in charge of the PA system and was working at the premises on that night only (he is not a regular employee at the premises). The sound engineer stated that the sound check in regards to the PA system had taken place at 22:00 that night, but that the compressor had not been set in conjunction with any type of external reference. I advised the engineer that should he work there again that an external reference should be used when deciding the control settings of the compressor (or similar) in regards to PA systems installed at the premises. I noted drapes covering the north facing windows on both floors. I asked if the drapes were or had been made flame retardant or whether they had a suitable kite mark. SK stated that they were supplied by theatre supplies company and had a relevant kite mark which she showed me. The kite mark / fabric information stated that the drapes were flame retardant in accordance with BS5438 pt. 2. SK asked me to email her my suggestions / findings ASAP and to let her know the status of the licences issued in respect of the premises. Warning letter to follow and advisory email. NB Another licence (no. 837671) has been issued in regards to the premises. This licence allows licensable activities to take place at the premises until 06:00 on Friday & Saturday. There is no provision in the licence that states that the work as required by the licence must be inspected by the local authority prior to the licence being used, or that the works must be completed to the satisfaction of the local authority. As I only had a copy of licence no. 832624 I suggest another inspection of the premises to verify adherence to the further conditions contained in licence no. 837671. BS5438 pt. 2 is the correct standard that the drapery at the premises should meet.</p>
07/12/2012	21:10	Tracy McCarthy	At 21:10 hours CLF Gallery – stumbled across the back entrance whilst doing a recci for the churches. Setting up for a gig. Advised that the rear doors will be closed, being used to get equipment into the premises.

09/12/2012	02:25	Roy Fielding	Met Saija who was using the first floor. The room was very hot and there was no ventilation in the room. Saija told us that someone is booked in for next year to sort the issue out. Farhad will be serving an improvement notice for the works to be carried out. All other floors were not being used. Saija complained re last refuge who had a private party that was making a lot of noise. We investigated (see last refuge for report)
15/12/2012	01:20	Roy Fielding	Met Mickey Smith and carried out revisit. Fully compliant except not using metal detectors during checks. Mickey showed us the detectors and instructed his door staff to use them. Will check again on Saturday.
22/12/2012	23:10	Roy Fielding	Visited premises and met Mickey Smith. Mickey informed us it was staff party on level 1 & 2. I asked him if I could take a photo of each of the sound limiters for Sarah which he agreed to. He also informed me that the premises would be closed until the 5 th Jan. He also said that there was not a SLD on the 3rd floor as it is theatre.
18/01/2013	22:30	Roy Fielding	Met manager Kirsty and spoke re trade waste issue. Kirsty said that they have a contract with Biffa who collect at the rear of the premises on Thursdays. She said that they check at the front for glasses etc. and would make more of an effort following the complaint.
08/02/2013	21:50	Jayne Tear	<p>8/2/2013 21:50 JMT & NVD From: Tear, Jayne Sent: 11 February 2013 19:15 To: [REDACTED] Cc: IAN CLEMENTS [REDACTED]; Franklin, David Subject: RE: Thefts in Licensed Premises</p> <p>Dear Emma,</p> <p>I called both of the numbers below in Friday 8th February at 19:15/19:16hrs to see if the SNT may want to visit with me. I did not get a reply so left a message. I visited the CLF Art Cafe (bussey bar) on the same night at 21:50hrs and spoke to Saija Kamerainen the DPS, With regards to your concerns below. There were 2 SIA door supervisors at front of house one inside and three more inside the courtyard at the time of my visit. Saija said that they pick up a lot of mobiles and lost belongings (which they have on site), she said that people just drop them and they are found in the premises when they clear up later. She was wondering why the people that have lost their belongings don't contact the club. Saija will be happy to meet with your officers to discuss. Maybe some of the people that have reported lost property to you maybe able to get it back. If the property is not lost and it is theft I can arrange to visit together during the day with the licensee's if someone from your team would like to speak to them personally, if not maybe Ian Clements/Graham White and I can visit together. Please let me know and I will arrange. I then visited [REDACTED] ([REDACTED]) at 22:37hrs on the same night for the same reasons, however it was closed. I will forward this to the team working next weekend,</p>

			<p>With kindest regards</p> <p>Jayne Principal Licensing Officer 020 7525 0396</p> <p>-----</p> <p>From: [REDACTED] Sent: 08 February 2013 16:42 To: [REDACTED] Tear, Jayne Cc: Lakoja, Niniola; [REDACTED] Subject: Thefts in Licensed Premises</p> <p>Jayne, Ian and Keith,</p> <p>Are you able to assist in any way with this? We are getting a lot of theft generated from the [REDACTED] and the Bussey Bar. Are you able to speak with the managers re' this? If not please can you provide me with any details of the managers of the premises? We do not have this problem with any of the other licensed premises -there are clearly security issues at both venues. Let me know,</p> <p>Emma Dickinson PS 109 MD The Lane SNT Work:- 020 7161- 8324 Mobile:- [REDACTED] [REDACTED]</p>
26/04/2013	23:15	Tracy McCarthy	At 23:15 hours attended CLF – H&S re-visit to check on improvement notice. Whilst in attendance it was pointed out to Ms Saija Kamarainen that condition #352 was being breached 'No open containers of alcohol or any other drink shall be taken o/s of the premises' Saija said she will keep on top of it and advised her SIA supervisors. Verbal warning given.
11/05/2013	19:20	Roy Fielding	Carried out poster check for a new application for the Bussey Building. Spoke to door staff re CLF. They explained that they were expecting around 100 people tonight.
24/08/2013	19:40	Dave Swaby	Visit with Sarah Newman, the premises was in the process of closing. No actions taken.
24/05/2014	21:15	Farhad Chowdhury	Visited this premises by accident seen people taking in cases of alcohol. Met Sajja Kamarainen from CLF Arts cafe, says they have a TENS tonight Roy checked on his phone it came up as the REFUGE and not Basement A. Concerned about

			the low ceiling in the premises and lack of water and washing facilities, and no WC's also there is a lack of ventilation in the premises. Have a Vinyl 45's night tonight. Says will apply for a licence soon, will be running as a record shop. Sajia home address is [REDACTED] Tens seen from 24/5/14 to 25/5/14 – 2200 - 0600hrs. Carried out a Health and Safety Inspection left report. Advised to apply for licence.
25/05/2014	01:52 Visit	Farhad Chowdhury	Long queues outside on rye lane.
30/05/2014	19:58 t	Kristie Ashenden	Basement A 133 Copeland Rd revisit for H&S. En route stopped @ [REDACTED] on Blenheim Grove. Fake hair extensions everywhere, FRC advised to clean up & we will pass to Env-enforcement. Basement bar closed, to revisit later
31/05/2014	01:01	Kristie Ashenden	Big crowds outside, appear to be students. Once through security another queue of 30-40 people waiting to get through. We had a look at the basement bar with Martin Drogosz, who said he was the manager. Asked to see the TEN. He was unable to produce it, however we found it online. Martin said the capacity of CLF was 900 and the basement bar is limited to 150. We asked security for the number of people in the premises. The females at the entrance did not have clickers or metal detectors. When asked for numbers they looked at the guestlist and 'estimated' it to be around 450 people, but there was no way of knowing for sure. They had no idea how many people were on the premises. Breach of condition 307 - no clickers at the premises. Asked for personal licences, 2 staff had them available. Breach of 162 - no security search records available, Breach of 303 - no 696 available, Breach of 307 - they don't know how many people on each floor, let alone how many in entire footprint of building. Breach of 313 - drinks consumed outside courtyard. Breach 344 - Asked to see refusals book, not available. Breach 350 - not aware of need for drugs box. Breach 354 - unable to provide dispersal policy. Breach 4AI - no register produced. Breach 356 - no incident log. No confidence in management - as we were leaving there were a lot of people in the courtyard drinking
14/06/2014	02:33	Farhad Chowdhury	No queues outside all quiet
28/06/2014	22:05	Farhad Chowdhury	Basement A is closed tonight. The footpath outside is badly broken and is a trip hazard needs to be repaired.
06/07/2014	02:14	Kristie Ashenden	En route to CLF Art Cafe for an H&S revisit when we encountered 3 cars going through a red light on Old Kent Rd. Followed them in the van to Peckham and all 3 cars were pulled up. Cars full of Nigerians going to an event, police spoke to them and let them go.
06/07/2014	02:35	Kristie Ashenden	Revisit with FRC and police. Courtyard is packed with people, must beat least 60-80 people outside - concerned about noise for residents as well as safe evacuation should there be an emergency. FRC took photos. Met with Micky Smith who said the basement was not open AToV however rest of premises is.
19/07/2014	22:25	Kristie	Visit with FRC to check on outstanding works re: his representation. Doorstaff said there were 34 people in AToV

		Ashenden	however there appeared to be more than that. FRC checked on basement work. At 22.54 went past [REDACTED] in alley from Blenheim Grove on way to Peckham Rye station. Decks & speakers set up, crowds gathered to blaring music. Takeaway food shop, no licence. Report to DCM/JMT
28/09/2014	01:52	Kristie Ashenden	Hot dog man + jerk chicken set up opposite premises. TCT NTE police to assist. Adam ended up seizing jerk chicken BBQ.
14/02/2015	01:25	Kristie Ashenden	With Matt Bourne. Big queues outside CLF, however NTE police received a call from [REDACTED] there are 60 people outside and they are unruly.
19/04/2015	00:59	Farhad Chowdhury	Evelyn carried out a food hygiene inspection, looked at records. She asked what types of foods are sold. Sajia explained they have a pop up food stall selling vietnamese foods. It is opened from 12-8pm, noticed there were too many people in the outside smoking shelter brought it to the attention of Sajia to keep an eye if it gets overcrowded to move people around.
24/04/2015	02:44	Jayne Tear	Visited premises to carry out a noise assessment with regards to complaint from Sarah Newman. We walked all around peripheral of premises. Could not hear anything that would cause a nuisance from CLF, went to nearest flats and could hear noise but it was from people praying on the top floor of a flat. Entered premises and Id ourselves We Id ourselves to the SIA and then Mr Martin Drogosz the person in charge and the sound engineer [REDACTED] [REDACTED]. Mr Drogosz showed me his personal licence issued by [REDACTED] Council no. [REDACTED] EXPIRY DATE [REDACTED]. I explained that there had been a noise complaint and I asked him to show me the S.Ls on each floor. He showed me the .S.L s and they all seemed to be working. Took Photo's of each for Sarah. I asked if there were any outside promoters working tonight and he said yes. He told me the promoters for each floor are as follows: Basement – Caught up1st Floor – Lucid2nd Floor - Digital City (possible breach of 303 – will need to check if venue hire been submitted to police). On the way out I noted that a woman with a plastic glass of what looked like lager/beer. I spoke pointed this out to Mr Drogosz and he immediately asked the SIA to remove the beer from the woman. (breach of 381) I thanked them for their assistance and we left the premises at 03:34.
09/05/2015	22:45	Mark Orton	Visited premises, full inspection, premises becoming busy atov. Contact at time of inspection was Saija Kamarainen DPS. SIA stewarding patrons well. ID's being checked and searches of person and bags etc. being carried out. Courtyard area being used by patrons to smoke. Basement bar and record store no busy but music loud, some breakout but low level. Theatre being used as production unit as filming taking place (live broadcast) taking place in the building. All paperwork in order, refused sales log (I advised signing off each log if no refusals had taken place to show log was being used), SIA log up to date, incident log being utilised, CCTV in operation, re' Hire Agreement condition 303, premises does not "dry hire" and management is always present with in house security, condition does not state 696 agreement so not sure what benefit this holds. Several conditions relating to sound limiters throughout operating schedule are confusing, even though they are being utilised and there is a sound engineer on duty at times the licence is in use. I advised the sound engineer carries out an external sound check re condition 366 to monitor

			music/sound breakout during the evening due to current noise complaints despite sound insulation being installed in various parts of the building. This activity to be logged for inspection. In my opinion, a small reduction in music volume would not detract from the enjoyment of patrons but could have a big impact on local residents suffering disturbance as the music being played inside the premises was very loud for the size of the room the music was being played in. Ear plugs were available for staff and whilst carrying out inspection staff were entering the office to request ear plugs. Whilst leaving premises, it was noted that some of the windows could be heard vibrating suggesting that bass levels could be too high and depending on wind direction other music noise was also witnessed, unsure of whether it could be a nuisance level or not. Noted during inspection some of the conditions appeared to be contradictory and possibly redundant, will discuss with officer responsible. This has been brought up before with DM.
23/05/2015	02:26	Richard Kalu	Visit to CLF Art Café with Sarah Newman. Premises were very busy and were observing the licensing conditions as per their licence. We completed a walk around of the premises on all the various floors and no issues were noted. I did however observe X4 patrons in the external courtyard drinking cans of beer which I believe is prohibited. Advised by management that these patrons had taken the alcohol out into this area earlier in the night and this was not detected by SIA staff. Advised management that they needed to take more robust action to stop patrons drinking in this area.
13/06/2015	02:15	Mark Orton	Spoke with DPS re patrons drinking in courtyard beyond 02:00hrs. Noted 3 persons drinking from cans of beer, was informed that they had taken them into the courtyard before 02:00hrs and were just finishing them off. Witnessed SIA using wands and searching bags etc.
19/06/2015	23:50	Richard Kalu	Visit to CLF Art Café with Adam Burchett. SIA compliant at premises. Checked various floors no issues noted. Patrons being stopped by SIA staff from bring drinks into the courtyard area. CCTV in full operation and no compliance issues noted. Premises were extremely busy.
04/09/2015	23:50	Wesley McArthur	After visiting McDonald's with Tracy McCarthy (TMM) we noted a large queue on Rye Lane leading to the entrance of the Bussey Building. There were approximately 110 people in the queue. I noted a D/S monitoring the queue towards the rear of the queue and 5 D/S's by the entrance on Rye Lane to the Bussey Building. The area was very busy in general with groups of youths and young people walking about and congregating in various areas down the length of Rye Lane and around Bellenden Road and Blenheim Grove. I noted that many of the people were drinking alcoholic drinks. Most of the groups of people were conversing loudly and all appeared to be in high spirits although I didn't note any ASB. We approached the entrance to the premises and I ID'd myself & TMM to an IC3 D/S. I asked him what event was taking place and he stated that the band 'Odyssey' was playing at the premises that night. He stated that the queue TMM and I had observed was a ticket holder / guest-list queue, that the majority of people attending were ticket holders and that the premises were only accepting a limited number of customers who were paying on the door. The D/S led us through the courtyard area to an office. Whilst walking through the courtyard area I observed that it was very packed with customers socialising and also customers getting searched /waiting to get searched. The sound level of people voices was quite loud in the courtyard. The D/S took us to the office where we met the premises

			<p>manager, Mickey Smith (MS). MS confirmed that the event taking place that night was the band 'Odyssey' playing, and that he was expecting a capacity crowd at the premises. MS stated that there hadn't been any problems at the premises so far that night. I asked how many D/S's were working at the premises that night and MS answered 18. I told MS that I'd seen people drinking in the queue and in the locale. MS stated that people were not allowed to bring any drinks into the premises and that any persons who appeared to be intoxicated would be turned away even if they were ticket holders. MS stated that so far, to his knowledge, they hadn't had to turn anyone away for being intoxicated. The window in the office overlooks the courtyard. The window was partially open. Customer's voices from the courtyard could clearly be heard in the office and I reminded MS of recent noise complaints. MS stated that noise dampening measures would be installed in the courtyard ASAP and that he was still waiting to find a suitable smoking shelter solution. I asked MS if the number of customers on each floor was being controlled (as required by the licence issued in respect of the premises). MS answered that D/S's were at the entrance to each floor at the premises and that they were using counting devices to ensure that the permitted number of persons per each floor wasn't exceeded. I asked MS if the premises were experiencing any problems since it (and the locale) had become very popular over the past year or so. MS stated that NOx sellers are a big problem that he is finding hard to combat. MS stated that he has rung the NTET number a few times when he has noticed NOx sellers in the area but the NTET line was not answered. MS stated that the NOx sellers are operating in large gangs and have recently been intimidating to himself and D/S's at the premises when they have tried to disperse the NOx sellers from the immediate vicinity of the premises / customer queues to the premises. MS stated that they sell NOx quite openly. I told MS that I will report this back to NTET / Licensing. MS stated that the NOx sellers are particularly active between 4am and 6am and that he would like to see a stronger police presence in the area between these hours to deter NOx / drug sellers. I conducted a walk through of the premises. There were D/S's monitoring the numbers of customers on each level of the premises with counting devices. According to the counting devices no level was exceeding its permitted capacity. The premises were very busy on each level. Fans were in operation. The music was very loud on each level but SLDs appeared to be functioning. Toilets all in working order. Security were being through with their searches. No problems at the premises were noted.</p>
?	02:55	Richard Kalu	<p>Visited premises with Sue Hunter. No ASB issues identified outside the premises. There was a lot of discarded litter and evidence of nitric oxide use at the front of the premises. Entered the front courtyard of the premises and noted that no patrons were drinking alcohol in the front courtyard. Discussed Acoustic measures which are due to be put in place in the front open courtyard. I have been advised that consideration is being given to increasing the height of a wall in the front courtyard. Whilst I am not an acoustic specialist I have had experience of noise related complaints and I could not see how this measure would reduce noise nuisance currently experienced by resident's living in the immediate vicinity of the premises. This will however need to be assessed by EPT / noise officers to establish whether from the resident's property the associated noise breakout can be regarded as a statutory noise nuisance. Checked</p>

			the various floors and SIA staff were not allowing patrons to vacate rooms with drinks. I also noted that the 3rd floor was not operational as a clubroom or a theatre. I did complete a very simple exercise on the 2nd floor with security and closed the doors of the clubroom that effectively cut out all noise escape from the clubroom. I note that outside each clubroom on landing where there is waist height to ceiling height single panes of glass. I enquired whether they had ever thought about double-glazing as almost all of the noise was coming out the clubrooms and going straight out the window into the wider community. I do not think this has been looked into as of yet which I would imagine drastically reduce the noise escape as a whole for the whole building.
05/09/2015	00:04	Farhad Chowdhury	Long queues outside CLF arts cafe, lots of activity looking for BBQ's none set up yet, found a man with Nitrous Oxide maybe selling to people going to CLF. Adam Called NTE police and gave description of the man and to visit and observe rye lane and seize the Nitrous Oxide.
05/09/2015	02:00	Farhad Chowdhury	Still a queue outside no BBQ some people sitting on the pavement.
13/09/2015	01:40	Jayne Tear	Blenheim Grove SE15 - Parked appx 50yds from junction with rye lane near the church. All quiet in Blenheim grove, however could hear shouting, laughing and screaming of patrons coming and going in and out of the CLF ART CAFÉ. The patrons were walking backwards and forwards across the road and congregating at the entrance observed for appx 15 minutes. Got out of the car to visit RYE EXPRESS and noticed empty beer cans and beer bottles strewn in various places on the pavement.
13/09/2015	02:10	Jayne Tear	Notes to follow
19/09/2015	01:15	Richard Kalu	Request made by David Franklin to Visit. Premises visited with Farhad Chowdhury. Parked up at Bar Story. Lots of people milling about and drinking. On approach to CLF art cafe spotted a nitric oxide seller and called it into police. Quite a few people along the road singing and shouting. No noise breakout from the premises in the courtyard. They appeared to manage to contain the music levels to within the premises and there was minimal sound escape. The third floor was busy with people generally going in and out and a heavy presence of SIA staff who appeared to have received specific instructions to stop people taking drinks into the courtyard. Room was being used more as a clubroom than a theatre type room. Witnessed a number of drinks being confiscated from patrons before being allowed into the courtyard. When leaving the premises noted a number of discarded balloons (nitric oxide) discarded along the street.
19/09/2015	23:30	Richard Kalu	Visit to premises with Farhad Chowdhury. Nitric Oxide seller was present and mixing in with patrons waiting to gain entry. Informed NTE police of a IC3 male with dreadlocks wearing a beanie hat with stonewash jeans and a furry type olive green jumper. Nitric oxide was approaching people and some people were being quite vocal that they did not want the balloons. Full complement of SIA staff on door who were carrying out searches and using wands.

04/10/2015	03:20	Richard Kalu	<p>Full inspection carried out. Initially observed the front of premises from the vantage point of Blenheim Grove. X4 patrons on Blenheim Grove however no ASB issues were identified. X15 patrons at the front of the premises who were being controlled by SIA staff. No Nitric Oxide sellers or barbecue sellers observed in the immediate vicinity of the premises. There was evidence of nitric Oxide use at the front of the premises with discarded silver nitric oxide bottles on the floor. Full inspection carried out with the operator / DPS Saija Kamarainen and head of security Yazz (██████████). 3rd Floor (theatre) was not operational and we discussed the use of the third floor that it should only be operated as a theatre. I have been advised by Saija that she intended to go down the road of a variation of the licence. Saija advised that they wanted to support the theatre but when it was not busy it still needed to be operational and draw revenue and the only way to fully utilize this space was to use it as a venue room for the CLF Art Cafe main business. The licence is very complicated with repetition of wording of conditions which in some respects is not enforceable. Saija advised me that she has trouble understanding the licence in respect of what she should and should not be doing. I advised her that legally it was her responsibility and as a responsible operator to gain an understanding of the licence and to ensure that she was compliant. Security also confirmed that the licence is causing problems as it is very complicated to understand. I reiterated again that they needed to gain an understanding and if there were any issues with the understanding of the wording of the conditions to use this opportunity to discuss with me now. On my initial entry into the premises I noted that no patrons were drinking in the front courtyard of the premises. There was a very visible presence of SIA security at the entrance and in the front courtyard. I made comment and Saija volunteered that there had been issues about the wording on the licence conditions about the operation of the front courtyard. Saija advised me that to avoid confusion security had now been advised not to allow any patrons to enter the front courtyard with drinks past 01:30hrs which could clearly now be seen to be a measure which had been implemented. Sound Limiters checked and all fully operational. I went through the licence with Saija and the head of security and the breaches found relate to dispersal policy condition 354. No breach was witnessed in relation to 313 drinking in the front courtyard. SIA were using the metal wand detector. I witnessed SIA staff actively stopping patrons vacating any rooms with drinks which was encouraging and it was a zero tolerance approach to this i.e. one warning then the alcohol was being confiscated. The inspection took a long time however it's clear that some work needs to be done on the licence with a full variation to tidy up the licence. Signage was up and could clearly be seen. I have advised them that they could do with some more updated signage. CCTV was operational and no issues identified. I gave words of advice in relation to dispersal policy and have asked that this is done as a matter of priority. Also Saija has confirmed that staff will now be deployed to come out the premises at the end of the night and sweep up and pick up discarded litter in the immediate proximity to the premises which should hopefully address some of the complaints received by residents about litter. I asked about outside promoters and it appears that they do on occasion have external promoters. Saija confirmed that they do have a venue hire agreement arrangement in place and it may be worthwhile discussing with the police to see if they have received any 696 forms.</p>
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10/10/2015	22:02	Wesley McArthur	Visit with Ken Dale (KD). Waist height barriers were in place heading south on Rye Lane from the entrance of the premises but there was nobody queuing to get in the premises. I saw 4 IC3 D/S's at the entrance (on Rye Lane) to the premises. We didn't observe any ASB in respect of the premises or groups of people congregating near the premises.
17/10/2015	00:35	Farhad Chowdhury	Hundreds of people in queues on rye lane waiting to go in. We looked for nitrous oxide sellers and BBQs nobody around today.
23/10/2015	22:34	Farhad Chowdhury	All quiet some people are queuing up.
31/10/2015	22:55	Wesley McArthur	Visit to the premises with Adam Burchett (AB). I saw 4 D/S's by the entrance to premises on Rye Lane. Waist height police barriers were in use heading south down Rye Lane from the entrance to the premises. There were approx.' 15 people queuing to enter the premises behind the barriers. I didn't observe any ASB in the vicinity of CLF.
08/11/2015	02:23	Farhad Chowdhury	Hundreds of people outside in the smoking area and the space outside rye wax, some with drinks in their hands. Very crowded in the alleyway some staff were at the far end near staircase B. People had glasses and Beer cans in their hands, people noise and music audible outside. The have not carried out any noise control works yet. Met head door man Ade, security could not manage the crowd they have no control. Ade told us when the DJ changes and set changes people come out and change rooms as they get bored and this causes the big crowds outside. After we advised him of the no drinks after 2am he took drinks off peoples hands, still busy we left at 2:38hrs.
22/11/2015	01:50	Farhad Chowdhury	Open no queues, looking for nitrous oxide sellers, none found.
22/11/2015	22:12	Farhad Chowdhury	Queues opening not busy yet
05/12/2015	01:00	Richard Kalu	Visit to premises with Sarah Newman. Entered the premises and discussed people noise and courtyard area with head door supervisor as management were dealing with an issue. 3rd floor not in operation drinks were not being taken out into the courtyard area. Sarah inspected the new Acoustic measures put in place in the front courtyard. We carried out some monitoring from the other side of the new acoustic built up area overlooking the courtyard and no music could be heard escaping from the premises. Discussed nitric oxide sellers and were advised that SIA staff are actively discouraging nitric oxide sellers from operating near their premises. Head of security has asked if there could be some police presence to deter the nitric oxide sellers.
02/01/2016	23:31	Farhad Chowdhury	Premises open, nobody in the queue very quiet.
27/02/2016	03:30	Richard Kalu	Observations of premises in relation to front courtyard and no alcohol being consumed by patrons. Condition being adhered to and enforced by SIA staff at the premises. No nitric oxide sellers located outside the front of the premises.
28/02/2016	1:37	Farhad Chowdhury	All quiet nobody outside

05/03/2016	01:30	Richard Kalu	Compliance check with Farhad Chowdhury. No nitric oxide sellers were located at the front of the premises. SIA staff were visibly patrolling the line of patrons waiting to gain entry and advising patrons that they should refrain from buying nitric oxide.
06/03/2016	1:32	Farhad Chowdhury	CLF arts cafe all quiet, no issues.
12/03/2016	22:45	Farhad Chowdhury	All quiet, not many people in the queue, checked for BBQ none at the moment.
23/04/2016	03:20	Richard Kalu	Visit to CLF art cafe with John Uzodinma. X3 nitric oxide sellers located at the front of the premises. I identified myself to one of the sellers and advised him that I worked for licensing and that he needed to move on. I also advised him that the police were doing a sweep and that they faced confiscation of their nitric oxide and possible arrest. They all moved on and I confirmed that officers routine patrol RyeLane. Also noted a barbecue seller across the road from CLF art cafe. Will update Adam Burchett in regards to this so that we can attempt to cease next week.
01/05/2016	01:15	Richard Kalu	Visit to CLF Art Cafe. X5 SIA members of staff at entrance of the premises. We identified a barbecue seller who we have previously seen trading and who Adam has confiscated his barbecue across the road. Advised by Adam that he wanted to witness the barbecue seller. We parked up just on Blenheim Grove and observed the barbecue seller cooking and selling to members of the public. 01:26 Call to NTE Police advising them that we would need assistance later to confiscate the barbecue. Advised that they would be happy to assist later. We left having arranged to return back later in the night with NTE police assistance.
01/05/2016	03:10	Richard Kalu	Visit with Adam Burchett and NTE Police. Barbecue confiscated. Adam to lead on potential prosecution Witness statement to be provided to Adam Burchett upon request.
07/05/2016	03:15	Richard Kalu	Visit to CLF art cafe with Sue Hunter. When we arrived I noted that on the corner of Blenheim Grove across the road from CLF ART Cafe there was barbecue seller on the corner of Blenheim Grove. Upon closer inspection I noted that it was the same barbecue seller that had his barbecue drum lifted and confiscated by myself and Adam Burchett on the 1/05/2016 (previous weekend).Myself and Sue Hunter approached the barbecue seller and advised him that a van was coming in 10 min to pick up his van and that he needed to pack up and move on. We returned back to our car to observe the barbecue seller to ensure that he was packing up and moving on which he did. Whilst positioned at this location we observed a number of issues on Blenheim Grove that was cause for concern. There were at least 3 nitric oxide sellers as well as street drug dealers on the corner of Blenheim Grove. Call made to NTE Police requesting that they come down to Blenheim Grove to disrupt the criminal activity that was taking place. We were advised by NTE Police that they would visit the area shortly and concentrate their attention to Blenheim Grove / CLF Art Café.
07/05/2016	23:53	Farhad Chowdhury	Looking for BBQ's, No BBQ's no Nitrous Oxide sellers tonight.
21/05/2016	1:40	Farhad	No BBQ's no Nitrous Oxide sellers outside.

		Chowdhury	
22/05/2016	2:30	Farhad Chowdhury	Checked for nitrous oxide sellers none and no bbq's
04/06/2016	02:40	Richard Kalu	No barbecue seller located across the road from premise. Noted that there now appears to be increasing numbers of nitric oxide sellers located on across the road from CLF Art Café. Witnessed what appeared to be an exchange of money possibly for drugs on at least two occasions. Noted at least X7 members of the public with nitric oxide balloons around the general area of CLF Art café. Action: Update police in regards to the increase in nitric oxide sellers along rye lane with an emphasis that the nitric oxide sellers do seem to be concentrating their efforts around the CLF Art Café.
18/06/2016	01:50	Richard Kalu	Myself and Ken Andrews while walking past the premises were stopped by the head of security who enquired about the barbecue seller who was usually pitched up on Blenheim Grove. Advised that there was an outbreak of food poisoning amongst some the security staff that had purchased some food from the barbecue seller. Myself and Ken advised him that he and his staff should refrain from purchasing food from the barbecue sellers and discourage patrons as much as possible from doing so as well. Advice provided in relation to food hygiene by Ken Andrews. Discussed some of the activity which was occurring on Blenheim Grove and in close proximity to the CLF Art Café. Was advise that the police appear to be much more on top of things are making more frequent sweeps of the area which is pushing away some of the desirable elements that seemed to use the area as a destination area to engage in criminal activity.
02/07/2016	03:20	Richard Kalu	Visit to premises with Adam Burchett. As we were coming down Rye Lane we spotted one of the persistent barbecue sellers and we approached him and advised him that he should not be setting up on Blenheim Groves we would confiscate his barbecue drum. X2 Nitric Oxide sellers were milling around who appeared to be working in partnership. X2 black males one with dreadlocks (6ft1 dark denim jeans white t-shirt and stone island jacket) and one with a bald head (5f 9 dark denim jeans white t shirt and dark blue jean jacket). Overheard part of a conversation with a customer and they were saying that they were about to sell out and they only had X2 cans left. CLF had full compliment of SIA staff at the entrance of the premises carrying out ID checks and scans of the patrons wishing to gain entry.
11/09/2016	01:30	Farhad Chowdhury	No NOx sellers outside no queues outside CLF.
11/09/2016	02:35	Farhad Chowdhury	No queues outside no NOx sellers seen all quiet outside.
25/09/2016	03:33	Farhad Chowdhury	Call quiet, seen two NOx sellers they appear to be like NOx sellers had ruck sack behind them wondering up and down the road. Outside CLF Arts café. Called Police to inform them

02/10/2016	02:07	Farhad Chowdhury	Police outside some incident at the club, met the SIA door staff says member of staff was attacked inside. I asked to speak to the manager Saija we went upstairs where we met Saija and the barmaid named Beverly who was attacked. Police have arrested 2 guys and 2 girls who are all suspects, apparently the barmaid was manning the doors inside and some argument broke out and a customer kicked Beverly in the stomach repeatedly it was unprovoked attack. She looked badly shaken and was resting in the managers office. I asked her is she was okay as she did look very shaken. I called our NTE team to report the incident there was no answer on their phones.
08/10/2016	02:20	Farhad Chowdhury	No queues outside, nobody outside just door staff.
22/10/2016	00:40	Richard Kalu	Visit to premises with Natasha Donoghue. Full walk around the site and no issues were identified. The 2nd floor theatre room was not operational ATOV. No drinks were being allowed out into the main courtyard area of the premises. All patrons were being searched upon entry into the premises. X5 Female SIA staff were counted on site. Advised by one of the SIA staff that they have DJ Tim Westwood performing next week at the premises and they will be drafting in an extra attachment of SIA staff to ensure that no issues arise at the event.
05/11/2016	00:03	Farhad Chowdhury	Very long queues outside no NOx sellers.
23/12/2016	00:25	Farhad Chowdhury	Closed tonight
12/02/2017	02:30	Farhad Chowdhury	Quiet, four people outside

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