

Licensing Sub-Committee

Monday 2 October 2017
10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Maria Linforth-Hall

Reserves

Councillor Adele Morris

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

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: 22 September 2017



Licensing Sub-Committee

Monday 2 October 2017
10.00 am

Ground Floor Meeting Room G02A - 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: UNIT 2, 777 OLD KENT ROAD, LONDON SE15 1NZ - REVIEW	1 - 38
6.	LICENSING ACT 2003: LA BARRA, ARCH 147, UNIT 2, EAGLE YARD, HAPTON STREET, LONDON SE1 6SP	39 - 112

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: 22 September 2017

Item No. 5.	Classification: Open	Date: 2 October 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Unit 2, 777 Old Kent Road, London SE15 1NZ - Review	
Ward(s) or groups affected:		Livesey	
From:		Strategic Director of Environment and Social Regeneration	

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 George Nwachukwu in respect of the premises known as Unit 2, 777 Old Kent Road, London SE15 1NZ
2. Notes:
 - a) The grounds for the review are stated in paragraph 13 of this report. A copy of the review application is attached as Appendix B.
 - b) The application is supported in representations submitted by one responsible authority and an 'other person'. Copies of the representations and related correspondence are attached in Appendix C. Details of the representations are provided in paragraphs 15 to 18 of this report.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix A. A map showing the location of the premises is attached as appendix G.
 - 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:
 - The sale of alcohol
 - Sunday to Thursday between 11:00 and 23:30
 - Friday, Saturday and bank holidays between 11:00 and 00:30 the following day
 - The provision of late night refreshment
 - Sunday to Thursday between 11:00 and 23:30
 - Friday, Saturday and bank holidays between 11:00 and 00:30 the following day

- Opening hours
 - Sunday to Thursday between 11:00 and 00:00 the following day
 - Friday and Saturday and bank holidays between 11:00 and 01:00 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 A.

Designated premises supervisor (DPS)

11. The current designated premises supervisor (DPS) named on the licence is George Nwachukwu.

The review application

12. On 12 July 2017 an application was submitted by an 'other person', under Section 51 of the Licensing Act 2003, for the review of the premises licence held by George Nwachukwu in respect of the premises known as Unit 2, 777 Old Kent Road, London SE15 1NZ.
13. The review application was submitted in respect of the prevention of crime and disorder and prevention of public nuisance licensing objectives on the grounds that:
- The premises are operating in breach of the planning permission granted in respect of the premises.
 - Numerous complaints about the premises have been submitted by local residents to the council, Southwark anti-social behaviour unit, the police and a local MP in regards to the operation of the premises.
 - Local residents have been subject to alleged verbal abuse from the licensee when those local residents have submitted complaints in regards to noise nuisance or complaints about the premises' customers loitering in the surrounding streets
 - The applicant has allegedly been woken up by shouting, arguing, music being played in cars and car horns being sounded.
 - Customers from the premises urinate outside of the applicant's bedroom window and in the applicant's front garden
 - The premises are being operated as a club / bar
14. A copy of the review application is attached as Appendix B.

Representations from responsible authorities

15. This council's director of public health has submitted a representation in regards to the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The representation expresses concern over the alleged persistent failure (of the premises' management) to

promote the licensing objectives. The representation notes that local residents are allegedly being disturbed in the early hours of the morning and that the resultant loss of sleep could have detrimental effects to those residents' health. The director of public health fully supports that the premises licence issued in respect of the premises be reviewed.

Representations from other persons

16. A local resident has submitted a representation in support of the review application. The representation states that the premises management have been negligent in their duty to ensure that customers leave the premises in a quiet and orderly manner, that the operation of the premises leads to the loss of amenity for local residents, that loud arguments take place in the locale between customers of the premises, that the operation of the premises has an adverse effect on local residents' ability to park in the locale (and that double parking could lead to an accident), that vandalism and anti-social behaviour arise from the location and that the disposal of trade waste from the premises is of concern.
17. The representation states that it has been submitted on behalf of a local community association. This council's guidance to the submission of representations advises that when such representations are submitted proof (such as meeting minutes) must be provided that the representation has been submitted on the agreement of the members of the association (or similar body). In this case no such proof has been provided and so the representation must be considered as being submitted on behalf of the individual who submitted it, and not on the behalf of the community association referred to.
18. Copies of the representations and related correspondence are attached to this report as Appendix C.

Operating history

34. A premises licence was issued to George Nwachukwu in respect of the premises on 25 September 2016. On the licence Mr Nwachukwu was specified as the premises' DPS.
35. On 15 December 2016 a complaint was made to Southwark anti-social behaviour unit (SASBU) by the review applicant alleging that customers using the premises engage in anti-social behaviour in the locale. The complaint was forwarded to the licensing unit by SASBU.
36. On 23 December 2016 a complaint was made to a local ward councillor by a second local resident alleging that customers using the premises engage in anti-social behaviour in the locale. The complaint was forwarded to the Licensing Unit by the local ward councillor.
37. On 3 January 2017 a complaint was made to a local MP by a third local resident again alleging that customers using the premises engage in anti-social behaviour in the locale. The complaint was forwarded to local ward councillors by the local MP. The complaint was then forwarded to the licensing unit by a local ward councillor.
38. As a result of the above complaints an induction meeting at the premises was undertaken by a licensing officer on 5 January 2017. At the induction meeting the conditions of the premises licence issued in respect of the premises, the remit of the

licensing unit and the potential consequences of breaching licensing legislation were explained to the licensee. During the induction meeting it was established that the following conditions of the premises licence issued in respect of the premises were not being complied with:

- 841 (concerning a dispersal policy required at the premises)
 - 4A1 (concerning a refusal register required at the premises)
 - 305 (concerning signage required to be displayed at the premises)
 - 288 (concerning the maintenance of a CCTV system at the premises).
39. A warning letter was sent to the licensee in regards to the above breaches of the licence conditions. The premises have also been monitored periodically as a result of the complaints outlined above. Details of this monitoring are provided in appendix D.
 40. On 20 June 2017 an application to vary the premises licence issued in respect of the premises was submitted. The application sought to extend the hours permitted for licensable activities at the premises and extend the premises' opening hours. The application was subject to representations submitted by responsible authorities and four 'other persons' and so the application was referred to the licensing sub-committee for determination.
 41. On 14 July 2017 an inspection of the premises was undertaken by a licensing officer. At the time of the inspection the premises were found to be being operated in compliance with the conditions of the premises licence issued in respect of the premises.
 42. On 1 August 2017 a complaint was made to SASBU by the review applicant alleging that the premises were being operated outside of the hours permitted for licensable activities by the premises licence issued in respect of the premises (specifically "past midnight"), and that customers shout and drink in the surrounding streets when leaving the premises. The complaint was forwarded to the Licensing unit by SASBU.
 43. A licensing sub-committee hearing in respect of the variation application submitted on 20 June 2017 (see paragraph 38 above) was held on 6 September 2017. At the hearing the application was granted with hours that were reduced from the hours applied for. A copy of the notice of decision in regards to the hearing is attached as Appendix E.
 44. On 7 September 2017 a complaint was made to the Licensing Unit by a fourth local resident stating that the provision of licensable activities at the premises, outside of the hours permitted for licensable activities by the premises licence issued in respect of the premises, was being advertised in respect of the premises.
 45. The hours referred to in the complaint are a closing time of 23:00 on Monday to Thursday and "till late" on Friday and Saturday. The decision made by the licensing sub-committee on 6 September 2017 would allow for a closing time of 00:00 (midnight) on Monday to Thursday.
 46. A list of the temporary event notices (TENs) submitted in respect of the premises is attached as appendix F.

Map

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

805 Restaurant, 805-809 Old Kent Road, London SE15 1NX licensed for:

- The provision of late night refreshment
 - Monday to Sunday between 23:00 and 00:30 the following day
- The sale of alcohol provision of regulated entertainment
 - Monday to Sunday between 14:00 and 00:30 the following day

Champagne Bar & Lounge, 817 Old Kent Road, London SE15 1NX licensed for:

- The provision of late night refreshment
 - Monday to Sunday between 23:00 and 00:30 the following day
- The sale of alcohol
 - Sunday to Thursday between 10:00 and 00:00
 - Friday and Saturday between 10:00 and 03:00

- **Iceland Foods LTD, 789-799 Old Kent Road, London SE15 1NZ** licensed for:

- The sale of alcohol
 - Monday to Saturday between 08:00 and 23:00
 - Sunday between 10:00 and 22:30

- **Murco Costcutter Hopfields Service Station, 747-759 Old Kent Road, London SE15 1NZ** licensed for:

- The sale of alcohol
 - Monday to Sunday between 00:00 to 00:00 (24 hours sales)
- The provision of late night refreshment
 - Friday and Saturday between 23:00 and 05:00 the following day

Southwark council statement of licensing policy

20. 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.
21. 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.
22. Within Southwark's statement of licensing policy 2016 - 2020, the premises are identified as being within a residential area. The closing times recommended in the statement of licensing policy for restaurants located in residential areas area are:
- Restaurants and cafes 23:00 daily

Resource implications

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

Consultation

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

Community impact statement

25. 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

26. 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.
27. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

28. Under Section 52 of the Licensing Act, the licensing authority must hold a hearing to determine the review and any relevant representations.
29. 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.
30. 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.
31. 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.
32. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.

33. 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.
34. 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.
35. 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

36. 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

37. 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.
38. 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

39. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.

45. 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.
46. 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

47. Members are required to have regard to the Home Office revised 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

48. 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 current premises licence
Appendix B	Copy of the review application
Appendix C	Copies of the representations and related correspondence submitted
Appendix D	Details of licensing visits to the premises
Appendix E	Copy of Notice of Decision of 6 September 2017
Appendix F	Details of temporary event notices submitted in respect of the premises
Appendix G	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	18 September 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		20 September 2017

Licensing Act 2003 Premises Licence



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

Premises licence number

859302

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The Empire Unit 2 777 Old Kent Road Ordnance survey map reference (if applicable): 177480534968	
Post town London	Post code SE15 1NZ
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 11:00 - 00:00
Tuesday 11:00 - 00:00
Wednesday 11:00 - 00:00
Thursday 11:00 - 00:00
Friday 11:00 - 01:00
Saturday 11:00 - 01:00
Sunday 11:00 - 00:00

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 Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 3 of the full premises licence

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 23:30
Tuesday	11:00 - 23:30
Wednesday	11:00 - 23:30
Thursday	11:00 - 23:30
Friday	11:00 - 00:30
Saturday	11:00 - 00:30
Sunday	11:00 - 23:30

Sale by retail of alcohol to be consumed off premises

Monday	11:00 - 23:30
Tuesday	11:00 - 23:30
Wednesday	11:00 - 23:30
Thursday	11:00 - 23:30
Friday	11:00 - 00:30
Saturday	11:00 - 00:30
Sunday	11:00 - 23:30

Part 2

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

George Nwachukwu

[Redacted address and contact information]

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

George Nwachukwu

[Redacted address and contact information]

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 06/09/2017

Head of Regulatory Services
Hub 1, 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.

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

288 (a) That a CCTV system shall be installed at the premises and maintained in full working order at all times that the premises are in use. Any recordings made by the CCTV system shall be retained for a minimum of 31 days and shall be made immediately available to officers of the council or police on request. The CCTV system shall record at a minimum of 6 frames per second (FPS).

(b) That at all times that the premises are in operation there shall be a member of staff will be on duty who is capable of downloading recordings within a reasonable time should the police or council officers request a copy of any recordings.

(c) That should the system break down then the police will be informed immediately and the system shall be repaired within two working days, or sooner if the police request.

(d) That the system shall record inside and outside the entrance to the premises and the rear fire exit.

(e) That the system shall be able to record clear images in all lighting conditions.

340 That members of staff shall receive first aid training and an appropriate number of persons trained in first aid shall be on the premises at all times the premises are in operation.

341 That a comprehensive fire risk assessment (FRA) shall be devised in respect of the premises. All management and supervisory staff shall be conversant with the FRA. A copy of the FRA shall be kept at / be accessible at the premises at all times the premises are in operation and shall be made immediately available to officers of the council, fire brigade or police on request. The FRA shall be reviewed annually, or when there is any substantive change to the operation or layout of the premises. Details of any review of the FRA shall be kept in the FRA and shall include the date of the review and who undertook the review.

342 That any emergency lighting and / or fire detection / alarm systems at the premises shall be inspected at least annually by a person qualified to do so to ensure that such systems are maintained in full working order. Certificates in regards to such testing shall be kept / be accessible at the premises at all times that the premise are in operation and shall be made immediately available to officers of the council or police on request.

343 That all interior and exterior areas of the premises shall be regularly inspected by staff.

344 That all staff will be trained to ensure that patrons leave the premises in a quiet and orderly manner.

345 That on each day of the week members of staff shall clear away any litter arising from the operation of the premises, left in the immediate vicinity of the premises, when the premises closes.

346 That the sound level of music played at the premises shall be monitored regularly to prevent music played at the premises causing noise nuisance.

347 That the sound level of music played at the premises shall be controlled at all times solely by the, manager, DPS or other person nominated by the manage or DPS.

348 That all exterior doors at the premises shall be kept closed during the provision of any regulated entertainment except for the purposes of immediate / emergency access and egress to and from the premises.

349 That all windows at the premises shall be kept closed during the provision of any regulated entertainment

350 That when taxis are ordered for customers for the collection of customers from the premises staff members shall instruct the taxi service to instruct the taxi service's drivers not to sound the driver's car horns outside the premises, but to approach the premises in person and verbally (without raised voices) alert staff that the driver's are at the premises to collect customers.

351 That the details of local taxi firms will be displayed and kept at the premises and provided to customers on request.

352 That a minimum of 2 SIA registered door supervisors shall be on duty from 22:00 until the premises are shut on Friday and Saturday.

354 An incident book / incident recording system shall be kept at the premises to record details of any of the following occurrences at the premises:

- Instances of anti-social or disorderly behaviour
 - Violence
 - Calls to the police or fire brigade
 - Abuse of staff and / or customers
 - Ejections of people from the premises
 - Visits to the premises by the local authority, police or fire brigade
 - Refused sales of alcohol
 - Any malfunction in respect of the CCTV system
 - Any other relevant incidents
- The incident book / incident recording system shall record the time, date, location and description of each incident, the printed and signed name of the person reporting the incident and any action taken in respect of the incident. The incident book / incident recording system shall be available / be accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available to officers of the council, police or fire brigade on request. A record of the preceding 12 months incidents shall be available at the premises at any time.

355 (a) That a zero tolerance drugs and weapons policy shall be undertaken at the premises.

(b) Anybody found with / using drugs and / or weapons will be ejected from the premises and not shall not be admitted to the premises again.

(c) The details of any person found dealing drugs or using weapons will be taken (if possible) and given to the police.

(d) Any person who is suspected of having drugs on their person will be asked to consent to a search, and should they refuse the search that person shall be ejected from the premises.

356 That the licensee shall sign up to any local licensee radio scheme or pub watch scheme if such schemes exist in the local area.

4AA That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

4AI That a register of refused sales of alcohol shall be maintained in order to demonstrate effective

operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. The register shall be made immediately available for inspection at the premises to council or police officers on request. A record of the preceding 12 months refusals shall be available at the premises at any time.

293 That all staff shall be trained in their responsibilities under the Licensing Act 2003 and in regards to the terms and conditions of this licence. Records pertaining to such training shall be kept / be accessible at the premises at all times, shall be updated every 6 months and shall be made immediately available for inspection at the premises to council or police officers on request.

305 That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises, requesting to the effect that customers leave the premises and area in a quiet and orderly manner. Such signs shall be maintained free from obstruction when the premises are in use in accordance with this licence.

Annex 3 - Conditions attached after a hearing by the licensing authority

840 That alcohol shall not be sold or supplied for consumption on the premises otherwise than to persons taking substantial table meals and for consumption by such persons as ancillary to their meal.

841 That a dispersal policy will be implemented and maintained to assist with patrons leaving the premises in an orderly and safe manner and all staff will be trained in the contents of this policy and made aware of any changes. A copy of the dispersal policy shall be made available to the licensing officer and the police on request.

842 That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received. Such training shall be updated every four months.

843 That the premises licence holder shall visibly display signage stating that entry will not be permitted to patrons who use Sylvan Road to either park, drop off or collect by private or hackney carriage vehicles.

844 That suitably qualified SIA persons shall be employed at all times where the premises is operating beyond 23:00 hours and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises.

845 That there shall be no entry or re-entry permitted after 00:00 hours.

846 That there shall be no sales for consumption of food off the premises after 23:00 hours.

847 That there shall be no off sales of alcohol after 23:00 hours.

848 That the maximum number of persons permitted to be on the premises is 90.

849 That a sound limiting device shall be installed and be set at an appropriate level by a professionally certified acoustic engineer.

850 That a permanent sound limiting device (or other similar sound limiting equipment) shall be installed at the premises and shall be in use at all times that amplified sound is provided at the premises. The sound limiting device (or other similar sound limiting equipment) shall be calibrated by a professionally certified sound / acoustic engineer so that amplified sound at the premises does not give rise to public or statutory nuisance at any time. Any temporary or permanent amplification system(s), amplified instrument(s) and microphone(s) in use at the premises shall be routed through the sound limiting device (or other similar sound limiting equipment) at all times.

851 That on Bank Holidays the permitted hours in respect of licensable activities are 11:00 to 00:30 and the permitted opening hours are 11:00 to 01:00.

Annex 4 - Plans - Attached

Licence No. 859302

Plan No. N/A

Plan Date N/A

12/07/2017

Application for a review of a premises licence or club premises certificate under the Licensing Act
Ref No. 849092

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

	██████████
--	------------

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

Address Line 1	UNIT 2
Address Line 2	777 OLD KENT ROAD
Town	LONDON
County	
Post code	SE15 1NZ
Ordnance survey map reference or description	

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

	GEORGE Licence no. 859302
--	------------------------------

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

	EMPIRE LOUNGE
--	---------------

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
	1) the prevention of crime and disorder 3) the prevention of public nuisance

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

	The planning permit for this site was granted for a hot food takeaway/ restaurant (class A3 & A5) but the venue, since opening, has been run as a drinking establishment (class A4)
--	---

	<p>There have been numerous complaints from neighbours, local tenants committees and local residents recorded on the Southwark Council website and emails sent to antisocial behaviour department, police being involved as well as the local MP Richard Livingstone.</p> <p>Local residents have suffered from verbal abuse from the proprietor on numerous occasions when asked to turn the loud music down or to stop party goers hanging out in the alley way and surrounding streets.</p> <p>I've also been woken up by shouting and arguing, car music, horn honking and people urinating outside my bedroom window in my front garden.</p> <p>The original planning permit is already being abused and the venue run as a club/bar.</p>
--	--

Please provide as much information as possible to support the application (please read guidance note 3)

	<p>Please refer to Southwark Council online services and police reports.</p> <p>I've recorded my stress and anger at the original planning application being granted (I objected as did other local residents did before the planning permission was granted) and have objected many times since. I'm tired of doing this. We all are.</p> <p>Evidence has been recovered online and in email to you.</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 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> <p>I understand that if I do not comply with the above requirements my application will be rejected</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	██████████
Applicant's Solicitor/Other duly authorised agent Full name	██████████
Date	12/07/2017

Capacity	██████████
----------	------------

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

Full name	██████████
-----------	------------

Address (please read guidance note 4)

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

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.

From: Sharpe, Carolyn On Behalf Of Public Health Licensing
Sent: Wednesday, August 09, 2017 4:19 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: Consultation LDO 9.8.2017 Review The Empire 777 Old Kent Road

To whom it may concern:

Re: the Empire, 777 Old Kent Road, London SE15 1NZ

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

The representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

General Comments

I wish to express my concerns over the alleged persistent failure of the above premise to withhold the licensing objectives, in particular the prevention of public nuisance objective. This premises is located in the vicinity of local residents and allegedly those local residents have been persistently disturbed in the early hours of the morning by patrons from the above premises. Persistent sleep disturbance has substantial detrimental health impacts including, elevated risk of increased blood pressure, heart disease, obesity, anxiety and depression. Not to mention the direct impacts such as low mood, fatigue and work lost productivity the following day.

Recommendations


Public Health fully supports this premises license is reviewed by the licensing sub-committee.

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

Carolyn Sharpe

on behalf of Professor Kevin Fenton, Director of Health and Wellbeing
(incorporating the role of Director of Public Health)

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 02075250025 | 07733307539
Public Health Policy Officer (People & Health Intelligence), London Borough of Southwark, 160
Tooley Street, London SE1 2QH




Southwark Licensing Team
3rd Floor, Hub 1
PO BOX 64529
London
SE1P 5LX
licensing@southwark.gov.uk

8 August 2017

Dear Licensing team,

Supporting application 859547 reviewing the Empire Lounge licence at unit 2, 777 Old Kent road, SE15 1NZ.

The  writes in support of the application to review the licence of the Empire Lounge located at unit 2, 777 Old Kent Road, SE15 1NZ for the concerns stated below.

Our main concerns are that, they, The Empire Lounge, have been negligent in their duty to ensure that their customers leave the premises in a quiet and orderly manner especially in the early hours of the morning at which time local residents would be most likely sleeping. This we believe relates to and breaches conditions 305 of their licence.

The adverse localised impact on our residents in that vicinity, ensure that they would be subject to loss of peaceful enjoyment of their homes especially where majority of them are vulnerable.

Also, the proprietor/s of Empire Lounge have not demonstrated that they have a proactive dispersal policy for their patrons because residents of the Tustin in that vicinity have also been subjected to loud arguments between patrons in one of the car parks on the estate in the early hours of morning. This incident was traced to people leaving the Empire Lounge.

The impact on our limited parking spaces are also hugely felt with their indiscriminate parking leading to residents unable to sometimes get in or out of parking area late at night.

The double parking in that area of Old Kent road, Hillbeck road and Sylvan grove also raise potential hazard of visibility for drivers in that area, which may lead to serious accidents if allowed to continue.

The associated vandalism and anti-social behaviour that arise from the location is another cause for concern. For example, a similar establishment that is at the junction of Ilderton road and Old Kent road is not addressing these issues which is raising anxiety amongst affected residents.

Concerns have also been raised about the disposal of some of their trade waste on our estate.

Overall we are justifiably concerned at the loss of amenity in terms of the nuisance and disturbances happening that is affecting residents adversely.

Although some may view this as minor, this negative impact on our vulnerable neighbours is major and surely the breaches of licensing conditions is also contrary to the high environmental standards of the core strategy and protection of amenity of the Southwark plan.

We hope that you consider our support for the licence review of the Empire Lounge establishment which is purely out of genuine concern and is without prejudice.

Thank you.

[Redacted]

On behalf of the [Redacted]

[Redacted]

From: McArthur, Wesley
Sent: Thursday, August 24, 2017 7:46 PM
To: [REDACTED]
Subject: Application for the review of a premises licence - Empire Lounge, Unit 2, 777 Old Kent Road, London, SE15 1NZ (our ref: L1U 859547)
Importance: High

Dear [REDACTED],

I refer to the representation, a copy of which is attached, submitted by you on behalf of the [REDACTED].

Please note that our guidance to submitting representations (available via: <http://www.southwark.gov.uk/business/licences/how-to-lodge-a-representation>) states that –

“If representations are being made on behalf of a group (e.g. Tenants and Residents Association) then proof of the group's decision to make the objection must be sent to the Licensing Service along with the objection letter (this could be a document such as minutes from a meeting)...”

Please provide such proof (dated prior to the date of the submission of your representation) of the [REDACTED]'s decision to submit the representation, if you can't, the representation will be considered as having been submitted on your behalf only.

Notwithstanding the above please note that further to any prior information you may have received, or information in public notices in respect of the review application, the hearing to determine the application has been rescheduled to 2 October 2017.

Please find attached a notification of hearing and also guidance to the hearing procedure.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

APPENDIX D

Date	Time	Officer	Notes
18/11/2016	23:20	Mark Orton	Premises was closed ATOV, appears to be undergoing refurb as stickers on the windows still refer to the previous business at the premises as a grocery shop. Photos attached.
18/12/2016	02:21	Alexander Lisowski	Venue visited at 02.21am, Sunday, 18th December, 2016, with Farhad Choudhury (Health and Safety). Approximately 8 people outside smoking and talking. Returned to venue at 02.58am. Venue in process of closing. Venue had a TEN until 3am that night.
23/12/2016	02:35	Farhad Chowdhury	All quiet still people inside, it was raining outside nobody was outside.
23/12/2016	20:40	Farhad Chowdhury	All quiet at present seen few people inside, looks like setting up, will visit later with the NTE police.
23/12/2016	21:40	Farhad Chowdhury	Called NTE police no answer on their phones this is the second time.
23/12/2016	23:10	Farhad Chowdhury	Called NTE police still no answer on their phones.
23/12/2016	23:42	Farhad Chowdhury	Called NTE police no answer decided to visit alone without Police. It was very busy now lots of cars on Hillbeck Close, and lots of cars parked on Sylvan Grove some blocked the road. Seen people were going into Empire lounge from their cars. I went with John Uzodinma as we approached the door I introduced ourselves to the SIA staff. The licensee then came out Mr George Nwachukwu; he told us that he employed SIA door staff and stewards to direct the customers into the Toys R Us Car Park. He said that the cars on the road were not all his customers they were the two churches above 777 Old Kent Road SE1. I asked for a dispersal policy, he said that they have a dispersal policy but it is not a written policy he could not show me anything. He said that stewards were positioned on the alleyway at the rear and on the roads to prevent people urinating and causing noise disturbance. They have TENS till 3am tonight, they have less then 60 people inside which is about right I did a rough head count. They have 3 WC's and were mixed use. I seen food and drinks on the tables there was loud amplified music being played but nobody was dancing at the time of our visit. I advised the licensee to keep the noise down and not to disturb the local residents and I shall be monitoring them tonight, and the Police also may visit them and we left.
06/01/2017	21:23	Richard Kalu	Visit to premises with Sue Hunter. Arrived at the premises which were operating as a restaurant ATOV. Spoke to operator of the premises and his wife and was advised that there had been an issue earlier in the day which had occurred with a resident that lived at the rear of the premises. Operator alleged that the resident that lived at the rear of the premises had been extorting cash from him. Advised that the resident had been paid £100.00

			<p>previously for not making complaints to the council and the police. The operator alleges that no payment was made today and the resident was unhappy. I was advised that the resident then alleges that he was going to make a complaint to the police. I have advised the operator that if he felt that money was being extorted from him that he should inform the police. I also enquired as why if this had happened why this was the first time that he had mentioned this to anyone. No response was provided and I was advised by the operator that he would discuss this issue with the police and send an email to the council. Discussed the operation of TENS at the premises. Was advised that he had a party booked for his premises and that he did not envisage that numbers would be above 50. I was advised that he would employ extra security for the event to make sure that no issues occurred at the premises. Left premises at 22:22hrs after a very long and lengthy discussion with the operator of the premises and his wife who I have been advised will be acting as the manager of the premises. COMMENTS BY ENFORCEMENT OFFICER LISOWSKI. I visited the venue on 5/1/2017 to do an "induction", going over the conditions of the licence. I spoke to the PLH/DPS, Mr Nwachukwu. I also discussed the complaints that had been registered against The Empire. Mr Nwachukwu didn't make any mention of anyone extorted money from him under the threat of making complaints about The Empire.11/ 1/2017 14:31 MQ3</p>
13/01/2017	23:11	Mark Orton	<p>Monitoring premises. 23:18 Shutters being lowered halfway and two persons leave and walk away, 2 females stood o/s. Two persons return and enter premises. 23:34 One male enters premises. 23:36 Male enters premises. 23:39 shutters fully down, lights still on and approx. 10 persons inside. Left at 23:44On Fridays the premises licence allows the sale of alcohol until23.00pm. Closing time is 23.30pm.17/ 1/2017 11:04 MQ3</p>
15/01/2017	00:55	Mark Orton	<p>Monitoring for activity beyond permitted hours. Lights on, shutters down, persons visible inside, unsure of numbers. Drove past at 01:06, estimate at least 10 persons inside, lights on and shutters down. On Saturdays the licence allows for the sale of alcohol until midnight. Closing time is 00.30am on Sunday.</p>
20/01/2017	23:00	Alexander Lisowski	<p>Working with Ken Andrews (EPT) on Friday, 20th January, 2017. At23.10pm parked in Toys R Us car park to watch venue. Checking on behalf on Planning Dept. who had served a temporary stop notice on the venue to cease activities after 23.00pm. Shutters were down but the lights were on. 23.15pm walked past the venue. Front door was closed and locked. Looking through the window I could see 3 people clearing up. There was no one at or behind the bar. I couldn't see any people in the restaurant part. However there was one part of the restaurant that I couldn't see through the window. I had arranged to meet NTE Police at 23.30pm. They arrived at 23.45pm and we went into the restaurant via the rear door. 2 of the 3people clearing up were Mr Nwachukwu and his wife. No customers at the venue. I gave Mr Nwachukwu a copy of the letter I had sent on19th January, 2017. Whilst talking to him he began to complain about how much rent he had to pay and that he had ploughed his life's savings into the restaurant. His voice rose in volume until he was shouting. He accused Southwark Council of singling him out because other venues nearby were allowed to stay open later than him. [REDACTED] I believed that</p>

			the presence of Council and Police officers was aggravating the situation, so we left.
22/01/2017	00:02	Alexander Lisowski	Visited venue at 00.02am, Sunday, 22nd January, 2017, with Roy Fielding (Housing). Venue closed.24/ 1/2017 17:04 MQ3
28/01/2017	03:19	Richard Kalu	Visit to premises with Matt Bourne. Premises closed ATOV.
03/02/2017	23:36	Mark Orton	Shutters down, some lights on inside, no persons seen inside, appears closed.
11/02/2017	01:33	Richard Kalu	Visit to premises with Farhad Chowdhury. Premises closed and non-operational ATOV. Walk around the immediate vicinity of premises and no activity.
12/02/2017	00:25	Farhad Chowdhury	Shutters closed lights on inside cannot see any activities.
25/02/2017	00:15	Farhad Chowdhury	Closed all shut
26/02/2017	01:20	Mark Orton	Premises closed ATOV.
18/03/2017	23:30	Farhad Chowdhury	Open all quiet no door staff seen.
25/03/2017	00:20	Farhad Chowdhury	FRC CLOSED.
08/04/2017	00:02	Mark Orton	Premises appear closed with shutters down. Some lights on inside, one person behind the bar, appears as if they're cleaning up, no other persons visible inside the premises, no music noise audible, no issues.
14/07/2017	21:00	Richard Kalu	Compliance check of premises with Farhad Chowdhury. / Full inspection completed with the premises licence holder and DPS Mr George Nwachukwu [REDACTED] is found to be compliant. No issues noted ATOV. X 4 patrons in the premises ATOV. No amplified recorded music or live music taking place ATOV.
15/07/2017	20:00	Farhad Chowdhury	Met Mr George Nwachukwu manager in charge showed his refusal book and incident book he now has both in place. I advised him to use them from now on and record incidents in the incident book and refusal of sales in the refusals book.
22/07/2017	00:44	Farhad Chowdhury	Closing and people leaving now shutters coming down.
28/07/2017	21:47	Richard Kalu	Visit to premises with John Uzodinma to complete a compliance check. ATOV no patrons located within the premises. No recorded music or live music audible from outside the premises. No patrons located within the premises. X2 staff within the premises cleaning tables. A general walk of the immediate perimeter of the premises did not detect any ASB activity.
18/08/2017	19:30	Richard Kalu	Compliance check of premises. No patrons located within the premises and no recorded or acoustic music being played within the premises.



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 6 SEPTEMBER 2017

LICENSING ACT 2003: LICENSING ACT 2003: UNIT 2, 777 OLD KENT ROAD, LONDON, SE15 1NZ

1. Decision

That the application by George Nwachukwu for a variation of a premises licence issued under the Licensing Act 2003 in respect of the premises known as **UNIT 2, 777 OLD KENT ROAD, LONDON, SE15 1NZ** is granted as follows:

Licensable Activities	Days	Hours
Sale of alcohol	Sunday to Thursday	11:00 – 23:30
	Friday, Saturday & Bank Holidays	11:00 - 00:30
Late night refreshment	Sunday to Thursday	11:00 - 23:30
	Friday, Saturday & Bank Holidays	11:00 - 00:30
Opening	Sunday to Thursday	11:00 - 00:00
	Friday, Saturday & Bank Holidays	11:00 - 01:00

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the application for and the following conditions imposed by the licensing sub-committee:

1. That the premises licence holder shall visibly display signage stating that entry will not be permitted to patrons who use Sylvan Road to either park, drop off or collect by private or hackney carriage vehicles.
2. That suitably qualified SIA persons shall be employed at all times where the premises is operating beyond 23:00 hours and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises.
3. That there shall be no entry or re entry permitted after 00:00 hours.
4. That there shall be no sales for consumption of food off the premises after 23:00 hours.
5. That there shall be no off sales of alcohol after 23:00 hours.
6. That the maximum number of persons permitted to be on the premises is 90.
7. That a sound limiting device shall be installed and be set at an appropriate level by a professionally certified acoustic engineer.

8. That a permanent sound limiting device (or ~~34~~ other similar sound limiting equipment) shall be installed at the premises and shall be in use at all times that amplified sound is provided at the premises. The sound limiting device (or other similar sound limiting equipment) shall be calibrated by a professionally certified sound / acoustic engineer so that amplified sound at the premises does not give rise to public or statutory nuisance at any time. Any temporary or permanent amplification system(s), amplified instrument(s) and microphone(s) in use at the premises shall be routed through the sound limiting device (or other similar sound limiting equipment) at all times.”

3. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant's representative who advised that the premises operate as a restaurant. They further stated that the extended hours were required to cater for the clientele who prefer to eat later in the evening than the current hours permit.

The applicant's representative submitted that, although Southwark Council's statement of licensing policy defines the area that the premises are located in as a residential area, in the applicant's opinion the area that the premises are located is a mixed use area.

Reference was made to a previous planning appeal decision which referred to the area as small scale residential.

The applicant's representative stated that they believed at least one of representations from other persons to be vexatious.

The applicant's representative advised the sub committee that the premises has operated 12 TENS and only one complaint appears to be have been made as a direct result of a TEN following the event in December 2016.

The applicant's representative advised that they are prepared to work with residents to minimise risk of nuisance and they would be willing to ensure that the refuse bin remains locked and is emptied on a regular basis. They also advised that customers disperse on a gradual basis reducing the risk of nuisance.

The applicant's representative also stated that they would ensure on SIA doorman monitored the use of Sylvan road by the premises patron's and will inform patrons that they will not be permitted to enter the premises if they choose to use Sylvan road for parking, dropping off or picking up patrons of the premises. Thereby minimising the risk of nuisance to local residents.

With a view to assist in reducing any potential noise nuisance the applicant is also strongly advised by the sub committee to encourage patrons to use public transport where possible.

The applicant's representative agreed to adopt additional conditions in order to reduce the risk on nuisance in the area and stated that they would be submitting a further application to the Planning department addressing the issues raised and believe that this application will be successful.

The licensing sub-committee heard from the council's planning department who submitted a representation in respect of the prevention of public nuisance. They advised that previous events which have taken place at the premises have resulted in complaints of noise nuisance from local residents.

The planning department also stated that a temporary stop notice was served to ensure that the premises adhered to a closing time of 23:00 hours as per planning permission in respect of the premises. They further stated that 2 planning applications to extend the hours of operation in respect of the premises have been refused on the grounds of potential harm to residential amenity by the proposed extended hours of operation and further pointed out that there has been no change of circumstance to lead to a different conclusion in respect of the potential impact of extending the operating hours.

They further stated that they had concerns that the premises operated as a late night drinking venue rather than a restaurant. One of the reasons for this being the fact that the filter in the extraction system had not been changed, indicating that the kitchen was not being used as much as they would expect.

The applicant stated that the kitchen was not being used as often as they would like due to the reduced demand as a result of the restricted hours. In addition the extraction system was new and was not therefore required to be changed yet.

The licensing sub-committee considered the representation from the council's Director of Public Health in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The representation stated that research shows increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol related injuries and increased alcohol related harm. In addition reference was made to the Southwark's statement of licensing policy which recommends that restaurants in the premises location should close at 23:00.

The sub committee noted that whilst a representative from the public health authority did not attend the hearing, the sub committee took into account the written representation. It noted that more weight could have been attached had a representative attended the sub-committee but nonetheless the representation carried weight.

The licensing sub-committee heard from the council's licensing responsible authority who submitted representations under the prevention of crime and disorder and the prevention of public nuisance licensing objective. The officer advised that Southwark's statement of licensing policy recommends that in the premises' location restaurants should close at 23:00.

The representation also notes that current planning permission in regards to the premises stipulates that the premises close at 23:00.

The officer also referred to the complaints received by three local residents and whilst stating that there was no issued with the current operation of the premises within the current permitted hours, she expressed concern that later hours as requested could result in increased crime and disorder in the area.

The licensing sub-committee heard from the Metropolitan Police Service who also advised that the current planning permission stipulates that the premises close at 23:00. The police also highlighted that previous events at the premises have resulted in complaints from local residents of public nuisance and noise nuisance caused by customers. The police also stated that the hours applied for exceed those recommended in Southwark's statement of licensing policy.

The police stated that they had concerns the extended hours applied for may lead to an increase in public nuisance and crime and disorder in the area.

The licensing sub-committee heard from the council's environmental protection team who submitted a representation in respect of the prevention of public nuisance licensing objective. The officer advised that previous events at the premises have resulted in complaints of noise nuisance from local residents.

The officer also referred to the current planning permission which requires the premises to close at 23:00 and the fact that applications to extend the premises' hours have been refused.

The licensing sub-committee considered four representations from other persons who stated that the existing operation of the premises causes noise nuisance and anti social behaviour including littering, public urination and fights and sounding their car horns.

The representations from the residents also highlighted that the planning applications to extend the hours have been refused.

The residents stated that the premises operated as a nightclub and not a restaurant and that the residents felt intimidated by the patrons of the premises.

The residents express concern that all of the existing problems would be exacerbated and crime and disorder will increase if the hours of operation are extended.

The sub committee noted that whilst the residents did not attend the hearing, the sub committee took into account the written representations.

It noted that more weight could have been attached had a representative attended the sub-committee but nonetheless the representation carried weight.

The licensing sub-committee considered all of the oral and written representations before it and considered Southwark's Statement of Licensing Policy 2016 which sets out recommended hours of operation and requires the sub committee to give consideration to the premises' location and its likelihood to impact on the licensing objectives.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and on balance considered that this decision was appropriate and proportionate.

4. Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

May appeal against the decision.

Any appeal must be made to the magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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

Date: 6 September 2017

APPENDIX F

Start date	End date	Times	Max .attendees	Alcohol?	Entertainment?	LNR?	Late TEN?	MPS objection?	EPT objection?
04/12/16	04/12/16	00:00 - 03:00	90	Yes	Yes	Yes	No	No	No
09/12/16	11/12/16	9 th : 11:00 - 00:00 10 th – 16 th : 00:00 - 03:00	90	Yes	Yes	Yes	No	No	No
16/12/16	18/12/16	16 th : 11:00 - 00:00 17 th : 00:00 - 03:00 18 th : 11:00 - 00:00	90	Yes	Yes	Yes	No	No	No
23/12/16	25/12/16	23 rd : 11:00 - 00:00 24 th : 00:00 - 03:00 25 th : 11:00 - 00:00	90	Yes	Yes	Yes	No	No	No
30/12/16	01/01/17	30 th : 11:00 - 00:00 31 st : 00:00 - 03:00 1 st : 11:00 - 00:00	90	Yes	Yes	Yes	No	No	No
07/01/17	09/01/17	7 th & 8 th : 11:00 - 03:30, 9 th : 11:00 – 00:00	90	Yes	Yes	Yes	Yes	No	No
27/02/17	28/02/17	23:00 - 04:30	100	Yes	Yes	Yes	No	Yes	Yes



© Crown copyright and database rights 2011 Ordnance Survey (0100019252)

Item No. 6.	Classification: Open	Date: 2 October 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: La Barra, Arch 147, Unit 2, Eagle Yard, Hapton Street, London SE1 6SP	
Ward(s) or groups affected:		Newington Ward	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by La Barra Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: La Barra, Arch 147, Unit 2, Eagle Yard, Hapton Street, London SE1 6SP
2. Notes:
 - The application seeks to vary the premises licence held under current legislation in respect of the premises known as: La Barra, Arch 147, Unit 2, Eagle Yard, Hapton Street, London, SE1 6SP, under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to outstanding representations submitted by local residents and is therefore referred to the sub-committee for determination.
 - Paragraph 8 of this report provides a summary of the existing premises licence. A copy of the existing premises licence is attached at Appendix A.
 - Paragraphs 9 to 12 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix F.
 - Paragraphs 14 to 19 of this report deal with the representations submitted in respect of the application (copies of the representations for responsible authorities and local residents are attached in Appendices C and D).

BACKGROUND INFORMATION

The Licensing Act 2003

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

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 premises licence application 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 under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence issued in respect of the premises known as the La Barra, Arch 147, Unit 2, Eagle Yard, Hapton Street, London, SE1 6SP was issued on 16 March 2017 (a copy of the existing premises licence is attached as Appendix A) and allows the following licensable activities:
 - The sale of alcohol to be consumed on the premises:
Sunday to Thursday from 10:00 to 23:00
Friday and Saturday from 10:00 to 00:00 (midnight)

 - The provision of late night refreshment (indoors):
Sunday to Thursday from 23:00 to 23:30
Friday and Saturday from 23:00 to 00:00 (midnight)

 - Opening hours:
Sunday to Thursday from 08:00 to 23:30
Friday and Saturday from 08:00 to 00:30

The variation application

9. On 7 July 2017 La Barra Limited applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as La Barra, Arch 147, Unit 2, Eagle Yard, Hapton Street, London, SE1 6SP 5UE.

10. The application for variation is described as follows:

'...We would like to extend our licence activities sale of alcohol [and] late night refreshment and [add] recorded music on Friday and Saturdays until 03:00.

We are a Latin restaurant and most of [our] customers like to have their meals late on the weekends and listen to music [whilst] they have their meals...'

11. The application is to extend the weekend hours of the operation for sale of late night refreshment and alcohol and to add the provision of regulated entertainment in the form of recorded music:
 - The supply of alcohol for consumption on the premises:
 - Friday and Saturday from 10:00 to 03:00 (the following day)
 - The provision of late night refreshment (indoors):
 - Friday and Saturday from 23:00 to 03:00 (the following day)
 - To add the provision of regulated entertainment in the form of recorded music (indoors)
 - Friday and Saturday from 10:00 to 03:00 (the following day)
 - The opening hours:
 - Sunday to Thursday from 08:00 to 23:30
 - Friday and Saturday from 08:00 to 03:30 (the following day)
12. A copy of the application is attached to this report as Appendix B.

Designated premises supervisor

13. The designated premises supervisor (DPS) under the existing premises licence is Juan David Mandoza.

Representations from responsible authorities

14. The Metropolitan Police have made representation under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The police have concerns of the premises location in relation to residential properties and that the hours applied for are significantly outside of the Southwark licensing policy – which if granted could create a night club in a heavily populated residential area.
15. The Southwark environmental protection team (EPT) has made a representation. The concerns are raised in relation to the proximity to residential addresses and the egress of noise. The EPT point to a history of complaints concerning the premises' opening hours and noise egress.
16. The licensing authority have made representation under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The application is inconsistent with the hours in relation to the Southwark licensing policy.
17. Copies of all the representations made by responsible authorities are available in Appendix C.

Representations from other persons

18. A significant number of representations have been received from twenty one local addresses, all contained with the Strata Building located nearby. These are available in Appendix D.
19. There are ongoing concerns in relation to music noise emanating from the premises and the anti-social behaviour already caused by patrons departing the premises and the children of the patrons left outside to play. Residents are concerned that the granting of this variation will exacerbate existing issues.

Conciliation

20. Copies of representations were provided to the applicant's agent on 10 August 2017. At the point of publication of this report, the applicant had not responded to the concerns of the responsible authorities or local residents.

Operating history

21. Temporary event notices (TENs) were previously applied for by Juan David Torres Mendoza (the current DPS) for the sale of alcohol (on sales) and the provision of late night refreshment from 25 to 27 November 2016; and again from 2 to 4 December 2016.
22. On 21 December 2016 La Barra Limited applied for a new premises licence in respect of this premises. The council's trading standards and licensing authority made representation against the application in relation to conditions only. These were subsequently withdrawn upon conciliation and the licence was granted. The hours granted were as applied for.
23. The premises applied for a late TEN on 23 May 2017. However, it was rejected for being too late. Another late TEN was applied for on 14 June 2017, but a counter notice was served upon receipt of a representation from environmental health.
24. Complaints received in relation to the premises:

Date	Complainant	Complaint
15/05/2017	Strata Resident	Complaint of noisy patrons departing the premises between 03:00 and 04:00 on multiple occasions.
03/07/2017	Strata Resident	Complain of 'unbearably loud music' after midnight on a Sunday, despite approaching the premises to ask them to lower sound.
03/07/2017	Strata Resident	Two Sunday evenings (2 and 25 July) loud music at 23:45. Complainant visited premises to be told 'I can do what I like' by management.
03/07/2017	Strata Resident	Complaint of noise, shouting, screaming, crying, littering, urinating, fighting and children playing outside the venue until the early hours of the morning.
03/07/	Strata Resident	Two Sunday evenings (2 and 25 July) loud music beyond licensed hours.

04/07/2017	Strata Resident	Excessive noise from premises over past few months.
23/07/2017	Strata Resident	Loud music being played without relevant licence.
24/07/2017	Strata Resident	Complainant has experienced a lot of unruly behaviour and noise in the neighbour as a result of late venue openings.
01/08/2017	Strata Resident	Complaint of loud music, despite the premises not having regulated entertainment on their premises licence.

25. Visits conducted to the premises:

Date	Time	Outcome
27/05/2017	00:44	On Saturdays the venue is licensed for the sale of alcohol from 10.00am to midnight. Closing time is 00.30am Sunday morning. Premises visited at 00.44am Sunday morning, 27 May, 2017. Venue was still open and the DPS, Juan David Mandoza, was present. Six people sat at a table drinking beer. DPS warned about allowing customers to continue drinking after closing time. A copy of the warning letter resulting from that visit is exhibited in Appendix E.
11/08/2017	23:30	Observations from outside premises. There is loud music playing- not necessarily background; however, the premises has double foyer doors, which when both are closed, retain the sound in the building
13/08/2017	00:12	Observations from outside premises. There is music playing, but again, with double foyer doors closed, this prevents major egress of sound. However, there was a party of x12 patrons leaving the premises, clearly intoxicated. They were very loud and shouting at one another. Immediately under the Strata building is an open area that creates a significant echo effect which clearly exacerbates any noise in the local vicinity.

Map

26. A map of the area is attached to this report as Appendix F. There are many licensed premises in the immediate vicinity:

Longwave Bar and Café, 1 The Artworks, Elephant Road, London SE17 1AY

- The sale by retail of alcohol - both on and off sales
 - Monday to Sunday from 11:00 to 00:30
- The provision of late night refreshment - both indoors and outdoors
 - Monday to Sunday from 23:00 to 01:00

The Trunk, Unit 2, The Artworks, Elephant Road, London SE17 1AY

- The sale by retail of alcohol - both on and off sales

- Sunday to Thursday from 11:00 to 23:30
- Friday and Saturday from 11:00 to 00:30
- The provision of late night refreshment - both indoors and outdoors
 - Monday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:30 (the following day)
- The provision of regulated entertainment in the form of films (indoors)
 - Sunday to Thursday from 08:30 to 23:30
 - Friday and Saturday from 08:30 to 00:00 (midnight)
- The provision of regulated entertainment in the form of live music, recorded music, plays and the performance of dance (all indoors)
 - Sunday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:00 (midnight)

Elephantastic Pizza, Unit 5, The Artworks, Elephant Road, London SE17 1AY

- The sale by retail of alcohol (on and off sales)
 - Monday to Sunday from 12:00 (midday) to 23:00

Black Acorn Tapas, Unit 16 The Artworks, Elephant Road, London SE17 1AY

- The sale by retail of alcohol (on sales)
 - Monday to Sunday from 10:00 to 23:00

Marcel and Sons, 18, The Artworks, Elephant Road, London SE17 1LB

- The sale by retail of alcohol (on sales)
 - Tuesday to Saturday from 12:00 (midday) to 22:00
 - Sunday from 12:00 (midday) to 17:00

Lost Rivers, Elephant Road, London SE17 1AY

- The sale by retail of alcohol (both on and off sales)
 - Sunday to Thursday from 11:00 to 23:30
 - Friday and Saturday from 11:00 to 00:30
- The provision of late night refreshment (both indoors and outdoors)
 - Monday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:30
- The provision of regulated entertainment in the form of live music, recorded music, films, play and the performance of dance (all indoors)
 - Sunday to Thursday from 10:00 to 23:30
 - Friday and Saturday from 10:00 to 00:30 (the following day)

Dragon Castle, 100 Walworth Road, London SE17 1JL

- The sale by retail of alcohol (on sales only)
 - Monday to Sunday from 11:00 to 23:30
- The provision of late night refreshment (both indoors and outdoors)
 - Monday to Sunday from 11:00 to 23:30

Da Spago Limited, Unit 1, 163 Dashwood Way, London SE17 3PZ

- The sale by retail of alcohol (off sales only)
 - Monday to Saturday from 08:00 to 19:30
 - Sunday from 11:00 to 15:00

After Taste Chinese Restaurant, 97 Newington Butts, London SE1 6SF

- The sale by retail of alcohol (both on and off sales)
 - Monday to Saturday from 11:00 to 00:00 (midnight)
 - Sunday from 12:00 (midday) to 23:30
- The provision of late night refreshment (indoors)
 - Monday to Saturday from 23:00 to 00:00 (midnight)
 - Sunday from 12:00 (midday) to 23:30

Ivory Arch, 80-82 Walworth Road, London SE1 6SW

- The sale by retail of alcohol (both on and off sales)
 - Monday to Sunday from 11:00 to 00:00 (midnight)
- The provision of late night refreshment (both indoors and outdoors)
 - Monday to Sunday from 23:00 to 00:00 (midnight)
- The provision of regulated entertainment in the form of live music, recorded music, films and plays
 - Monday to Sunday from 11:00 to 00:00 (midnight)

Mamuska, 16 Elephant and Castle, London SE1 6TH

- The sale by retail of alcohol (both on and off sales)
 - Monday to Saturday from 10:00 to 02:00 (the following day)
 - Sunday from 12:00 (midday) to 23:00
- The provision of late night refreshment (both indoors and outdoors)

- Monday to Saturday from 23:00 to 02:30 (the following day_
- Sunday from 23:00 to 23:30
- The provision of regulated entertainment in the form of live music, recorded music, and performances of dance
 - Monday to Saturday from 09:00 to 02:00 (the following day)
 - Sunday from 09:00 to 23:00

Chatkhara Restaurant, 84 Walworth Road, London SE1 6SQ

- The provision of late night refreshment (indoors)
 - Monday to Sunday from 23:00 to 02:00 (the following day).

Southwark council statement of licensing policy

27. Council assembly approved Southwark's statement of licensing policy 2016 -2020 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.
28. 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.

Cumulative impact zone

29. The premises is not situated in a cumulative impact zone. The premises is situated in the Elephant and Castle major town centre area.
30. Under the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for these categories of premises:
 - Closing time for restaurants and cafes:
 - Sunday to Monday to 00:00 (midnight)
 - Friday and Saturday to 01:00 (the following day)
 - Closing time for Public Houses Wine bars or other drinking establishments:
 - Sunday to Monday to 23:00
 - Friday and Saturday to 00:00 (midnight)
 - Closing time for Night Clubs (with sui generis planning classification)
 - Monday to Thursday to 01:00 (the following day)
 - Friday and Saturday to 03:00 (the following day).

Resource implications

31. A fee of £190.00 being the statutory fee payable for premises within non-domestic rateable value band A has been paid by the applicant company in respect of this application.

Consultation

32. Consultation has been carried out in respect of this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper twice (there was an error on the initial advert; however, this was republished within the specified time period to the satisfaction of the Licensing Authority). A similar notice exhibited at the premises for a period of 28 consecutive days. This was inspected by a licensing officer during the consultation period and found to be compliant.

Community impact statement

33. 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

34. The sub-committee is asked to determine the application to vary the premises licence under Section 34 of the Licensing Act 2003.
35. The principles which sub-committee members must apply are set out below.

Principles for making the determination

36. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
37. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
38. Relevant representations are those which
 - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
39. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
 - Add to, omit, and/or alter the conditions of the licence or
 - Reject the whole or part of the application for variation.

Conditions

40. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
41. The four licensing objectives are
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
42. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
43. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.

44. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
45. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

46. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for to vary the premises licence, it must give reasons for its decision.

Hearing procedures

47. 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
48. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. 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.
55. 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

56. 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

57. The head of regulatory services has confirmed that the costs of this process over and above the application fee 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	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copies of representations from responsible authorities:
Appendix D	Copies of the representations (anonymised) submitted by local residents
Appendix E	Warning letter to premises
Appendix F	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	17 August 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	20 September 2017	

Licensing Act 2003 Premises Licence



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

Premises licence number

857301

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
La Barra Arch 147, Eagle Yard Unit 2 Hampton Street SE1 6SP	
Ordnance survey map reference (if applicable),	
Post town London	Post code SE1 6SP
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence
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 08:00 - 23:30
Tuesday 08:00 - 23:30
Wednesday 08:00 - 23:30
Thursday 08:00 - 23:30
Friday 08:00 - 00:30
Saturday 08:00 - 00:30
Sunday 08:00 - 23:30

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

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

Monday	10:00 - 23:00
Tuesday	10:00 - 23:00
Wednesday	10:00 - 23:00
Thursday	10:00 - 23:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	10:00 - 23:00

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

La Barra Ltd
Unit N-Eagle Yard
Arch 147,
Walworth Road, London,
SE1 6SP

**Registered number of holder, for example company number, charity number (where applicable)**


09411211

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Juan David Mandoza

**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 Issue date 16/03/2017



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.

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.

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

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 a clear facial image of every person who enters the premises and cover the main areas.

289 All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.

293 That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.

340 The accommodation limit shall not exceed 46 persons (excluding staff).

341 Alcohol shall only be supplied to those taking a table meal at the premises.

342 Customers shall not be allowed to take any open bottles or cans outside the premises.

343 The number of costumers smoking outside the facilities will be limited to 5 (five).

344 That there shall be no vertical drinking.

345 That the management work with Approved Local Mini cab companies and that costumers will wait inside the restaurant until their Mini cab arrives.

346 Deliveries of goods shall be conducted in a manner to avoid causing disturbance to nearby residents.

347 The movement of bins and rubbish outside the premises will be kept to a minimum to avoid causing disturbance to nearby residents.

348 That there shall be no irresponsible alcohol promotions.

349 Signage shall be displayed on the entrance and exit of the premises requesting customers to respect neighbours and leave quietly.

350 That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

351 That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

352 That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.

353 That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept/be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

354 After 20.00 hours (8pm) any children must be accompanied and supervised by a responsible adult.

355 There shall be no children on the premise after 22.00 hours (10pm).

Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans - Attached

Licence No. 857301
Plan No. N/A
Plan Date 16/11/2016

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **LA BARRA LTD**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 857301
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description LA BARRA ARCH 147 – EAGLE YARD – UNIT 2 WALWORTH ROAD			
Post town	LONDON	Postcode	SE1 6SP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£12500

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

WE A WOULD LIKE TO EXTENT OUR LICENSE ACTIVITIES SALE OF ALCOHOL , LATE NIGHT REFRESHMENT AND RECORD MUSIC ON FRIDAY AND SATURDAYS UNTIL 3.00 AM.

WE ARE A LATIN RESTAURANT AND MOST OF COSTUMERS THEY LIKE TO HAVE THEIR MEALS LATE ON THE WEEKENDS AND LISTEN TO MUSIC WHILE THEY HAVE THEIR MEALS.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
			NOT APPLICABLE	Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4) NOT APPLICABLE	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5) NOT APPLICABLE
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4) NOT APPLICABLE	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)</u> NOT APPLICABLE	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<u>Please give further details here (please read guidance note 5)</u>	
Tue					
Wed			<u>State any seasonal variations for the performance of live music (please read guidance note 6)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Thur					
Fri	10:00	03:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat	10:00	03:00			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4) NOT APPLICABLE	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing NOT APPLICABLE		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5) WE ARE HAPPY WITH THE LATE-NIGHT REFRESHMENT HOURS WE HAVE AT THE MOMENT SUNDAY TO THURSDAY ; BUT WE WOULD LIKE TO EXTENT THIS HOURS FRIDAY'S AND SATURDAY'S	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Eri	23:00	03:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat	23:00	03:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) WE ARE HAPPY WITH THE LATE-SALE OF ALCOHOL HOURS WE HAVE AT THE MOMENT SUNDAY TO THURSDAY ; BUT WE WOULD LIKE TO EXTENT THIS HOURS FRIDAY'S AND SATURDAY'S ONLY		
Mon					
Tue					
Wed					
Thur					
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun					
			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>NOT APPLICABLE</p>

L.

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	23:30	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)</p>
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	23:30	
Fri	08:00	03:30	
Sat	08:00	03:30	
Sun	08:00	23:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT BUT WE WELCOME ANY RECOMMENDATIONS GIVEN BY THE AUTHORITIES

3 X STAFF MEMBERS ARE PERSONAL LICENSE HOLDERS

WE WILL HAVE A DOOR SUPERVISOR (SIA) FROM 10.00 PM UNTIL FINISH

b) The prevention of crime and disorder

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT BUT WE WELCOME ANY RECOMMENDATIONS GIVEN BY THE AUTHORITIES

3 X STAFF MEMBERS ARE PERSONAL LICENSE HOLDERS

WE WILL HAVE A DOOR SUPERVISOR (SIA) FROM 10.00 PM UNTIL FINISH

c) Public safety

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT BUT WE WELCOME ANY RECOMMENDATIONS GIVEN BY THE AUTHORITIES

3 X STAFF MEMBERS ARE PERSONAL LICENSE HOLDERS

WE WILL HAVE A DOOR SUPERVISOR (SIA) FROM 10.00 PM UNTIL FINISH

d) The prevention of public nuisance

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT BUT WE WELCOME ANY RECOMMENDATIONS GIVEN BY THE AUTHORITIES

3 X STAFF MEMBERS ARE PERSONAL LICENSE HOLDERS

WE WILL HAVE A DOOR SUPERVISOR (SIA) FROM 10.00 PM UNTIL FINISH

e) The protection of children from harm

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT BUT WE WELCOME ANY RECOMMENDATIONS GIVEN BY THE AUTHORITIES

3 X STAFF MEMBERS ARE PERSONAL LICENSE HOLDERS

WE WILL HAVE A DOOR SUPERVISOR (SIA) FROM 10.00 PM UNTIL FINISH

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	05/07/2017
Capacity	AGENT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
MANUEL ROCHA UNIT 35 BATTERSEA BUSINESS CENTRE 99-109 LAVENDER HILL			
Post town	LONDON	Post code	SW11 5QL
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.

+-



The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

Metropolitan Police Service
Licensing Office
 Southwark Police Station
 323 Borough High Street
 LONDON,
 SE1 2ER
 Tel: 020 -7232 6756
 SouthwarkLicensing@met.police.uk

Our reference: MD/2993/17
 Date: 04//August/ 2017

Dear Sir/Madam

La Barra Arch 147 Eagle Yard Unit 2 Hampton Street SE1 6SP

Police are in receipt of an application from the above for a major variation to premises licence to be granted under the licensing act 2003 for the following hours

	Days	Start Time	Finish Time
The supply alcohol:	Sunday to Thursday	08:00	23:30
	Friday and Saturday	10:00	03:00
The provision of regulated entertainment:	Sunday to Thursday	23:00	23:30
	Friday and Saturday	23:00	03:00
The provision of late night refreshment	Sunday to Thursday	23:00	23:30
	Friday and Saturday	23:00	03:00
Opening Hours:	Sunday to Thursday	08:00	23:30
	Friday and Saturday	08:00	03:00

The hours of operation as per the application are considerably later than that recommended by the Southwark Statement of Licensing policy 2016-2020. The venue currently operates as a restaurant and has generous opening hours that fall outside that which is recommended by the policy. The increased hours further would represent night club operation hours in a heavily populated residential area. The application does not contain any evidence to support any deviation from this policy and the applicant has made no effort to further address the licencing objectives therefore we recommend that this application is refused.

This recommendation is made under the licensing objectives, the prevention of crime and disorder and the prevention of public nuisance.

As per the Licensing policy, this area of the Southwark is not suitable for late night music venues because of its residential status.

It is for the above reasons that the Police object to the granting of the additional hours of operation.

Submitted for consideration

Pc Mark Lynch 246MD
Southwark Police Licensing Office
Southwark Police Station
323 Borough High Street SE1 1JL
0207 232 6756

Heron, Andrew

From: Regen, Licensing
Sent: 03 August 2017 12:15
To: Bray, Suzanne
Cc: Heron, Andrew
Subject: FW: EPT objection - Variation application - La Barra, Arch 147 Eagle Yard
Attachments: stahir_07-07-2017_14-04-25.pdf

From: Prickett, Mark
Sent: Thursday, August 03, 2017 11:39 AM
To: Regen, Licensing
Subject: EPT objection - Variation application - La Barra, Arch 147 Eagle Yard

Dear Licensing,

The Environmental Protection Team (EPT) have reviewed the major variation premises licence application for La Barra, Unit 2 Arch 147, Eagle Yard, SE1 6SP.

Proposal for variation: "...to extend our licence activities sale of alcohol, late night refreshment and recorded music on Fridays and Saturdays to 3.00am". "We are a Latin restaurant and most of our customers like to have their meals late on the weekends and listen to music while they have their meals".

Changes to licensable activities sought;

Recorded music (indoors): 10:00 – 03:00 Fridays & Saturdays
 Late Night Refreshment (indoors): 23:00 – 03:00 Fridays & Saturdays
 Supply of alcohol (on the premises): 10:00 – 03:00 Friday & Saturdays

Revised opening hours:
 08:00 – 23:30 Sunday to Thursday
 08:00 – 03:00 Friday & Saturday

Section M part d) of the application has been reviewed. There are no measures put forward on how to prevent public nuisance from occurring from the operation of the premises till 3am in the morning on weekends.

There are no conditions on the current premises licence controlling noise levels from recorded music.

EPT are also aware of numerous complaints made to the licensing department against the La Barra premises regarding loud music noise, public nuisance and allegations of the premises operating beyond their permitted times.

EPT at present raise strong concerns that public nuisance will be caused to neighbouring residents if this premises is permitted to operate until 0300 at weekends. The level of detail given in the application to address the public nuisance section outlines the managements consideration to this matter.

EPT raise objection to this application.

Kind regards,

Mark Prickett
Principal Enforcement Officer
Environmental Protection Team
Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor
Hub 1, PO Box 64529, London, SE1P 5LX

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

visit: <http://www.southwark.gov.uk/air-quality>

<http://www.llecp.org.uk/> - London Low Emission Construction Partnership



Please consider the environment - do you really need to print this email?

MEMO: Licensing Unit

To Licensing **Date** 04 August 2017

Copies

From David Franklin **Telephone** 020 7525 5800

Email david.franklin@southwark.gov.uk

Subject La Barra, Arch 147, Eagle Yard Unit 2, Hampton Street SE1 6SP

I make this representation with regards to the variation application for a premises licence by La Barra Ltd Limited for the premises La Barra, Arch 147, Eagle Yard Unit 2, Hampton Street SE1 6SP.

My representation is based on the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

The application seeks to extend the hours of operation for sale of alcohol and late night refreshment on Fridays and Saturdays to 03:00 on the days following and the opening hours to 03:30.

Recorded music is applied for from 22:00 to 03:00 hours, however this is exempt on premises with a premises licence prior from 22:00 to 23:00 hours.

The premises is within the Elephant and Castle Major Town Centre Area and the Southwark Statement of Licensing Policy 2016 – 2020 stats that from table 2 (page 39) that the closing times for restaurants and cafes in this area is:

Sunday to Thursday is 00:00 hours

Friday and Saturday is 01:00 hours (on the days following)

This is inconsistent with the hours submitted within the application and no reasons or explanation is offered within the application to why this premises could operate beyond the policy hours and not have a negative impact on the licensing objectives.

It is my contention that patrons leaving the premises after 01:00 hours having consumed alcohol will cause problems within the area of disorderly conduct and cause public nuisance to the residents trying to sleep in nearby accommodation.

I am also concerned that the operating schedule does not include any conditions to control the escape of recorded music from the premises, or the sound of noisy customers within the premises and customers leaving the premises at closing time and causing a public nuisance to residents.

I therefore recommend that this application is rejected.

If the applicant wished to offer conditions and a dispersal policy to address noise from music and patrons then I would be willing to consider an extension of hours within the hours stated in the policy sale of alcohol to 00:30, the addition of recorded music to 00:30 and closing at 01:00 hours.

David Franklin
Licensing Authority as a Responsible Authority

Heron, Andrew

From: Regen, Licensing
Sent: 31 July 2017 10:27
To: Heron, Andrew
Subject: FW: Objection: 859492

PARTY A

From: [REDACTED]
Sent: Saturday, July 29, 2017 2:28 AM
To: Regen, Licensing
Subject: Objection: 859492

We object to application 859492 due to its unalignment of the following areas:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance;
- the protection of children from harm

Details of existing issues and how they are impacting on us are detailed below:

- The site's location is so close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance. It's so noisy with sound escalating and booming and bumping after 9:30. Which is ridiculous and never been a problem prior!
- The inadequate soundproofing of the venue, causing public nuisance. Again the door if even open or closed but is thumping and cheering or shouting heard until early AM hours!
- The licensee has been playing loud music in breach of their license in recent weeks, causing public nuisance.
- The operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise. I can't sleep with the commotion as it is louder than an intermittent common noises such as ambulance, etc. It is so unbearable!
- Antisocial behavior in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns. They are smoking and talking and shouting. Never had this issue ever! I have witnessed people smoking items that smell of marijuana, condoms left on the ground from the night before, just general uneasiness when walking past, people shouting and fighting loudly as leaving, etc.
- The provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells and public safety concerns. The smoke escalates up to the 18th floor even. On the hot summer day it might as well have been me smoking in a friends flat on the 18th floor as it wreaked of the smoke from this venue!
- Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance. They also make significant noise as it echoes in the outside car park. Booms off of the street and buildings.
- My husband and I have lived and worked in close proximity for quite some time here as have other residences with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

We ask you to consider our objection. We have never objected to anything and are very flexible people. We are used to city noise and love our thriving London metropolis. We support local businesses and would always wish to support growth in our local Southwark. This one venue is disrespectful, has seriously inappropriate people in attendance (wonder if prostitution/drugs?), and are causing such commotion. We have trains and planes and city noise that is part of us....and we accept it... but this is ridiculous!



Sent from my iPhone

Heron, Andrew

From: [REDACTED]
Sent: 27 July 2017 13:12
To: Regen, Licensing
Subject: Objection to La Barra application for extended hours.

Dear Sir/Madam,

I am writing to lodge an objection to application 859492, on the grounds of prevention of crime and disorder and the prevention of public nuisance.

I am a resident in Strata and have found the following:

-Very loud music and anti-social behaviour consisting of noisy/shouting people late into the night directly beneath my flat. The area no longer feels safe for children due to drunken behaviour.

-I have noticed that children have been left unsupervised/unaccompanied in the loading bay of Strata, which I would say is a safeguarding issue.

-The venue seems to have inadequate soundproofing of the venue, causing public nuisance. Music from the venue is extremely loud, so loud I have been unable to watch television in my own flat.

-The venue has breached their licence frequently playing loud music in a residential neighbourhood. They also have been defiant to calls to reduce the noise. Given their track record I do not think the venue or the management are responsible enough to have such a licence as is being requested.

Both me and my partner are nurses, and we frequently have had our sleep interrupted at 3am and similar hours prior to working long shifts for the NHS. The venue seems uncooperative and has altered the atmosphere of the area. Yes, Elephant and Castle is a loud area, due to the road and trains, but it is also a high density residential area and La Barra has created a public nuisance for residents.

Many thanks for taking the time to read my objections.

Yours,
[REDACTED]

PARTY C**Heron, Andrew**

From: Regen, Licensing
Sent: 31 July 2017 09:44
To: Bray, Suzanne
Cc: Heron, Andrew
Subject: FW: Objection to application 859492

From: [REDACTED]
Sent: Saturday, July 29, 2017 9:52 AM
To: Regen, Licensing
Subject: Objection to application 859492

Dear Sir or Madam,

I would like to object to application 859492, based on the following reasons:

- The site's location is very close to bedrooms of around 250 flats of the Strata Tower (8 Walworth Road) on the south and east, plus the Draper Estate, causing public nuisance.
- The soundproofing of the venue is inadequate, causing public nuisance.
- The licensee has been playing loud music in breach of their license in recent weeks, causing public nuisance.
- The operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise.
- Antisocial behaviour in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns.
- The provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells and public safety concerns.
- Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance.
- We have lived and worked in close proximity for seven years with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

Kind regards,
[REDACTED]
[REDACTED]
[REDACTED]

PARTY D

[REDACTED]

[REDACTED]

WITHDRAWN

From: [REDACTED]
Sent: Sunday, August 06, 2017 9:50 PM
To: Regen, Licensing
Subject: OBJECTING TO LICENSE APPLICATION 859492 LA BARRA

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Heron, Andrew

From: [REDACTED]
Sent: 27 July 2017 15:06
To: Heron, Andrew
Subject: Re: Objecting application 859492 - La Barra

Hi Andrew,

Apologies, I didn't know I should have included my full home address.

Here it is:

[REDACTED]

[REDACTED]

On 27 Jul 2017, at 14:51, Heron, Andrew <Andrew.Heron@southwark.gov.uk> wrote:

Dear [REDACTED]

Thank you for your email, the contents of which are noted.

However, at this time, I cannot accept this as a valid representation as you have not provided your full home address.

Please do so before 6th August otherwise your representation will be rejected.

Regards,

Andrew Heron
Principal Licensing Officer
London Borough of Southwark
Regulatory Services – Environment & Leisure
020 7525 5767

Address: Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

From: Regen, Licensing
Sent: Thursday, July 27, 2017 2:36 PM
To: McCarthy, Debbie
Cc: Heron, Andrew
Subject: FW: Objecting application 859492 - La Barra

From: [REDACTED]
Sent: Thursday, July 27, 2017 2:10 PM
To: Regen, Licensing
Subject: Objecting application 859492 - La Barra

Dear all,

I'm writing to the Council to strongly protest against a licence extension to be granted to the establishment called La Barra.

Their behaviour so far has been appalling, especially towards the residents of Strata (I'm one of them).

Instead of waiting for their licence either to be granted or refused, they have already started playing loud music well into the night (as many calls to the Noise Team will attest) and refusing to acknowledge our complaints.

Their patrons, of course, share the same utter disrespect for the residents, with acts like:

- drunkenly singing and shouting on top of their lungs
- dancing to the music that can be clearly heard outside the venue (raising question about their non-existent soundproofing)
- leaving children unattended in our loading bay (that they use as playground, playing and shouting, while cars and vans need to go in and out the building)

All the above under something like 200 bedrooms that have the misfortune of facing their way.

We never had any problem with them in the past years but the recent change in the use of the venue is creating problems that must be addressed swiftly, first of all not making them any worse.

Therefore I urge the council not to grant an extension of their licence and to monitor closely that they don't breach their current one.

Kindest Regards,

[REDACTED]
The email you received and any files transmitted with it are confidential, may be covered by legal and/or professional privilege and are intended solely for the use of the individual or entity to whom they are addressed. If you have received this in error please notify us immediately. If you are not the intended recipient of the email or the person responsible for delivering it to them you may not copy it, forward it or otherwise use it for any purpose or disclose its contents to any other person. To do so may be unlawful. Where opinions are expressed in the email they are not necessarily those of Southwark Council and Southwark Council is not responsible for any changes made to the message after it has been sent.

PARTY F**Heron, Andrew**

From: [REDACTED]
Sent: 27 July 2017 13:08
To: Regen, Licensing
Subject: Objection to license request 859492

To whom it may concern,

Please consider carefully the licensing arrangements of venues next to residential buildings, effectively this is applying for a license that will cause noise and nuisance to every local resident's weekend, every week, with people unable to sleep.

The proximity of loud/noisy bars next to high rise buildings must be thought about as there are significantly more people irritated by the noise than those enjoying it inside the venue.

Points to note:

- The site's location close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance.
- The inadequate soundproofing of the venue, causing public nuisance.
- The licensee has been playing loud music in breach of their license in recent week, causing public nuisance.
- The operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise.
- Antisocial behavior in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns.
- The provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells and public safety concerns.
- Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance.
- That we have lived and worked in close proximity for seven years with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

Thanks

[REDACTED]

PARTY G**Heron, Andrew**

From: Jerrom, Charlie
Sent: 02 August 2017 09:25
To: Heron, Andrew
Subject: FW: Licence 859492 - La Barra Ltd

fyi

-----Original Message-----

From: Jerrom, Charlie On Behalf Of Regen, Licensing
Sent: Wednesday, August 02, 2017 8:41 AM
To: Jerrom, Charlie
Subject: FW: Licence 859492 - La Barra Ltd

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, August 02, 2017 7:21 AM
To: Regen, Licensing
Subject: Licence 859492 - La Barra Ltd

Dear Sirs

I am writing to object to the application by La Barra Ltd to extend its opening, supply of alcohol and playing of music hours on Fridays and Saturdays.

As a local resident the basis of my objection is the prevention of public nuisance.

These premises already present a degree of nuisance to the adjacent residential properties - Draper House and Strata - because:

- it does not have a dedicated smoking area
- management does not ensure customers do not take drinks outside, resulting in customers using the outside as an extension of the venue
- management does not take reasonable steps to prevent loitering outside the premises
- some customers leave young children to play in the service yard between Draper House and Strata while they are inside the venue, who create noise
- music is played at high volume, making it audible for considerable a distance from the venue, including inside neighbouring properties

All of this results in late night noise and disturbance for the local residents. With current opening hours this is a nuisance but not unreasonable - to allow this to continue until 3am would make it unreasonable.

Please consider these factors when determining whether to grant these extensions.

Yours sincerely

[REDACTED]

PARTY H**Heron, Andrew**

From: Regen, Licensing
Sent: 01 August 2017 10:27
To: Bray, Suzanne
Cc: Heron, Andrew
Subject: FW: Objection to application 859492

From: [REDACTED]
Sent: Tuesday, August 01, 2017 10:22 AM
To: Regen, Licensing
Subject: Objection to application 859492

Name: [REDACTED]

Address: [REDACTED]

Objection to application 859492

representation for the prevention of public nuisance, reasons:

- The site's location close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance.
- The inadequate soundproofing of the venue, causing public nuisance.
- The licensee has been playing loud music in breach of their license in recent week, causing public nuisance.
- The operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise.
- Antisocial behavior in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns.
- The provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells and public safety concerns.
- Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance.

Thanks,

[REDACTED]

Heron, Andrew

From: [REDACTED]
Sent: 27 July 2017 12:56
To: Regen, Licensing
Subject: Objection to application 859492

Dear Southwark Council,

I am writing to object to the application by La Barra, application number: 859492, whereby they want to extend their music license to 03:30am on Fridays and Saturdays.

I am a resident of The Strata Building and La Bara is very close my residency, especially my bedroom, which looks out onto La Bara. Allowing them to play music until 03:30am on Friday and Saturday will cause a public nuisance, especially as there is inadequate soundproofing in the venue, as in the last week the licensee has been playing loud music in breach of their license, causing public nuisance. I fear it will increase crime and disorder in the area, especially in the ally, where La Barra customers go to smoke, drink and be loud, making this area unsafe at night. I have lived in The Strata building for 3years and not had any complaints about the surrounding area, however, since the change in venue there has been more of a fear for public safety and nuisance.

Kind Regards,

[REDACTED]

[REDACTED]

Heron, Andrew

From: Regen, Licensing
Sent: 25 July 2017 10:15
To: Jerrom, Charlie
Cc: Heron, Andrew
Subject: FW: objection to licence no.859492

From: [REDACTED]
Sent: Tuesday, July 25, 2017 9:54 AM
To: Regen, Licensing
Subject: objection to licence no.859492

To Whom It May Concern,

I would like to lodge an objection to the following licence:

licence number: 859492
trading name: La Barra
Address: Arch 147, Eagle Yard Unit 2 Hampton Street
SE1 6SP
Ward: Newington

I am opposed to this licence due to the noise problems that will arise from this establishment. In recent years, several clubs have opened under the arches with negative impact on quality of life. There is lots of noise generated by music being played too loud and incredible amount of noise due to people leaving these premises drunk. On some instances there has been some violence and bottles and rubbish are being left discarded for many days outside the premises.

These situations are really difficult to be solved once the licence has been granted as every time I call the council nothing gets done to find viable solutions.

Many thanks,

[REDACTED]

Heron, Andrew

From: Regen, Licensing
Sent: 27 July 2017 16:40
To: Bray, Suzanne
Cc: Heron, Andrew
Subject: FW: objection to application 859492

Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED]
Sent: Thursday, July 27, 2017 4:08 PM
To: Regen, Licensing
Subject: objection to application 859492

Hello

I am writing to raise an objection to the application no 859492, in regards to the Trading name and address: La Barra, Arch 147, Eagle Yard Unit 2 Hampton Street SE1 6SP

My objection is based upon the breach of several statutory licensing objectives, as outlined below.

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance;
- the protection of children from harm

Points to raise to support the objection:

- the smoking area from this venue is located right below bedrooms from the Strata building, which encourages people to go outside and drink and talk loudly, on top the smell from burning cigarettes, causing public nuisance from noise and smells and public safety concerns
- upon leaving the premise, people attending the venue in La Barra are severely intoxicated, exhibiting antisocial behaviour, especially late at night. the extension of the opening hours to 3am would only make this existing problem worse, causing public nuisance and public safety concerns, and preventing crimes and disorder
- the licensee has issues relating to loud music after license hours, where there have been a number of complaints into Southward noise complaint department, because they were breaching their license
- the licensee has inadequate soundproofing of the venue, causing noise to come outside of the venue at any time, causing public nuisance
- the visitors of the venue, when accompanied by children leave them unaccompanied and because the Strata loading area is so close, the kids normally play around in this area, where vehicles are constantly coming and leaving so this touches upon the area of protecting children from harm

- this has only become a problem recently, as Strata and the venue have been in close proximity for several years without any problems. what has changed is the addition of opening hours and loud music causing severe nuisance to a building that is hosting several hundreds on flats affected by the noise of this one venue

Thank you for the opportunity to express my opinions. I am currently residing in Strata, as mentioned above. Not sure if you require further details from my side to add to this objection.

Kind regards,

--


PARTY L**Heron, Andrew**

From: Regen, Licensing
Sent: 31 July 2017 10:26
To: Bray, Suzanne
Cc: Heron, Andrew
Subject: FW: Licence Number: 859492

From: [REDACTED]
Sent: Friday, July 28, 2017 8:48 PM
To: Regen, Licensing
Subject: Licence Number: 859492

Dear Sir/Madam,

I would like to object to Licence Number 859492.

I live in the Strata building on the south side and over the past month I have been disturbed repeatedly late into the night (at least till 1am) from the noise from this premises.

It consists of both music and loud screaming and shouting that is not conducive with a residential area.

In addition, groups of people from this premises congregate from the bar into the parking/loading bays. In particular, groups of small children run around this area (this is after 11pm at night) screaming and shouting. No one is preventing them from doing this and as there is no street lighting in this parking area it is incredibly dangerous.

Kind Regards,

[REDACTED]

[REDACTED]

PARTY M

30 July 2017

Re: Licence application number 859492, La Barra, Arch 147, Eagle Yard Unit 2 Hampton Street, SE1 6SP

I am writing to object to the licence application changes for this premises.

Specifically, I object to them being open at all beyond 23:00 on any night of the week, including Friday and Saturday, and to them playing recorded music at all, but especially after 23:00 on any day.

I live in the building directly outside their front door (full address below) and my bedroom window is directly above their front door.

On multiple occasions I have been prevented from getting to sleep due to their loud music playing before they close (currently they are staying open until around 3am at weekends), and I have been disturbed or even woken up by their customers leaving during the night and after they close.

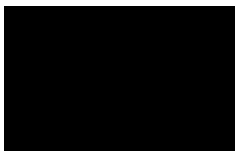
Groups of customers, often up to around 20, hang around outside the venue as it is closing before they all go their separate ways, talking, laughing, and shouting. This is between 3.30am and 4am. Even with windows closed this has been loud enough to wake me up - and the sound echoes up and around the building structure that form the service yard behind my building.

This loud music, and the loud customers leaving the venue are both examples of **public nuisance** and I object to this application on that basis. There have also been occasions of **crime and disorder** caused by these groups of customers, either between themselves or when residents have asked them to be quiet or disperse (I've seen someone shoved aggressively by one drunk customer). This is, I believe also a risk to **public safety**.

Most night, especially at weekend, the customers of this venue, and neighbouring venues, bring their children with them, but leave their children playing outside unaccompanied in the lane and service yard. This not only causes a public nuisance, but puts these **children at risk of harm** if they are going to be there as late at night as this application request.

For all of the above reasons I therefore object to this licence application for the venue to be open beyond 23:00 on any day, and to play music at any time on any day.

Sincerely,



Heron, Andrew

From: Tahir, Sarah
Sent: 27 July 2017 15:05
To: Heron, Andrew
Subject: FW: License Number: 859492

Added to l1u = 859492

-----Original Message-----

From: [REDACTED]
Sent: Thursday, July 27, 2017 2:50 PM
To: Tahir, Sarah
Subject: Re: License Number: 859492

Hi:

Below is an update on my complaint. My full address is below:

[REDACTED]

My objection is due to a violation the following the statutory licensing objectives:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance;
- the protection of children from harm

Specific details with regards to how the applicant has violated the above are outlined below:

- The site's location close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance.
- The inadequate soundproofing of the venue, causing public nuisance.
- The licensee has been playing loud music in breach of their license in recent week, causing public nuisance.
- The operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise.
- Antisocial behavior in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns.
- The provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells and public safety concerns.
- Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance.
- That the we have lived and worked in close proximity for seven years with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

> On 25 Jul 2017, at 12:04, Tahir, Sarah <Sarah.Tahir@southwark.gov.uk> wrote:

>

> Hi [REDACTED]

> You will need to provide us with your full name and address so we can process your representation.

> Kind Regards,

> Sarah

>

> -----Original Message-----

> From: [REDACTED]

> Sent: Sunday, July 23, 2017 8:32 PM

> To: Regen, Licensing

> Subject: License Number: 859492

>

> Hi:

>

> I would like to lodge a complain to the above application for an extended license - I live opposite the venue and we have experienced a lot of unruly behaviour and noise in the neighbour as a result of late venue openings. I feel that this would continue this trend and would create a lot of disturbance in the area without much gain for the neighbourhood

>

> [REDACTED]

> The email you received and any files transmitted with it are confidential, may be covered by legal and/or professional privilege and are intended solely for the use of the individual or entity to whom they are addressed. If you have received this in error please notify us immediately. If you are not the intended recipient of the email or the person responsible for delivering it to them you may not copy it, forward it or otherwise use it for any purpose or disclose its contents to any other person. To do so may be unlawful. Where opinions are expressed in the email they are not necessarily those of Southwark Council and Southwark Council is not responsible for any changes made to the message after it has been sent.

Heron, Andrew**PARTY O**

From: Regen, Licensing
Sent: 28 July 2017 13:42
To: Heron, Andrew
Subject: FW: Objection to the premises license application submitted to Southwark by La Barra

From: [REDACTED]
Sent: Friday, July 28, 2017 1:32 PM
To: Regen, Licensing
Subject: Objection to the premises license application submitted to Southwark by La Barra

Dear sir/madam,

I would like to make an objection and therefore I am writing as I am objecting to application 859492. I object due to the below:

- the prevention of crime and disorder; antisocial behavior in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns.
 - public safety; the provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells
 - the prevention of public nuisance; the inadequate soundproofing of the venue, especially as the licensee has been playing loud music in breach of their license in recent week and the operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise.
 - the protection of children from harm; children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night
- All in all, the site's location is close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance. That the we have lived and worked in close proximity for seven years with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

FULL Address:

[REDACTED] (owner of the apartment)
[REDACTED]
[REDACTED]

I feel very strongly about this and feel that a granting of an extension will exacerbate all the issues as mentioned above.

I look forward to hearing back from you.

Many thanks,

[REDACTED]

PARTY P**Heron, Andrew**

From: Regen, Licensing
Sent: 28 July 2017 08:21
To: Heron, Andrew
Subject: FW: objecting to application 859492

Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED]
Sent: Thursday, July 27, 2017 6:06 PM
To: Regen, Licensing
Subject: objecting to application 859492

Good evening

I would like to state my objection to application 859492 to extend opening hours on Fridays and Saturdays and to play music. I live in the Strata building close to these premises. My reasons for objecting are:

The site's location close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance.

The inadequate soundproofing of the venue, causing public nuisance.

The licensee has been playing loud music in breach of their license in recent weeks, causing public nuisance.

The operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise.

Antisocial behavior in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns.

The provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells and public safety concerns.

Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance.

That the we have lived and worked in close proximity for seven years with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

Kind regards

[REDACTED]

Sent from [Outlook](#)

Heron, Andrew

From: Regen, Licensing
Sent: 24 July 2017 08:00
To: Jerrom, Charlie
Cc: Heron, Andrew
Subject: FW: Contact form for: Licensing Team

-----Original Message-----

From: www.southwark.gov.uk Website [<mailto:noreply@southwark.gov.uk>]
Sent: Sunday, July 23, 2017 8:15 PM
To: Regen, Licensing
Subject: Contact form for: Licensing Team

A visitor to the www.southwark.gov.uk website has used the Email Us facility to send you an email from a contact on a webpage.

Contact Name: Licensing Team
Page Name: How lodge an objection
Page Type: Content Page
Link: <http://www.southwark.gov.uk/admin/system/ShowEntity?entity=bridge%3A%2F%2Fsouthwark-internet%2Fmodules%2Fm.Content~%2F~%2F.Entry%2F2224>

Senders Email Address: [REDACTED]

Message:

Re: application 859492 La Barra restaurant, eagle yard

I would like to object to the licence application for this business to open until 3am.

I am a resident of Strata and already there is an unbearable amount of noise from people coming and going from this venue.

I have video evidence of unsociable behaviour from patrons of this business, such as fighting, shouting, screaming urinating outside the venue and in the alleyway and around the church.

I am getting together residents to protest about their current licence, and would like it restricted to closing before midnight as we are constantly disturbed by noise which is making our lives a misery.

I have already complained to the licensing team about this business, as I believe a number of residents from strata

I will be happy to discuss in person if you would like my opinion on this.

Many thanks

[REDACTED]

Heron, Andrew

From: Regen, Licensing
Sent: 24 July 2017 08:44
To: Heron, Andrew
Subject: FW: Objection to application for extended hours for La Barra (Licence number: 859492)

From: [REDACTED]
Sent: Sunday, July 23, 2017 10:38 PM
To: Regen, Licensing
Subject: Objection to application for extended hours for La Barra (Licence number: 859492)

I would like to object to the application for extended hours for the above premises. I live in a south facing apartment to this premises:

[REDACTED]

They are already a public (noise) nuisance and extending the opening hours will exacerbate the issue. Representatives from the Strata building have already approached La Barra who were not helpful in resolving current noise issues. The management of the establishment should not be trusted to ensure that inside music cannot be heard outside and be heard in south facing apartments.

Regards,

[REDACTED]

PARTY S**Heron, Andrew**

From: [REDACTED]
Sent: 27 July 2017 11:45
To: Regen, Licensing
Subject: objection to application 859492
Attachments: IMG_2397.MOV

Dear Southwark Licensing,

I'm writing to object to application 859492, for an extended hours premises license at 'La Barra'. I am writing on my behalf as a resident of the adjoining building, and as a Director of the Strata SE1 Management Company, representing 408 flats in close proximity to the applicant.

I've been a resident of Strata since it was built in 2010. I have in all that time never had to call the council noise line, until this venue recently began unlicensed late night activities a few weeks ago. We have been, I think, good neighbors to each-other, unfortunately the development of some of these businesses from restaurants to places of late night entertainment is unsuitable for the location.

The venue's location is close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, noise from music and coming and going is already causing public nuisance.

The venue has inadequate soundproofing, the windows are left open during operation, and the single, thin front door does nothing to contain the music and noise. Other archway premises such as Corsica Studios have invested heavily in containing their noise, this one has not, causing public nuisance.

As mentioned, the applicant has been playing loud music in breach of their license in recent weeks, causing public nuisance. Many of my neighbours have resorted to complaining to the southwark noise line. I visited the premises on the evening of 2nd July and asked them to turn the music down. The respondent, who did not give his name said in response "we have a license, we can do what we want". The venue does not have a music license at all at present, and clearly is not operated by people with sufficient awareness of the law and their impact on their neighbors. I attach a video showing the unlicensed operation with music on 2nd July.

Since the unlicensed evening activities began we have also endured a increase in antisocial behaviour, with groups of smokers and drinkers outside the venue during opening hours, and then departing slowly after it closes, making considerable noise.

The use of Strata's service yard as the venue's smoking area is also a cause of nuisance.

Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance.

I regret having to make this representation, and have attempted to deal with the noise issue directly, but I'm confident that this business can operate in proximity to our building, as others have, but it's use as a late night music venue is wholly inappropriate to the construction of the venue and the location.

With best regards,

[REDACTED]

Heron, Andrew**PARTY T**

From: Jerrom, Charlie on behalf of Regen, Licensing
Sent: 28 July 2017 14:38
To: Heron, Andrew
Subject: FW: Licence Notification 859492

fyi

From: [REDACTED]
Sent: Friday, July 28, 2017 2:12 PM
To: Regen, Licensing
Subject: Licence Notification 859492

Dear Sir or Madam,

I would like to make an objection and therefore I am writing as I am objecting to application 859492. I object due to the below:

- The prevention of crime and disorder; antisocial behaviour in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns
- Public safety; the provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells
- The prevention of public nuisance; the inadequate soundproofing of the venue, especially as the licensee has been playing loud music in breach of their license in recent week and the operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise
- The protection of children from harm; children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night

All in all, the site's location is close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance. That the we have lived and worked in close proximity for seven years with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

FULL Address:

[REDACTED]

I feel very strongly about this and feel that a granting of an extension will exacerbate all the issues as mentioned above.

I look forward to hearing back from you.

Best regards,

[REDACTED]

Heron, Andrew

From: Regen, Licensing
Sent: 28 July 2017 08:53
To: Heron, Andrew
Subject: FW: Objection to extended opening hours of La Barra 859492

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----

From: [REDACTED]
Sent: Thursday, July 27, 2017 8:49 PM
To: Regen, Licensing
Subject: Objection to extended opening hours of La Barra 859492

I wish to object to the proposed extension of the opening hours of the La Barra .
This premises is located next to the strata apartment block and close to the bedrooms of the apartments located on the lower floors.

The premises at the moment has been playing loud music in breach of their license with complete disregard to the impact this is causing .

The premises have insufficient soundproofing and have the door and windows open when playing loud music in the evening.

The public footpath leads to the premises down the side alley which has bedroom located above in the Strarta building. This alley is being used as a toilet, there is constant groups standing in the alley shouting and drinking causing a public nuisance, I have witnessed fighting and arguments late at night which is causing a disturbance to the residents.

The Strarta loading bay and car park located at the rear of the Strarta building and adjacent to the venue is being used by La Barra customers who play loud music from there cars, there is constant engine revving and anti social behaviour late in the evening.

Kind regards
[REDACTED]

Sent from my iPad

PARTY V**Heron, Andrew**

From: Regen, Licensing
Sent: 28 July 2017 15:49
To: Heron, Andrew
Subject: FW: Objection to licence number 859492

From: [REDACTED]
Sent: Friday, July 28, 2017 3:00 PM
To: Regen, Licensing
Subject: Objection to licence number 859492

Hello

I would like to register my objection to the proposal for extended hours for licence number 859492

I live [REDACTED]. My flat is on the south side of the building on the [REDACTED] floor, facing the premises concerned, La Barra.

I have lived here since September 2010 and for the majority of that time have had no issues with noise from any of the surrounding businesses or the railway line above those premises. However since a licence was granted to La Barra in March, I have had more nights of interrupted sleep than the previous 7 years put together. Mostly due to the behaviour of customers who shout at each other in the early hours of the morning. Some continue very loud conversations (loud enough for me to hear every word clearly from the 5th floor, sometimes even with a closed window) for prolonged periods (20 minutes or longer) in the service yard area below my window.

In recent warmer months, I have heard loud music playing from the venue to the extent that I cannot hear my own tv clearly without raising the volume to a level that I couldn't tolerate or dampen the noise pollution by closing my own windows despite the heat. I do not believe the building is adequately sound-proofed to have be able to have music playing without becoming a significant nuisance and there are no conditions regarding the music in the current application.

I dread to imagine how the combination of longer drinking hours with loud music will affect the volume of patrons leaving the establishment at 3am!

In view of the above, I would urge the Licensing Authority to refuse the application.

Many thanks
[REDACTED]



Mr A. Lisowski,
Licensing Enforcement Officer,
Environment and Social Regeneration,
alexander.lisowski @southwark.gov.uk

Tel: 020 7525 7531

Date: 31 May 2017

La Barra Ltd,
La Barra,
Unit 2 Eagle Yard, Arch 147,
Hampton Street,
London, SE1 6SP.

Dear Sir/Madam,

Breach of Licensing Conditions, La Barra, Hampton Street, London, SE1 6SP.

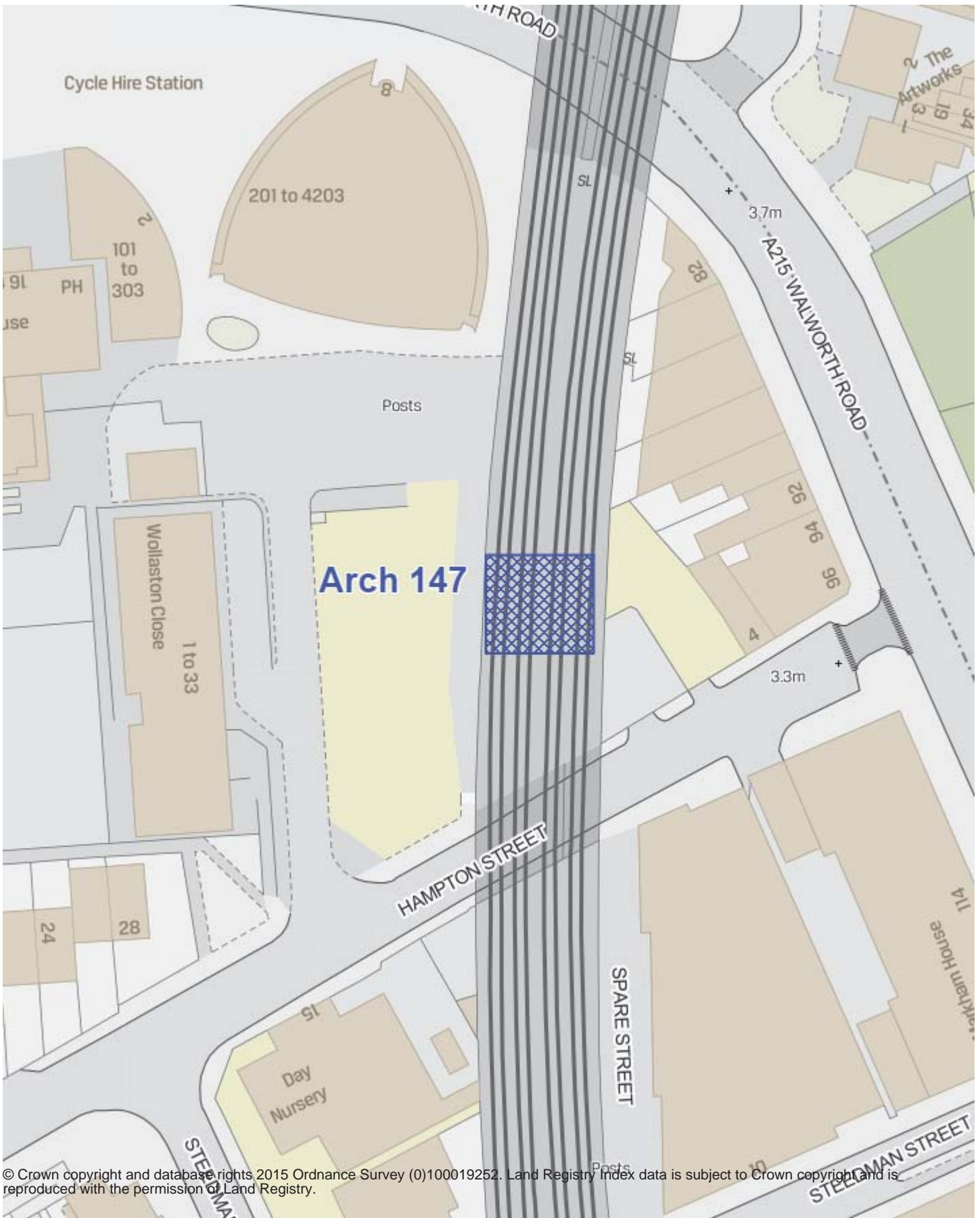
I am writing to you in your capacity as the premises licence holder for La Barra, Unit 2 Eagle Yard, Arch 147, Hampton Street, London, SE1 6SP. On Saturday's your bar is licensed to sell alcohol until midnight, and closing time is 00.30am on the following Sunday morning.

I visited your bar at 00.44am on Sunday morning, 27th May, 2017. The bar was still open and there were six customers seated at a table drinking beer. The designated premises supervisor, Mr Juan David Mandoza, was present. This is a breach of the conditions of the premises licence, and is an offence under The Licensing Act, 2003.

This letter is a warning that you have allowed an offence to occur under The Licensing Act, 2003. A copy of this letter will be kept in my Department's records. If any further offences are discovered being committed at your bar, it will be taken into account when considering how to deal with those offences. Please ensure that Mr Mandoza is aware of the conditions on the licence for the bar.

Yours sincerely,

Mr A. Lisowski,
Licensing Enforcement Officer,
The London Borough of Southwark.



© Crown copyright and database rights 2015 Ordnance Survey (0)100019252. Land Registry Index data is subject to Crown copyright and is reproduced with the permission of Land Registry.

LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2017-18

NOTE: Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

Name	No of copies	Name	No of copies
Members		Officers	
Councillor Renata Hamvas (Chair)	1	Debra Allday legal team	1
Councillor David Hubber	1	Andrew Heron, licensing team	1
Councillor Maria Linforth-Hall	1	Wesley McArthur, licensing team	1
Reserve		Carolyn Sharpe, Public Health	1
Councillor Adele Morris	By email	Mark Prickett, environmental protection team	1
		Jayne Tear, licensing team	1
		Andrew Weir (spares)	11
		Total printed copies:	20
		Dated: 22 September 2017	