

APPENDIX C

Heron, Andrew

From: Regen, Licensing
Sent: 08 May 2017 08:30
To: [REDACTED]
Cc: Heron, Andrew
Subject: RE: Objection to Licensing Application 858397

PARTY A

Kirby

Kirby Read – Processing Manger

Southwark Council | Licensing | Regulatory Services |

Tel: 0207 525 5748 | **Fax:** 020 7525 5705|

EHTS Helpline: 020 7525 4261 | **Call Centre:** 020 7525 2000 |

http://www.southwark.gov.uk/info/200063/licences/855/current_licence_applications

link to the tens form:https://forms.southwark.gov.uk/ShowForm.asp?fm_fid=1274

W: <http://app.southwark.gov.uk/licensing/licenseregister.asp>

In future if you wish to submit application, a quicker way would be to apply online.

W: <https://forms.southwark.gov.uk/ShowForm.asp> | **W:** www.southwark.gov.uk

Trading Standards: Tradingstandards@Southwark.gov.uk

Food: Food@Southwark.gov.uk

Health&Safety: OHS@Southwark.gov.uk

HMO: Resi@Southwark.gov.uk [visit the website](#)

Contaminated Land : https://forms.southwark.gov.uk/ShowForm.asp?fm_fid=1454&np=1

Postal Address:

Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor's Address:

160 Tooley Street | London | SE1 2QH

Please visit www.planningportal.gov.uk for an application for change of use from A1 to A3

If you have any queries or questions, or require any further information, please do not hesitate to contact me.

From: [REDACTED]
Sent: Sunday, May 07, 2017 6:09 PM
To: licensing@southwark.gov.uk; Regen, Licensing
Subject: Objection to Licensing Application 858397

This is an objection to the Premises Application quoted above (No: 858397)

made by Julia Rose-Wier, to extend the drinks license at the Darwin Court Cafe till 22.00 on weekdays and to now include Saturdays.

The premises is not suitable for this extension. It is part of a residential block, with flats immediately above the cafe area.

This accommodation was specifically built for people over 50, to provide a quiet residence.

It was not indicated to tenants who moved in initially that would be above a licensed premises.

There is no way that residents can be protected from any ambient sound as there are entrance doors to the cafe area at the front of the building in Barlow Street, immediately below residents' flats; and the cafe opens onto a garden area at the back, again directly beneath where people live. There would be no way to safeguard residents from direct noise nuisance unless these doors were kept shut at all times: which is unlikely. Further if the purpose of this extension is for private events as is claimed there seems to be no provision to protect tenants from amplified sound that would accompany such events. There is not sufficient sound-proofing between the Ground and the First Floor; and sound easily carries externally to the higher floors. (A characteristic of the area is how easily sound carries from the ground level upwards and between buildings.)

A further nuisance to consider might be a degree of smoke pollution. The garden area at the back is used as a smoking area for cigarette smokers and this smoke reaches the flats above. One tenant on the 5th Floor reports cigarette smoke affecting his flat.

It was not indicated to tenants who moved in initially that part of the building they lived in would be a licensed premise. I cannot say how much information tenants who moved in more recently were given. Though residents have no control over the running of the Ground Floor - the Healthy Living Centre, as it is called - but it is an integral part of the building they live in. The building is full of older people, some of them infirm and on Housing Support, who moved here for a quiet residency, which is to be interrupted by noise.

There are further causes of concern. There is direct access to the residential part of the building through pass doors. These are usually locked and require a pass key but they are not always locked and this system is not foolproof. Children also use the area during the day. There is always a danger of some disturbance when alcohol is available. The management claim that there has been no incident so far under the current licence, but an extension must increase the possibility. Were this an independent licensed premise this may not matter; but it is not. It is part of a purpose built estate for the older people.

(The flats are also close to spaces where alcoholics collect - Paragon Gardens, the Old Kent Road bus stop. This proximity could make the quiet residential character of the area vulnerable.)

Further points that should be noted are the late notice given to tenants and it's confused or misleading nature. A letter was sent round to residents, written on 26 April, informing them of this application - that is 16 days after the application was posted. WE were told a meeting was scheduled at 17.00 on the 3rd May to consult with residents. The letter also said, and Mr Saunderson, who held the meeting confirmed that the end of the period of consultation and the date by which any representations had to be made was 10th May. In fact the information on your website says that any response has to be received by the 8th May; which you confirmed. It was suggested to Mr Saunderson that he alerted tenants to this error in his initial letter otherwise some tenants might miss the deadline through misinformation. But not such correction has gone out.

This gives affected residents very little time to respond, and some responses may be invalid because of date. So the right of objection is effectively taken away. This is especially so as several residents could only respond by post as they do not use or have computers.

The wishes expressed at the meeting suggested the tenants would rather there was no drinks license in the building and certainly did not want it extended; and certainly not into weekends.

However they were left with very little time to articulate this, as explained.

You should further consider that only one notice for the licensing extension went up, as far I I can see. This was beside the entrance to the coffee bar. As this is a door very few residents would use - they would either use the doors that lead more directly to the flats or come through the reception area in Crail Row. This posting may fulfil *legal* requirements but is not properly informative: it is not fit for purpose.

It is also notable that as the people ultimately applying for the license and the people who administer the residential area are the same they could have consulted properly with tenants before the notice was posted; but did not.

NB. *One last point. I note in the conditions for the new license - Condition 340 - there is an obligation on the licensee that there should be " monthly meetings during the summer and quarterly meetings during winter with residents to deal with issues/concerns with regards to noise in the garden area'. The current license - 837482 - carries the same condition. As far as I can ascertain these meetings have not taken place; which means they have been operating in breach of their license. And no mention of this provision was made at the meeting with regard to the new application which suggests it will be overlooked again.*



PARTY B

Heron, Andrew

From: Regen, Licensing
Sent: 08 May 2017 16:02
To: Heron, Andrew
Subject: FW: licensing objections

From: [REDACTED]
Sent: Monday, May 08, 2017 3:53 PM
To: Regen, Licensing
Subject: licensing objections

Dear Sir/Madam

I am writing to you to object to the premises application license number 858397 in the name of Julia Rose Weir in east Walworth. The premises license is actually for a property in SE17 1AB which is an over 50s block of residential flats. I am objecting to the license because the flats are occupied by people not only of a venerable age but many are in poor health and we signed the tenancies in the Peabody Estate it was because the building was safe, secure and quiet. I am sorry for the late email but we only had a meeting with duty manager of the flats last week and we were told we had until the 10th May to object only to find out yesterday we had until today. In the meeting we were informed that the café would be applying for the alcohol to be in place from 8am – 10pm, and as the café is situated under the flats myself and the other residents are very concerned about the problems this is going to rise. There is the noise from the garden area along with the open access to the building, and the risk of smoking in the garden area and the rubbish it will cause

Regards

[REDACTED]

[REDACTED]

[REDACTED]