

From: Blackburn, Gavin
Sent: Tuesday, July 11, 2017 5:59 PM
To: Regen, Licensing
Cc: Read, Kirty
Subject: Objection to licence 859302 Extension of hours The Empire, Unit 2 777 Old Kent Road

Dear Sirs,

Planning wish to object to the extension of hours applied for as it runs contrary to the objective of prevention of nuisance. The premises previously had temporary event notices that resulted in complaints of noise and nuisance from residents of the homes immediately to the rear of the premises. To ensure that the premises kept to the hours allowed by the planning permission. The planning department served a Temporary stop notice in February of this year that notice has now expired, but it had the effect of ensuring that the premises shut at 11:00pm.

The issue of the terminal hour of this premises has been extensively considered by planning. The proprietor has made two applications seeking to extend the hours of operation, both of which have been refused on grounds of harm to residential amenity. The second application was appealed and considered independently by a planning inspector who dismissed the appeal on 15th December 2016. The Inspector commented:-

The residents of the six residential units at the rear of the premises are particularly vulnerable to noise disturbance from cars parking in Sylvan Grove and the comings and goings of patrons. Given that there are parking restrictions outside the proposed restaurant/take-away itself, and Sylvan Grove is the nearest side street, it is, in my judgement, likely to be used by patrons or taxis seeking a parking or waiting space for both the take-away and restaurant use. Indeed at my site visit I noted that spaces on Sylvan Grove were in considerable demand. In the early hours of the morning, such comings and goings immediately outside residential properties would cause significant harm to the resident's living conditions.

The planning department are not aware of any change of circumstance that might lead to a different conclusion in terms of the impact of extending hours on the residential amenity of Sylvan Grove. A late night use at this location would cause a nuisance to the residents at the rear.

The planning department has been concerned that the premises has planning permission as a restaurant and take away, but does not appear to operate as such. When recently looking at the history of the ventilation extract system in the premises it was apparent that very minimal cooking is taking place within it. The property has a well presented bar that is a feature of the interior and chairs and tables with subtle multi-coloured lighting. It is arranged as a late night drinking venue and not a restaurant or take away. Planning officers were concerned that on a recent visit the restaurant appeared to have no refuse contract and no lockable refuse bin to store refuse in the proprietor stating that he disposes of refuse himself.

 It is recommended that this application be refused.

Kind regards

Gavin Blackburn
Team Leader
Planning Enforcement

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Monday, July 17, 2017 12:06 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: RE: The Empire - 777 Old Kent Road, LDO - 18/07/2017

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.

This 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

The applicant requests to vary their existing license to extend the sale of alcohol both on and off the premises from 11:00 – 23:30 Monday – Friday and 11:00-00:30 on Sundays to 11:00 – 00:30 Monday – Friday and 11:00-03:00 on Saturdays and Sundays.

I have concerns regarding the hours of alcohol sales requested. Research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm. Additionally, the premise is located within a residential area and Southwark's Statement of Licensing Policy recommends a restaurant in this location should close at 23:00. Therefore the applicant already hold a permissive license.

Recommendations

- I recommend this application is rejected.

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

Yours faithfully,

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

From: [Tear, Jayne](#)
To: [Regen. Licensing](#)
Cc: [McArthur, Wesley](#)
Subject: REPRESENTATION RE EMPIRE VARIATION
Date: 18 July 2017 19:23:59
Attachments: [EMPIRE REP VARY 2017.pdf](#)
Importance: High

Dear Licensing

Please find attached my representation regarding the above application,

With kind regards

Jayne

Jayne Tear - Principal Licensing Officer – As Responsible Authority for Licensing

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

Direct line 020 7525 0396 | Fax 020 7525 5735 | Call Centre 020 7525 2000

Visit our web pages <http://www.southwark.gov.uk/licensing>

MEMO: Licensing Unit

To Licensing Unit **Date** 18 July 2017

Copies

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

Email jayne.tear@southwark.gov.uk

Subject Re: The Empire, Unit 2, 777 Old Kent Road, London, SE151NZ

Application to vary a premises licence

I write with regards to the above application to vary the premises licence submitted by George Nwachukwu under the Licensing Act 2003 which seeks to add the following licensable activities:

- To add the provision of late night refreshment (indoors) on Sunday to Thursday from 23:00 to 00:00, on Friday from 23:00 to 02:30 the following day and on Saturday to extend the hours from 00:00 to 02:30 the following day
- To extend the supply of alcohol (on and off the premises) on Sunday to Thursday from 23:00 to 00:30 the following day; on Friday from 23:00 to 03:00 the following day and on Saturday 00:00 to 03:00 the following day
- Overall opening times shall be on Sunday to Thursday from 11:00 to 01:00 the following day; and on Friday and Saturday from 11:00 to 03:30 the following day

Non Standard Timings:

- On Bank Holidays for licensable activities shall be from 11:00 to 03:00 the following day
- On Bank Holidays the opening times shall be from 11:00 to 03:30 the following day

The premises is described as 'Restaurant' within the application.

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

The premises is situated in a residential area and under the Southwark Statement of Licensing Policy 2016 - 2020 the appropriate closing times for restaurants, public houses, wine bars or other drinking establishments in this area is **23:00 daily. Night clubs (with sui generis planning classification) are not considered appropriate for this area.**

It should be noted that planning permission for the premises is until 23:00 and recent applications to extend this have been refused by the planning department. Furthermore under Southwark's Statement of Licensing Policy 2016 – 2020, pages 27/28 para. 96 the following is stated:

'This Authority will look to ensure proper integration with the planning regime. While it is understood that there is no legal basis for a licensing authority to refuse a licence application solely because it does not have planning permission, it would be inconsistent for the authority to give a licence for an activity when planning permission for the same activity has been refused. Therefore, it is expected that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned. This applies equally to applications seeking a licence intended to facilitate a change of use / type of operation. Where this is not the case, the council would expect the applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be'

The applicant has submitted previous Temporary Event Notices (TENs) and I attach a log of TENs submitted to this representation. Complaints were received from local residents regarding anti-social behavior from patrons leaving the premises, such as people smoking, talking loudly and urinating in the street; shouting and playing loud music from their vehicles parked in Sylvan Grove. On one occasion the premises was found to be operating beyond the TEN hours by a Police Officer on NTET duties. Due to the complaints received, the last TEN submitted on 9/1/2017 was served objection notices by the Police and EPT and the TEN was subsequently withdrawn by the applicant.

The applicant has demonstrated that he has no control over rowdy patrons that leave the premises later at night and if the premises were allowed to open later the impact of anti-social behavior or crime and disorder would affect local residents living nearby and in the surrounding streets.

I therefore submit this representation and to promote the prevention of crime and disorder and the prevention of public nuisance licensing objectives I recommend that this applicant is refused.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 - southwark statement of licensing policy 2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

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

Log of temporary Events Notices for The Empire, Unit 2, 777 Old Kent Road, London, SE151NZ

received date	refno	name	area	start_date	end_date	times	plh	max_no people	sale_of alcohol	for consumption	reg. ent	lnr	Late ten	Premises user	police obj	ept obj	desc1	desc2
17/11/2016	856733	The Empire		04/12/2016	04/12/2016	(00:00--03:00) and (11:00--24:00)	Yes	90	Yes	On Premises	Yes	Yes	No	George Nwachukwu	No	No		
23/11/2016	856826	The Empire		09/12/2016	11/12/2016	9/12/16 11:00-00:00 10 & 11/12/16 00:00-03:00 & 11:00-00:00	Yes	90	Yes	On Premises	Yes	Yes	No	George Nwachukwu	No	No		
01/12/2016	857003	The Empire		16/12/2016	18/12/2016	16/12/16 11:00-00:00 17 & 18/12/16 00:00-03:00 & 11:00-00:00	Yes	90	Yes	On Premises	Yes	Yes	No	George Nwachukwu	No	No		
08/12/2016	857111	The Empire		23/12/2016	25/12/2016	23/12/16 11:00-00:00 24-25/12/16 00:00-03:00 & 11:00-00:00	Yes	90	Yes	On Premises	Yes	Yes	No	George Nwachukwu	No	No		
12/12/2016	857125	The Empire		30/12/2016	01/01/2017	30/12/(11:00--24:00)31/12&1/1/17 (00:00-03:00)(11:00-00:00)	Yes	90	Yes	On Premises	Yes	Yes	No	George Nwachukwu	No	No		
20/12/2016	857281	The Empire		07/01/2017	09/01/2017	7 & 8 Jan 11:00-03:30, 9 Jan 11-midnight	Yes	90	Yes	On Premises	Yes	Yes	Yes	George Nwachukwu	No	No		
09/01/2017	857379	The Empire		27/02/2017	28/02/2017	23:00-04:30	Yes	100	Yes	On Premises	Yes	Yes	No	Aniekan Ita Etuk	Yes	Yes	objection	Withdrawn

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/21/2988/17**
Date: **18th July 2017**

Dear Sir/Madam

Re:- The Empire, Unit 2, 777 Old Kent Road SE1 1NZ

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

Premises open to the public

Sun -Thurs 11.00hrs – 01.00hrs
Fri – Sat 11.00hrs – 03.30hrs

Sale/Supply of alcohol on the premises

Sun -Thurs 11.00hrs – 00.30hrs
Fri – Sat 11.00hrs – 03.00hrs

Late Night Refreshment

Sun -Thurs 23.00hrs – 01.00hrs
Fri – Sat 23.00hrs – 03.00hrs

The Applicant was only granted the current Licence in 2016 by the licensing sub-Committee on the 5th September 2016 and a full consultation took place with a number of objections including Southwark council planning department. The planning consent for the venue is 23.00hrs and have subsequently issued a stop notice against the premises after complaints whilst operating under a Temporary Event Notice.

The Southwark council Statement of Licensing Policy advise parity and proper integration between Licensing and planning hours and the applicant should have relevant planning consent prior to the application. The applicant has applied to have his planning hours extended which has been refused

twice and turned down on appeal. Any extension to Licensing hours would be in conflict to those granted by planning and the applicant could be prosecuted for breach of planning.

The police object to the granting of the current variation in full for the following reasons.

The premises is situated in a designated residential area as set out in the Southwark Statement of Licensing policy and the current hours are later than that recommended in the policy for restaurants or public houses and later than the planning permission permits.

When the applicant has operated using a temporary Event notice complaints have been received regarding public nuisance and noise nuisance caused by customers when leaving which including shouting, playing loud music, wheels screeching when vehicles moving off and other behaviour associated with intoxicated people.

Police attended the venue in December 2016 shortly after the licence was granted and when a temporary event notice was given and found that the premises was still in full operation after 03.00hrs which was the finish time specified on the notice. Officers gave a verbal warning to the DPS at the time.

Police object to this application to vary the premises licence as it is highly likely to have a negative impact on local residents and an increase in public nuisance and crime and disorder in the area.

Submitted for consideration.

PC Graham White 288MD
Southwark Police Licensing Unit

From: [McCarthy, Debbie](#) on behalf of [Regen, Licensing](#)
To: [McArthur, Wesley](#)
Subject: FW: The Empire, Unit 2, 777 Old Kent Road, SE15 1NZ
Date: 19 July 2017 08:39:39
Attachments: [Waste at 777 Old Kent Road.png](#)

From: Fox, Roy
Sent: Tuesday, July 18, 2017 6:48 PM
To: Regen, Licensing
Cc: 'r [REDACTED]' 'G [REDACTED]'
'SouthwarkLicensing@met.police.uk'
Subject: The Empire, Unit 2, 777 Old Kent Road, SE15 1NZ

Dear Sir/Madam

Re: The Empire, Unit 2, 777 Old Kent Road, SE15 1NZ – Application for variation of a premises licence under the Licensing Act 2003

I represent the Environmental Health Responsible Authority. Based on the Licensing Objective 'the prevention of public nuisance', I write to object to the application for a variation of the Premises Licence, number 854638, to extend the hours for the sale of alcohol and the provision of late night refreshment for 'The Empire', Unit 2, 777 Old Kent Road, SE15 1NZ, submitted by Mr George Nwachukwu and received on 20 June 2017. The basis for my objection is presented in the following paragraphs.

Temporary Event Notices for December 2016 and January 2017 lead to a number of complaints by nearby residents about disturbances arising from a number of these events. These complaints involved a number of issues, some of which relate to police and to planning issues, but many of the issues relate to public nuisance. These include the following matters:

- Noise from patrons gathering in the street and in the access yard to the rear of 777 Old Kent Road that adjoins residential premises. This includes shouting, fighting, breaking glass and loud voices of people smoking.
- Noise from the amplified music from the events, increasing when the rear fire escape doors are left open by smokers or others using the rear yard.
- Urination in the yard and around the premises.
- Noise when patrons leave the premises at up to 03:30 hours from vehicles (including horns and loud music), talking, shouting, fighting and so on. Note that the notices indicated the events ending at 03:00 hours. The night time economy police have also visited on 16th December 2016 to witness that they were still operating at after 03:00, giving advice on punctuality to the designated premises supervisor on the night.

The premises has a licence under the Licensing Act 2003 for late night refreshment and the sale of alcohol from 11:00 to 23:00 on Sunday to Friday and up until 24:00 on Saturday. The Temporary Event Notice applied for on 01 December 2016 for an event on

the weekend including the 16 December 2016 included a statement that they would be 'operating in accordance with the principles of the current licence'. The licence includes a number of conditions including that the sale of alcohol shall be only to people taking substantial table meals, restrictions on numbers smoking, closure of the rear exit at all times except emergencies, and a dispersal policy. It is clear from the nature of the complaints made, listed above, that these 'principles' were not been adhered to, which has contributed considerably to the creation of public nuisance from the events held.

An application for review of the existing premises licence has been made (12/07/2017) by a local resident in respect of the prevention of crime & disorder and on the prevention of public nuisance. This is based on issues similar to the complaints listed in the paragraphs above, but, additionally, in respect of verbal abuse by the proprietor when asked to control the noise and people on the street, plus the failure to comply with conditions attached to the planning permission.

The premises has planning permission to operate under class A3 & A5 uses as a food business (specifically a hot food takeaway & restaurant) with hours of operation restricted by condition to 23:00 on Monday to Saturday. A planning application in February 2016 to extend these hours was unsuccessful on the grounds that extended late night hours would likely to lead to adverse impacts on the residential amenity of nearby occupiers. A subsequent application in May 2017 (reference 17/AP/1648) was also rejected by Planning as it simply duplicated the earlier application for which the decision still stood. In response to the latter application there was an objection by a local resident listing various reasons including: running the restaurant as a 'nightclub' causing a public nuisance from noise from the premises and the guests outside; waste piled in the rear alley to such a degree that it was impassable and attracted a vermin infestation; and, grease from the kitchen extract impacting on the area. These matters suggest a poor quality of management of the premises in a variety of ways. A picture of the waste at that time is attached as an illustration. In respect of Planning issues, note that the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, March 2015, states in section 13.58 that when terminal hours have been set within a planning condition, then the earlier closing time should be observed (relative to a licence application).

In conclusion, based on the reasons given above, I would confirm my objection to the extension of hours requested in the application and recommend its refusal.

Regards,

Roy Fox
Principal Environmental Protection Officer

Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor
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