



POLICE

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 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21//18

**Date:** 15<sup>th</sup> November 2018

Dear Sir/Madam

Re:- Rincon Tropical Arch 147 Eagle Yard SE1 6SP

Police are in possession of an application from the above for a variation to their current premises licence 864815.

The operating schedule is as follows.

Late night refreshment      Fri – Sat              2300 to 0200

Supply of alcohol (on)        Fri – Sat              1000 to 0200

Hours open to the public    Fri – Sat              0800 to 0200

This is a substantial increase to the current permitted hours as per licence 859073. The premises is located within the Elephant and Castle Major town centre according to Southwark's statement of licensing policy 2016 to 2020. The closing time for restaurants as per the policy is 0100hrs Friday & Saturday and Midnight for the remainder.

Although this venue is in a designated major town centre it is also in very close proximity to a large number of dwellings. Historically this location has been subject of a number of noise and ASB complaints from local residents. I would therefore have concerns that noise from patrons leaving at 2am could have a negative impact on these residents.

Despite being a major variation and a substantial increase in permitted hours, the applicant has not addressed sufficiently the possible impact this increase in hours could have on the licensing objectives, in particular the prevention of crime and disorder.

The applicant has not given any consideration to Southwark's licensing policy, they do not appear to have carried out any risk assessments as to the potential impact on the licensing objectives before submitting their operating schedule.

The operating schedule does not contain any additional control measures above and beyond what they already have on the current licence. They have not provided any additional evidence or exceptional reasons as to why the licensing subcommittee should consider moving away from their Policy.

The application does not provide for any break between the supply of alcohol and the closing time, this causes potential issues for patrons having to quickly consume any alcohol they have left, it also fails to assist with the timely dispersal of patrons and could lead to mass egress out into a residential area at 2am.

I note from recent visits to the premises on the 28<sup>th</sup> October 2018 and the 4<sup>th</sup> November 2018 they were found to be operating in breach of the current premises licence. They were open beyond the permitted terminal hour, regulated entertainment was being provided. Despite the premises having a condition that alcohol is only to be served ancillary to a table meal, the evidence shows alcohol on the tables but no food being supplied.

These visits took place one week apart, having been warned on the 28<sup>th</sup> October the premises ignored this advice and continued in breach the following weekend.

The premises licence holder has demonstrated that they hold no regard for the promotion of the licensing objectives, if this variation was granted there is potential for further breaches and a detrimental impact on the licensing objectives. It is for these reasons that this application should be refused.

Yours Faithfully

PC Ian Clements 362

Licensing Officer

Southwark Police Licensing Unit

**Heron, Andrew**

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**From:** Prickett, Mark  
**Sent:** 25 October 2018 12:01  
**To:** Regen, Licensing  
**Cc:** Heron, Andrew  
**Subject:** EPT rep - Major variation Arch 147 Eagle Yard  
**Attachments:** CAJ11479.doc

Dear Licensing,

Southwark Council's Environmental Protection Team have reviewed the major variation for Rincon Tropical, Arch 147, Eagle Yard, SE1 6SP.

The variation is requesting;

- Recorded music (indoors)

Proposed hours - Sundays to Thursdays 08:00-23:30, Fridays and Saturdays 08:00-02:00

- Late Night Refreshment (indoors)

Existing hours – Sundays to Thursdays, 23:00-23:30, Fridays and Saturdays 23:00-00:30

Proposed Hours - Fridays and Saturdays 23:00-02:00

- Supply of alcohol (on premises)

Existing hours - Sundays to Thursdays 10:00-23:00, Fridays and Saturdays 10:00-00:00

Proposed Hours - Fridays and Saturdays 10:00-02:00

Hours open the public: Fridays and Saturdays 08:00 – 02:00 (Extension by 1.5 hours). Sunday to Thursday closing hour remains the same at 23:30.

Section d) part M of the application has been reviewed with the following statement put forward to prevent public nuisance;

- “Nothing beyond existing health and safety / fire safety etc requirements”

It is worth noting that the above standard is repeated in all sections of part M to address all the 4 licensing objectives.

The existing licence can be found here:

<http://app.southwark.gov.uk/Licensing/LicPremisesGrantedDetails.asp?systemkey=859073>

#### **EPT STANCE**

The application form does not advise what type of the use this premises is, for instance a food led restaurant, a drink led bar, a restaurant until a certain time then turns into a drink led bar after a certain hour?

A search on their facebook page states that the premises is a “Latin restaurant” <https://www.facebook.com/El-Rincon-Tropical-790904724380524/> . As per table 2 in section 7 of Southwark's Licensing Policy, restaurants in Elephant & Castle are suggested to have closing hours of midnight Sunday to Thursday, 01:00 on Fridays and Saturdays. The current hours of the existing licence therefore closely mirror the policy hours.

EPT raise concern that the applicant has sought later opening hours on weekends till 2am and requested recorded music everyday of the week, yet has offered no noise controlling measures within the application. There are no specific conditions on the current licence to promote the prevention of public nuisance in relation music noise.

EPT are also aware of previous noise complaints from loud patrons when in external areas, from loud music and from late night use from the existing licenced premises in Eagle Arch.

EPT have strong concerns over the proposed extended late night opening at weekends to 2am. There are also no measures put forward in the application to address the prevention of public nuisance licensing objective.

EPT therefore **raise objection** against this major variation application to extend hours at the premises and apply regulated entertainment onto the licence.

Kind regards,

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

PLEASE BE ADVISED I AM NOT IN THE OFFICE MONDAY AFTERNOONS & ALL DAY WEDNESDAYS

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

Air Quality web pages: <http://www.southwark.gov.uk/air-quality>  
Construction web pages: <http://www.southwark.gov.uk/construction>  
London Low Emission Construction Partnership - <http://www.llecp.org.uk/>



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**Heron, Andrew**

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**From:** Regen, Licensing  
**Sent:** 26 October 2018 15:17  
**To:** O'Gorman, Sinead  
**Cc:** Heron, Andrew  
**Subject:** FW: RE: Rincon Tropical 2nd Floor,Arch 147, Eagle Yard Hampton Street SE1 6SP  
**Attachments:** Alcohol crime and harm report.docx

**Kirty Read**

Processing Manager  
Southwark Council | Licensing | Regulatory Services  
**Tel:** 0207 525 5748 | **Fax:** 020 7525 5705  
**EHTS Helpline:** 020 7525 4261 | **Call Centre:** 020 7525 2000  
**Email:** licensing@southwark.gov.uk

In future if you wish to submit an application, a quicker way would be to [apply online](#)

**Postal Address:**

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

**Visitor's Address:**

160 Tooley Street | London | SE1 2QH

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**From:** Deidda, Clizia  
**Sent:** Friday, October 26, 2018 3:12 PM  
**To:** Regen, Licensing  
**Cc:** Public Health Licensing; Shapo, Leidon  
**Subject:** RE: Rincon Tropical 2nd Floor,Arch 147, Eagle Yard Hampton Street SE1 6SP

To Whom it may concern:

**RE: Rincon Tropical 2nd Floor,Arch 147, Eagle Yard Hampton Street SE1 6SP**

On behalf of the Director of Place 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):

### **General Comments**

The applicant requests a major variation to add recorded music and amend the opening hours and the hours for late night refreshment and sale of alcohol on the premises.

The current granted hours are:

<b>Currently granted hours</b>	<b>Late night refreshment</b>	<b>Sale by retail of alcohol to be consumed on premises</b>
<b>Sunday - Thursday</b>	23:00 – 23:30	10:00 – 23:00
<b>Friday-Saturday</b>	23:00 – 00:30	10:00 – 00:00

<b>Days which Opening hours apply to</b>	<b>Currently granted Opening hours</b>
<b>Sunday - Thursday</b>	08:00 – 23:30
<b>Friday and Saturday</b>	08:00 – 00:30

The requested hours are:

<b>Requested hours</b>	<b>Opening hours</b>	<b>Late night refreshment</b>	<b>Recorded music</b>	<b>Supply of alcohol on the premises</b>
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<b>Sunday - Thursday</b>	08:00-23:00 (no change)	23:00 – 23:30 (no change)	08:00 - 23:30	10:00- 23:00 (no change)
<b>Friday - Saturday</b>	08:00 – 02:00	23:00 – 02:00	08:00 – 02:00	10:00 – 02:00

**Concerns relating to this application**

This premises is located in the Newington ward. Figure 1 depicts a high number of On-Licenses in Newington, in addition to this, Newington currently accounts for 7% of all alcohol related alcohol-related ambulance call outs in Southwark (thus placing it in the highest quintile). The premises are located outside a CIP area, however as shown in Figure 2, this area has seen a sharp increase in alcohol-related ambulance call outs since 2016. Thus alcohol has resulted in a cumulative impact in Southwark.

Figure 1 – Number of licensed premises in Newington

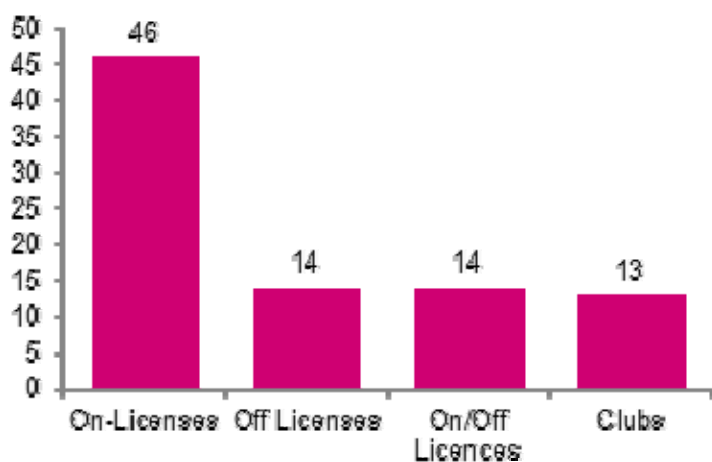


Figure 2 - Number of alcohol related ambulance call outs in Newington since 2014

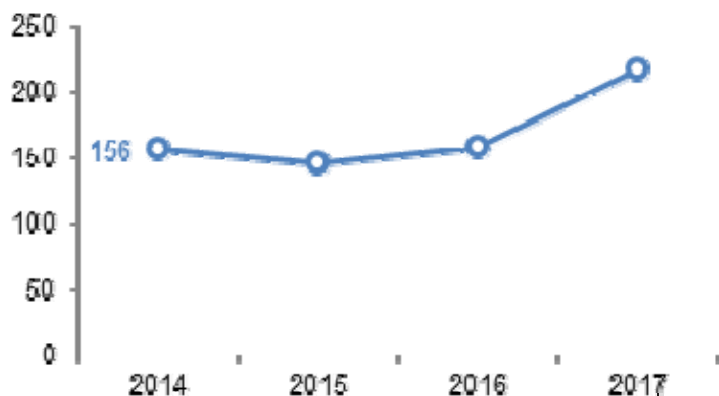
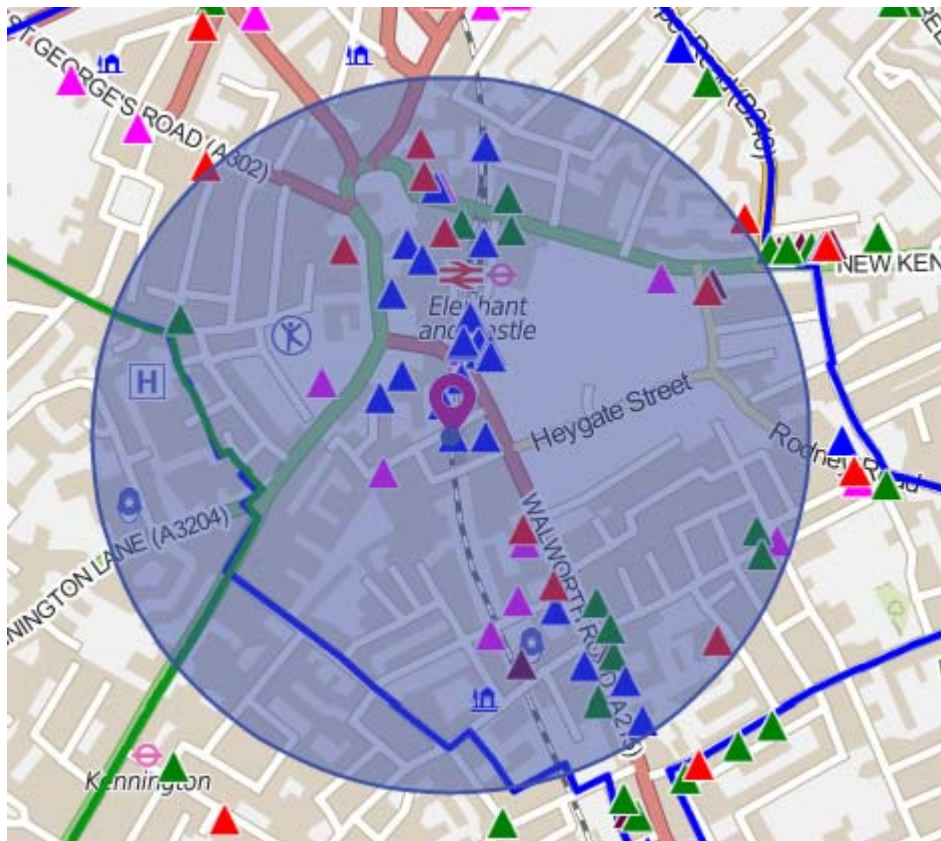



Figure 3 shows that the premises is located within walking distance of several other licensed premises and drinking establishment in a residential area. Furthermore, the premises is also located within 500m of an alcohol recovery centre/hostel. The increased hours for the recorded music and alcohol supply (from this major variation) could result in a cumulative impact related to excessive alcohol consumption, more noise and sleep disorder for local residents during late-night hours along with complaints. Moreover, it has been shown (report attached to email) that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015).

Figure 3 – Map excerpt showing location of the premises and proximity to other premises.



 Hostels and alcohol recovery centre

 Licensed premises - Drinking Establishments

 Licensed premises - Eateries

 Licensed premises - Off-Sales

 Licensed premises - Other

 Licensed premises - Takeaways

Finally, the requested opening hours and the hours for the sale of alcohol on the premises are incompatible (both until 02:00), as they don't allow enough drinking up time for customers.

### **Recommendations**

I recommend that this variation be rejected in its current state, as the requested hours of extension fall outside the recommended Statement of Licensing Policy hours. In addition, the entertainment provided at late hours in this residential area has a high likelihood of generating complaints.

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

Yours sincerely,

**Clizia Deidda**



Public Health Policy Officer (Place) | Public Health Division  
Place and Wellbeing Department | London Borough of Southwark  
160 Tooley Street | London SE1P 5LX  
T: 0207 525 7707 | M: 07710 179 570  
E: [Clizia.deidda@southwark.gov.uk](mailto:Clizia.deidda@southwark.gov.uk)  
[www.southwark.gov.uk](http://www.southwark.gov.uk)



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**Buying alcohol at later times is associated with drinking excessive amounts of alcohol, which in turn increases the likelihood of harm to the drinker and others.**

There is evidence of this from a number of scientific studies from high-income countries across the last 3 decades. Extending the terminal hour of alcohol sales has increased alcohol-related harm (Smith 1988a, b; Smith 1990; Ragnarsdottir et al. 2002). Recently it was shown that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015). Within the UK, extensions of the hours of alcohol sales have been associated with increased per capita consumption of beer, increases in the number of alcohol-related diagnoses in hospitals, and increases in violent crime (Bruce 1980; Duffy & De Moira 1996). Within London, increases in alcohol-related overnight attendances to the ED and alcohol-related admission rates were associated with the 2005 implementation of the 2003 Act. The increases included a rise in the number of alcohol-related attendances as a consequence of injury and assault (Newton et al. 2007).

In light of this evidence, several scientific reviews have concluded that restricting the hours of alcohol sales is an effective strategy for reducing excessive alcohol consumption and related harms (Grover & Bozzo 1999; Stockwell & Gruenewald 2004; Smith 1988; Popova et al. 2009). A number of international bodies, including the World Health Organisation, have recommended the control of hours of alcohol sales as a means to reduce alcohol misuse and alcohol-related harms. We in the Public Health team at Southwark Council are heeding this advice by recommending stronger policies to reduce alcohol misuse and alcohol-related harm. Indeed, stronger policies have been associated with a reduced likelihood of youth drinking and youth binge drinking (Xuan et al. 2015), and binge drinking in the general population (Xuan et al. 2015). One of our recommendations is that the hours of alcohol sales be restricted. We are seeking a terminal hour of 0000 for all off-licenses.

**I would like some restriction on high-strength beers, lagers, and ciders, given that many purchasers of these drinks are alcohol misusers, and that one of these drinks exceeds the NHS's Safer Drinking Guidelines.**

The NHS's Safer Drinking Guidelines state that males should not regularly drink more than 3-4 units of alcohol, and that females should not regularly drink more than 2-3 units. We decided to ask for the 5% because:

- One 330mL bottle of 5% beer/lager/cider contains 1.7 units of alcohol
- One 440mL can of 4.5% beer/lager/cider contains 2 units of alcohol
- One 440mL can of strong beer/lager/cider contains 4.5 units of alcohol

Bruce D. Changes in Scottish drinking habits and behaviour following the extension of permitted evening opening hours. *Health Bull.* 1980;38(3):133–7

de Goeij MCM, Veldhuizen EM, Buster MCA, Kunst AE. The impact of extended closing times of alcohol outlets on alcohol-related injuries in the nightlife areas of Amsterdam: a controlled before-and-after evaluation. *Addiction.* 2015; 110: 955-964

Duffy JC, De Moira ACP. Changes in licensing law in England and Wales and indicators of alcohol-related problems. *Addiction Res.* 1996;4(3):245–71

Grover PL, Bozzo R. Preventing problems related to alcohol availability: environmental approaches. DHHS, SAMHSA, CSAP; 1999

Newton A, Sarker SJ, Pahal GS, van den Bergh E, Young C. Impact of the new UK licensing law on emergency hospital attendances: a cohort study. *Emerg Med J.* 2007;24:532–4

Popova S, Giesbrecht N, Bekmuradov D, Patra J. Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. *Alcohol Alcohol.* 2009;44:500–16

Ragnarsdottir T, Kjartansdottir A, Davidsdottir S. Effect of extended alcohol serving hours in Reykjavik, Iceland. In: Room R, editor. *The effects of Nordic alcohol policies.* Helsinki, Finland: Nordic Council for Alcohol and Drug Research; 2002. pp. 145–54

Rossow I, Norström T. The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities. *Addiction;* 107(3): 530–537

Smith DI. Effect on casualty traffic accidents of changing Sunday alcohol sales legislation in Victoria, Australia. *J Drug Issues.* 1990;20(3):417–26

Smith DI. Effectiveness of restrictions on availability as a means of preventing alcohol-related problems. *Contemp Drug Prob.* 1988:627–84

Smith DI. Effect on casualty traffic accidents of the introduction of 10 p.m. Monday to Saturday hotel closing in Victoria. *Aust Drug Alcohol Rev.* 1988;7:163–6

Smith DI. Effect on traffic accidents of introducing flexible hotel trading hours in Tasmania, Australia. *Br J Addict.* 1988;83:219–22

Stockwell T, Gruenewald P. Controls on the physical availability of alcohol. In: Heather N, Peters TJ, Stockwell T, editors. *International handbook of alcohol dependence and problems.* Chichester, UK: Wiley; 2004. pp. 699–719

**MEMO: Licensing Unit**


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<b>To</b>	Licensing Unit	<b>Date</b>	13 November 2018
<b>Copies</b>			
<b>From</b>	David Franklin	<b>Telephone</b>	020 7525 0396
<b>Email</b>	jayne.tear@southwark.gov.uk		

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**Subject: Rincon Tropical, Arch 147, Eagle Yard, Hampton Street, London SE1 6SP**

I write with regard to the application to vary the premises licence submitted by Ysel De La Cruz under the Licensing Act 2003 for the premises Rincon Tropical, Arch 147, Eagle Yard, Hampton Street, London SE1 6SP.

The variation is described as: *"To allow the premises to be open for longer hours on Fridays and Saturdays and to accommodate the provision of late night refreshment and alcohol supply on Fridays and Saturdays."*

In addition this description the application also seeks to introduce recorded music as a new licensable activity.

The application proposes to change the activity and opening hours as follows:

Activity		Existing times	Proposed times
Recorded Music	Sun to Thurs Friday & Sat	- -	08:00 to 23:30 08:00 to 02:00
Late Night Refreshment	Sun to Thurs Friday & Sat	23:00 to 23:30 23:00 to 23:30	23:00 to 23:30 23:00 to 02:00
Sale of alcohol on the premises	Sun to Thurs Friday & Sat	08:00 to 23:00 08:00 to 00:00	08:00 to 23:30 10:00 to 02:00
Opening times	Sun to Thurs Friday & Sat	08:00 to 23:30 08:00 to 00:30	08:00 to 23:30 10:00 to 02:00

This premises is in the Elephant and Castle Major Town Centre Area in close proximity to residential accommodation including the Strata Tower. Under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for similar premises are:

Closing time for Restaurants and Cafes: Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours.

Closing time for Public Houses Wine bars or other drinking establishments: Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours.

Closing time for Night Clubs (with sui generis planning classification): Monday to Thursday is 01:00 hours and for Friday and Saturday 03:00 hours and for Sunday 00:00 hours.

This premises is not a night club, therefore these later hours would not apply.

The premises has a condition regarding alcohol being ancillary to food as follows:

347 - Intoxicating liquor shall not be sold or supplied on the premises other than to persons having table meals and is for consumption by such person as an ancillary to this food

The proposed hours have not left any time between termination of the activities and closing time to consume their alcohol if purchased just before closing time at a relaxed rate and leave the premises before the closing time. This could cause patrons to rush their drinks and result in conflict with staff trying to close the premises on time and rapidly drunk alcohol at the end of the night may cause antisocial behaviour when the patron leave the premises such as noise and urinating in public areas.

Also some disturbances may be considered an inevitable part of running an alcohol business into the night and to a certain extent accepted as such by residents prior to closing hours advised in the policy when they are likely to be more active in their homes and creating some internal noise themselves, but the same noises these times can cause considerably more disturbances to residents in the area as general noise in the street, such as traffic noise, reduces and residents themselves start to retire for the night to sleep and enjoy the quiet and peacefulness of their homes

Therefore, if the operators are going to adhere to this condition the appropriate hours should be for a restaurant with licensable activities terminating 30 minutes before the recommended closing time as follows:

Activity		Suggested times
Recorded Music	Sun to Thurs Friday & Sat	08:00 to 23:00 08:00 to 00:30
Late Night Refreshment	Sun to Thurs Friday & Sat	23:00 to 23:30 23:00 to 01:00
Sale of alcohol on the premises	Sun to Thurs Friday & Sat	08:00 to 23:30 10:00 to 00:30
Opening times	Sun to Thurs Friday & Sat	08:00 to 23:30 10:00 to 01:00

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:  
<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

Council officers working as part of the night time economy team have made a number of visits to the premises, visit notes are reproduced below:

adate	desc	adtext
06/10/2017	22:10 NTE Visit	MO Visited premises due to complaints of children playing o/s and making noise and disturbing local residents. Spoke with management of the premises and asked them to bring the children in. As we left I asked the children to lower their voices.
06/01/2018	20:35 NTE Visit	AH Visit with KD. Music very loud upon arrival - had to be switched off for workers to hear us talk. Met with DPS. Licence and summary in place, but several licence breaches. Discussed noise complaints and noise at NYE- says that it was a private family party that did finish late. Real language barrier with DPS. PLH is his daughter, who was not present.
03/02/2018	22:30 NTE Visit	AH NTE Re-inspection with Police. Premises now full compliant - compliance letter.

19/10/2018	23:20 NTE Visit	AH NTE Visit with C. New application for variation of hours in at the moment. No blue notice was up (advised that it will be up this week).Met PLH - Ysel De La Cruz - does not speak English. A customer assisted, but took a long time to advise. Full licence and summary ok. C.348 - No Staff records. C.349 - No dispersal policy. C.4AI - No refusal register. C.311 - No signage asking customers to leave quietly. There had been an inspection 03/02/2018, so surprising that there are now issues. Warning letter to be sent.
27/10/2018	01:20 NTE Visit - Poster	AH Premises closed as should be. Also poster check. All ok.
04/11/2018	00:28 NTE Visit	4/11/2018 00:28 FRC met manager and DPS Regino approx 75 people inside the premises could not be more very busy, and cramped inside seen SIA door supervisor who bought the manager I went inside to look in the kitchen no sign of any foods there was a electric hob now and pots, no LPG gas inside. All the tables had drinks and beer no sign of any foods on tables. I asked Regino why he was still open as it is now past their closing time, he said they will close in 10 minutes time. There was no sign of anyone leaving music playing loud and people were dancing. we waited in our car for another 10 minutes and seen people slowly leave the premies and go into arch 144 Corporation ponce. At 00:40hrs people were still inside and the premies were still open.

On two of these six visits officers have found the premises operating not in compliance with the conditions of the premises licence resulting in warning letters being sent on 09 January 2018 and 22 October 2018 as these potentially constitute offences under 136 of the Licensing Act 2003, I produce copies of these letters as part of this representation.

On the visit of 04 November 2018, two minutes before the premises should be closed, the premises was found to be operating to capacity with drinks and beers on the table and no sign of food. The premises was still open with patrons inside at 00:40 hours when the officers left. This also could constitute an offence under section 136 of the Licensing Act 2003 and further enforcement action is currently being considered.

The evidence from these visits caused me concern that the premises licence holder and DPS are not able to abide by the terms and conditions of their premises licence, breaching conditions, providing alcohol without food and unable to close the premises on time. Should the variation be granted I am of the opinion that the premises management will continue to operate at these later hours not in compliance with the conditions on their licence that are designed to promote the licensing objectives.

I therefore recommend that this variation is refused.

David Franklin  
In the capacity of the Licensing Responsible Authority

Rincon Tropical  
Arch 147, Eagle Yard  
Hampton Street  
London  
SE1 6SP

**Licensing Unit**  
Direct Line:  
Direct Fax:

9 January 2018

Dear Ysel De La Cruz

**RE: THE LICENSING ACT 2003 – WARNING LETTER  
(Rincon Tropical, Arch 147, Eagle Yard, Hampton Street, London, SE1 6SP)**

On 6 January 2018 at 20:35 Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

During the inspection the officers witnessed the following:

Upon arrival, the music was deafeningly loud. The music was turned down twice, before eventually being turned off as employees could not hear the questions they were asked. Your premises licence does not have provision for regulated entertainment; therefore the music should be at a volume that a conversation can be held without raising voices.

There were a number of breaches of the premises licence. There was no CCTV in place – we were advised that there had never been any CCTV in place. This means that you have been operating in breach of your premises licence since the grant date. Please note the following conditions:

**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;

**289** All CCTV footage be kept for a period of 31days 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;

Secondly, it was found that there were no staff training records available for inspections contrary to the following condition:

**Licensing Unit** - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)  
**Strategic Director Environment & Housing** - Deborah Collins  
**Register to vote.** Complete the forms delivered to your home. Information: 020 7525 7373

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

Finally, there was no register of refusals contrary to the following condition:

**4A1** A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003. You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to an unlimited fine for each offence. I hope this warning will ensure that compliance is achieved and no further action will be required. The premises will be revisited in the coming weeks. If compliance is not found, we will not hesitate to review your licence which could result in reduced hours, additional conditions or even revocation.

I had further concerns that those working at the premises had little comprehension of what was expected of them under the terms of the premises licence. Whilst the licence was available for inspection, the two pages of the summary were on display, but at opposite ends of the dining area. The level of English of Mr Regino Jiminez, the DPS causes me concern as he was incapable of answering any question without the assistance of a friend aiding with translation.

In addition, the Council receives regular complaints regarding noise from the area around your premises. Please be reminded that you must stick to the hours of your premises licence. Please make sure that you adhere to the terms of your Dispersal Policy, which means that visitors to your premises depart the area causing as little disturbance as possible to surrounding residents.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) or by telephone between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

**Licensing Unit** - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)  
**Strategic Director Environment & Housing** - Deborah Collins  
**Register to vote.** Complete the forms delivered to your home. Information: 020 7525 7373



Andrew Heron  
Principal Licensing Enforcement  
[andrew.heron@southwark.gov.uk](mailto:andrew.heron@southwark.gov.uk)

c.c P.C. Ian Clements  
Southwark Police Licensing Officer  
Walworth Police Station  
12-28 Manor Place  
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**Licensing Unit** - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)  
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**Register to vote.** Complete the forms delivered to your home. Information: 020 7525 7373

Rincon Tropical  
Arch 147, Eagle Yard  
Hampton Street  
London  
SE1 6SP

**Licensing Unit**  
**Direct Line:** 020 7525 5767  
**Direct Fax:** 020 7525 5705  
**Our Ref:** INU: 082733

22 October 2018

Dear Ysel De La Cruz

**RE: THE LICENSING ACT 2003 – WARNING LETTER**  
**(Rincon Tropical, Arch 147, Eagle Yard, Hampton Street, London, SE1 6SP)**

On 19 October 2018 at 23:20 Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

Your premises was inspected last on 3<sup>rd</sup> February 2018 and was found to be fully compliant at that time. You were revisited at the weekend as you have made an application to further extend your licensed hours.

The following conditions were currently breached on the licence:

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

There were no staff training records.

- **349** That the premises shall train staff in the dispersal policy dated 29 June 2017 and a copy of the dispersal policy is kept on the premises with the premises licence and is available for Police and authorised officers to view;

There was no dispersal policy kept with the licence or made available for inspection.

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

**Licensing Unit** - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)  
**Strategic Director Environment & Housing** - Deborah Collins  
**Register to vote.** Complete the forms delivered to your home. Information: 020 7525 7373

There was no refusals register.

- **311** Signage shall be displayed on the entrance and exit of the premises requesting customers to respect neighbours and leave quietly;

It is noted that the neighbour on the ground floor does have this signage, written in a foreign language; however, your premises does not have the appropriate signage.

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003. You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to an unlimited fine for each offence. I hope this warning will ensure that compliance is achieved and no further action will be required. The premises will be revisited in the coming weeks. If compliance is not found, this may affect your current application. Please also advise once the blue notices are in place outside the premises as your application will not be deemed valid until that time.

I continue to have concerns that those working at the premises have little comprehension of what was expected of them under the terms of the premises licence. The level of English of Mr Regino Jiminez, the DPS causes me concern as he was incapable of answering any question without the assistance of a friend aiding with translation.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer please contact us by email at [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) or by telephone between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

Andrew Heron  
Principal Licensing Enforcement  
[andrew.heron@southwark.gov.uk](mailto:andrew.heron@southwark.gov.uk)

## HEALTH AND SAFETY

**Heron, Andrew**

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**From:** Pickard, Roy  
**Sent:** 10 October 2018 10:27  
**To:** Heron, Andrew  
**Subject:** Representation for Rincon Tropical

I have a representation for:

Rincon Tropical  
2nd Floor Arch 147, Eagle Yard  
Hampton Street  
London

I have served an improvement notice on this premises under the health and safety at work etc act 1974, requiring a gas safety check on the gas appliances. The notice has expired and works have not been carried out. This is a premises that is using LPG under a busy commuter railway line.

I would be happy to condition this licence; all gas appliances are tested and inspected by a competent gas safety engineer (Gas Safe Registered) to check the gas appliances are safe. If they are not safe, to carry out all necessary works to make the gas appliances safe and to submit a gas safety certificate to this office on completion of works.

Best wishes

**Roy Pickard**  
**Principal Environmental Health Officer**  
**Southwark Council**  
**160 Tooley Street, Southwark, London SE1 2QH**  
**Office 0207 5254702**  
**Mobile 07711 777840**

Chartered Institute of  
Environmental Health



**Chartered Environmental  
Health Practitioner**

**Heron, Andrew**

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**From:** Pickard, Roy  
**Sent:** 21 November 2018 10:45  
**To:** Heron, Andrew; Regen, Licensing  
**Subject:** Rincon Tropical - First Floor Arch 147 Eagle Yard, Hampton Street, London

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Andrew,

I would like to withdraw my rep for **Rincon Tropical - First Floor Arch 147 Eagle Yard, Hampton Street, London**. The premises has removed it gas appliances and is now operating on electric equipment. I have seen the electrical safety certificate for the installation and I am happy with this.

Best wishes,

**Roy Pickard**  
**Principal Environmental Health Officer**  
Southwark Council  
160 Tooley Street, Southwark, London SE1 2QH  
Office 0207 5254702  
Mobile 07711 777840

Chartered Institute of  
Environmental Health 

**Chartered Environmental  
Health Practitioner**