

**ENVIRONMENTAL
PROTECTION TEAM
REPRESENTATION**

From: Fox, Roy
Sent: Monday, September 14, 2020 5:14 PM
To: Regen, Licensing
Cc: [REDACTED]
Subject: Alexis Suya Grill/Samkal, 165 Southampton Way, SE5

Dear Sir/Madam,

Re: Review of Alexis Suya Grill/Samkal, 165 Southampton Way, SE5 – premises licence no. 872803

This representation is made on behalf of the environmental health responsible authority following the licensing objective the 'prevention of public nuisance'. It is submitted in support of a premises licence review that has been requested by a local resident, Madeline Moxham, on 16/08/2020. I wish to express support for the review based on the following points:

- Recently there have been several complaints of loud noise from amplified music from within the premises and from numbers of loud customers of the premises on the pavement outside the premises. These occurred on 31/07/2020, 03/08/2020 & 09/08/2020. Note that these complaints came from different households not the same address, suggesting that the wider community have been suffering the disturbance arising from the operation of the licensed premises, suggesting a public nuisance.
- As a result of the complaints visits were made by officers to the licensed premises on 01/08/2020, 09/08/2020 16/08/2020 and 18/08/2020. The following observations were made by the officers:
 - 01/08/2020 – Loud music heard with front doors open and customers on the pavement outside.
 - 09/08/2020 – around 30 patrons on the pavement outside the premises.
 - 16/08/2020 – Around 50 patrons on the pavement at 23:45 hours and music clearly audible on the other side of Southampton Way. The same situation on a revisit at 00:15 hours.
 - 18/08/2020 – 25 to 30 people on the pavement outside the premises on the pavement with loud voices and with amplified music audible across the road, especially the bass notes.
- A consequence of the repeated noisy operation of the premises during August was the service of warning letters on the business and the DPS. Copies attached.
- Take note that the premises licence condition 307 allows for the maximum number of persons that may be seated in the licensed area at any one time should not exceed 15. Observations by officers indicate that the operator has been using an unlicensed area in his business and for considerable numbers of customers, which adds considerably to the overall noise output.
- In January and February 2019 there were complaints of noise coming from the operation of the premises. Visits by officers at the time witnessed loud music and that the premises were operating outside of its licensable hours. For example, on 09/02/2019 the premises were still operating after 02:00 hours, whereas it should have closed by 00:30 hours. These situations lead to a formal interview under the Police and Criminal Evidence Act 1984. Following this observations were made at various times in May and June 2019 when the premises were not open beyond licensed hours, but by September 2019 (15th and 29th specifically), the premises was again found to be open beyond its licensed hours.
- Council records also show intermittent complaints of noise from the premises in 2015, 2016 and 2018.

Based on the above observations, and in particular the most recent occasions, I would argue that there is considerable evidence to support the allegations of public nuisance raised by Ms Moxham in

her review application. The evidence also suggests a cavalier attitude by the operator to working within the licence conditions and a disregard of the impacts of the business.

Regards

Roy Fox
Principal Environmental Protection Officer

STATEMENT OF WITNESS

Criminal Procedure Rules, r 27 (1)
Criminal Justice Act, 1967, s9, Magistrates Court Act 1980, s 5B

Full Name: Robin Ramoodaren Veerasamy.

Occupation of witness: Noise Enforcement Officer

Work address: 132 Queens Road
3rd floor
London
SE15 2HP

Age (if over 21: write over 21) Over 21

This statement consisting of 3 pages signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed 

Date: 5 September 2020

I am a Noise Enforcement Officer employed by the London Borough Southwark's Noise & Nuisance Team. I hold a Certificate of Competence in Environmental Noise Measurement and a post graduate Diploma in Acoustics and Noise Control Engineering of the Institute of Acoustics. I am a member of the Institute of Acoustics. I have twelve years experience as a Noise Enforcement Officer where I deal with noise assessments. I am a duly authorised officer for the purposes of Part III of the Environmental Protection Act 1990 and the Noise and Statutory Nuisance Act 1993. My everyday work includes making judgements as to the existence of statutory nuisances and responding to noise nuisance calls.

On Saturday 15 August 2020 I was on duty dealing with noise complaints. At 23.32 hours on Friday 15 August 2020 I received a complaint from the Southwark Council contact centre notifying me of a complaint from one of the Borough residents about noise coming from a business along Southampton Way.

I contacted the complainant who mentioned that she logged her complaint to the call centre at 21.52 hours and confirmed that the noise was still going on from a shop along Southampton Way namely "Samkal". I advised her that I will visit the area soon.

Continuation of statement: Mr Robin Veerasamy

I arrived on Southampton Way SE5 at 23.45 hours and drove past the business concerned and noticed a large group of people gathered at the front of the opened door of business name "Samkal".

I parked my car along Sedgmoor Place and I walked along the pavement opposite the business because of the number of patrons standing onto the pavement as well as part of the street.

Samkal was the only business opened at that time with lots of patrons inside as well as outside having the front door opened at all times during my observation.

I stood next to a tree along Southampton Way at an approximate distance of 20 metres from the business and recorded the first video dated 15 August 2020 at around 23.56 hours.

The next video recording was taken at 00.05 hours dated 16 August 2020 whilst I walked back towards my car parked along Sedgmoor Place.

During my observation I have reasonable grounds to suspect that the behaviour of that particular business has contributed to members of the public in the locality being stressed by the level of noise. I was, therefore of the opinion that the noise heard would have affect the average person's sleep. Taking this and the time of night into consideration as well as the area, I was of the opinion that the noise was at a level that constituted a Statutory Noise Nuisance to residents of neighbouring properties.

On Sunday 16 August 2020 at 00.15 hours, I reported the gathering to the Police duty officer namely Lee Tong.

On 21 August 2020, warning letters were issued to Alexis Suya Grill of 165 Southampton Way, SE5 7EJ – Ref: 932910/RVS and the owner Mr Alex Taworo Koroma of [REDACTED] [REDACTED] – Ref: 932910/A/RVS.

I produce a copy of the warning letter dated 21st August 2020 Ref: 932910/RVS as **exhibit RV/1**.

Continuation of statement: Mr Robin Veerasamy

I produce a copy of the warning letter dated 21st August 2020 Ref: 932910/A/RVS as **exhibit RV/2**.

On the 21 August 2020 both warning letters were hand-delivered by myself at 10.55 hours and 11.15 hours respectively at addresses 165 Southampton Way, SE5 7EJ and [REDACTED], by posting it through the letter boxes.

Signed [REDACTED]

Date: 5 September 2020

Noise & Nuisance Team
Phone - 020 7525 3171
Our reference: 932910/RVS

Alexis Suya Grill
165 Southampton Way
London
SE5 7EJ

21 August 2020

Dear Sirs,

RE: ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80
NOISE NUISANCE FROM 165 Southampton Way, London, SE5 7EJ

On 15 August 2020 at 21.52 hours the Council received complaints alleging that the noise emanating from your premises was causing a problem to local residents.

I visited in response to the complaint on 15 August 2020 at 23.45 hours and I witnessed your a large group of your customers in front of your business standing onto the pavement and partly on the street making lots of noise. I was satisfied that the noise from your business and furthestmost from your patrons were at a level that was causing a statutory nuisance to residents of neighbouring properties..

As the premises licence holder & the designated premises supervisor of this premises, you are the person responsible for any noise nuisance being caused. I now ask you to ensure that noise from your premises is at all times kept below a level that could cause nuisance to your neighbours.

The purpose of this letter is to bring to your attention the provisions of the law with reference to noise. Under the above legislation as the person responsible I ask you to take the most appropriate action to prevent the reoccurrence of any sort of noise from your business.

The Council may serve a statutory notice requiring the abatement of noise nuisance. If the notice is contravened, legal action may be initiated and for every proven contravention, an unlimited fine may be imposed.

As a guide to you, noise from your premises should not be audible at any time outside the front entrance door of your business.

I hope that this warning will ensure that no further action will need to be taken by the Noise & Nuisance Team.

Yours

Robin Veerasamy, AMIOA
Noise Enforcement Officer
Noise & Nuisance Team
Environment & Leisure
noiseandnuisance@southwark.gov.uk

RV/1

Alex Taworo Koroma
Alexis Suya Grill

Noise & Nuisance Team
Phone - 020 7525 3171
Our reference: 932910/A/RVS

21 August 2020

Dear Mr A.T Koroma,

RE: ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80
NOISE NUISANCE FROM 165 Southampton Way, London, SE5 7EJ

On 15 August 2020 at 21.52 hours the Council received complaints alleging that the noise emanating from your premises was causing a problem to local residents.

I visited in response to the complaint on 15 August 2020 at 23.45 hours and I witnessed your a large group of your customers in front of your business standing onto the pavement and partly on the street making lots of noise. I was satisfied that the noise from your business and furthermore from your patrons were at a level that was causing a statutory nuisance to residents of neighbouring properties..

As the premises licence holder & the designated premises supervisor of this premises, you are the person responsible for any noise nuisance being caused. I now ask you to ensure that noise from your premises is at all times kept below a level that could cause nuisance to your neighbours.

The purpose of this letter is to bring to your attention the provisions of the law with reference to noise. Under the above legislation as the person responsible I ask you to take the most appropriate action to prevent the reoccurrence of any sort of noise from your business.

The Council may serve a statutory notice requiring the abatement of noise nuisance. If the notice is contravened, legal action may be initiated and for every proven contravention, an unlimited fine may be imposed.

As a guide to you, noise from your premises should not be audible at any time outside the front entrance door of your business.

I hope that this warning will ensure that no further action will need to be taken by the Noise & Nuisance Team

Yours


Robin Veerasamy, AMIOA

Noise Enforcement Officer

Noise & Nuisance Team

Environment & Leisure

noiseandnuisance@southwark.gov.uk

RV/2

LICENSING AUTHORITY SUPPLEMENTAL INFORMATION

From: Tear, Jayne

Sent: Tuesday, October 06, 2020 1:19 PM

To: Heron, Andrew

Subject: FURTHER SUPPORTING INFORMATION REGARDING THE LICENSING RESPONSIBLE AUTHORITY REP RE ALEXIS SUYA GRILL/AKA SAMKAL

Importance: High

Hi Andrew,

Please find attached further supporting information to my representation:

I asked the NTE Police to carry out an inspection last weekend to check whether the CCTV was in operation. In particular to check the following to conditions on the premises licence:

- **288** That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times.
- **289** That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days.

Police visited on 2/10/2020 at 21:04hrs and witnessed 2 breaches of the above premises licence conditions (288 & 289). The police served a section 19 notice regarding the breaches.

Please find attached the copy of the Section 19 Notice I will be calling the Police Officer who issued the notice, P.C Jonathon Ducker as a witness regarding the visit.

With kind regards

Jayne

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

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 2¹⁰/20 Time Served: 2104hr

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC JON DUNN 2494AS

Signature: [Redacted] 494AS

Name (if applicable) and address of the affected premises:

SAMIAL 165 Southampton Way, LONDON, SE1 7ET

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

288 - CCTV System installed shall be maintained in good working condition & operable at all times. 289 - Recordings taken by CCTV kept & made available for inspection for 31 days.

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

The CCTV was not recording therefore invalidating the licence conditions.

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

Repair CCTV

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes No (details)

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name Alex KUBOMA

Signature [Redacted]

Date 2 October 2020

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Jonathan Ducker Pc 2494AS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

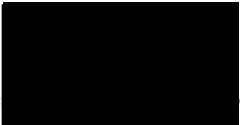
This statement (consisting of one page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature:  (2494AS) Date: 7th Oct 2020

On Friday 2nd October 2020 I was on duty in plain clothes in company with Pc 2246 AS Mark Lynch. We were the Night Time Economy officers for the night and were requested by the Southwark Councils licensing team to pay a visit to Samkal Restaurant, 165 Southampton Way SE5 and conduct an inspection of the premises. We were met by Ray Moore of Trading standards at just before 9pm and attended the premises.

The venue is a small restaurant and there were approximately 15 people inside. We walked through to the 'bar' area where I established that the owner and DPS of the premises Alex Koroma was stood. I introduced myself to him as a police officer and showed him my warrant card. Pc Lynch had already conversed briefly with him and I could see a TV screen behind the bar. Someone was trying to show the CCTV recordings but it appeared to not be working. I said to Mr Koroma "So your CCTV is not working?" and he said "yeah" and I said "It's not recording?" and he replied "it's not recording, its working" and I replied "ah, well that means it's not working". I began writing out a form 699 closure notice under section 19 of the criminal justice and police act 2001 whilst Pc Lynch checked the remaining conditions on the premises licence for the venue. There were two conditions being breached relating to the CCTV, firstly condition 288 – That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times. Secondly condition 289 – That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days. The steps needed to be taken were shown as to repair CCTV. The form was timed at 2104hrs and signed by Mr Koroma before he was given the top copy of the form. We also verbally advised him that his tables did not allow for social distancing under the current Covid regulations before leaving.

 (2494AS)

Witness Signature:  (2494AS)

Signature Witnessed by Signature: