

## Licensing Sub-Committee

Monday 14 March 2016

10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London  
SE1 2QH

## Supplemental Agenda No.1

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### Contact

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Webpage: [www.southwark.gov.uk](http://www.southwark.gov.uk)

Date: 11 March 2016

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 14 March 2016	<b>Meeting Name:</b> Licensing sub-committee
<b>Report title:</b>		Licensing Act 2003: Tropical 186-188 Old Kent Road, London SE1 5TY – Temporary Event Notice	
<b>Ward(s) or groups affected:</b>		East Walworth	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the sub-committee decide whether or not to issue a counter notice in respect of a temporary event notice (TEN) served by Mr Carlos Fernando Delgado Armijos in regards to an event to be held at Tropical 186-188 Old Kent Road, London SE1 5TY between 20:00 on 25 March 2016 and 03:30 on 26 March 2016.

## BACKGROUND INFORMATION

### The Licensing Act 2003

2. On 24 November 2005 the Licensing Act 2003 came into effect establishing a licensing regime for the following licensable activities:
  - a) The retail sale of alcohol
  - b) The supply of alcohol to club members or on behalf of a club
  - c) The provision of regulated entertainment
  - d) The provision of late night refreshments.
3. The Act establishes a process for the giving of “temporary event notices” (TENs).
4. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.
5. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
6. A person holding a personal license issued under the Act may serve up to 50 TENs in a calendar year. Non personal licence holders may serve up to five TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.
7. No premises may be used for temporary events that are less than 24 hours apart.
8. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.

9. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.
10. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
11. The police or environmental health may contact the premises user to discuss their objections and attempt to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.
12. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

## **KEY ISSUES FOR CONSIDERATION**

### **The temporary event notice**

13. On 7 March 2016 a TEN was served by Mr Carlos Fernando Delgado Armijos in regards to an event to be held at Tropical 186-188 Old Kent Road, London SE1 5TY.
14. The TEN is summarised as follows:
  - To permit the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment between 20:00 on 25 March 2016 and 03:30 on 26 March 2016. The maximum number of people expected at any one time at the premises is 65. The supply of alcohol is in respect of consumption on the premises, regulated entertainment and late night refreshment. The premises user states that the reason for the TEN is for a birthday party at the premises.
15. A copy of the TEN is attached to this report as Appendix A.

### **The objection notices**

16. On 8 March 2016 both the Metropolitan Police Service and the council's environmental protection team (EPT) served objection notices in respect of the TEN, the objections were copied to the premises user.

17. The police objection states that on 6 December 2015 at 02:15 they found a man sitting in a telephone box extremely intoxicated, the premises was found to be open two hours after the closing time on their premises licence and a Section 19 Closure Notice was served at the premises.
18. The EPT objection is concerned that the proposed event will result in public nuisance, following the section 19 closure order served by the Police and a PACE interview by licensing officer for providing alleged unlicensed activities. The EPT have concerns over the ability of the premises management to effectively operate the premises in accordance with the conditions and hours of the existing premises licence.
19. A copy of the Police and EPT objection notice and related documents are attached to this report as Appendix B.

### TENs History

20. Four previous TENs have been submitted with regards to this premises since the transfer of the premises licence, detailed as follows:

received date	Ref no.	Start date	End date	times	max no people	sale of alcohol	For consumption	reg. ent	LNR	Police obj	Ept obj
26/11/2015	850553	12/12/2015	13/12/2015	23:30-03:00	40	Yes	On Premises	No	Yes	No	No
10/12/2015	850689	18/12/2015	19/12/2015	23:00-03:00	65	Yes	On Premises	No	Yes	No	No
01/02/2016	851225	13/02/2016	14/02/2016	23:00-03:00	65	Yes	On Premises	No	Yes	No	No
19/02/2016	851420	27/02/2016	28/02/2016	23:00-03:00	65	Yes	On Premises	No	Yes	No	Yes

21. The TEN for 27 & 28 February 2016 was objected to by the EPT. The TEN was a "late TEN", therefore a counter notice was served immediately. However the objection notice was not served on the premises user in accordance with section 104(2) of the Licensing Act 2003 rendering the counter notice as void and the event could continue.

### Premises history

22. There is a premises licence for this premises. The licence was first issued in 2006 when the premise was called Parrilladus Del Sur. The premises licence was transferred on 11 May 2015 to the current premises licence holder Mr Carlos Fernando Delgado Armijos and on 28 May 2015 the designated premises supervisor was also varied to Mr Armijos.
23. The premises licence allows for the following activities and times:
  - Sale of alcohol for consumption off the premises  
Friday and Saturday 12:00 - 23:30  
Sunday 12:00 - 22:00

- Late night refreshment  
Friday and Saturday 23:00 - 23:30
  - Entertainment Similar to live/recorded music - Indoors  
Friday, Saturday and Sunday 12:00 - 23:30
  - The other provisions for entertainment listed on the premises licence are now subject to de-regulation.
24. A variation of the premises licence to extend the hours of operation has been submitted to the licensing authority and is in the consultation period until 22 March 2014.
25. A copy of the premises licence is provided as Appendix C.

### **Complaint and visit history**

26. On 17 June 2015 a licensing officer visited the premises and conducted an induction meeting with the premises licence holder Mr Armijos. Mr Armijos was given advice on the Licensing Act 2003 and how to be compliant with the terms and conditions of his premises licence.
27. There have been four visits made to the premises by licensing officers working on the night-time economy team since the current licence holder transferred the premises licence.
28. The first two visits were both on the morning of the Sunday 6 December 2015 at 01:28 and 02:30. Officers met the police on site and observed an intoxicated man being put into an ambulance on a stretcher and that the premises was open and operating. The manager showed the officer a TEN for the next week and was therefore advised to close and disperse her clientele in a quiet and safe way. They observed the police serve a Section 19 Closure Notice.
29. A visit made on 8 January 2016 at 21:52. The licensing officers were accompanied by a police officer. An inspection of the premises was carried out and observed two breaches of the premises licence conditions. The police were observed to serve another Section 19 Closure Notice.
30. The council's licensing officer sent a warning letter with regard to the offences observed on 8 January 2016.
31. A visit was made to the premises by licensing officers on 30 January 2016 at 20:15 and the premises was found to be compliant.
32. The council's licensing team are currently investigating alleged offences under the Section 136 of the Licensing Act 2003 in relation to the police visits and have interviewed Mr Armijos under caution. An update of this investigation will be provided at the hearing.
33. A complete history of the council's night time economy team's visits to the premises, the signed induction visit document and the warning letter are attached to this report as Appendix D.

**Map**

34. A showing the location of the premises is attached to this report as Appendix E. The premises are identified at the centre of the map by a black diamond.

**Policy considerations**

35. Section 4 of the Southwark statement of licensing policy on “administration, exercise and delegation of function” deals with the parameters under which TENs may be considered.

**Consideration by the sub-committee**

36. The sub-committee is asked to consider whether the issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

**Community impact statement**

37. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.
38. In considering the TEN in terms of community impact the sub-committee must restrict its considerations to this matter.

**Resource implications**

39. A fee of £21.00 has been paid by the applicant in respect of the TEN, this being the statutory fee payable.

**Consultation**

40. The Act provides for no consultations to take place other than the process outlined in this report.

**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS****Director of Law and Democracy**

41. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act
42. The principles which sub-committee members must apply are set out below.

**Principles for making the determination**

43. The general principle is that temporary event notices must be accepted unless a relevant objection is received from the police. This is subject to the proviso that the

premises user has complied with regulations and submitted the notice within a prescribed time.

44. A relevant objection is that which:
- Is about the likely effect of the TEN on the promotion of the crime prevention of the licensing objectives
  - Is made by the Metropolitan Police Service or the environmental protection team
  - Has not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
45. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is necessary for the promotion of the prevention of crime prevention and the prevention of public nuisance licensing objectives of the Licensing Act to:
- Issue a counter notice by adding to, omit, and/or alter the conditions of the licence or
  - Reject the whole or part of the application for TEN.

### **Conditions**

46. The sub-committee may attach conditions on the carrying on of permitted licensable activities. The sub-committee's function is to determine whether a counter notice should be issued.
47. Members are also referred to the Department for Culture, Media and Sport (DCMS) guidance on conditions, specifically section 7, and Annexes D, E, F and G.

### **Reasons**

48. The sub-committee must give reasons for its decision to issue or not to issue a counter notice.

### **Hearing procedures**

49. 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 objection.
  - 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 submission.
- The committee shall disregard any information given by a party which is not relevant:
    - To the particular submission before the committee
    - To the licensing objectives prevention of crime and disorder.
  - 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 the objection and notice the authority may take into account documentary or other information produced by a party in support of their objection or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
50. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) (c) requires the sub-committee to make its determination at the conclusion of the hearing.
51. 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.
52. As a quasi-judicial body the licensing sub-committee is required to consider the temporary event notice 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 the police objection.
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 the objection 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. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the relevant person may appeal against that decision. The appeal must be made 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. No appeal may be brought later than five working days before the day on which the event begins.

### Guidance

56. Members are required to have regard to the DCMS 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.

### REASONS FOR URGENCY

57. The TENs process is time limited, and due to legislative time constraints it would not be possible to wait for a further meeting to be held to consider this report.

### REASONS FOR LATENESS

58. This report was not available for circulation within five clear days before the meeting due to legislative time constraints.

### BACKGROUND DOCUMENTS

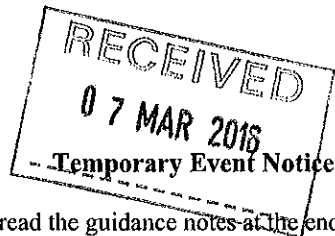
Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises File.	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read: 020 7525 5748

### APPENDICES

No.	Title
Appendix A	Copy of the temporary event notice
Appendix B	Copy of the Police and environmental protection team objection notices
Appendix C	Copy of the premises licence
Appendix D	List of night time economy team visits to the premises
Appendix E	Map

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	David Franklin, Team Leader Licensing	
<b>Version</b>	Final	
<b>Dated</b>	10 March 2016	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	<b>No</b>	<b>No</b>
<b>Date final report sent to Constitutional Team</b>	10 March 2016	



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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	DELGADO DRUJOS
Forenames	CARLOS FERNANDO
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	DELGADO
Forenames	CARLOS
3. Your date of birth	[REDACTED]
4. Your place of birth	[REDACTED]
5. National Insurance Number	[REDACTED]
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
186-188 OLD KENT ROAD, LONDON	
Post town	LONDON
Post code	SE1 5TY.
7. Other contact details	
Telephone numbers Daytime	[REDACTED]
Evening (optional)	[REDACTED]
Mobile (optional)	[REDACTED]
Fax number (optional)	[REDACTED]
E-Mail Address (if available)	[REDACTED]
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
[REDACTED]	

Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
TROPICAL RESTAURANT. 186-188 OLD KENT ROAD LONDON, SE1 5TY.	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	848596.
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Please describe the nature of the event below. (Please read note 5)	
MY NORMAL LICENCE TIMING ARE FROM 12:00 NOON TO 12:00 MIDNIGHT BUT I HAVE PARTY BIRTHDAY. SO I WANT TO EXTEND THE TIMING UP TO. 3:30 AM.	

<b>3. The licensable activities</b>
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Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	25 <sup>th</sup> & 26 <sup>th</sup> March 2016	
25 <sup>th</sup> & 26 <sup>th</sup> March 2016.		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
2000 - 0330 next day. on both dates.		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	65	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	SOUTHWARK CONCIL.	
Licence number	848618.	
Date of issue		
Date of expiry		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 13)
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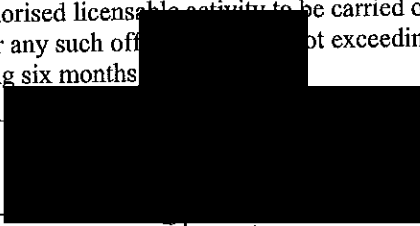
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
Label (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>

If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input type="checkbox"/>
Sign the declaration in Section 9 below	<input type="checkbox"/>

<b>8. Condition: (Please read note 16)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 17)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months	
Signature	
Date	04-03-2016
Name of Person signing	CARLOS FERNANDO DELGADO DRALIOS

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 18)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

**From:** Prickett, Mark  
**Sent:** Tuesday, March 08, 2016 11:15 AM  
**To:** Regen, Licensing  
**Cc:** [REDACTED]; Kalu, Richard; 'Ian Clements'; 'Graham.S.White@met.pnn.police.uk'; Franklin, David; Mills, Dorcas  
**Subject:** TEN - Tropical Restaurant 186-188 Old Kent Road

Dear Licensing,

The Environmental Protection Team (EPT) have reviewed the TEN application for a 'birthday party' at Tropical Restaurant 186-188 Old Kent Road on Saturday 25<sup>th</sup> March 20:00 -> 03:30 Sunday 26<sup>th</sup> March 2016.

The TEN application is seeking the sale by retail of alcohol, provision of regulated entertainment and provision of late night refreshment until 03:30.

#### **Site history**

A Section 19 Closure Notice was served by the Police at the above premises in relation to trading past permitted hours on the 6/12/2015. A warning letter was subsequently sent to premises management.

A further Section 19 Police Closure Notice was served at the premises on the 3/01/2016 for the same offence of operating beyond permitted hours. A letter of alleged offence was subsequently sent to the premises management inviting the operator for a PACE interview.

A PACE interview was conducted by Southwark's Licensing Team on 18<sup>th</sup> February 2016.

#### **EPT stance**

Taking into account the above, EPT have concerns over the ability of the premises management to effectively operate the premises in accordance with the conditions and hours of the existing premises licence.

As a result, EPT have concerns over the effectiveness of the premises management at present and that the granting of this TEN application to allow operation until 03:30 could conceivably cause public nuisance. EPT therefore **object** to this TEN application.

Kind regards,

#### **Mark Prickett**

Principal Enforcement Officer  
Environmental Protection Team  
Southwark Council

Tel: 0207 525 0023

Environmental Protection Team | 3rd floor | Hub 2 | 160 Tooley Street | London | SE1 2QH



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/ /14

**Date:** 8th March 2016

**Re:- Tropical, 186-188 Old Kent Road, London SE1 5TY**

Dear Sir/Madam

Police are in receipt of an application from the above for a Temporary Event Notices (TEN) to be granted for the above premises for the 25th & 26th March 2016 20.00hrs to 03.30hrs

The Police object to the granting of the Notices on the grounds that they would undermine the Licensing objectives. The grounds for the objection are as follows.

The premises were granted a licence and currently have a terminal hour of Midnight. The Police licensing unit have been monitoring the premises due to previous incidents, breaches of the premises licence and problems with the operation of the venue. The Night Time economy team have been visiting during operating hours to check compliance with the licence conditions.

On Sunday 6th December 2015 at about 02.15hrs officers attended the venue and found a male sitting in the telephone box outside the premises who was extremely intoxicated. The premises breach of the license as no temporary event notice was issued in respect of opening past the terminal hour. This was over 2 hours past closing and the drunk male had been employed by the premises and become intoxicated whilst performing. A sec 19 closure notice was issued under Criminal Justice and police act 2001 was issued.

On Sunday the 3rd January 2016 at 03.15hrs officers again visited the premises and found that it was open and officers entered finding a number of people inside drinking alcohol and music being played. A sec 19 closure notice was issued under Criminal Justice and police act 2001 was issued

On Sunday the 28th February 2016 at 01.55hrs officers attended the venue and the premises were operating, selling alcohol and playing music. The officer was shown a temporary event notice by the management and allowed them to continue. The officer was unaware that a Counter Notice had been issued on the 23rd February as it was a late Ten and objections had been submitted against the granting of the Ten.

Police object to the granting of the Ten's on the grounds we have serious concerns over the management. They have failed to comply with the current licence and have allowed staff to become intoxicated to the point they are unable to look after themselves. If the premises were to operate till 03.30hrs this would allow for excessive drinking and could cause public nuisance and anti social behaviour.

Yours Sincerely

**PC Graham White 288MD**

Southwark Police Licensing Unit

Tel: 0207 232 66756

Mob: 07595 011458

# CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 3/1/16 Time Served: 0315

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC 393MD WYTHE

Signature:  P. 393MD

Name (if applicable) and address of the affected premises:  
TROPICAL RESTAURANT 106-108 ~~ST~~ OLD HEMP  
RD SE1 5TH

### 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:

OPEN AFTER HOURS - ALCOHOLIC DRINKS BEWT  
CONSUMED AT TABLES. 15-20 PERSONS. NO PREMISES OR  
PERSONAL LICENCE.

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:  
VISIT @ 0315, ABOVE CIRCUMSTANCES.

### 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))

GRACE WITH LICENCE CONDITION.  
(STAYS ALL FRIENDS)

### 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 LUCIA DA SILVA

Signature X 

Date 3/1/16

### WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Stuart Wythe PC 393MD** ..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: .... **1**..... pages 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 anything in it which I know to be false, or do not believe to be true.

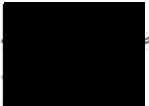

Signature: ...  ..... Date: **3 January 2016** ..... 015 9T.NWPE 05 26:9

Tick if witness evidence is visually recorded  (supply witness details on rear)

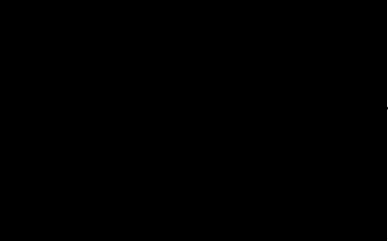
On Sunday 3 January 2016 I was on duty in full uniform accompanied by 246MD Lynch. At about 0315hrs we attended Tropical Restaurant, 186-188, Old Kent Road, SE15TY in order to undertake a licensing visit. The sign on the door to the premises said 'open', the door was unlocked, we were able to walk straight in. The premise was occupied by 15-20 people sat at tables drinking from beer bottles, it had significant ambient light, music was playing.

I approached a male behind the bar & asked for the person in charge, after a few minutes a female I know to be Lucia Da Silva attended the bar area. I asked to see the premises license, she could not find it, referring me to the license summary on the wall, I asked if anyone on the premises had a personal license, she said her partner, who was not present, did.

As Ms Da Silva could not locate the premises license, I read the summary, observing that the terminal hour for the premises on a Saturday was midnight. I pointed this out to Ms Da Silva who stated that the people present were all friends. I stated that the sign on the door said 'open', that the door was unlocked & that the place was significantly lit, indicating to a lay person that it was open. Ms Da Silva said she must have forgotten to lock the door.

I issued Ms Da Silva with a Closure Notice - Section 19 Criminal Justice & Police Act 2001 for the alleged unauthorised use of the premises.  

015 9T.NWPE 05 26:9

Signature:  Signature witnessed by: .....

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Stuart Wythe PC 393MD** ..... URN: 

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: ... **2**..... pages 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 anything in it which I know to be false, or do not believe to be true.

015 97.0308 01 09:01

Signature:  ..... Date: **8 December 2015**.....

Tick if witness evidence is visually recorded  (supply witness details on rear)

On Sunday 6 December 2015 I was on duty in full uniform on mobile patrol accompanied by SC Vitija. At about 0215hrs, I was travelling on Old Kent Road, London when my attention was drawn to a number of people congregating on the footway outside Costa Azul, 190 – 192 Old Kent Road; I stopped & alighted in order to monitor the situation, Costa Azul is a licensed premises. As I stepped out of our vehicle, I noticed a male, sitting in a telephone box, apparently unconscious. I conducted an initial assessment of his vital signs & observed he smelt strongly of intoxicating liquor. Several males who appeared to be under the influence of intoxicating liquor came to me stating he was their friend, that he had been performing & that he needed to get home. I observed that the male was wearing a distinctive black ensemble with ornate piping on the trousers, a male stood nearby, wearing a very similar ensemble, carrying a musical instrument case.

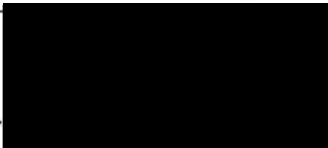
I enquired with the males stood nearby as to how they intended to get the male home; a chaotic scenario then ensued with all men trying their own version of rousing the male, none of which had any success. I assessed that this male may be in requirement of professional medical attention. I contacted the on duty medic, (MD medic) via personal radio.

I spoke to the door staff & management from Costa Azul regarding the people outside, they informed me the unconscious male had been performing next door. Next door is Tropical Restaurant, 186-188, Old Kent Road. I spoke to the male carrying the musical instrument, he explained to be in broken English that they had been performing in Tropical Restaurant. I was not in a position to check on premises licenses for the two establishments; I contacted the on duty licensing Officer for Southwark Council, Richard Kalu. Paramedics arrived & attended to the unconscious male. Mr Kalu arrived accompanied by Sarah Newman, also of Southwark Council. The paramedics assessed the male & took him to accident & emergency.

Mr Kalu had researched the premises licenses for Costa Azul & Tropical Restaurant. Costa Azul was operating within its premises licence however, Tropical Restaurant did not have a premises license.

I entered Tropical Restaurant; it was very busy with what I would assess about one hundred people inside, loud

015 97.0308 01 09:01

Signature:  ..... Signature witnessed by: .....

Continuation of Statement of **Stuart Wythe PC 393MD** .....

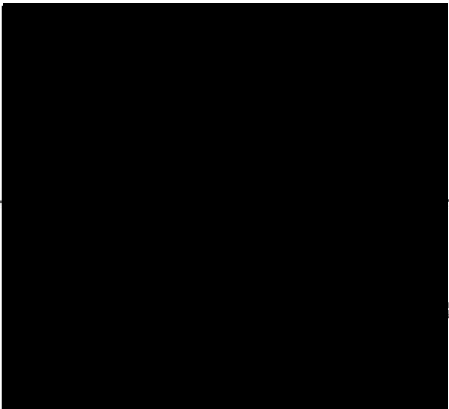
music was playing. I went to the bar area & asked for the person in charge to join me outside. A female whom I know now as Lucia Da Silva came outside, Mr Kalu & Ms Newman spoke to her; Ms Da Silva produced a temporary event notice (TEN). Upon inspection of the TEN, it transpired that it was for the following weekend, with a maximum of forty persons in the premises; this was pointed out to Ms Da Silva.

I issued Ms Da Silva with a section 19 closure notice under section 19 criminal justice & police act 2001, stating the alleged unauthorised use of the premises was operating without a license, beyond permitted hours.



DM

DIS ST:393 01 00:11



Signature:

Signature witnessed by: .....

**CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001**

Date of the Closure Notice: 5/12/15 Time Served: 0245

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC 393 MA WYTHE

Signature: [Redacted] PC 393 MA

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

TROPICAL RESTAURANT 186 - 188 OLD KENT RD  
SE1 5Y

**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:

OPERATING WITHOUT A LICENCE. BEYOND PERMITTED HOURS  
OLD HAS 600 PERSONS WINE INTO LIQUOR BOTTLE USE, LOW MUSIC,

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

OPER AS ABOVE @ OLD HAS. LUCIA DA SILVA HAS  
TEN FOR 12-13 December 2015 (with her)

**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))**

AWAIT ISSUE OF LICENCE

**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 LUCIA DA SILVA 079 60 572232

Signature [Redacted]

Date 6 December 2015

186-188 Old Kent Road  
London  
SE1 5TY

**PRESCRIBED FORM OF COUNTER NOTICE (LATE TEMPORARY EVENT NOTICE)**

The prescribed form for a counter notice (late temporary event notice) is as follows:

**Ref: 851420**

Counter Notice (Late Temporary Event Notice) – Permitted Temporary Activities

On **19/02/2016** the licensing authority received from you, **Carlos Fernando Delgado Armijos**, a late temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on **27/02/2016** to **28/02/2016** at **186-188 Old Kent Road, London, SE1 5TY**. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 (“the Act”).

The objection which applies is indicated by an “X” in the following table.

Objection	Insert “X” as applicable
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	X

A copy of this counter notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the late temporary event notice you gave is situated.

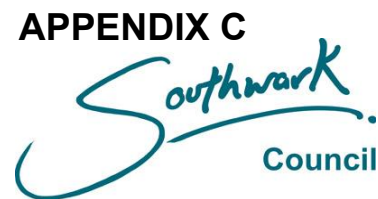
The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

<b>SIGNATURE</b>	CJerrom On behalf of the licensing authority	<b>DATE</b>	23.02.2016
<b>Name of Officer signing</b>	Charlie Jerrom		

# Licensing Act 2003 Premises Licence

24



Environmental Health & Trading Standards  
Licensing Unit  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

**Premises licence number**

848596

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Tropical 186-188 Old Kent Road London SE1 5TY	
Ordnance survey map reference (if applicable), 178567533318	
<b>Post town</b> London	<b>Post code</b> SE1 5TY
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b>
--

<b>Licensable activities authorised by the licence</b>
Live Music - Indoors Recorded Music - Indoors Performance of Dance - Indoors Entertainment Similar to live/recorded music - Indoors Facilities for Dancing - Indoors Provisions Similar to making music and dancing - indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>
Monday            12:00 - 18:00
Tuesday           12:00 - 18:00
Wednesday       12:00 - 18:00
Thursday          12:00 - 18:00
Friday             12:00 - 00:00
Saturday           12:00 - 00:00
Sunday            12:00 - 22:30

<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies</b>
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

**Live Music - Indoors**

Friday 16:00 - 22:00  
 Saturday 16:00 - 22:00  
 Sunday 16:00 - 22:00

**Recorded Music - Indoors**

Monday 10:00 - 18:00  
 Tuesday 10:00 - 18:00  
 Wednesday 10:00 - 18:00  
 Thursday 10:00 - 18:00  
 Friday 16:00 - 22:00  
 Saturday 16:00 - 22:00  
 Sunday 16:00 - 22:00

**Performance of Dance - Indoors**

Friday 16:00 - 22:00  
 Saturday 16:00 - 22:00  
 Sunday 16:00 - 22:00

**Entertainment Similar to live/recorded music - Indoors**

Friday 16:00 - 22:00  
 Saturday 16:00 - 22:00  
 Sunday 16:00 - 22:00

**Facilities for Dancing - Indoors**

Friday 16:00 - 22:00  
 Saturday 16:00 - 22:00  
 Sunday 16:00 - 22:00

**Provisions Similar to making music and dancing - indoors**

Friday 16:00 - 22:00  
 Saturday 16:00 - 22:00  
 Sunday 16:00 - 22:00

**Late Night Refreshment - Indoors**

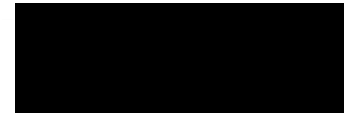
Friday 23:00 - 23:30  
 Saturday 23:00 - 23:30

**Sale by retail of alcohol to be consumed on premises**

Friday 12:00 - 23:30  
 Saturday 12:00 - 23:30  
 Sunday 12:00 - 22:00

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**Carlos Fernando Delgado Armijos  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]**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**Carlos Fernando Delgado Armijos  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]**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. 848618  
Authority L.B. Southwark

Licence Issue date 28/10/2015



Anti-Social Behaviour, Noise Nuisance &  
Licensing Manager  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
[licensing@southwark.gov.uk](mailto: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**

**172** a.The Licensee/Duty Manager shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises.

b.If required, at least one suitably trained first aider shall be on duty when the public are present. If more than one suitably trained first-aider is present, each person's responsibilities shall be clearly identified.

**255** a.Fire extinguishers and equipment as approved by the Council shall be efficiently maintained in satisfactory working order and kept available for instant use. They shall be in the charge of a suitable person specially nominated for the purpose.

b.Portable fire extinguishers shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an antifreeze agent shall be examined and recharged in compliance with manufacturer's instructions.

c.Where provided hydraulic hose reels shall be tested once a year to check that they are in working order and produce a satisfactory jet of water, and the test shall be recorded in a log book.

d.All testing of fire extinguishers and equipment shall be at the expense of the licensee.

**296** Only responsible drinks promotions will be allowed at the premises.

**298** That suitable notices shall be displayed stating "No Drugs".

**311** That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner.

**312** That no parts of the outside curtilage, including the patio area, shall be used for the purpose of entertainment; either live performance or recorded performance provided via speaker.

**332** All children on the premises under 18 will be accompanied by a parent or responsible adult at all times.

**340** No entertainment will be allowed in the exterior patio area by way of either live performance; or recorded performance provided via speakers.

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

**841** That the rear door to the premises is to be kept closed after 20:00 Hours.

**842** That Stock and Refuse are not to be moved at the rear of premises after 20:00 Hours.

**843** That the application is granted on specific condition that no licenceable activities shall take place until a designated premises supervisor is in place.

**Annex 4 - Plans - Attached**

Licence No. 848596

Plan No. N/A

Plan Date N/A

Licensing Unit induction checklist for new licensees / management.

Premises Name: Tropical

Address: 186 - 188 Old Kent Road

Licensee: Carlos Fernando Delgado Armiqos

DPS: Carlos Fernando Delgado Armiqos

### 1. INTRODUCTION

- Who staff are.
- Why meeting is being held – to ensure every licensee is fully aware of his / her responsibilities from the onset

### 2. THE LICENCE

- Introduce the licence document & the Annexes.
- Explain the mandatory conditions in Annex 1.
- Explain the special conditions in Annex 2 and 3.
- Give details of what happens if the conditions are breached.
- Explain about responsible authorities or interested parties, what their role is and how they can call a review. Give full details of what is involved with a review and what the outcomes can be.
- Explain that there is an annual maintenance fee to be paid for the licence.
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary
- Explain in detail about when you need to apply for a variation, what is involved and what the procedure is. Also about varying the dps.
- Advise them that if they leave about surrendered the licence and the consequences for the licensee and the dps if they leave without surrendered the licence.
- Door Supervisors requirements that must be SIA registered.
- Drugs Misuse, drug policy.
- Challenge 25, suitable identification.
- Covert inspections by police, licensing and trading standards.
- Noise nuisance.

### 3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Early inspection(s) conducted and thereafter risk-assessed. Give details of what we look for and what documents we will need to see. Also: the outcome if we find things wrong – what happens next?

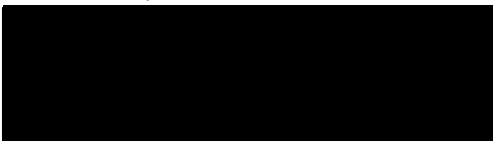
- Will conduct additional inspections where problems found and complaints made.
- Will listen to proposals for putting right. Will give timescale for matters that cannot be rectified easily.
- Explain inspections aim to help but that continually to operate outside of the terms of the licence will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation
- Make sure any special arrangements at premises are understood (i.e. lobby door arrangements / removal of bolts / numbers control etc)

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss

Provided the following:

Licence and summary,  
 Fire risk assessment advice booklet,  
 Age signage - 18 & challenge 25,  
 Trading standards training pack, refusal log and pass accredited sample cards.

Officer(s) Attending: (Sign)  .....

(Print) *P. J. [unclear]* .....

Persons Present: (Sign)  .....

(Print) *CARLOS FERNANDO DELGADO* .....

Date of Meeting: *17/06/2015* .....

Mr Carlos Fernando  
Delgado Armijos  
Tropical  
186-188 Old Kent Road  
London  
SE1 5TY

**Licensing Unit**  
Direct Line: 020 7525 0396  
Direct Fax: 020 7525 5705

12 January 2016

Dear Mr Armijos

**RE: THE LICENSING ACT 2003 – WARNING LETTER  
(Tropical, 186-188 Old Kent Road, London, SE1 5TY)**

On 8 January 2016 at 21:52 hours 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.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

1. Notices were not displayed stating "No Drugs". **This is contrary to condition 298 on the premises licence.**
2. Notices were not displayed requesting customers to 'leave the premises in a quiet and orderly manner'. **This is contrary to condition 311 on the premises licence.**

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 a fine not exceeding £20,000.

**Licensing Unit** – Regulatory Services – Environment & Leisure, 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

I hope this warning will ensure that compliance is achieved and no further action will be required.

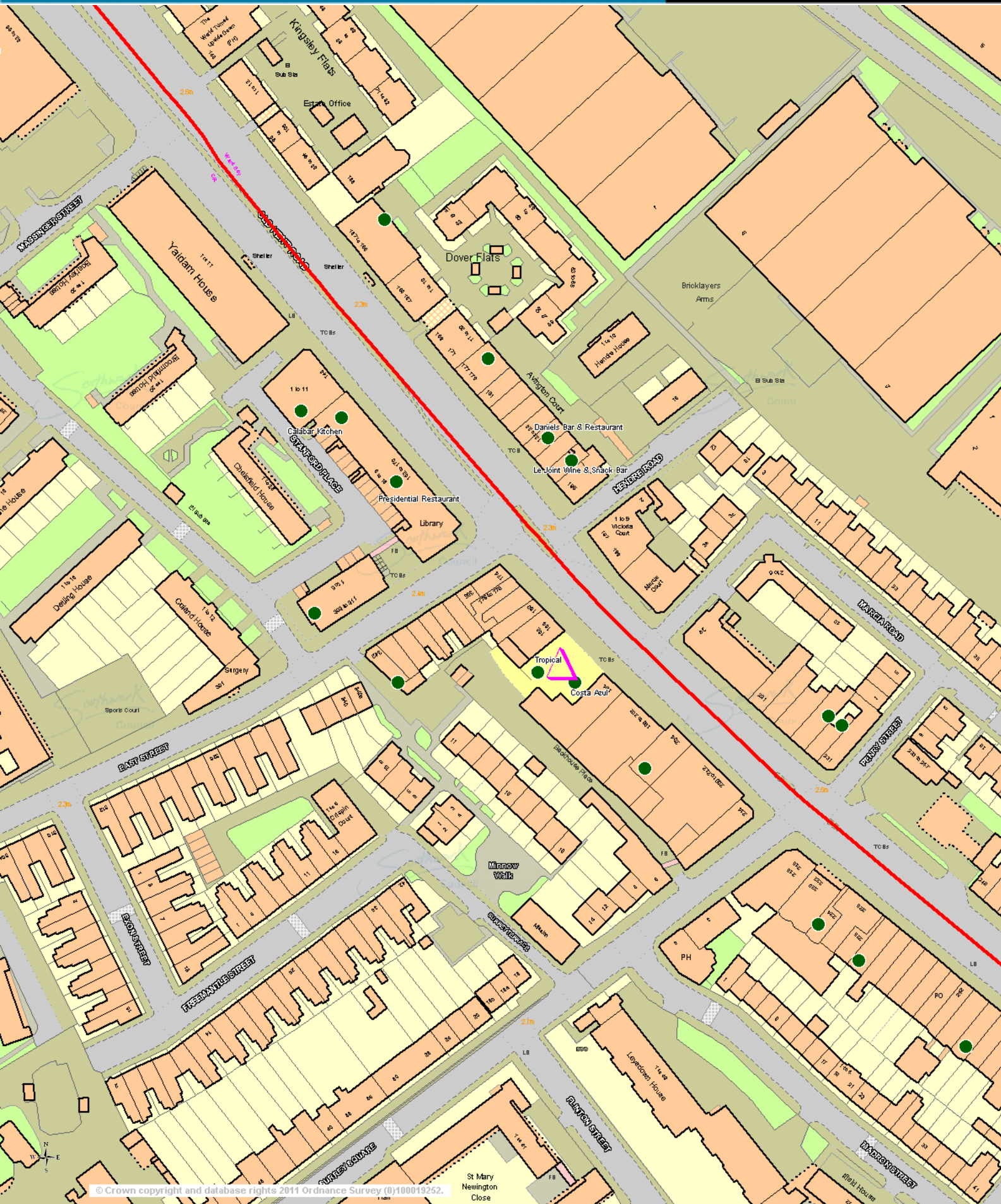
Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) or by telephone on 020 7525 0396 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

Jayne Tear  
Principal Licensing Officer  
[Licensing@southwark.gov.uk](mailto:Licensing@southwark.gov.uk)

## Council's Night Time Economy Visits - Tropical

adate	desc	officerS	adtext
06/12/2015	01:28 NTE Visit	RC & SN	Drive past premises with SN from EPT team. Noted a number of patrons outside the front of the premises drinking and loud music coming from premises. Call made to Police NTE and advised them that that it was my belief that there was unlicensed activity at the premises. Requested NTE Police visit the premises.
06/12/2015	02:30 NTE Visit	RC & SN	Visit to premises with SN from EPT after a receiving a call from NTE Police that they have visited the premises following the information I provided that the premises was being operated outside of permitted premises licence hours of trade and that there is unlicensed activity at the premises. Police NTE police requested that we visit the premises. When we arrived outside the premises there was an ambulance and members of the Police NTE team standing at the front of the premises. X1 male was being pushed to an ambulance on a stretcher. It was unclear if he was a patron from Costa Azul. The male who was clearly highly intoxicated and I was advised by NTE Police that he had fallen in a stupor in a phone box outside the premises. Requested management come out of the premises and we were shown a TEN which was for the following week upon closer inspection. Advised the manager who identified herself as Lucia Da Silva that she had got the dates wrong and what was taking place was an unlicensed event at her premises. I gave advice that she should cease all activity immediately. As there were approximately 100 people within the premises I advised Lucia Da Silva to slowly turn the music down so she could begin to disperse customers slowly. I advised her that she should not just turn the music off and ask everyone to leave as it would cause a health & Safety issue as everyone would be exiting at once which could lead to unrest amongst her patrons. Myself and NTE Police agreed that this would be the most practical and sensible approach to take and we allowed 10 min for dispersal. NTE police myself and Sar Sentered the premises and gave words of advice. The Police issued a S19 closure Notice and I have advised Lucia Da Silva that I will follow this up with her next week.
08/01/2016	21:52 NTE Visit	Jayne Tear	21:52 on 8/1/2016 JMT & AXB arrived at Tropical, 186-188 Old Kent Road, London, SE1 5TY –Carried out a full inspection and was assisted by Mr Carlos Armijos the licensee and DPS. Found the following: Breach of 298- no signage re drugs Breach of 311 – no signage asking costumers to leave quietly Discussed also the 2 occasions where by he was opened past the hours allowed on his premsies licence and the police served a section 19 notice. He said it was his wife and the people in the premsies were her friends and that they were not open to the public. He said that he always put in TENS if he wanted to do anything different.( I did notice TENS applications and previous TENS notifications in his file whilst I was helping him look for his copy of the premises licence)I went over all conditions on the licence with him and warned him that he could be prosecuted should there be breaches of the licence conditions or hours. Action – warning letter
30/01/2016	20:15 NTE Visit	JT & KMA	20:15 on 30/01/2016 JMT & KMA at Tropical, 186-188 Old Kent Road, London, SE1 5TY – REVISIT (2 ITEMS OUTSTANDING RE SIGNAGE). Spoke to the manager Mr Carlos Armijos all signage required is now in situ .Premises compliant



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