

Licensing Sub-Committee

November 25 2009

10.00 am

Town Hall, Peckham Road, London SE5 8UB

Membership

Councillor David Hubber
Councillor Eliza Mann
Councillor Wilma Nelson

Reserves

Councillor Abdul Mohamed

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Sean Usher on 020 7525 7222 or email: sean.usher@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: November 17 2009



Licensing Sub-Committee

November 25 2009
10.00 am
Town Hall, Peckham Road, London SE5 8UB

Order of Business

Item No.	Title	Page No.
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PART A - OPEN BUSINESS

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

A representative of each political group will confirm the voting members of the committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.

5. LICENSING ACT 2003 - CLUB TRAFFIK, (GROUND FLOOR), 512-516 OLD KENT ROAD, LONDON SE1 5BA 1 - 40

6. LICENSING ACT 2003 - SIERRA SPOT - ARNSIDE STREET, LONDON SE17 2AP 41 - 88

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

Item No.

Title

Page No.

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: November 17 2009

Agenda Item 5

Item No. 5	Classification: Open	Date: November 25 2009	MEETING NAME Licensing Sub-Committee
Report title:		LICENSING ACT 2003 – CLUB TRAFFIK, (GROUND FLOOR), 512-516 OLD KENT ROAD, LONDON SE1 5BA	
Ward(s) or groups affected:		Premises are within: EAST WALWORTH	
From:		Strategic Director of Environment & Housing	

RECOMMENDATION

1. That the Licensing Sub-Committee considers an application made by Mega Music Entertainment Ltd to vary a Premises Licence granted under the Licensing Act 2003 in respect of the premises known as: Club Traffik, (Ground Floor) 512 – 516 Old Kent Road, SE1 5BA.
2. **Notes:**
 - a) The application seeks to vary existing licensable activities held under current legislation in respect of the premises known as: Club Traffik under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from interested parties and is therefore referred to the Sub-Committee for determination;
 - b) Paragraphs 12 to 16 of this report provide a summary of the application under consideration by the Sub-Committee (A copy of the full application is provided as Appendix a).
 - c) Paragraphs 18 & 19 of this report deals with the representations and comments received to the application. (copies of relevant representations and conciliations are attached as Appendices c & d).

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received Royal Assent on 10 July 2003. The Act provides a new licensing regime for:
 - a) The sale of and supply of alcohol
 - b) The provision of regulated entertainment
 - c) The provision of late night refreshment
4. Within Southwark, this Council wholly administers the licensing responsibility.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are
 - a) The prevention of crime and disorder;
 - b) The promotion of public safety
 - c) The prevention of nuisance; and

- d) The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to
- a. The Act itself;
 - b. The Guidance to the act issued under Section 182 of the Act;
 - c. Secondary regulations issued under the Act;
 - d. The Licensing Authority's own Statement of Licensing Policy
 - e. The application, including the operating schedule submitted as part of the application
 - f. Relevant representations
7. The Act established a transitional period between 7 February 2005 and 6 August 2005 under which holders of existing Justices Licences, Public Entertainment Licences and Night café Licences were able to apply to the local licensing authority for "grandfather rights" conversion of those existing licences into the relevant licences under the new system. Licences that were so converted were converted on existing terms, conditions and restrictions. The 6 August date having now passed operators are still able to apply to secure the new licences before the date upon which the new licensing regime comes into being – 24 November 2005 – but must now apply for new licences.
8. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.
9. Although applications submitted after 6 August 2005 no longer carry "grandfather" conversion rights, licensing authorities are directed that applicants do have an "added protection" under the law. Where an applicant seeks a Premises Licence intended to cover the retail sale of alcohol and that premises operation is currently covered by a Justices Licence, the licensing authority concerned cannot apply conditions restricting the hours at which alcohol is sold at present unless there has been a material change in the circumstances since the Justices Licence was granted, or the Police have made representations in connection with the prevention of crime.

MATTERS FOR CONSIDERATION

The current Premises Licence

10. The current licence in respect of the premises known as Club Traffik, Grd Flr, 512 – 516 Old Kent Road, LONDON SE1 5BA was granted to the applicant on 10 November 2009. It allows the following licensable activities.
- **Films; live music; recorded music; performance of dance; facilities for making music**
 Mon & Tues from 09.00- 22.30; Wed, Thurs & Sun 09.00-04.00; Fri & Sat from 09.00 – 06.00
 - **Late night refreshments:**
 Wed, Thurs & Sun; from 23.00-04.00; Fri & Sat from 23.00 – 05.00
 - **Sale and Supply of alcohol on and off the premises:**

Mon & Tues from 10.00- 23.00; Wed & Thurs & Sun 10.00-03.00; Fri & Sat from 10.00 – 04.00; Sun; from 10.00- 02.00

- **Operating hours of premises;**

Mon & Tues from 09.00- 23.30; Wed, Thurs & Sun from 09.00 – 04.30; Fri & Sat from 09.00 – 06.30

11. A copy of the existing Premises Licence is attached as appendix b.

The variation application

12. On 19 August 2009, Mega Music Entertainment Ltd applied to this Council to vary the Premises Licence issued in respect of the premises known as Club Traffik (grd flr), 512 - 516 Old Kent Road, LONDON SE1 5BA under section 34 of the Licensing Act 2003.

Details of the variation application

13. The variation application is summarized as follows:

- **To extend the permitted hour for the sale and supply of alcohol as follows;**

On Thursday until 04.00
On Friday & Saturday until 05.00
Sunday until 04.00

- **Bank Holiday Sunday**

To extend the terminal hours for the sale of alcohol on each bank holiday Sunday till 06.00

- **Terminal hours on Bank holiday Sunday**

To extend the operating terminal hours of the premises on each bank holiday Sunday till 06.30.

A copy of the application to variation application is attached to the report as Appendix a.

Amendment to application

14. The applicant has requested to amend the application to omit **offsales** for alcohol as they do not intend to sell alcohol for consumption off the premises.

15. The variation application form provides the applicant's operating schedule. Parts M and O set out the proposed operating hours in full.

16. Part P of the variation application provides any additional steps that might be proposed by the applicant to promote the four licensing objectives as set out in the Licensing Act 2003. In the event that the Sub-Committee should approve the application any proposals stated here must become licence conditions.

Designated Premises Supervisor

17. The designated premises supervisor under the existing Premises Licence is Daniel George McCaughan, he holds a Personal Licence issued by Southwark Council.

Application for Minor Variation

18. On 21 October 2009 a Minor variation application was made to submit plans to reflect changes made on the ground floor of the premises and to reduce the extent of the premises licence which related to both first floor and ground floor to reflect the ground floor only. This application was unopposed and therefore a new premises licence for the ground floor only was granted on 10 November 2009.

Representations From Interested Parties

19. There are representations lodged by 28 local residents. The representations are primarily concerned with the prevention of crime and disorder, public and noise nuisance. All residents have signed copies of the same letter and as such only one copy of the representation is attached as Appendix c. **Note** - Original representations (on file) and copies for distribution will be available at the hearing.

Representations From Responsible Authorities

20. There is one representation from the Environmental Protection Team. The representation was withdrawn after issues raised were dealt with by the minor variation application (see para 17). A copy of the memo withdrawing the representation is attached to the report as appendix d.

Conciliation

21. Conciliation was offered as part of the application process, but there was not enough support for it. As such the application is being submitted for determination by the Licensing Sub-Committee.

The Local Vicinity

22. A map of the local vicinity is attached. The operating terminal hours of the following premises licensed for regulated entertainment and late night refreshment are shown on the map:

- **Love Lounge, First Floor**, 512-516 Old Kent Road, SE1 (Mon & Tues until 02.00, Wed & Thurs until 04.00, Fri until 06.00 and Sat until 10.00; Sun until 04.00)
- **Macdonalds Restaurant**, 518 Old Kent Road, SE1 (Mon – Sun – until 05.00)

Additional information relating to past operation of the premises

23. The ground floor of premises then known as the Scene Bar and later as Xeus Night Club had in the past held an entertainment licence for the provision of music and dance under the previous legislation and previous managements.
24. In August 2005 an application was made to convert the existing licence (grd flr) with all its conditions into the current licensing regime and the application was granted as such.
25. On 26 March 2007 a new application was made by the current owner (Mega Music Entertainment Ltd) to make provision for both the ground and first floor premises to be used for licensable activities and also to extend the operating hours. A representation was made by the Metropolitan Police, and this was resolved by agreement by both the

- applicant and the Police to place conditions on the licence. The licence was granted on 18 May 2007.
26. On 14 July 2008 a new application was made to separate the first floor premises (**Love Lounge**) from the ground floor with its own conditions and extended operating hours. This application was to be determined whilst the licence granted on 18 May 2007 was still in operation and as such the licence was not surrendered.
 27. Representations were received from the Police, Environmental Protection Team and the London Fire Brigade. These representations were withdrawn after re submission of new plans and agreements made on all sides placing conditions on the licence. The Licence was on 28 granted November 2008.
 28. Also on 14 July 2008 a separate application was made for the ground floor premises then known as (Vogue Nite Club). This application was also to be determined whilst the licence granted on 18 May 2007 was still in operation and as such the licence was not surrendered.
 29. Representations were received from the Police, Environmental Protection Team and the London Fire Brigade. However during visit to the premises it was observed that the layout of the premises had changed significantly in regards to the plans provided at the time of application. Request was made for new plans to be submitted for the application to progress, however as the plans were not submitted the application was eventually rejected.
 30. On 21 October 2009 a Minor variation application was made to submit plans to reflect changes made on the ground floor of the premises and to reduce the extent of the premises licence to reflect the ground floor only this application was granted on 10 November 2009.

Southwark Council Statement of Licensing Policy

31. Council Assembly approved the Southwark Statement of Licensing Policy on 2 April 2008. Sections of the Statement that are considered to be of particular relevance to this application are
 - a. Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives
 - b. Section 5 which sets out the Council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence
 - c. Section 6 details other relevant Council and Government policies, strategies, responsibilities and guidance, including the relevant Articles under the Human Rights Act 1998
 - d. Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
 - e. Section 8 provides general guidance on ensuring public safety including safe capacities
 - f. Section 9 provides general guidance on the prevention of nuisance

- g. Section 10 provides general guidance on the protection of children from harm.
32. The purpose of Southwark's Statement of Licensing Policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the Sub-Committee when considering the applications. However, the Sub-Committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

RESOURCE IMPLICATIONS

33. A fee of £190.00 has been paid by the applicant in respect of this application being the statutory fee payable for a premises within non-domestic rateable value Band B.

CONSULTATIONS

34. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was placed in a local news and a similar notice exhibited outside of the premises.

Community Impact Statement

35. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

STRATEGIC DIRECTOR OF COMMUNITIES, LAW & GOVERNANCE

36. The Sub-Committee is asked to determine the application for a variation of a converted premises licence. The converted licence was itself granted automatically under the new Licensing Act 2003, without need for a hearing, as no relevant objections were received from the Police, on crime and disorder grounds, to the conversion.
37. It is important to distinguish the application for variation of a converted licence under the Licensing Act 2003 from the type of applications previously heard by the Sub-Committee, where a licence was renewed or an applicant sought to vary. The principles that apply are significantly different in many respects (although the requirement to give all parties a fair, unbiased hearing remains).
38. The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested Parties must live in the vicinity of the premises. This will be decided on a case-by-case basis.
39. Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the applicant and those making representations 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 and crime and disorder in the Borough.
40. Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with day on which the applicant was notified by the licensing authority of the decision to be appealed against.
41. The principles that Sub-Committee members must apply are set out below.

Principles for making the determination

42. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.

43. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

44. Relevant representations are those which

- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn (in this case, the initial objections from the Fire Service have been withdrawn).
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

45. If relevant representations are received then the Sub-Committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to

- Add to, omit, and/or alter the conditions of the licence or,
- Reject the whole or part of the application for variation

Conditions

46. The Sub-Committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.

47. The four licensing objectives are

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of nuisance; and
- d. The protection of children from harm.

48. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

49. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.

50. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors.

51. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

52. If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for variation, it must give reasons for its decision.

Hearing Procedures

53. 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 representations
- 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 application.
- The committee shall disregard any information given by a party which is not relevant
 - to the particular application before the committee, and
 - the licensing objectives.
- 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 any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

54. As this matter relates to the determination of an application to vary under section 34 of the Licensing Act 2003, regulation 26(1)(a) requires the Sub-Committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the Licensing Sub-Committee

55. Sub-Committee members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.

56. 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.

57. As a quasi-judicial body the Licensing Sub-Committee is required to consider the application 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 all persons entitled to make representations to them.
58. The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
59. Members will be aware of the Council's Code of Conduct that 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.

Guidance

60. 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.

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	The Chaplin Centre, Thurlow Street, SE17 2DG	Mrs Kirty Read at the Chaplin Centre Telephone 0207 525 5748

APPENDICES

No.	Title
Appendix a	Copy of the application
Appendix b	Copy of the existing premises
Appendix c	Copies of the representation from interested parties
Appendix d	Copy of the response from Responsible authorities
Appendix e	Copy of the local area map

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment & Housing	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	17 November 2009	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director for Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Executive Member	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team	November 17 2009	

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We MEGAMUSIC ENTERTAINMENT LTD
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	830809
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
512-516 OLD KENT ROAD			
GROUND FLOOR			
Post town	LONDON	Post code	SE1 5BA

Telephone number at premises (if any)	020 7237 7452
Non-domestic rateable value of premises	£ 17 750

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

TO EXTEND THE HOURS PERMITTED FOR THE SALE OF ALCOHOL AS FOLLOWS

THURSDAY - UNTIL 04.00 THE FOLLOWING DAY
 FRIDAY & SATURDAY - UNTIL 05.00 THE FOLLOWING DAY.
 SUNDAY - UNTIL 04.00 THE FOLLOWING DAY.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

PAGES 5-14 HAVE BEEN OMITTED AS
THEY DO NOT APPLY TO THIS
APPLICATION.

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for performing plays (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	/		State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	/				
Wed	/				
Thur	03.00	04.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	04.00	05.00			
Sat	04.00	05.00			
Sun	02.00	06.00			
			ON EACH BANK HOLIDAY SUNDAY TO EXTEND THE TERMINAL HOUR FOR THE SALE OF ALCOHOL UNTIL 06.00.		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	09.00	23.30	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>ON EACH BANK HOLIDAY SUNDAY TO EXTEND THE CLOSING TIME UNTIL 06.30</p>
Tue	09.00	23.30	
Wed	09.00	04.30	
Thur	09.00	04.30	
Fri	09.00	06.30	
Sat	09.00	06.30	
Sun	09.00	04.30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

NONE



Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

AS PER EXISTING LICENCE

b) The prevention of crime and disorder

||

c) Public safety

||

d) The prevention of public nuisance

||

e) The protection of children from harm

||

Please tick yes/

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

*

Signature	<i>ATE</i>
Date	<i>18-08-09</i>
Capacity	

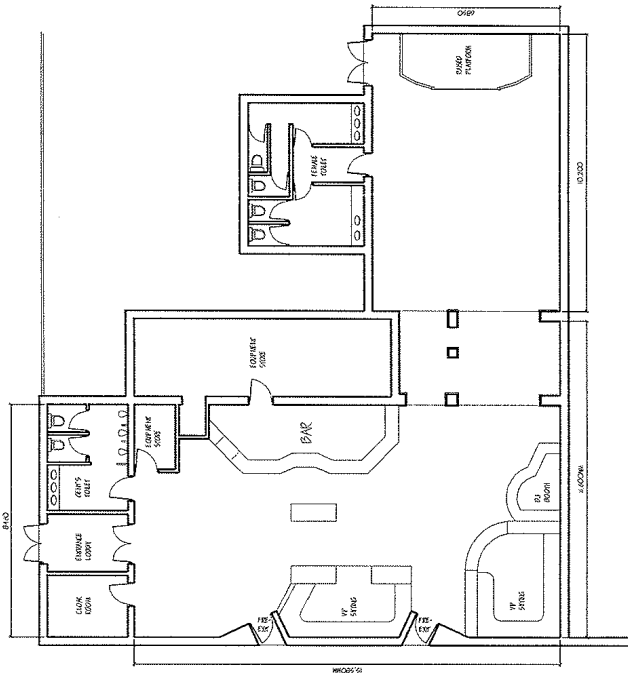
*

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			



EXISTING GROUND FLOOR LAYOUT

- OLD KENT ROAD -

RECEIVED
21 OCT 2009

REVISIONS:

DWG No: Y2K9MGJARD 1
EXISTING GROUND FLOOR LAYOUT
SCALE 1:100 DATE: OCTOBER 09

CLIENT/ADDRESS:
MEGA-MUSIC ENTERTAINMENT LTD.
516 OLD KENT ROAD, LONDON SE1 5BA.

PROJECT/ADDRESS:
EXISTING GROUND FLOOR LAYOUT
516 OLD KENT ROAD, LONDON SE1 5BA.

DESIGNER/ARCHITECT:
KIRSTEN ASSOCIATES INC.
179 ROBIN HOOD LANE, WALTONS LAKE, KENT ME5 9NL, TEL: 01694 669 475, FAX: 01694 399 642.

Licensing Act 2003 Premises Licence

FILE COPY



Environmental Health & Trading Standards
Licensing Unit
Chaplin Centre
Thurlow Street
London SE17 2DG

Premises licence number

830809

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Club Traffik Ground Floor 512-516 Old Kent Road London SE1 5BA	
Ordnance survey map reference (if applicable), 177965534197	
Post town London	Post code SE1 5BA
Telephone number 020 7703 1042	

Where the licence is time limited the dates
--

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

The opening hours of the premises
For any non standard timings see Annex 2
Monday 09:00 - 23:30
Tuesday 09:00 - 23:30
Wednesday 09:00 - 04:30
Thursday 09:00 - 04:30
Friday 09:00 - 06:30
Saturday 09:00 - 06:30
Sunday 09:00 - 04:30

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

Films - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	12:00 - 04:00

Live Music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	12:00 - 04:00

Recorded Music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	12:00 - 04:00

Performance of Dance - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	12:00 - 04:00

Entertainment Similar to live/recorded music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	12:00 - 04:00

Facilities for Making Music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	12:00 - 04:00

Provisions Similar to making music and dancing - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 04:00
Thursday	09:00 - 04:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	12:00 - 04:00

Late Night Refreshment - Indoors

Wednesday	23:00 - 04:00
Thursday	23:00 - 04:00
Friday	23:00 - 05:00
Saturday	23:00 - 05:00
Sunday	23:00 - 04:00

Sale by retail of alcohol to be consumed on premises

Monday	10:00 - 23:00
Tuesday	10:00 - 23:00
Wednesday	10:00 - 03:00
Thursday	03:00 - 04:00
Friday	04:00 - 05:00
Saturday	04:00 - 05:00
Sunday	02:00 - 04:30

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

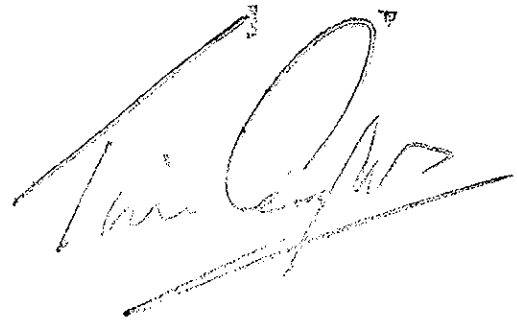
Megamusic Entertainment Limited
 91 Newington Butts
 London
 SE1 6SE
 hh_lopez28@hotmail.com

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**

Daniel George McCaughan
 Flat 7
 282 Chandler Way
 London
 SE15 6RB

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. 826600
 Authority L B Southwark



Licence Issue date 03/11/2009

.....
 Community Safety Enforcement
 Business Unit Manger
 Chaplin Centre
 Thurlow Street
 London SE17 2DG
 020 7525 5748
 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

102 The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself

103 Where a film is to be submitted for classification to the licensing authority, the cinema or venue operator must submit the film intended for exhibition to the authority at least 28 days prior to the first date upon which the film is intended to be exhibited

104 Where a programme includes a film in the 12a, 15 or 18 category no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms - 'PERSONS UNDER THE AGE OF (INSERT APPROPRIATE AGE) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME' Where films of different categories form part of the same programme, the notice shall refer to the old stage restriction. This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained

105 Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film

106 Immediately before each exhibition at the premises of a film passed by the licensing authority notices shall be displayed both inside and outside of the premises so that persons entering can readily read them and be aware of the Category attached to any film or trailer

107 Any individual carrying out security activities at the premises must be.

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

Annex 2 - Conditions consistent with the operating Schedule

112 This licence allows for the premises to remain open for non standard timings as stated on the days below. Christmas Eve 10:00 to 03:30 the following day Christmas Day Boxing Day St Georges Day St Patrick Day St Andrews Day Good Friday Easter Sunday Easter Monday Early May Bank Holiday Spring Bank Holiday Summer Bank Holiday

113 This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following days: Christmas Eve 10:00 to 03:00 the following day Christmas Day Boxing Day St Georges Day St Patrick Day St Andrews Day Good Friday Easter Sunday Easter Monday Early May Bank Holiday Spring Bank Holiday Summer Bank Holiday

114 This licence allows for the premises to extend the following licensable activities for non standard timings as stated below on the following days: Provision of regulated entertainment Plays, Films, Indoor Sporting Events, Boxing or Wrestling Entertainment, Live Music, Recorded Music, Performances of Dance, Anything of a similar discription. Provision of Entertainment Facilities Making Music, Dancing, Entertainment of a Similar Discription. Christmas Eve 10:00 to 03:00 the following day Christmas Day Boxing Day St Georges Day St Patrick Day St Andrews Day Good Friday Easter Sunday Easter Monday Early May Bank Holiday Spring Bank Holiday Summer Bank Holiday

115 This licence allows for the premises for the provision of late night refreshment for non standard timings stated below on the following days: Christmas Eve 10:00 to 03:00 the following day Christmas Day Boxing Day St Georges Day St Patrick Day St Andrews Day Good Friday Easter Sunday Easter Monday Early May Bank Holiday Spring Bank Holiday Summer Bank Holiday

154 a. The Licensee / Duty Manager shall ensure that he has sufficient trained staff on duty to ensure the safe evacuation of the premises in an emergency. Such staff shall have been specifically instructed on their duties in the event of an emergency by the Licensee or by a person nominated by him. The instruction given to staff shall include training on the safe and efficient running of the premises and the safe evacuation of the premises. b. A nominated member of staff in addition to the Duty Manager shall have responsibility for fire prevention measures and for ensuring that all escape routes including

exit doors are fully available. c.No Door Supervisor shall be employed at premises outside London except with consent. Any employment shall be in accordance with additional conditions set by the Council. d.Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role. The Licensee / Duty manager shall, once he is satisfied as to the competence of each member of staff, record this in the Fire log book.

158 a. The Licensee / Duty Manager shall ensure that no nuisance is caused by noise emanating from the premises or by vibration transmitted through the structure of the premises. b.If required, legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

161 The Licensee / Duty manager shall ensure that, whenever disabled people are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency and that they are made aware of those arrangements.

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.

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

290 That one Security Industry Authority licensed Door Supervisor shall be employed with a counting device from XXX to control admissions to and departures from the premises when entertainment is provided

305 That signs shall be displayed at the entrance to the premises that state 'Drug Free Signs' and 'No Search, No Entry. Management reserve the right to Refuse Entry'.

308 That there shall be no new admission, or re-admission, of the public to the premises after (TIME) on the days (DAYS OF THE WEEK)

309 That all musicians and DJs must play electrically amplified

music/audio/PA through a sound cut out device. The cut-out device shall be maintained at levels set to the satisfaction of the Council's Noise Team

310 That all doors excepting any that may be required to be locked open for the purposes of means of escape, shall be kept closed whenever public entertainment is being provided upon the premises

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

336 A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied

340 That a CCTV system shall be installed both inside and outside the premises in conjunction with advice from the local Police and be maintained in good working order. This system shall be continually recording at all times that the premises are in use under the Premises Licence. All such CCTV footage shall be kept for a period of thirty-one (31) days and shall, upon request, be made immediately available to officers of the Police or Council.

341 That one CCTV camera shall be installed in such a position as to enable a clear facial image of every person passing through the security arch to be recorded and shall be maintained in working order at all times.

342 That an identification Recognition System (ClubScan or similar) shall be installed and maintained in working order at all times. Every person, including staff and agents, entering the premises during opening hours shall be required to submit their details to the system.

343 That SIA registered door supervisors - at least one of whom must be a female - shall be employed at the premises and be provided with: (1) a hand held metal detection unit to ensure that all persons entering the premises are subject to the Premises' Search Policy; and (2) a mechanical counting device in order to supervise admissions to and departures from the premises and to ensure that the premises maximum accommodation limit is not exceeded.

344 That the Licensee / Duty manager shall maintain a register indicating the numbers of staff, including any Door Supervisors and all performers, who are present when the public are present. This register shall be produced immediately on the request of an Authorised Officer.

345 That a duty roster must be maintained for all SIA staff and shall be made available to the Metropolitan Police on request.

346 That an incident Log must be maintained at all times and made available to the Metropolitan Police and the London Borough of Southwark Authorised Officers on request.

347 That any promoter or other such person hiring the premises be required to complete the 'Venue Hire Agreement' Form 696 provided by the Metropolitan Police and, once completed, the Premises Licence holder or their nominated representative shall ensure that a copy of the agreement is provided to the Police and Licensing Unit a minimum of fourteen days prior to the date of hire.

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

Annex 4 - Plans - Attached

Licence No.	830809
Plan No.	2Y2K9/MG/ARO1
Plan Date	October 2009

**This is a transcript of the same Email sent by 28 Local residents
-see list attached.**

To: Southwark Council licensing service, C/O Southwark Environmental health and Trading standards, The Chaplin Centre, Thurlow Street, SE17 2DG.

please find attached a copy of my objection sent on my behalf

I am writing to object to a premises variation to license 830446, Xeus Nightclub, 512-516 ground floor Old Kent Road SE1 5BA applicant Megamusic entertainment Ltd.

The Grounds for objection are:

The prevention of nuisance:

There is a severe nuisance caused to myself and neighbours by noise escape from the club premises. I am repeatedly disturbed loud music (particuly the thud thud of the base). The proposed variation will increase and extend the time the level of nuisance making the life of myself intolerable.

This problem is made worse by the failure to comply with condition 310 of the application The management routinely allow the violation of this condition by using the fire exits facing the Old Kent road to be used for exit and entry to the club when entertainment is provided. The proposed change to the licence is likely to increase this particular problem to an intolerable level particularly as the club management when challenged on this issue claim the right to use these doors for entry and exit to the club for artistes, staff and guests. Currently this means these doors are used in violation of the licence conditions every time the club is open and most frequently in the early hours of the morning. It is highly likely the proposed variation will make this issue even more intolerable.

In addition the main entrance to the club has two doors designed as an 'airlock' in that when one door is open the other should be closed to prevent noise escape from the premises. These doors are routinely opened at the same time and this misuse of the airlock increases substantially the later it gets into opening hours I can only see this problem getting worse under the terms of the proposed variation.

The general level of volume of the music played in the club is far too high for the level of sound proofing in the club. Music can always be heard outside on the street, in my garden and in my flat and my neighbours flat when the club is open. In addition the resonance and vibration from the volume levels and base levels of the music are quite intolerable .This proposed licence variation if granted without conditions for major sound and vibration reduction is likely to greatly increase the level of nuisance caused particularly as the volume of the music played is not properly supervised and is routinely raised at

aproximately 1am and gets progressively worse the later it gets and the proposed changes are likely to make this even worse.

The general supervision of the club is poor. The club actively encourages the driving of vehicles over the public pavement and parking on the pavement between the club premises and Mcdonalds restaurant and in front of the electricity substation. (I understand this land may not belong to the club though the club has partialy fenced and taken occupation of it) This area was paved by the local authority and is pedestranised yet the club encourages vehicle parking, loading and unloading of equipment and of passengers in this area. This late night activity causes noise and disturbance including tooting of car horns, furious revving of engines, loud shouting and noise nuisance to myself and my neighbours. The manner in which this land is being used not only has no planning permission but actively negates against the conditions of the licence which require the club to attempt to reduce nuisance to neighbours. This club by the manner in which it allows vehicles and dozens of patrons to congregate outside in this area demonstrates a disregard for the responsibilities of the licence holder and an appalling level of nuisance to myself and my neighbours. I believe that the granting of the variation will of itself {and certainly without strenous conditions to stop this area being used by the club in the manner in which they currently use it) cause considerable and unacceptable increase in the the level of nuisance caused.

Public urination and public vomiting by male and female patrons of the club in the front of the club, by the fire exits, on the pavement outside the front and sides of the club, in the Old Kent Road, Marlborough Grove, the front of John Penry House and the vacant lot opposite John Penry House occurs very frequently every time the club is open. There is no attempt to control this by door supervisors even when it occurs in the alcoves by the fire doors and immediately in front of the club entrance. In addition the garden and public areas of **John Penry House - a sheltered housing scheme for elderly people** - are often used for public defecation and urination and vomiting as well as a rubbish tip by club patrons. It is inevitable this level of public nuisance will increase if the variation is granted.

The other area of public nuisance is the parking of cars by club patrons in Marlborough grove particularly outside John Penry House. This leads to a constant disturbance most of the night and early hours of the morning when the club is open; with car horns being blown, doors slamming, engine revving, squealing of brakes, loud voices, shouting and frequent altercations right outside my and my neighbours windows. No consideration at all to the elderly residents in the sheltered housing scheme is shown by the stream of rowdy, often drunken or stoned club patrons that leave (or go to) this club, congregate outside John Penry House and then leave by car in such a rowdy manner. It seems this will only get worse if the variation to the license is granted. Certainly it is likely the length of time this awful disturbance and nuisance has to be endured will increase.

The Prevention of crime and disorder.

I object to the granting of this variation to the licence as I believe it will greatly increase crime and disorder. This club is acting as a catalyst for crime in our area. Every time the club is open drug dealers and club patrons can be observed buying and selling illegal drugs in the vicinity of the club particularly in Malt st.

I and neighbours have watched club patrons buy drugs and go into the club and also come out the club go and buy drugs then go back in the club. This Problem was non existent in our area prior to these premises becoming a night club. The issue is getting steadily worse. There have been stabbings in the club, many fights and disturbances on the street, patrons of the club armed with guns requiring the presence of both plain clothes armed police officers and of uniformed armed police officers to park outside my home, in our street and by the club all night every night for several weeks. It is scary and terrifying to have this club attracting this level of crime and disorder to our door step. I believe the manner in which this club is run and its complete disregard for its neighbours contributes to this crime level and is currently the prime cause of crime and disorder at night in our area. If the variation is granted I believe the crime level will increase directly as a consequence.

The door staff of this club do not seem able to control entry and egress from the club effectively to date response from complaints do not appear to have any effect, I believe the granting of the variation will only contribute to more aggression and disorder.

Ensuring public safety

There is a continuous problem with Drunken drivers coming out the club. Drivers drive over the pavement and park in the pedestrian area. There are frequent fights in the street, Knives and even a fake firearm have been stashed in our garden. Abuse from club patrons, threats and aggressive behavior are routine There is vomit, urine and faeces in the street and the garden. The door staff are unhelpful, sometimes aggressive. The management do not respond appropriately and at best carry on merrily at worst do not seem to take their responsibilities seriously.

I can only see these problems getting worse if the variation is approved; and perversly I think that (given my opinion on how this club is run) I believe to grant the variaton would in the mind of the club management act as a stamp of approval on their activities.

Protection of children from harm

If this variation to the license is granted the changes will mean children going past this club will be exposed to the detrimental effects of this club. The club is located in the vicinity of the main bus stops, the main shopping facilities,

close to at least one mosque and four churches and several schools as well as housing estates. It would be inevitable that the risk of danger to children would be increased as the operation of the club spills ever later into the morning both in the immediate vicinity of the club and from club patrons misbehaving in the area. As a result children are more likely to be put at risk. The granting of the variation would be detrimental to our children.

Summary

This club is located immediately opposite a sheltered housing scheme for elderly people. The club premises used to be a public house and any disturbance or other nuisance was confined to a 11pm finish with the neighbourhood cleared by 11.30pm.

Since the conversion to a night club there has been crime and nuisance creep and disturbance as the club operates later and later and longer and longer hours.

Alterations to the fabric and sound proofing of the building have never adequately reflected its new use as a night club or the gradual extension of operating hours.

The manner in which it has been run shows no consideration for neighbours and the noise nuisance it generates is particularly unfair to the elderly people living opposite.

This Club is the cause of an unremitting and unconscionable intrusion and disturbance to the residents of John Penry House which have resulted in unfair disturbance and noise nuisance most of the night, four nights every week. Christmas and bank holidays have become a nightmare because of the noise and nuisance. This application proposes to extend this even further. Enough is enough. Is it not time that some limit was set and the local elderly people and other neighbours given some consideration and respite from this torture which has been imposed on us?

In an Ideal world this club would be told the music should only be heard **inside** the club. Not on the street. Not in neighbours gardens, Not in neighbours houses or flats, Full stop. Other boroughs manage this why not Southwark? Why are we at the whim of a subjective decision by who ever from the licensing department? Why is the resonance and vibration emanating from the club not given due weight .This failure to regulate the basics properly and fairly is leading to all the problems referred to above.

I understand that at this stage the committee can only deal with the issue of the variation and I wish to object to the granting of this application in the strongest possible terms.

MEMO: Environmental Protection Team

To David Franklin Dorcas **Date** 9th November 2009
Mills

Copies Regen, Lic

From Alan P. Blissett **Telephone** 020 7525 5766 **Fax** 020 7525 5728

Email Alan.Blissett@southwark.gov.uk

Subject Megamusic Entertainment 512-516 Old Kent Road SE1

I refer to the application to vary premises licence dated 18th August 2009, in respect of supply of alcohol both on and off the premises until later hours on Thursday to Sunday

Please also refer to my memo's of 16th September 2009 and 2nd November 2009

I understand that you have confirmation that the application under consideration now relates solely to the ground floor premises currently known as Club Traffik,

My concerns in relation to the revised layout of the ground floor and re-configuration of the amplification have been addressed through a minor variation determination. I note that work is in progress to construct lobbies to the two emergency exit doors onto Old Kent Road, which are designed to improve sound containment.

My concerns in relation to the supply of alcohol off the premises until the requested curfew hours have been addressed by written confirmation to Licensing of 5th November amending the variation to 'on the premises'.

There are no other outstanding aspects of the variation application which my service consider are relevant to the prevention of public nuisance objective, **I therefore withdraw my representation.**

Alan Blissett
Principal Environmental Protection Officer

Club Traffik, 512 Old Kent Road



Date 12/10/2009



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Scale 1/714
Dprcas Mills

Item No. 6	Classification: Open	Date: November 25 2009	MEETING NAME Licensing Sub-Committee
Report title:		LICENSING ACT 2003 – SIERRA SPOT 6 ARNSIDE STREET, LONDON SE17 2AP	
Ward(s) or groups affected:		Premises are within: FARADAY	
From:		Strategic Director of Environment & Housing	

RECOMMENDATION

1. That the Licensing Sub-Committee considers an application made by Stella Pieh and Ishmail Koromah for a grant of a Premises Licence under the Licensing Act 2003 in respect of the premises known as: SIERRA SPOT, 6 ARNSIDE STREET, LONDON SE17 2AP.
2. *Notes:*
 - a) *This application forms a new application for a Premises Licence, under Section 17 of the Licensing Act 2003. The application is subject to representations from a Responsible Authority and Interested Parties and is therefore referred to the Sub-Committee for determination;*
 - b) *Paragraphs 9 to 11 of this report provide a summary of the application the Premises Licence under consideration by the Sub-Committee (A copy of the full application and the amendments to it are provided as Appendix A & B)*
 - c) *Paragraphs 13 to 16 of this report deal with the representations received to the Premises Licence application. (A copy of each of the relevant representations are attached as Appendices C,D& E)*

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received Royal Assent on 10 July 2003. The Act provides a new licensing regime for
 - a) The sale of and supply of alcohol
 - b) The provision of regulated entertainment
 - c) The provision of late night refreshment
4. Within Southwark, the licensing responsibility is wholly administered by this Council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are
 - a) The prevention of crime and disorder;
 - b) The promotion of public safety
 - c) The prevention of nuisance; and
 - d) The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to

- a. The Act itself;
 - b. The Guidance to the act issued under Section 182 of the Act;
 - c. Secondary regulations issued under the Act;
 - d. The Licensing Authority's own Statement of Licensing Policy
 - e. The application, including the operating schedule submitted as part of the application
 - f. Relevant representations
7. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.

MATTERS FOR CONSIDERATION

The Application for a New Grant

8. On 11 September 2009, an application was made by Stella Pieh and Ishmail Koromah for a grant of a Premises Licence in respect of the premises known as Sierra Spot, 6 Arnside Street, LONDON SE17 2AP under section 17 of the Licensing Act 2003. A copy of the application is attached to the report as appendix A.

Reduction in hours

9. The applicant has made a request by letter for the application to be amended to reduce the hours from 03.00 to 01.00 Friday and Saturday, also to reduce the hours for each Bank holiday/Bank Holiday weekends and also Sierra Leone independent day (27 April) to 01.00. A copy of the letter to amend the application is attached as appendix B.
10. The application is therefore summarized as follows:

To permit the provision of regulated entertainment

- *(recorded music, performances of dance, provision of facilities for dancing)*
 - Monday to Thursday between 14.00 hrs to 00.00 hrs
 - Friday & Saturday between 15.00 hrs to 01.00hrs on the following morning **(amended hours)**
 - Sunday between 12.00 hrs to 22.00hrs
- **To permit the provision of late night refreshment**
 - Friday & Saturday between 23.00 hrs to 01.00hrs on the following morning (amended hours)
- **To permit the sale and or supply of alcohol**
 - Monday to Thursday between 12.00 hrs to 00.00 hrs
 - Friday & Saturday between 12.00 hrs to 01.00hrs on the following morning **(amended hours)**
 - Sunday between 12.00 hrs to 22.00hrs

- **The opening hours of the premises are**

- Monday to Thursday between 10.00 hrs to 00.30 hrs on the following morning
- Friday & Saturday between 10.00 hrs to 01.30hrs on the following morning
- Sunday between 10.00 hrs to 22.30hrs

- **Seasonal Variations**

- On each 27 April (Sierra Leone independent Day) till 01.00 on the following morning

- **Non Standard Times**

- On each Bank Holiday and Bank Holiday Weekends till 01.00 on the following morning.

11. The application form provides the applicant's operating schedule. Parts F, G, J, L, M and O and the letter amending the application (as mentioned in para 9) are set out the proposed operating hours in full.
12. Part P of the application provides any additional steps that are proposed by the applicant to promote the four licensing objectives as set out in the Licensing Act 2003. In the event that the Sub-Committee should approve the application any proposals stated here must become conditions on any subsequent Premises Licence issued.

Designated Premises Supervisor

13. The proposed designated premises supervisor Licence is Ismail Koromah. **Note** (however, Mr Koromah is in the process of qualifying and obtaining a personal licence):

Representations From Interested Parties

14. There are 3 representations by interested parties and a petition signed by 28 local residents. The representations are primarily concerned with noise nuisance, and anti social behaviour already being experienced and the fear of these escalating as a result of the proposed grant. The representations point out that there has been a history of noise nuisance anti social behaviour and crime and disorder arising from the operation of the premises in the past.
15. Copies of the representations lodged by interested parties are attached as appendices C to the report.

Representations From Responsible Authorities

16. There are two representation lodged by the Metropolitan Police and the Council's Environmental Protection Team (EPT). Both representations outline control measures that should be undertaken to reduce the risk of crime and disorder and noise nuisance if the licence is granted.
17. Copies of the representations are attached as appendix D & E to the report.

Conciliation

18. Conciliation was offered as part of the application process, but failed to resolve issued raised. As such the application is being submitted for determination by the Licensing Sub-Committee.

The Local Vicinity

19. A map of the local vicinity is attached. The operating terminal hour of the following premises licensed for regulated entertainment, sale and supply of alcohol and late night refreshment are shown on the map:

Off Licences

- **D B OFF LICENCE**, 16 Westmoreland Road, SE17 (Mon - Sat until 23:00 and Sun 22.30)
- **COSTCUTTER SUPERMARKET**, 25 Camberwell Road, SE5 (Mon – Sun 24hrs.)
- **UMASHIV NEWS**, 23 Westmoreland Road, SE17 (Mon- Sat 23:00; Sun till 22.30)

Public Houses with entertainment

- **RED LION**, 407 Walworth Road, SE17 (Sun – Thurs till 00:30; Fri & Sat till 01.30)
- **Banana's Bar**, The Rock, 374 Walworth Road, SE17 (Mon - Sun till 01:30)

Late Night Refreshment

- **WALWORTH KEBAB & BURGER BAR**, 360 Walworth Road, SE17 (Sun – Thurs till 02.00; Friday & Saturday till 04:00)
- **LA LUNA**, 380 Walworth Road, SE17 (Mon – Sat 00:30; Sun till 00.00)
- **Winner**, 3 Westmoreland Road, SE17 (Mon - Thurs till 00:00; Fri & Sat till 00.30; Sun till 23.30)

SOUTHWARK COUNCIL STATEMENT OF LICENSING POLICY

20. Council Assembly approved the Southwark Statement of Licensing Policy on 2 April 2008. Sections of the Statement that are considered to be of particular relevance to this application are
- a. Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives
 - b. Section 5 which sets out the Council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence
 - c. Section 6 details other relevant Council and Government policies, strategies, responsibilities and guidance, including the relevant Articles under the Human Rights Act 1998
 - d. Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours

- e. Section 8 provides general guidance on ensuring public safety including safe capacities
 - f. Section 9 provides general guidance on the prevention of nuisance
 - g. Section 10 provides general guidance on the protection of children from harm.
21. The purpose of Southwark's Statement of Licensing Policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the Sub-Committee when considering the applications. However, the Sub-Committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

RESOURCE IMPLICATIONS

22. A fee of £190.00 has been paid by the applicant in respect of this application being the statutory fee payable for premises within non-domestic rateable value Band B.

CONSULTATIONS

23. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was placed in the 'Southwark News' and a similar notice exhibited outside of the premises.

Community Impact statement

24. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

STRATEGIC DIRECTOR OF COMMUNITIES, LAW & GOVERNANCE

25. The Sub-Committee is asked to determine the application for a grant of a premises licence.
26. The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested Parties must live in the vicinity of the premises. This will be decided on a case-by-case basis.
27. Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the applicant and those making representations 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 and crime and disorder in the Borough.
28. Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with day on which the applicant was notified by the licensing authority of the decision to be appealed against.
29. The principles that Sub-Committee members must apply are set out below.

PRINCIPLES FOR MAKING THE DETERMINATION

30. The general principle is that applications for Premises Licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

31. Relevant representations are those which

- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn (in this case, the initial objections from the Fire Service have been withdrawn).
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

32. If relevant representations are received then the Sub-Committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to

- Add to, omit, and/or alter the conditions of the licence or,
- Reject the whole or part of the application

Conditions

33. The Sub-Committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.

34. The four licensing objectives are

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of nuisance; and
- d. The protection of children from harm.

35. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

36. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.

37. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors.

38. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

39. If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application, it must give reasons for its decision.

Hearing Procedures

40. 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 representations
 - 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 application.
 - The committee shall disregard any information given by a party which is not relevant
 - to the particular application before the committee, and
 - the licensing objectives.
 - 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 any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
41. As this matter relates to the determination of an application for a grant under section 17 of the Licensing Act 2003, regulation 26(1)(a) requires the Sub-Committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the Licensing Sub-Committee

42. Sub-Committee members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
43. 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.

44. As a quasi-judicial body the Licensing Sub-Committee is required to consider the application 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 all persons entitled to make representations to them.
45. The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
46. Members will be aware of the Council's Code of Conduct that 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.

Guidance

47. 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.

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	The Chaplin Centre, Thurlow Street, SE17 2DG	Mrs Kirty Read at the Chaplin Centre Telephone 0207 525 5748

APPENDICES

No.	Title
Appendix A	Copy of the application
Appendix B	Letter amending application
Appendix C	Copies of the representation from interested parties
Appendix D	Copies of representation from Police
Appendix E	Copies of representation from Environmental Protection
Appendix F	Map of local vicinity

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment & Housing	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	17 November 2009	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Executive Member	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team	November 17 2009	



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We Mr Ishmail Safian Karamah & Mrs STELLA PIET
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
SIERRA SPOT 6 ARNSIDE STREET			
Post town	LONDON	Post code	SE17 2AP
Telephone number at premises (if any)	0207 701 2414		
Non-domestic rateable value of premises	£ BAND B.		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)

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- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname KOROMA			First names Shmaji Sufan		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address		Flat 1 Groombridge House UPPER WAT KINGSLACE ESTATE			
Post Town	LONDON			Postcode	SE17 2PP
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname PIEH			First names STELLA		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address		47 GAY HURST HOPWOOD ROAD	
Post Town	LONDON	Postcode	SE17 2BE
Daytime contact telephone number			
E-mail address (optional)	lshman@2507@ydnw.co.uk		

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address N/A
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
□	□	□

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year
□	□	□

Please give a general description of the premises (please read guidance note1)

Ground floor Grocery / restaurant
on Arside Street.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

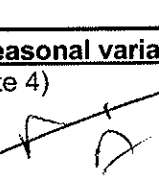
- | | |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P


A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					


B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					


C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3) 	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	14.00	00.00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	14.00	00.00			
Wed	14.00	00.00	State any seasonal variations for the playing of recorded music (please read guidance note 4) SIERRA LEONE INDEPENDENT DAY 27 APRIL TILL 03.00.		
Thur	14.00	00.00			
Fri	15.00	02.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) BANK HOLIDAY BANK HOLIDAY WEEKENDS TILL 03.00.		
Sat	15.00	02.00			
Sun	13.00	02.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	14.00	00.00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	14.00	00.00			
Wed	14.00	00.00	State any seasonal variations for the performance of dance (please read guidance note 4) SEE (F)		
Thur	14.00	00.00			
Fri	15.00	02.00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) SEE (F)		
Sat	15.00	02.00			
Sun	12.00	12.00			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u> 		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors
			Outdoors	<input type="checkbox"/>	
			Both	<input type="checkbox"/>	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input checked="" type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing			
Day	Start	Finish				
Mon	14.00	00.00	Please give further details here (please read guidance note 3) SEE (F)			
Tue	14.00	00.00				
Wed	14.00	00.00	State any seasonal variations for providing dancing facilities (please read guidance note 4) SEE (F)			
Thur	14.00	00.00				
Fri	15.00	02.00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) SEE (F)			
Sat	15.00	02.00				
Sun	12.00	22.00				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri	23.00	02.30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	22.00	02.30			
Sun					

SEE (F)

SEE (F)

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	12.00	00.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	12.00	00.00		SEE (+)	
Wed	12.00	00.00			
Thur	12.00	00.00			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri	13.00	02.30			
Sat	12.00	02.30			
Sun	12.00	22.00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	ISHMAIL SUGAN KAROMAH		
Address	FLAT 1 Graduate Hse MAYOR WAY KINGSLATE ESTATE		
Postcode	SG7 2PP		
Personal Licence number (if known)	—		
Issuing licensing authority (if known)	—		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

O

<p>Hours premises are open to the public Standard days and timings (please read guidance note 6)</p>	<p>State any seasonal variations (please read guidance note 4)</p>																																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Day</th> <th style="width: 25%;">Start</th> <th style="width: 25%;">Finish</th> </tr> </thead> <tbody> <tr> <td rowspan="2" style="text-align: center;">Mon</td> <td style="text-align: center;">10.00</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">00.30</td> </tr> <tr> <td rowspan="2" style="text-align: center;">Tue</td> <td style="text-align: center;">10.00</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">00.30</td> </tr> <tr> <td rowspan="2" style="text-align: center;">Wed</td> <td style="text-align: center;">10.00</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">00.30</td> </tr> <tr> <td rowspan="2" style="text-align: center;">Thur</td> <td style="text-align: center;">10.00</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">00.30</td> </tr> <tr> <td rowspan="2" style="text-align: center;">Fri</td> <td style="text-align: center;">10.00</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">03.00</td> </tr> <tr> <td rowspan="2" style="text-align: center;">Sat</td> <td style="text-align: center;">10.00</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">03.00</td> </tr> <tr> <td rowspan="2" style="text-align: center;">Sun</td> <td style="text-align: center;">10.00</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">12.30</td> </tr> </tbody> </table>	Day	Start	Finish	Mon	10.00			00.30	Tue	10.00			00.30	Wed	10.00			00.30	Thur	10.00			00.30	Fri	10.00			03.00	Sat	10.00			03.00	Sun	10.00			12.30	<p style="font-size: 2em; text-align: center;">SEE (F)</p>
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<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>																																							
<p style="font-size: 2em; text-align: center;">SEE (F)</p>																																							

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

There is a CCTV on site that has a recorded system with a hard drive that can be retrieve for after 31 days.

b) The prevention of crime and disorder

Role
We will carry out a very good practice sources of guidance. Be a member of the local pubwatch scheme, good staff training initiatives. A very good personal licence holder and make sure the premises is not used for any kind of drugs. Security in place.

c) Public safety

Fire
There will be a notice statement demonstrating awareness and compliance with health and safety and fire prevention. There will also be a maximum occupancy limit.

d) The prevention of public nuisance

@h
We will do everything possible to minimise the possibilities of nuisance to the public by putting up notices (quiet) sound proofing insulation, volume limiters on musical (amplification) equipment and notices to respect neighbours and live quietly.

e) The protection of children from harm

Children under the age of 16 would not be allowed in the premises unless they are accompanied by an adult. A notice would be in place for admission of children. All safety measures would be in place for adult to guide the children. Adult would be certified that they are over the age limit.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>[Handwritten Signature]</i>
Date	10/09/09
Capacity	

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>[Handwritten Signature]</i>
Date	10/09/09
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)---

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

DPS

Consent of individual to being specified as premises supervisor

ISHMAIL SUFIAN KOROMAN
[full name of prospective premises supervisor]

of FLAT 1 GROENBRIDGE HOUSE, KINGSLAKE ESTATE
London

SE17 2RP
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be speci
supervisor in relation to the application for

SIERRA SPOT

by

relating to a premises licence

for SIERRA SPOT

6 ARNSIDE STREET

LONDON SE17 2AP

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by [name of applicant]

concerning the supply of alcohol at SIERRA SPOT

6 ARNSIDE STREET

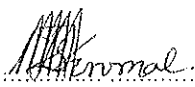
LONDON SE17 2AP

[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal
licence, details of which I set out below.

Personal licence number [redacted]
[insert personal licence number, if any]

Personal licence issuing authority
[insert name and address and telephone number of personal licence issuing authority, if
any]

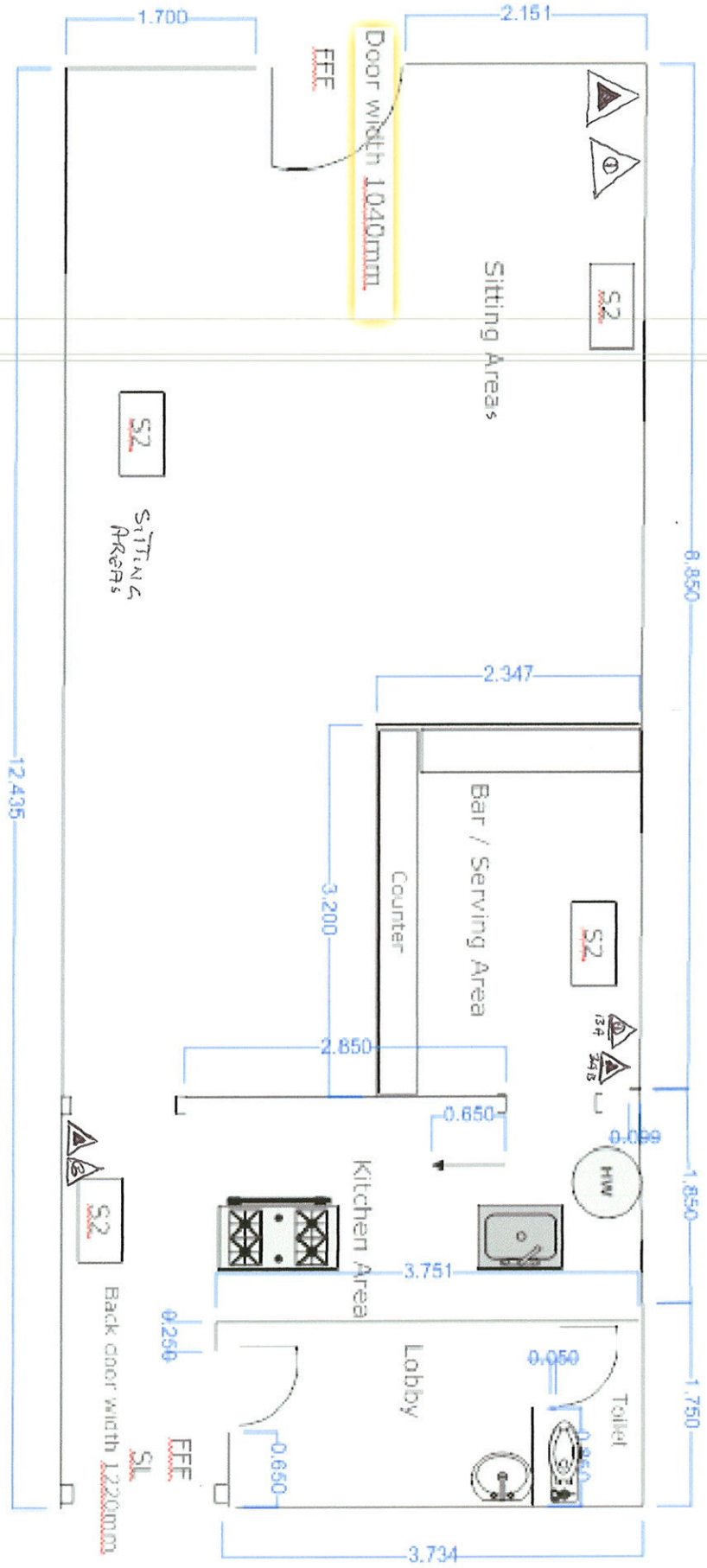
 signed x

ISHMAIL S. KOROMAN name (please print) ✓

10-9-09 dated

ARNSIDE STREET

WILKINSON ROAD



Sierra Spot
 6 Arnside Street
 London
 SE17 2AP

Please Note: All dimensions are in meters unless otherwise stated

6 ARNSIDE STREET
LONDON SE17 2AP
10TH NOVEMBER, 2009

DEAR SIR/MADAM,

TO WHOM IT MAY CONCERN

REF. SIERRA SPOT OF THE ABOVE ADDRESS

WE STELLA RICH / ISHMAIL S. KOROMA ARE WRITING
THIS LETTER TO YOU TO AMEND OUR APPLICATION FOR PREMISES
LICENCE TO BE REDUCE FROM 03:00 AM ON FRIDAY AND
SATURDAY TO 01:00 AM, AND AN EXTRA HALF AN HOUR TO CLOSE.

WE ALSO WANT TO DO THE SAME FOR WEEKEND AND
WEEKEND BANK HOLIDAYS AS WELL TO 01:00 AM, AND AN EXTRA
HALF AN HOUR TO CLOSED.

WE WILL BE VERY ~~GRATEFUL~~ THANKFUL, IF YOU COULD
PLEASE AMEND THE APPLICATIONS

YOURS SINCERELY
ISHMAIL S. KOROMA
STELLA RICH

Licensing Unit/Service
c/o Southwark Environment & Housing
Chaplin Centre
Thurlow Street
London SE17 2DQ

2nd Oct 2009

RECEIVED

2 OCT 2009

Dear Sir/Madam

Sierra Spot, 6 Ambside Street London SE17

Regarding the Application for license for sale of alcohol
& regulated entertainment by the owners of above
premises.

I would like this application rejected and not
granted for the following reasons:-

- 1) This is a residential area, mainly families & older
residents we do not need a 'night club' we need shops
we can all use
- 2) The noise that will be created at night is not
acceptable. This premise was/is a small area it was
a shop. This last 6 months, the patrons because it
gets hot & crowded inside it outside laughs & yells
well past 2 am in the morning
- 3) The patrons then make way to there cars between
2 & 3 am, then yells & shouts, cars moving
hostes going, goodbyes being yelled I have
not slept properly Friday & Saturday for months
- 4) The crowd in the 'shop' gives another problem -
the toilet facilities must have been basic if not
primitive so Ambside Street & Horsley St is
an open toilet. I strongly object to someone
'peeing' up my car wheels every Friday &
Saturday, and I know they, the men, are from Sierra
Spot because we went down and watched them go in
to that premises

Yours Sincerely Rathan Verma

C M VERMA
 1D HORSLEY STREET
 WAHWORTH
SE17 2AY

9th Oct 2009

Tel No

02077013859

To Licensing Unit
 Southwark Environmental
 Health & Trading Standards
 Chaplin Centre
Turlow Street SE17 2DQ

Dear Sir/Madam

Sierra Spot 6 Amside Street

09 OCT 2009

RECEIVED

Attached is a petition signed by eighteen tenants of the Keniston Housing Estate in Amside Street who are directly affected by the use of 6 Amside Street (Sierra Spot) strongly objecting to the granting of a liquor license and entertainment license to the owners of Sierra Spot 6 Amside Street.

Trust you will take in all the views of people who are directly affected.

I Catherine M Verma of 1d Horsley Street am prepared to represent all these people if necessary at any meeting that is called

Thankyou

Catherine Verma

TO: SOUTHWARK ENVIRONMENTAL HEALTH & TRADING STANDARDS

Date: 5 October 2009

Dear Sir/Madam,

The residents of Arnside Street and the Keniston Housing Estate SE17 are very concerned that an application for a premises license is being sought after by Sierra Spot at 6 Arnside Street.

Granting the license to sell alcohol and allow entertainment into the night will severely affect the quality of life and living environment for the residents in and in the vicinity of Arnside Street.

We, the residents of Arnside Street and Keniston Housing Estate have therefore signed this petition to strongly object to the license being granted on the following grounds:

1. Noise pollution which would extend late into the night on weekdays and weekends
2. The use of residential areas as a public convenience
3. Unruly /intimidating behaviour caused by excessive alcohol consumption which spills onto the quite residential street
4. Generation of litter
5. Lack of parking facilities for family and friends who visit in the evenings or at weekends

Name	Address	Signature
SUNITA SELVARAJAN	ARNSIDE HOUSE	S. Selvarajan
SARITA SELVARAJAN	ARNSIDE HOUSE	S. Selvarajan
G. Chow	Queens House	G. Chow
R. Byer	QUEENS HOUSE	R. Byer
G. BELL	CLARENCE HOUSE	G. Bell
Pamela Neve	CLARENCE HOUSE	Pamela Neve
J. Cannon	9 Clarence Hse	J. Cannon
S. Kammer	4 Wellington House	S. Kammer
M. Camb	1. Wellington Hse	M. Camb

TO: SOUTHWARK ENVIRONMENTAL HEALTH & TRADING STANDARDS

Date: 5 October 2009

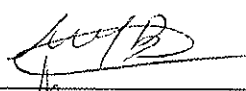

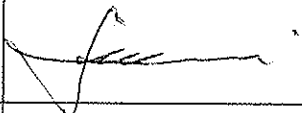

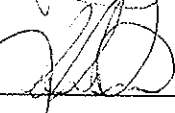
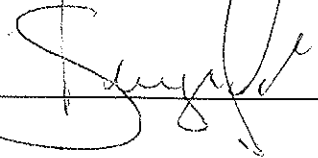
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Name	Address	Signature
M. MURPHY	8 Wellington house Arnside street	M. Murphy
M. BASTIENNA	12, ARNSIDE STREET	
M. SILVA	12 Arnside street	
G.D. FRANCESCO	12 ARNSIDE STREET	
Adriana Martins	14 Arnside street	
FELIPE DAMASCUS	14 ARNSIDE ST	
SERGIO AFONSO	20 ARNSIDE Street	

* THESE PEOPLE ARE IN ~~FLATS~~ FLATS IMMEDIATELY ABOVE THE PREMISES IN QUESTION. *

Kirby

From: John Bedding [REDACTED]
Sent: 10 October 2009 08:32
To: Regen, Licensing
Subject: Sierra Spot, 6 Arnside Street, London SE17

For the attention of Ms. Dorcas Mills,
 Principal Licensing Officer, London Borough of Southwark

We, the residents of the block at 12 - 26 Arnside Street, London SE17 2AP, wish to object to the application made by Sierra Spot of 6 Arnside Street for a licence to sell liquor and in effect run a night-club on these premises, with late-night extensions at weekends.

This is a residential area and such activities are in no way appropriate here. We have no objection to a liquor licence being granted but accompanying music, especially at night is not in order in our view. Our feeling is exacerbated by the fact that the sounds of such music reverberate throughout the building which has cavity walls.

We do not wish to stand in the way of anyone's making an honest living and providing a social centre for people who appear to be far from home. However over the past few months there has been no consideration shown to us residents. Loud and vibrant music has been playing throughout many evenings even as late as 5 a.m. Behind this block, between it and the rear of retail premises in Westmorland Road, there is a yard, and customers of Sierra Spot have been out there in substantial numbers making a great deal of noise throughout the night. Furthermore, on the street side we are woken frequently (when indeed we are able to sleep!) by much laughing and shouting and the slamming of car doors.

Some of us have spoken to the proprietors of Sierra Spot and have met with aggression and a total unwillingness to show us any respect.

Several of us have to rise early to go to work and we have children and pregnant women among our number.

We would respectfully suggest that if the requested licence is granted it be conditional upon the business operating no later than 11 p.m. at any time and the yard at the back not be used for any socialising.

We thank you or your consideration of this matter, which, it has to be said, is causing us a great deal of worry. Senhor Rafael Cahen is our spokesman and representative. His address and contact details are included in the list below.

We, the principal occupants of the flats shown, are:

Flat 12 - Luciane Jorge - [REDACTED]

Flat 14 - Adriana Maria Alves - [REDACTED]
 Sandra Encarnacao Ramos - [REDACTED]

Flat 16 - Weslen Adriana Masi - [REDACTED]

Flat 18 - Rafael Cahen [REDACTED]

Flat 20 - Erasmo Gasparini [REDACTED]

Flat 22 - John Bedding and James Thomson [REDACTED]

Flat 24 - Sergio Afonso - [REDACTED]

Flat 26 - Marcia Cau - [REDACTED]

Copies of this e-mail are being sent to Councillors Lorraine Lauder, Paul Bates and Mohammed Abdul

12/10/2009

Re: Sierra Spot
 Mr Kevin Ryan
 2, Arnside House
 Arnside Street
 London
 SE17 2EX

W/83551
 3.10.09

RECEIVED
 07 OCT 2009

To whom it MAY CONCERN

I would like to strongly oppose the application for a licence premises at No:6 Arnside House (Sierra Spot) the reason being this is a residential street.

When people are outside Sierra Spot, they are drinking leaving bottles, rubbish etc in the road, urinating in our blocks & in the streets. Also the cars are illegally parked on the pavements

Lee:
 13/10/09

also cars blasting out
loud music, which is
unfair to people cold & year
in the flats ~~always~~ awake
till the early hours of the
morning.

Yours Sincerely
K. Ryan

Wellington House
 RECEIVED
 Arnside Street
 Walworth
 20 OCT 2009
 SE17 2ET

Re. Proposed extension of music licence in respect of
 Sierra Spot 6 Arnside Street, I would like to
 oppose this proposal.

We have already had problems with these premises in
 the past, having to call out the Environmental Enforcement
 team on several occasions.

I don't know how many toilets there are on the premises
 but their customers have been using both Arnside Street
 and Wellington House as a urinal. The noise of loud voices
 and banging of car door, they have no consideration that
 this is a ~~at~~ street where people live.

We already have trouble finding a place to park on
 returning home there will be even less and more rubbish
 in the two bins out side Wellington House.

Yours

M. Cambrian.

6.10.09.

Your reference: .



Our reference: MD/21/1819/09

Date: 23rd October 2009

The Licensing Unit
The Chaplin Centre
Thurlow Street
London SE17 2DG

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6155 Fax6282

Dear Sir/Madam

Sierra Spot 6 Arnside Street SE17 2AP

With reference to the application for a Premises Licence.

Having considered the applicants recent letter detailing the new proposed hours for closure Police have the following amended representations to make.

The applicant has offered a number of control measures as part of the operating schedule and Police welcome that response, however Police would require additional measures. Some of the following conditions may have been already offered by the applicant as part of the operating schedule but the wording of each condition is vital to negate any ambiguity.

If the permitted hours for the sale/supply of alcohol were to be granted as per the application, Police would like to see the following control measures placed on the Premises Licence:

1. A security search of the premises is conducted prior to opening to the public and a record kept of who conducted the search.
2. That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry, Management reserve the right to refuse entry'

3. That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs
4. That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents
5. 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 an image of every person who enters the premises.
6. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council
7. That you shall require any regular and external promoters hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Council and, once completed, you shall ensure that a copy of the agreement is provided to the Police and Licensing Unit a minimum of fourteen days prior to the date of hire.
8. That a Personal Licence holder is on the premises and on duty at **all** times that intoxicating liquor is supplied.

I respectfully submit this representation in order that it is given consideration by your Licensing Committee and would be obliged if you could acknowledge receipt.

Ian Clements PC362 MD

Licensing Officer (Southwark North)

 Phone: 0207 232 6155

 Mobile:

 Fax: 0207 232 6282

 E-mail: ian.clements@met.police.uk

 Mail: Licensing Office, Walworth Police Station,
12/28 Manor Place Walworth London
SE17 3RL

MEMO: Environmental Protection Team

To Regen Licensing **Date** 06 October 2009

Copies File

From Debbie Lawless **Telephone** 020 7525 5759 **Fax** 020 7525 5728

Email debra.lawless@southwark.gov.uk

Subject **Licensing Act 2003-Sierra Spot, 6 Arnside Street, London SE17 2AD**
Ref: 395681

The applicant's proposals if granted will allow for the premises to operate with recorded music based entertainment on Monday-Sunday until Midnight, Monday-Thursday, 02.00 hours Friday & Saturday and 22.00 Hours Sunday.

Environmental Protection Team are concerned that regulated entertainment is likely to give rise to nuisance and / or that patrons on the premises may give rise to undue disturbance because:

- The premises does not appear to be adequately sound contained for this purpose due to: Single pair of entrance door.
- There is inadequate extract ventilation / air cooling to prevent door/windows being opened in summer months
- The sound system is not equipped with sound limitation devise
- use of the external area by patrons the until the terminal hours proposed is likely to give rise to public nuisance
- use of the external area for the proposed regulated entertainment until the terminal hours requested is likely to give rise to statutory / public nuisance .
- Dispersal of customers during the hours Midnight until terminal may give rise to public nuisance
- importing of additional sound making equipment onto the premises would compromise the established sound limitation.
- Removal and loading of equipment from the premises between terminal hour until 0800 day following, may give rise to nuisance.
- The use of smoking area by more than 6 patrons and /or by smokers taking drinks outside may give rise public nuisance.

The applicants have not specified adequate measures to prevent public nuisance in their operating schedule.

These deficiencies could be addressed either by changes to the operating schedule or by conditions applied to the license should it be granted.

The Environmental Protection Team make representations until these matters have been adequately addressed and confirmed in writing.

Debbie Lawless
Enforcement Officer
Environmental Protection Team

Date 6/1/2009

6 Arnside Street



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<p>Distribution List</p> <p>Open</p> <p>Licensing Sub-Committee</p>	<p>MUNICIPAL YEAR 2009-10</p> <p>Date of Meeting: 25.11.2009</p> <p>Time: 10.00AM</p>
<p>Note: Original held in Constitutional Team; all amendments/queries to Sean Usher, Constitutional Team, Tel: 020-7525-7222.</p>	
<p>Councillors (1 Copy Each)</p> <p>Councillor David Hubber Councillor Eliza Mann Councillor Wilma Nelson Councillor Abdul Mohamed (reserve)</p> <p>Officers</p> <p>Felix Rechtman, Legal Services, Tooley Street</p> <p>Sean Usher, Floor 2, Tooley Street (Hub 4) (2 copies) Dave Franklin, Licensing Unit, Chaplin Centre Dorcas Mills, Licensing Unit, Chaplin Centre</p> <p>Alan Blissett, Principal Environmental Protection Officer Debbie Lawless, Noise Team</p> <p>Ward Councillors (Notified by Email)</p> <p>Faraday and East Walworth</p>	<p>Applicants and Interested Parties</p> <p>PC Ian Clements Southwark Police Walworth Police Station, 12-28 Manor Place, London SE17 3RL</p> <p>Megamusic Entertainment 512-516 Old Kent Road SE1</p> <p>Sierra Spot, 6 Arnside Street, London SE17 2AP</p> <p>Mrs C M Verma, 1D Horsley Street, London SE17 2AU (2 copies)</p> <p>Mr Rafael Cahen, 12 Arnside Street, London SE17 2AP (2 copies)</p> <p>M Canbran, 1 Wellington House, Arnside Street London SE17 2EY</p> <p>Mr Kevin Ryan, Flat 2 Arnside House, 11 Arnside Street London SE17 2EX</p> <p>Mr I S Koroma, Flat 1, Green Bridge House, Kinglake Estate, London SE17 2RP</p> <p><u>Club Traffik Objectors (24) (Details on File)</u></p>
<p>Total Copies to be printed: 62</p> <p><u>PLEASE BRING YOUR PAPERS TO THE MEETING.</u></p>	<p>Total copies to be circulated: 45</p> <p>All spares to be delivered to Sean Usher, Room 2.06 Southwark Town Hall</p> <p>Day of Despatch: 17.11.2009</p>