

Licensing Sub-Committee

1 March 2010

10.00 am

Town Hall, Peckham Road, London SE5 8UB

Membership

Councillor David Hubber
Councillor Mackie Sheik
Councillor Sandra Rhule

Reserves

Councillor Althea Smith

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

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If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

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Contact

Sean Usher on 0207 525 7222 or at sean.usher@southwark.gov.uk

Members of the committee are summoned to attend this meeting.

Annie Shepperd

Chief Executive

Date: 19 February 2010



Licensing Sub-Committee

Monday March 1 2010
10.00 am
Town Hall, Peckham Road, London SE5 8UB

Order of Business

Item No.	Title	Page No.
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.	
	LATE ITEM: LICENSING ACT 2003: THE WISHING WELL 77-79 CHOUMERT ROAD SE15	
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 - BUILDER'S CAFE, 16 ELEPHANT AND CASTLE, LONDON SE1 6TH	37 - 99
6.	LICENSING ACT 2003 - WABE SHEBELE RESTAURANT, 189 NEW KENT ROAD, LONDON SE1 4AG	100 - 160
	ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.	

PART B - CLOSED BUSINESS

Item No.

Title

Page No.

EXCLUSION OF PRESS AND PUBLIC

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: 19 February 2010

Item No.	Classification: Open	Date: 1st March 2010	MEETING NAME Licensing Sub-Committee
Report title:		LICENSING ACT 2003 The Wishing Well 77-79 Choumert Road SE15	
Ward(s) or groups affected:		Premises are within: The Lane	
From:		Strategic Director of Environment and Housing	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by; The Capital Pub Company PLC for a minor variation to the premises licence to be granted under the Licensing Act 2003 in respect of the premises known as; The Wishing Well 77-79 Choumert Road SE15.

Notes:

- *This application forms a new application for a minor variation of the premises licence, under Section 41A of the Licensing Act 2003 as amended by the Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009.;*
- *Paragraphs 11 to 13 of this report provide a summary of the application for the premises licence under consideration by the sub-committee (A copy of the full application is provided at appendix A)*
- *Paragraphs 14 to 16 of this report deal with the representations received to the premises licence application. (Copies of the relevant representations and replies are attached at appendix B and C).*

BACKGROUND INFORMATION

The Licensing Act 2003

2. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a new licensing regime for
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment
3. Within Southwark, this council wholly administers the licensing responsibility.
4. 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
 - The prevention of crime and disorder;
 - The promotion of public safety
 - The prevention of nuisance; and

- The protection of children from harm.
5. In carrying out its licensing functions, a licensing authority must also have regard to:
 - The Act itself;
 - The guidance to the Act issued under Section 182 of the Act;
 - Secondary regulations issued under the Act;
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 6. Relevant representations
 7. The Act established a transitional period between 7 February 2005 and 6 August 2005 under which holders of existing justice's licenses, public entertainment licenses and night café licenses were able to apply to the local licensing authority for "grandfather rights" conversion of those existing licenses into the relevant licenses under the new system. Licenses that were so converted were converted on existing terms, conditions and restrictions. The 6 August date having passed, operators must now apply for new licenses.
 8. The premises licence application 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.

KEY ISSUES FOR CONSIDERATION

The premises licence application

9. On the 3 February 2010 The Capital Pub Company applied to this council for the grant of a minor variation to the premises licence in respect of the premises known as the Wishing Well 77-79 Choumert Road SE15.
10. A copy of the application for minor variation is attached to the report as appendix A.
11. The application for minor variation provides the applicant's proposed variation. Parts 3 of the application form set out the proposed variation in detail.
12. The application is summarized as follows:
13. To vary the layout of the premises;
 - a) removal of boundary wall
 - b) remove an internal wall
 - c) adapt an existing dining room and office
 - d) removal of all existing fixed seating
 - e) stripping out of the lobby entrance and
 - f) provide a new fire place feature.

Representations from Interested Parties

14. There is one representation from the interested parties.
15. A copy of the representation is attached to the report as Appendix B.

Representations from Responsible Authorities

16. The Environmental Protection Team has made a representation.
17. A copy of the representation from the responsible authorities is attached as appendix C.

Letter of support

18. A letter of support for the application has been received from a local resident.
19. A copy of the letter is attached to the report as Appendix G.

Disability discrimination act

16. The Southwark Disablement Association have no comments regarding this application.

Map of the area

17. A map of the area is attached the report as appendix D.

DCMS GUIDANCE ON MINOR VARIATIONS

18. The Guidance is attached the report as appendix E.

LACORS SUMMARY ON MINOR VARIATIONS

19. A brief summary of the Guidance on Minor Variations is attached the report as appendix F.

Southwark council statement of licensing policy

20. Council assembly approved the third revision of Southwark's statement of licensing policy on 5 November 2008. Sections of the statement that are considered to be of particular relevance to this application are
 - Section 3 which sets out the purpose and scope of the policy and re-inforces the four licensing objectives
 - 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
 - Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998
 - Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
 - Section 8 provides general guidance on ensuring public safety including safe capacities
 - Section 9 provides general guidance on the prevention of nuisance

- 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 £89 has been paid by the applicant company 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 outside of the premises for ten working days.
24. Consultations were carried with the Environmental Protection Team and the London Fire & Emergency Planning Authority.

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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic director of legal and democratic services

25. The sub-committee is asked to determine the application for a minor variation of the premises licence under Section 41A (1) Licensing Act 2003 as amended.
26. The principles which sub-committee members must apply are set out in Section 41B of Licensing Act as amended and are set out below.

Principles for making the determination

27. The general principle is that applications for minor variations must be either granted or refused. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
28. In determining the application the authority must:
- (a) consult such of the responsible authorities as it considers appropriate, and
 - (b) take into account any comments made by those authorities in relation to the application.
- (1) If the authority considers that—
- (a) the variation proposed in the application could not have an adverse effect on the promotion of any of the licensing objectives, or

(b) if more than one variation is proposed, none of them, whether considered separately or together could have such an effect,

it must grant the application.

29. In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.

30. The four licensing objectives are

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

31. 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.

Conditions

32. Members are referred to the DCMS guidance on conditions, specifically section 7 in Annex E and to Annex F.

Reasons

33. If the sub-committee determines that it is necessary to refuse the application for a minor variation, it must give reasons for its decision

Lateness and Urgency

30. The timescales for minor variations is set out in the legislation at 15 working days for the process to take place from beginning to end, with effect either that, the minor variation is granted or the application is refused.

Council's multiple roles and the role of the licensing sub-committee

31. 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.

32. 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.

33. 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.

34. 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.
35. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
36. 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 to case basis.
37. 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 crime and disorder in the borough.
38. 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 the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

39. 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 documents

Background Papers	Held At	Contact
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Appendices

No.	Title
Appendix A	The application
Appendix B	Representations from Interested Parties
Appendix C	Representations/replies from Responsible Authorities
Appendix D	Map of local vicinity
Appendix E	DCMS Guidance
Appendix F	LACORS Summary
Appendix G	Letter of support

Audit trail

Lead Officer	Jonathon Toy, Head of Community safety and Enforcement	
Report Author	David Swaby, Principle Officer Licensing	
Version	Final	
Dated	1 st March 2010	
Key Decision	No	
Consultation with other Officers / Directorates		
Officer Title	Comments sought	Comments included
Strategic Director of Legal & Democratic Services	Yes	Yes

RECEIVED

03 FEB 2010

Chaplin Centre, Thurlow Street, London SE17 2DG


 Southwark
Council

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Application for a minor variation to a premises licence or club premises certificate 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, especially Note 1. 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 in black ink. Use additional sheets if necessary. Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

THE CAPITAL PUB COMPANY PLC

(Insert name(s) of applicant)

being the premises licence holder(s) / club holding a club premises certificate, apply to vary a premises licence under section 41A / club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises details

Postal address of premises (or, if none, Ordnance Survey map reference, or description)	
THE WISHING WELL 77-79 CHOUVERT ROAD	
Post town	Post Code
LONDON	SE15 4AR

Telephone number at premises (if any)

020 7639 5052

Premises licence number/club premises certificate number

831183

Brief description of premises (Please see Guidance Note 2)

A PUBLIC HOUSE SELLING FOOD, HOT AND COLD BEVERAGES AND ALCOHOL WITH ACCOMMODATION FACILITIES.

Part 2 – Applicant Details

I am/ we are the premises licence holder/club premises certificate holder
 Contact phone number in working hours (if any)

Please tick yes

020 7589 4888

Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS 28 SOUTH MOLTON STREET	
Post town LONDON	Postcode W1K 5RF
Please provide email address if you would prefer us to contact you by email (optional)	

Part 3 – Proposed variation(s)

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

Please tick yes

Day Month Year

If not, from what date do you want the variation to take effect?

Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):

Details of proposed variations (Please see Guidance Note 3)

TO VARY THE LAYOUT OF THE PREMISES AS FOLLOWS:

1. REMOVE BOUNDARY WALL TO OUTSIDE DRINKING AREA. POSITION NEW PLANTERS TO BOUNDARY.
2. REMOVE INTERNAL WALLS FROM EXISTING STORE AND KITCHEN AREAS TO FORM NEW LARGER KITCHEN.
3. ADAPT EXISTING DINING ROOM AND OFFICE AREAS TO FORM NEW LADIES AND GENTS TOILETS.
4. REMOVE ALL EXISTING FIXED SEATING AND RAISED FLOOR AREAS.
5. STRIP OUT EXISTING ENTRANCE LOBBY AND ADJACENT EXISTING LADIES AND GENTS TOILETS.
6. PROVIDE NEW FEATURE FIRE PLACE AND SECTION OF NEW FIXED SEATING WHERE LOBBY AND TOILETS REMOVED.

Details of proposed variations (Continued)

7. EXPAND EXISTING STORE AREA ADJACENT TO YARD AND FORM NEW DISABLED TOILET.
8. STRIP OUT EXISTING COUNTER AND REMOVE SECTION OF CENTRAL SPINE WALL TO FORM OPENING EXTENDED TO EXISTING OFFICE LOCATION. FORM NEW CENTRAL COUNTER.
9. ADAPT EXISTING SIDE LOBBY BY REMOVING EXISTING SINGLE DOOR AND REPLACE WITH A SET OF NEW DOUBLE DOORS OPENING OUTWARDS.

Part 4 – Operating Schedule

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary were successful.

Provision of regulated entertainment

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainment
- e. live music
- f. recorded music
- g. performances of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

Please tick yes

Provision of entertainment facilities for

- i. making music
- j. dancing
- k. entertainment of a similar description to that falling within (i) or (j)

Please tick yes

Provision of late night refreshment

Sale by retail of alcohol

(Note that this can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm)

Enclosures

I have enclosed the premises licence/club premises certificate

I have enclosed the relevant part of the premises licence/
club premises certificate

I have included a copy of the plan
(necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below.

Reasons why you have failed to enclose the premises licence/club premises certificate or relevant parts.

Any further information to support your application. (See Guidance Note 4)

CHECKLIST:

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have enclosed the plan, if appropriate, of the premises
in scale [1mm to 100mm], unless otherwise agreed with the licensing authority
- I have enclosed the premises licence/club premises certificate
or relevant part of it or provided an explanation
- I understand that if I do not comply with the above requirements
my application will be rejected.
- I understand that I am required to advertise my application by posting a white notice a
or on the premises for ten consecutive working days commencing on, and including the
day after the day when my application is given to the licensing authority.

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 and Contact Details

(See Guidance Note 5)

Premises Licence: Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See Guidance Note 6) If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature: *Joelson Wilson LLP*

Date: *02/02/10*

Capacity: ~~I~~ We (insert full name and capacity) *JOELSON WILSON LLP SOLICITORS*

sign on behalf of and have authority to bind the applicant.

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 (See Guidance Note 7). If signing on behalf of the applicant please state in what capacity.

Signature:

Date:

Capacity: I / We (insert full name and capacity)

sign on behalf of and have authority to bind the applicant.

Where the premises is a club

I (*insert full name*) make this application on behalf of the club and have authority to bind the club

Signature:

Date:

Capacity: I / We (insert full name and capacity)

sign on behalf of and have authority to bind the applicant.

Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 8) DENISE O'DONNELL JOELSON WILSON LLP 30 PORTLAND PLACE	
Post town LONDON	Post code W1B 1LZ
Telephone number (if any) 020 7580 5721	If you would prefer us to correspond with you by email your email address (optional) dro@joelsonwilson.com

Notes for Guidance

1. **General Note:** The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence or certificate has effect;
- transfer the licence or certificate from one premises to another;
- specify, in a premises licence, an individual as the premises supervisor
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) in a premises licence.

2. Description of premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines, etc.

3. Give full details of all the proposed variation(s). Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation).** Relevant information includes:

a) Variations to licensable activities/licensing hours (all timings should be given in 24 hour clock (e.g. 16.00). Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors. Indoors may include a tent;
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer;
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

b) Variations to premises/club layout: If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;
- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or

- impede the effective operation of a noise reduction measure.

c) Revisions, removals and additions of conditions: The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) Variations to opening hours: Details of any changes to hours when the premises or club is open to the public.

4. Further information: You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

5. Signatures: The application form must be signed.

6. Authorised agent: An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

7. 2nd Applicant: Where there is more than one applicant both applicants or their respective agents must sign the application form.

8. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.".

Licensing Act 2003 Premises Licence

16



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

Premises licence number

831183

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
THE WISHING WELL 77-79 Choumert Road London SE15 4AR	
Ordnance survey map reference (if applicable), 176029534010	
Post town London	Post code SE15 4AR
Telephone number 020 7639 5052	

Where the licence is time limited the dates
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Licensable activities authorised by the licence
Indoor Sporting Event Live Music - Indoors Recorded Music - Indoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 10:00 - 00:30
Tuesday 10:00 - 00:30
Wednesday 10:00 - 00:30
Thursday 10:00 - 00:30
Friday 10:00 - 01:30
Saturday 10:00 - 01:30
Sunday 10:00 - 00:30

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 Sale by retail of alcohol to be consumed off 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

Indoor Sporting Event

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	10:00 - 00:00

Live Music - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	10:00 - 00:00

Recorded Music - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 01:00
Saturday	10:00 - 01:00
Sunday	10:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 01:00
Saturday	10:00 - 01:00
Sunday	10:00 - 00:00

Sale by retail of alcohol to be consumed off premises

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 01:00
Saturday	10:00 - 01:00
Sunday	10:00 - 00:00

Part 2

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

The Capital Pub Company Plc
 28 South Molton Street, London,
 W1K 5RF
 020 7691 3144
 cgower@capitalpubcompany.com

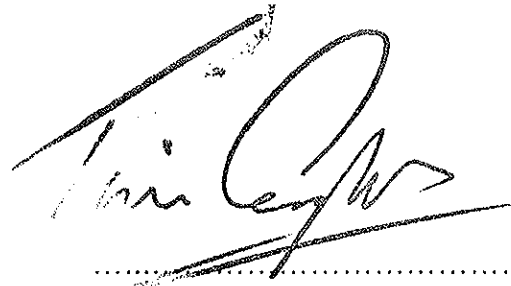
Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Philip Andrew Jacques
 77/79 Choumert Road,
 Peckham,
 London
 SE15 4AR

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. PA0204
 Authority Bolton Council

Licence Issue date 15/12/2009



.....
 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

Annex 2 - Conditions consistent with the operating Schedule

109 Alcohol shall not be sold or supplied except during permitted hours.

In this condition permitted hours are stated in part 1 but also include a. On Good Friday, 1200 to 2230 hours b. On Christmas Day, 1200 to 1500 hours, and 1900 to 2230 hours c. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit; i) During the first twenty minutes after the above hours the consumption of the alcohol on the premises; ii) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel; iii) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals; iv) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises; v) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered; vi) The sale of alcohol to a trader or club for the purposes of the trade or club; vii) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces; viii) The taking of alcohol from the premises by a person residing there; or ix) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or x) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises

112 This licence allows for the premises to remain open for one additional hour on the days stated below:

Christmas Eve

Boxing Day

St Georges Day

St Patricks Day

Easter Monday

May Day

Spring Bank Holiday

August Bank Holiday

St Valentines Day

113 This licence allows for the premises to remain open for the sale or supply of alcohol for one additional hour on the days stated below:

Christmas Eve

Boxing Day

St Georges Day

St Patricks Day

Easter Monday

May Day

Spring Bank Holiday

August Bank Holiday

St Valentines Day

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

Indoor Sporting Events

Live Music

Recorded Music

Christmas Eve

Boxing Day

St Georges Day

St Patricks Day

Easter Monday

May Day

Spring Bank Holiday

August Bank Holiday

St Valentines Day

163 a.All escape routes and exits including external exits shall be maintained unobstructed, in good order with non- slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements. b.All exits door shall be available and easily operable without the use of a key, card, code or similar means. Only approved fastenings shall be used. c.Any removable security fastening shall be removed from the doors prior to opening the premises to the public. All such fastenings shall be kept in the approved positions. d.If required, exit doors shall be secured in the fully open position when the public are present. e.All fire-doors shall be maintained effectively self-closing and shall not be held open other than by approved devices. f.Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut. g.The edges of treads of steps and stairways shall be maintained so as to be conspicuous.

177 a.In the absence of adequate daylight the management lighting in any area accessible to the public shall be fully in operation whilst the public are present. b.Except as permitted under d. below there shall be adequate illumination to enable people to see their way out of the

premises c. Fire safety signs shall be adequately illuminated except as permitted under d. below. d. of essential to the entertainment and subject to consent, the management lighting in the entertainment area may be reduced or extinguished provided (i) the lighting be controlled from a position with a clear view of the entertainment area; and (ii) An operator remain by the controls whilst the lighting is reduced or extinguished; and (iii) The operator restore the management lighting at once in the event of any emergency; and (iv) The escape route signs remain adequately illuminated.

178 a. The emergency lighting installation shall not be altered in any way except with consent. b. The emergency lighting battery shall be fully charged before the admission of the public c. In the event of failure of the normal lighting (i) If the emergency lighting battery has a one hour capacity the public shall leave the premises within 20 minutes unless within that time the normal lighting has been restored and the battery is being re-charged; or (ii) If the emergency lighting battery has a 3 hour capacity the public shall leave the premises within one hour unless within that time the normal lighting has been restored and the battery is being re-charged. d. The public shall not be re-admitted to the premises until the normal lighting has been fully restored and the battery fully recharged except (i) Where the emergency lighting battery has a one hour capacity and if the failure of the normal lighting was fully rectified within 20 minutes of failure and the battery is being re-charged; or (ii) Where the emergency lighting battery has a 3 hour capacity and if the failure of the normal lighting was fully rectified within one hour of failure and the battery is being re-charged.

180 a. The premises shall be effectively ventilated. b. Where the ventilation system is designed to maintain a positive air pressure within that part of the premises, that pressure shall be maintained whenever the public are present in that part of the premises.

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

315 That the external area/beer garden at the premises shall be closed at 23.00 each day

324 That a notice be displayed at the premises giving the telephone numbers of local mini-cab firms

325 That after 21.00 hours children under 16 shall not be admitted in any area where alcohol is sold and consumed

326 That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council

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

334 That an age identification scheme shall be established and maintained. The scheme shall Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

340 That the drinking up time for clients will be 30 minutes after the closing time for the sale of alcohol.

341 That children shall not be allowed at the bar servery area.

342 That persons whom appear to be under the influence of alcohol or drugs will not be served.

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

Annex 4 - Plans - Attached

Licence No.	831183
Plan No.	
Plan Date	

Swaby, David

From: Tear, Jayne
Sent: 22 February 2010 17:17
To: Swaby, David
Subject: FW: Wishing Well - Minor Variation Application

FYI -

From: Legassick, Bill
Sent: 16 February 2010 18:27
To: Tear, Jayne; Parkins, Richard; Franklin, David
Cc: Env (Chaplin) Pollution
Subject: Wishing Well - Minor Variation Application

Jayne

Thank you for the notification of the minor variation for the Wishing Well at 77 - 79 Choumert Road, London SE15 4AR.

I am writing to confirm that the Environmental Protection Team would like to object to the application of minor variation. The reason for the objection is that the proposals are in contrary to the Licensing objective of the 'Prevention of a 'Public Nuisance'.

I refer to Proposed plan (phase 1) Drawing No 2337 - 81. The drawing shows that there is an increase area for the bar, by the removal of the front entrance lobby, removal of the current ladies and gents toilets. The loss of the front entrance lobby, the creation of external drinking area and creation of opening on the private service road could lead to problems of noise escape from the property. There is no indication on the plans in connection with the ventilation of the property.

I therefore recommend that a full variation application should be made, with an indication of all the different phases.

Bill Legassick
Team Leader
Environmental Protection Team.

Omojomolo, Alex

From: Read, Kirty
Sent: 23 February 2010 16:11
To: Omojomolo, Alex
Subject: FW: Wishing Well - Minor Variation Application

Importance: High

From: Tear, Jayne
Sent: 23 February 2010 16:11
To: Read, Kirty
Subject: FW: Wishing Well - Minor Variation Application
Importance: High

REP

From: Legassick, Bill
Sent: 16 February 2010 18:27
To: Tear, Jayne; Parkins, Richard; Franklin, David
Cc: Env (Chaplin) Pollution
Subject: Wishing Well - Minor Variation Application

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I therefore recommend that a full variation application should be made, with an indication of all the different phases.

Bill Legassick
 Team Leader
 Environmental Protection Team.

Vanessa Gash

164 Bellenden rd

SE15 4QY

FILE COPY

14th of February 2010

Regarding Application for :

THE WISHING WELL
77-79 Choumert Road
SE15 4AR

From: The Capital Pub Company plc

Licence number: 831408

As local residents who live in the vicinity of the Wishing Well pub on Choumert Road, we would like to object to its recent attempt to extend its licence to allow for late opening hours. That is to have the pub open from 10am to 00.30am every day including Sundays, and from 10am - 01.30am on Friday and Saturday.

Our grounds for objection include the following:

Previous mismanagement of the venue resulted in serious anti-social behaviour culminating in the police coming to the venue to disperse violent behaviour from clients of the Wishing Well pub. The violence was such that the ambulance service was called on occasion. Additionally, the previous establishment on occasion served beyond its licensing hours, with noise nuisance occurring late into the night for local residents. Also, pub goers do not necessarily leave the vicinity just because the pub has stopped serving them. As a family with a young child, we are particularly sensitive to such evidence of anti-social behaviour in such close proximity to our family home.

We are not anti-local pubs and have enthusiastically supported the Wishing Well pub in the past, however, previous management have allowed loud and anti-social behaviour in the vicinity of the premises to go unchecked within normal licensing hours. We are therefore very concerned with any attempt to increase the licensing hours beyond the norm in an area with such high density residential housing.

Sincerely,

Tear, Jayne

To: Andrew Greenhalgh

Subject: RE: Minor variations application for Wishing Well pub query

Dear Andy,

From: Andrew Greenhalgh [mailto:andrew.greenhalgh05@btinternet.com]

Sent: 16 February 2010 08:37

To: cameron.maclean@tiscali.co.uk

Cc: Tear, Jayne

Subject: Re: Minor variations application for Wishing Well pub query

ag andy greenhalgh graphic design **gd**

Hi Jane, Cameron

My main concern is with point 8 where it mentions:- 'remove section of central spine wall to form opening extended to existing office location'.

If they are referring to the little office in the main bar, then there is quite a large section of the original bar plus a drawdown etched glass dividing window which appears to be at risk. I feel that a conservation officer should have a good look at this. This is probably the last remaining intact bar of its kind in the Peckham area and I feel it should be preserved and enhance rather than partly destroyed. After all, the pub is in a conservation area.

Jane, thanks for your reply to my original enquiry. I would appreciate your views and advice on this matter.

Regards
Andy

Andy Greenhalgh Design
t 020 7635 9879
m 07946 897071
e andrew.greenhalgh05@btinternet.com
e andy@aggd.co.uk
w www.aggd.co.uk

On 16 Feb 2010, at 00:58, cameron.maclean@tiscali.co.uk wrote:

Andy,

It is possible that drawings/ a plan may have been submitted with the application.

16/02/2010

Jane: If there are drawings to go with the application, would it be possible to have copy? My concern, and that of Andy Greenhalgh, is that the existing back bar is going to be taken out and the pub turned into a single large space. However, it seems from the description that it is only the counter that is going to be replaced (partly to accommodate the changes to the side lobby) and not the existing Victorian back bar. Hope all is well at Southwark.

Kind Regards

Cameron MacLean

-----Original Message-----

From: andrew.greenhalgh05@btinternet.com

Date: 15/02/2010 13:02

To: "cameron.maclean@tiscali.co.uk MacLean" <cameron.maclean@tiscali.co.uk>

Subj: Fwd: Minor variations application for Wishing Well pub query

Cam

Check out attached pdf and tell me what you think point 8 will really entail.

Andy Greenhalgh Design
t 020 7635 9879
m 07946 897071
e andrew.greenhalgh05@btinternet.com
e andy@aggd.co.uk
w www.aggd.co.uk

Begin forwarded message:

From: "Tear, Jayne" <Jayne.Tear@SOUTHWARK.GOV.UK>
Date: 15 February 2010 12:52:06 GMT
To: <andrew.greenhalgh05@btinternet.com>
Subject: FW: Minor variations application for Wishing Well pub query

Dear Mr Greenhalgh,

The premises is undergoing refurbishment and the Minor variation application is concerning **solely a change of the plans/layout to the premises**. I have scanned in the relevant pages 2 pages of the application form that's states the nature of the change in plans (please see the attachment).

If you would like to objection to the change in plans under any of the four licensing objectives which are:

- The prevention of crime & disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Please state in writing the nature of your representation and the objective/s it may concern.

Please see the attached link for the licence already granted and in use - <http://licensing.southwarksites.com/LicPremisesGrantedDetails.asp?systemkey=831183>

If you would like any further advice or would like discuss this with me please call me on 0207 525 0396

with kindest regards

Jayne Tear

Licensing Enforcement Officer

London Borough of Southwark

PH:020 7525 0396, FAX: 020 7525 5705

licensing@southwark.gov.uk <http://licensing.southwarksites.com/>

From: Regen, Licensing
Sent: 12 February 2010 08:20
To: Mills, Dorcas
Subject: FW: Minor variations application for Wishing Well pub query

From: Andrew Greenhalgh [<mailto:andrew.greenhalgh05@btinternet.com>]
Sent: 10 February 2010 09:00
To: Regen, Licensing
Subject: Minor variations application for Wishing Well pub query

Dear Sir/Madam

I'm trying to find details about a minor variations application put in for the Wishing Well pub in Bellenden Rd Peckham SE15. How do i find out about these details please?

I look forward to hearing from you.

Regards
Andy Greenhalgh

Andy Greenhalgh Design
t 020 7635 9879
m 07946 897071
e andrew.greenhalgh05@btinternet.com

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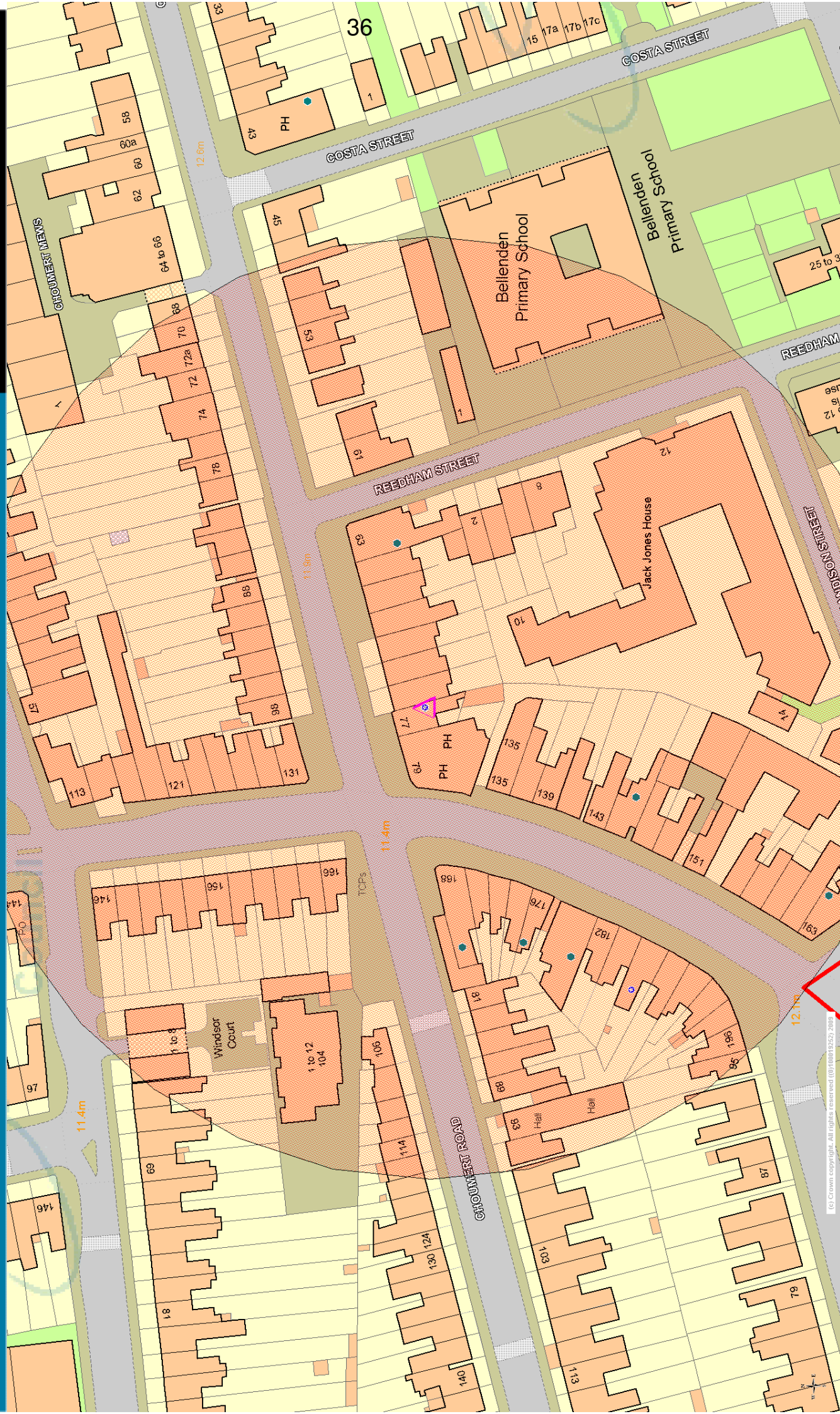
Entertainment Licensing - Other: From: Roger Easterbrook
[mailto:re@i-searchllp.com] Sent: Mon 15/02/2010 12:27 To:
CSC Subject: Wishing Well Pub I hear that the Wishing Well Pub, in
Bellenden Road, Peckham has applied to change its licensing hours. We
are in favour of supporting this local business, and their efforts to
make their business viable, Yours sincerely Roger AND Sally
Easterbrook 9 wingfield st se154ln

DATES

DATE RECEIVED: 16/02/2010 TIME: 13.27
TARGET RESPONSE DATE: 19/02/2010

The Wishing Well

Date 22/2/2010



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Item No. 5	Classification: Open	Date: 1 March 2010 - 10.00AM	MEETING NAME Licensing Sub-Committee
Report title:		LICENSING ACT 2003 – BUILDERS CAFE, 16 ELEPHANT & CASTLE, LONDON SE1 6TH	
Ward(s) or groups affected:		Premises are within: NEWINGTON	
From:		Strategic Director of Environment & Housing	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Daniel Scriven to vary a premises licence granted under the Licensing Act 2003 in respect of the premises known as: Builders Café, 16 Elephant & Castle, London SE1 6TH.
2. **Notes:**
 - *the application seeks to vary existing licensable activities held under current legislation in respect of the premises known as: Builders Cafe 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 responsible authorities, and is therefore referred to the sub-committee for determination;*
 - *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);*
 - *paragraphs 17 to 21 of this report deals with the representations 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:
 - the sale of and supply of alcohol;
 - the provision of regulated entertainment;
 - 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
 - the prevention of crime and disorder;
 - the promotion of public safety;

- the prevention of nuisance; and
 - the protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to
- the Act itself;
 - the guidance to the act issued under section 182 of the Act;
 - secondary regulations issued under the Act;
 - the licensing authority's own statement of licensing policy
 - the application, including the operating schedule submitted as part of the application
 - 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 Builders Café, 16 Elephant & Castle, London SE1 6TH was granted to the applicant in November 2005. It allows the following licensable activities.
- **live music; performance of dance; entertainment similar; facilities for making music; facilities for dancing; entertainment similar:**
Monday to Saturday from 09.00hrs- 02.00hrs;
Sunday from 09.00hrs – 23.00hrs
 - **late night refreshment:**
Monday to Saturday from 23.00hrs – 02.30hrs
Sunday from 23.00hrs – 23.30hrs

- **sale and supply of alcohol on and off the premises:**
Monday to Saturday from 10.00hrs - 02.00hrs;
Sunday from 12.00hrs – 22.00hrs

11. A copy of the existing premises licence is attached as appendix b.

The variation application

12. On 14 December 2009, Daniel Scriven applied to this council to vary the premises licence issued in respect of the premises known as Builders Café, 16 Elephant & Castle, London SE1 6TH under section 34 of the Licensing Act 2003.

Details of the variation application

13. The variation application is summarized as follows:

- **to extend the terminal hour permitted for the provision of regulated entertainment (*live music, performance of dance, anything similar*):**
 - Thursday to Saturday from 09.00hrs - 04.30hrs
- **to extend the terminal hour permitted for the provision of entertainment facilities (*making music, dancing, entertainment similar*):**
 - Thursday to Saturday from 09.00hrs - 04.30hrs
- **to extend the terminal hour permitted for the provision of late night refreshment:**
 - Thursday to Saturday from 23.00hrs - 04.30hrs
- **to extend the terminal hour for the sale and supply of alcohol:**
 - Thursday to Saturday from 10.00hrs - 04.30hrs
- **the opening hours of the premises requested are**
 - Monday to Wednesday from 09.00hrs to 02.00hrs
 - Thursday to Saturday from 09.00hrs – 05.00hrs
 - Sunday from 09.00 hrs – 00.00hrs
- **remove restriction to permitted hours for the sale of alcohol**
- **amend condition 2500 to read:**

No person under fourteen shall be in the bar of the licensed premises after 20.00hrs unless one of the following applies:

- *He is the child of the holder of the premises licence*
- *He resides in the premises, but is not employed there*
- *He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to and from which there is no other convenient means of access or egress*

- *The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition 'bar' includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only served or supplied to persons as ancillary to their table meals.*

A copy of the application to vary the premises licence is attached to the report as appendix a.

14. The variation application form provides the applicant's operating schedule. Parts E, G, H, I, J, K, L M and O set out the proposed operating hours in full.
15. 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

16. The designated premises supervisor under the existing premises licence is Priyanganika Kulatilaka, who holds a personal licence issued by Bromley Council.

Representations from interested parties

17. There are 7 representations lodged by local residents. The representations are primarily concerned with the prevention of crime and disorder, public safety and prevention of public nuisance. The representations are attached as appendix c to the report.
18. There is a representation lodged by the Draper Tenants and Residents Association, concerned at the impact on the licensing objectives of the prevention of crime and disorder, public safety and prevention of public nuisance. This representation can be seen in appendix c.
19. There are 3 representations received from businesses in the area, and they are concerned with the prevention of crime and disorder, public safety and prevention of public nuisance. They are included in appendix c.
20. There is a representation from a local ward councillor, who is concerned about noise and the potential for crime and disorder. Her representation is included in appendix c.

Representations from responsible authorities

21. There are two representations lodged by the Metropolitan Police and the Council's Environmental Protection Team (EPT). The representation from the police outlines control measures that should be undertaken to reduce the risk of crime and disorder if the licence is granted. The representations are attached as appendix d to the report.

Conciliation

22. Due to the high number of representations, conciliation has not been possible. As such the application is being submitted for determination by the licensing sub-committee.

The local area

23. A map of the local area is attached as appendix e. The following licensed premises are shown on the map:

- **Ivory Arch**, 80 -82 Walworth Road SE17 (licensed for late night refreshment and supply of alcohol on and off the premises, 11am – midnight, 7 days a week)
- **Chatkhara**, 84 Walworth Road, SE17 (licensed for late night refreshment, 12.00hrs – 02.00hrs, 7 days a week)
- **The Beijing**, 4 Hampton St, SE1 (licensed for late night refreshment, 13.30hrs – 00.20hrs, 7 days a week)
- **The Well**, 97 Newington Butts, SE1 (licensed for late night refreshment and supply of alcohol on and off the premises, 11.00hrs – 00.30hrs Monday to Saturday, 12.00hrs – 00.00hrs on Sunday)
- **Winemasters**, 101 Newington Butts, SE1 (licensed for supply of alcohol off the premises, 08.00hrs – 23.00hrs Monday to Saturday, 10.00hrs – 22.30hrs Sunday)
- **El Paisita**, 103 Newington Butts, SE1 (licensed for films, music, late night refreshment, supply of alcohol on the premises, 12.00hrs – midnight, 7 days a week)
- **La Bodeguita**, 222-223 Elephant & Castle Shopping Centre, SE1 (licensed for plays, films, music, dancing, late night refreshment, supply of alcohol on and off the premises, 12.00hrs – midnight Sunday to Thursday, 12.00hrs – 03.00hrs Friday and 12.00hrs – 04.00hrs Saturday)

Southwark Council statement of licensing policy

24. 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

- section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives
- 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
- section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998
- section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
- section 8 provides general guidance on ensuring public safety including safe capacities
- section 9 provides general guidance on the prevention of nuisance
- section 10 provides general guidance on the protection of children from harm.

25. 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

26. 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

27. 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 newspaper and a similar notice exhibited outside of the premises. Initially the poster at the premises was not correctly on display and the last date for representations was pushed back to 09 February 2010.

COMMUNITY IMPACT STATEMENT

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

CONCURRENT REPORT BY THE STRATEGIC DIRECTOR OF COMMUNITIES, LAW & GOVERNANCE

29. 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.
30. 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).
31. 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.
32. 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.
33. 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.
34. The principles that sub-committee members must apply are set out below.

Principles for making the determination

35. 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.
36. 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.
37. 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
 - are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
38. 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

39. 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.
40. The four licensing objectives are
- the prevention of crime and disorder;
 - public safety;
 - the prevention of nuisance; and
 - the protection of children from harm.
41. 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.
42. 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.
43. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors.
44. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

45. 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

46. 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.
47. 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

48. 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.
49. 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.

50. 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.
51. 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.
52. 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

53. 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 pre-n file.	The Chaplin Centre, Thurlow Street, SE17 2DG	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 licence
Appendix c	Copies of the representations from interested parties
Appendix d	Copy of the representations from responsible authorities
Appendix e	Copy of local area map

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment & Housing	
Report Author	Kristie Ashenden, Principal Licensing Officer	
Version	Final	
Dated	12 February 2010	
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 Team	12 February 2010	

Appendix A

Application to vary a premises licence under the Licensing Act 2003

RECEIVED

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

14 DEC 2009

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 DANIEL EDWARD SCRIVEN
 (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	6921
-------------------------	------

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
BUILDERS CAFE (WAS BAR SOUTH CENTRAL) 16 ELEPHANT + CASTLE			
Post town	LONDON	Post code	SE16TH

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 9250

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	c/o Licensing Services Agency 16 Bengoe Street		
Post Town	Hertford	Postcode	SG14 3ES

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)

INCREASE IN HOURS FOR THE SALE OF ALCOHOL, LATE NIGHT
REFRESHMENT & REGULATED ENTERTAINMENT
AMENDMENT TO CONDITION 2500 UNDER ANNEXE 2
TO NOW READ " NO PERSON UNDER FOURTEEN
SHALL BE IN THE BAR OF THE LICENSED PREMISES
AFTER 20.00 HOURS UNLESS ONE OF THE
FOLLOWING APPLIES :
(a), (b), (c) & d) WORDING TO REMAIN AS EXISTING
WORDING)

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 checked="" 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 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 checked="" type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" 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 checked="" 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

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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	0900	0200	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	0900	0200			
Wed	0900	0200	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) AS CURRENTLY		
Thur	0900	0430			
Fri	0900	0430	<u>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</u> (please read guidance note 5)		
Sat	0900	0430			
Sun	0900	2300			

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			Please give further details here (please read guidance note 3)		
Tue			HOURS AS FOR LIVE MUSIC		
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
			AS CURRENTLY		
Fri			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)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3) HOURS AS FOR LIVE MUSIC		
Wed					
Thur			<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) AS CURRENTLY		
Fri					
Sat			<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)		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon			HOURS AS FOR LIVE MUSIC	
Tue				
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur				
			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 (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"/>
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>		
Mon			<u>Please give further details here</u> (please read guidance note 3) HOURS AS FOR LIVE MUSIC		
Tue					
Wed					
Thur			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4) AS CURRENTLY		
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

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 checked="" type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3) HOURS AS FOR LIVE MUSIC		
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) AS CURRENTLY		
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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	2300	0230			
Tue	2300	0230			
Wed	2300	0230	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	0430			
Fri	2300	0430	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	2300	0430			
Sun	2300	2330			

AS CURRENTLY

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"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon	1000	0200			
Tue	1000	0200			
Wed	1000	0200			
Thur	1000	0430			
Fri	1000	0430			
Sat	1000	0430			
Sun	1200	2300			

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 (except for the sale of alcohol)

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	0900	0230	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)
Tue	0900	0230	
Wed	0900	0230	
Thur	0900	0500	
Fri	0900	0500	
Sat	0900	0500	
Sun	0900	2400	

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

Restriction to permitted hours for the sale of alcohol

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)

ALL EXISTING CONDITIONS TO REMAIN EXCEPT
CONDITION 2500 UNDER ANNEXE 2
(SEE PART 3 - VARIATION FOR DETAILS)

b) The prevention of crime and disorder

AS EXISTING

c) Public safety

AS EXISTING

d) The prevention of public nuisance

AS EXISTING

e) The protection of children from harm

AS EXISTING

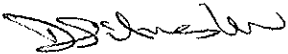
Please tick yes

- 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 *No change of layout*
- 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	
Date	11/12/09
Capacity	Agent

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	Agent

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Licensing Services Agency 16 Bengeo Street			
Post town	Hertford	Post code	SG14 3ES
Telephone number (if any)	01992 584959		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Licensing Act 2003 Premises Licence



RECEIVED

14 DEC 2009

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

Premises licence number

6921

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
<p>Bar South Central 16 Elephant And Castle London SE1 6TH</p> <p>Ordnance survey map reference (if applicable), 178812 531990</p>	
Post town	Post code
London	SE1 6TH
Telephone number	
020 7701 2229	

Where the licence is time limited the dates

Licensable activities authorised by the licence

EE Live Music
EG Performance Of Dance
EH Entertainment Similar to EE, EF,EG
EI Facilities for Making Music
EJ Facilities for Dancing
EK Entertainment Similar to EI,EJ
LR Late Night Refreshment
RA Sale by retail of alcohol to be consumed on premises
RB Sale by retail of alcohol to be consumed off premises
FOR RECORDED MUSIC SEE CONDITION 2001

The opening hours of the premises

For any non standard timings see Annex 2

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
ON AND OFF SUPPLIES

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2

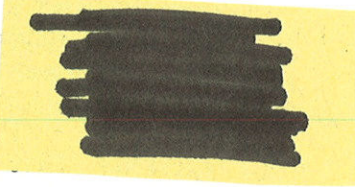
Live Music	Monday	09:00	02:00
Live Music	Tuesday	09:00	02:00
Live Music	Wednesday	09:00	02:00
Live Music	Thursday	09:00	02:00
Live Music	Friday	09:00	02:00
Live Music	Saturday	09:00	02:00
Live Music	Sunday	09:00	23:00
Performance Of Dance	Monday	09:00	02:00
Performance Of Dance	Tuesday	09:00	02:00
Performance Of Dance	Wednesday	09:00	02:00
Performance Of Dance	Thursday	09:00	02:00
Performance Of Dance	Friday	09:00	02:00
Performance Of Dance	Saturday	09:00	02:00
Performance Of Dance	Sunday	09:00	23:00
Entertainment Similar to EE, EF,EG	Monday	09:00	02:00
Entertainment Similar to EE, EF,EG	Tuesday	09:00	02:00
Entertainment Similar to EE, EF,EG	Wednesday	09:00	02:00
Entertainment Similar to EE, EF,EG	Thursday	09:00	02:00
Entertainment Similar to EE, EF,EG	Friday	09:00	02:00
Entertainment Similar to EE, EF,EG	Saturday	09:00	02:00
Entertainment Similar to EE, EF,EG	Sunday	09:00	23:00
Facilities for Making Music	Monday	09:00	02:00
Facilities for Making Music	Tuesday	09:00	02:00
Facilities for Making Music	Wednesday	09:00	02:00
Facilities for Making Music	Thursday	09:00	02:00
Facilities for Making Music	Friday	09:00	02:00
Facilities for Making Music	Saturday	09:00	02:00
Facilities for Making Music	Sunday	09:00	23:00
Facilities for Dancing	Monday	09:00	02:00
Facilities for Dancing	Tuesday	09:00	02:00
Facilities for Dancing	Wednesday	09:00	02:00
Facilities for Dancing	Thursday	09:00	02:00
Facilities for Dancing	Friday	09:00	02:00
Facilities for Dancing	Saturday	09:00	02:00
Facilities for Dancing	Sunday	09:00	23:00
Entertainment Similar to EI,EJ	Monday	09:00	02:00
Entertainment Similar to EI,EJ	Tuesday	09:00	02:00
Entertainment Similar to EI,EJ	Wednesday	09:00	02:00
Entertainment Similar to EI,EJ	Thursday	09:00	02:00
Entertainment Similar to EI,EJ	Friday	09:00	02:00
Entertainment Similar to EI,EJ	Saturday	09:00	02:00
Entertainment Similar to EI,EJ	Sunday	09:00	23:00
Late Night Refreshment	Monday	23:00	02:30
Late Night Refreshment	Tuesday	23:00	02:30
Late Night Refreshment	Wednesday	23:00	02:30
Late Night Refreshment	Thursday	23:00	02:30
Late Night Refreshment	Friday	23:00	02:30
Late Night Refreshment	Saturday	23:00	02:30
Late Night Refreshment	Sunday	23:00	23:30

Sale by retail of alcohol to be consumed on premises	Monday	10:00	02:00
Sale by retail of alcohol to be consumed on premises	Tuesday	10:00	02:00
Sale by retail of alcohol to be consumed on premises	Wednesday	10:00	02:00
Sale by retail of alcohol to be consumed on premises	Thursday	10:00	02:00
Sale by retail of alcohol to be consumed on premises	Friday	10:00	02:00
Sale by retail of alcohol to be consumed on premises	Saturday	10:00	02:00
Sale by retail of alcohol to be consumed on premises	Sunday	12:00	23:00
Sale by retail of alcohol to be consumed off premises	Monday	10:00	02:00
Sale by retail of alcohol to be consumed off premises	Tuesday	10:00	02:00
Sale by retail of alcohol to be consumed off premises	Wednesday	10:00	02:00
Sale by retail of alcohol to be consumed off premises	Thursday	10:00	02:00
Sale by retail of alcohol to be consumed off premises	Friday	10:00	02:00
Sale by retail of alcohol to be consumed off premises	Saturday	10:00	02:00
Sale by retail of alcohol to be consumed off premises	Sunday	12:00	23:00

Part 2

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

Daniel Edward Scriven



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

PRIYANGANIKA KULATILAKA
26 Laurel Grove
Penge
London
SE20 8QN

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. 501771
Authority code 00AF Authority L B Bromley

Licence Issue date 21 February 2006

A handwritten signature in black ink, appearing to read 'Tim Eggs', written over a horizontal dotted line.

Environmental Health and
Trading Standards Manager
Chaplin Centre
Thurlow Street
London SE17 2DG
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

1000 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.

1001 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

1201 Any individual carrying out security activities at the premises must be licensed by the Security Industry Authority. This does not apply where the premises are being used primarily as a Qualifying Club under a Club Premises Certificate, under a Temporary Event Notice, or primarily as a cinema, restaurant or theatre.

Annex 2 - Conditions consistent with the operating Schedule

2000 Alcohol shall not be sold or supplied except during permitted hours, as stated elsewhere on this licence and below: -

a. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit;

i) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

ii) The sale of alcohol to a trader or club for the purposes of the trade or club;

iii) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

iv) The taking of alcohol from the premises by a person residing there; or

v) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or

vi) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises.

2001 No statutory regulations for music and dancing shall apply so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, or of public entertainment by way of music and singing only which is produced solely by the reproduction of recorded sound is permitted.

2002 This licence provides for the provision of private music and dancing entertainment that is promoted for private gain

2300 a. Subject to the following paragraphs, the permitted hours on weekdays shall extend until 2.00.a.m. in the morning following, except that -

i) The permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and

ii) On any day that music and dancing end between midnight and 2.00.a.m. in the morning, the permitted hours shall end when the music and dancing end.

b. On relation to the morning on which summer time begins, the reference to 2.00.a.m. in the morning in a. above shall be replaced by a reference to 3.00.a.m. in the morning.

c. Except on Sundays immediately before bank holidays, the permitted hours on Sundays shall extend until thirty minutes past midnight in the morning following, except that -

i) The permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight;

ii) Where music and dancing end between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end.

d. On Sundays immediately before bank holidays, the permitted hours shall extend until 2.00.a.m. in the morning following except that -

i) The permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after

midnight;

ii) Where music and dancing end between midnight on any Sunday and 2.00.a.m. the permitted hours on that Sunday shall end when the music and dancing end.

e. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

2500 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies

a. He is the child of the holder of the premises licence

b. He resides in the premises, but is not employed there

c. He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to and from which there is no other convenient means of access or egress

d. The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition 'bar' includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as ancillary to their table meals.

2800 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;

b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;

c. To a canteen or mess.

4000 The premises shall not open to the public before 9.00.a.m. On Sundays, Good Fridays and Christmas Day the premises shall not open before 2.00.p.m. for the performance of plays.

4002 a. The relevant licence or a copy of it shall be prominently exhibited in a position where the public can easily read it. For the purpose of this condition the licence shall be interpreted to mean the licence document containing the conditions specific to the premises, including any accommodation limits.

b. A copy of the standard licence conditions shall be readily available to the Duty Manager.

c. The premises shall not be used for any purpose for which a licence is required unless specifically licensed for that purpose.

4003 Authorised officers who carry written authorizations and proof of identity, which they will produce on request, shall be admitted immediately to all parts of the premises at all reasonable times.

4004 The Licensee shall not permit any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. This condition does not apply to exhibitions given under the provisions of Section 2(1a) and 5 of the Hypnotism Act 1952.

4011 a. The Licensee shall not permit an entertainment that involves special risks except with consent.

b. The Licensee shall not permit any performances especially for children except with consent.

c. The licensee shall not permit explosives or highly flammable substances to be brought onto the premises except with consent.

4012 a. The Licensee shall not permit the use of special effects, except with consent.

b. The Licensee shall give to the Council at least 10 days notice in writing of any proposal to use special

effects. The notice shall include, save in exceptional circumstances, exact details of the proposal including the date and time when the special effects can be demonstrated.

4013 Compressed or liquefied gases shall not be used except with consent. At least 10 days notice in writing shall be given to the Council of any proposal to bring storage cylinders into the premises

4014 a. The Licensee shall ensure that the premises continue to comply with the Council's Technical Regulations.

b. No alterations shall be made to the approved arrangements without consent.

c. The Licensee shall, except with consent, retain control over all parts of the premises.

d. Either the licensee or the Duty Manager shall be in charge of and within the premises whenever the public are present. However, the Licensee remains responsible for the observance of all licensing conditions.

4015 The Licensee may authorize in writing a Duty Manager, who shall be at least 18 years old, to deputise for him. This written authorization shall be kept on the premises and shall be readily available for examination by any Authorised Officer. The Licensee must be satisfied that anyone appointed as a Duty Manager understands the need to comply with the conditions of the licence and is competent to perform the functions of Duty Manager.

4016 The Licensee (if an individual) and any Duty Manager shall

a. Have undertaken an approved training course leading to the possession of the BIIAAB Level 2 National Certificate for Entertainment Licensees, or

b. Possess an equivalent qualification, for example for concert halls, the National Vocational Qualification in Cultural Venue Administration (Level 3) or

c. Be able to demonstrate to the satisfaction of the Council that he possess all relevant knowledge and experience

4017 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.

4018 a. The Licensee shall cause a Fire log-book to be kept.

b. Any authorized officer shall be entitled to obtain a photocopy of any page(s) of the log-book.

4019 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. This Condition does not apply to any premises that are being used for a closely seated audience.

4020 Dancing shall be restricted to the areas designated by the Council.

4021 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.

4022 1. The approved arrangements shall be maintained in good condition and in full working order. Fire fighting equipment, the fire alarm warning system and any smoke ventilators shall be maintained as follows:-

i) Fire Fighting Equipment.

- a) The approved fire-fighting equipment shall be kept in the approved positions and be maintained in satisfactory working order, unobstructed and available for immediate use;
- b) All fire fighting equipment shall be checked weekly. Note: The Council may consent to the variation of the frequency of checks where the premises are used infrequently and this will not endanger safety;
- c) Portable fire-fighting equipment shall be inspected at least once a year in accordance with BS 5306-3 and recharged where necessary in compliance with the manufacturer's instructions. The date of inspection shall be clearly marked on the appliance or a stout tab securely attached to it and recorded in the fire log book;
- d) Hose reels, drenchers and sprinklers shall be inspected in accordance with BS 5306 once a year to ensure that they are in working order. The date of the inspection shall be clearly marked on the control valves and recorded in the fire log book; and
- e) For details of the certificates to be provided see condition 4045.

ii) Fire-alarm warning system

- a) Any fire-alarm warning system shall be maintained in satisfactory working order;
- b) The system shall be tested weekly. Note: The Council may consent to the variation of frequency of tests where the premises are used infrequently and this will not endanger safety;
- c) All checks, tests and inspections shall be recorded in the fire log book; and
- d) For details of the certificates to be provided see condition 4045.

iii) Smoke ventilators

- a) Any smoke ventilators shall be maintained in satisfactory working order;
- b) Any smoke ventilators shall be tested at least every 3 months;
- c) For details of the certificates to be provided see condition 4045.

2. No alterations (including temporary alterations) shall be made except with the consent of the Council.

4023 The Licensee shall ensure that all performances or activities minimize any danger to the public.

4024 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.

4025 The Licensee / Duty Manager shall ensure that all necessary safety checks have been carried out before the admission of the public. Details of the checks shall be entered in the Fire log-book; this may be by use of a separate check list.

4026 a. All escape routes and exits including external exits shall be maintained unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.

b. All exits door shall be available and easily operable without the use of a key, card, code or similar means. Only approved fastenings shall be used.

c. Any removable security fastening shall be removed from the doors prior to opening the premises to the public. All such fastenings shall be kept in the approved positions.

d. If required, exit doors shall be secured in the fully open position when the public are present.

e. All fire-doors shall be maintained effectively self-closing and shall not be held open other than by approved devices.

f. Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut.

g. The edges of treads of steps and stairways shall be maintained so as to be conspicuous.

4027 a. Hangings, curtains and temporary decorations shall be maintained fire-retarded

b. Any upholstered seating shall continue to meet the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS5852;1990

4028 a. Any scenery shall be maintained flame-retarded in accordance with Additional Conditions S

b. Temporary decorations shall not be provided except with consent. When seeking consent for temporary decorations the Licensee shall advise the Council of the period for which it is desired to retain them

c. Curtains, hangings and temporary decorations shall be arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.

4029 The Licensee / Duty manager shall ensure that the accommodation limit(s) specified on the licence are not exceeded and shall be aware of the number of the public on the premises. This information shall be provided to any authorized officer immediately on request.

4030 Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade can be summoned, shall be prominently displayed and shall be protected from damage or deterioration.

4031 The fire brigade shall be called at once to any outbreak or suspected outbreak of fire, however, slight, and the details recorded in the fire log-book.

4032 The Licensee / Duty manager shall have readily available the telephone number of the local Fire Control Centre. The Licensee / Duty Manager shall notify the local Fire Control Centre as soon as possible if he is aware that the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut-off or restricted.

4033 Refuse receptacles shall be emptied regularly.

4034 Access for emergency vehicles shall be kept clear and free from obstruction.

4035 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.

4036 a. Toilet accommodation shall be provided free of charge and be kept clean and in proper working order.

b. An adequate supply of hot and cold (or warm) water, toilet paper in holders or dispensers, soap and suitable hand and face drying facilities shall be provided in toilet accommodation.

4037 Where free drinking water is provided for the public, it shall, except with the consent of the Council, only be provided in a supervised area.

4038 a. Heating apparatus shall be maintained in a safe and functioning condition.

b. Portable heating or cooking appliances shall not be used except with consent.

4039 If required, a competent person shall be in charge of the electrical or other installation.

4040 a. In the absence of adequate daylight the management lighting in any area accessible to the public shall be fully in operation whilst the public are present.

b. Except as permitted under d. below there shall be adequate illumination to enable people to see their way out of the premises

c. Fire safety signs shall be adequately illuminated except as permitted under d. below.

d. of essential to the entertainment and subject to consent, the management lighting in the entertainment area may be reduced or extinguished provided

- (i) the lighting be controlled from a position with a clear view of the entertainment area; and
- (ii) An operator remain by the controls whilst the lighting is reduced or extinguished; and
- (iii) The operator restore the management lighting at once in the event of any emergency; and
- (iv) The escape route signs remain adequately illuminated.

4041 a. The emergency lighting battery shall be fully charged before the admission of the public.

b. The emergency lighting battery shall be fully charged before the admission of the public

c. In the event of failure of the normal lighting

(i) If the emergency lighting battery has a one hour capacity the public shall leave the premises within 20 minutes unless within that time the normal lighting has been restored and the battery is being re-charged; or

(ii) If the emergency lighting battery has a 3 hour capacity the public shall leave the premises within one hour unless within that time the normal lighting has been restored and the battery is being re-charged.

d. The public shall not be re-admitted to the premises until the normal lighting has been fully restored and the battery fully recharged except

(i) Where the emergency lighting battery has a one hour capacity and if the failure of the normal lighting was fully rectified within 20 minutes of failure and the battery is being re-charged; or

(ii) Where the emergency lighting battery has a 3 hour capacity and if the failure of the normal lighting was fully rectified within one hour of failure and the battery is being re-charged.

4042 a. Temporary electrical wiring and distribution systems shall not be provided without notification being given to the Council at least 10 days before the commencement of the work.

b. Temporary electrical wiring and distribution systems shall be inspected and certified before they are put in use. A copy of the certificate shall be sent to the Council as soon as possible.

c. Temporary electrical wiring and distribution systems shall be provided only for a period of up to 3 months. This period may be extended subject to a satisfactory electrical test and inspection report being submitted to the Council at the end of each 3 month period.

4043 a. The premises shall be effectively ventilated.

b. Where the ventilation system is designed to maintain a positive air pressure within that part of the premises, that pressure shall be maintained whenever the public are present in that part of the premises.

4044 a. Ventilation ducting and other shafts shall be kept clean.

b. Any air filters shall be periodically cleaned or replaced so as to maintain a satisfactory air supply.

c. All interior surfaces of extract ventilation ducting serving kitchens and serveries shall be thoroughly cleaned as frequently as necessary to prevent the accumulation of grease and fat and at least once per year.

d. Grease filters in extract ventilation hoods in kitchens and serveries shall be cleaned weekly or at other intervals as required.

4045 a) The following certificates shall be submitted to the Council at least once a year unless stated otherwise below. Note: Where a certificate covers a period of more than one year it will be sufficient to submit a photocopy of the certificate each year that the certificate remains valid.

i) Battery - The emergency lighting battery (including any self contained units) and associated control equipment. The inspection of the battery and control equipment shall be in accordance with BS 5266-1. The certificate shall be signed by a Corporate Member of the Institution of Electrical Engineers or a member of the Electrical Contractors Association or by a contractor enrolled with the National Inspection Council for Electrical Installation Contracting or, with consent, another competent person.

ii) Electrical installation - The entire electrical installation (including the emergency lighting installation but excluding any battery). The inspection shall be in accordance with Guidance Note 3 to BS 7671. In large or

complex premises the electrical installation shall be visually inspected once a year and at least 20% of the installation tested in accordance with a programme approved by the Council such that the whole installation is tested every 5 years. The certificate shall be signed by a Corporate Member of the Institution of Electrical Engineers or a member of the Electrical Contractors Association or by a contractor enrolled with the National Inspection Council for Electrical Installation Contracting or, with consent, another competent person.

iii) Boilers and calorifiers - Any steam boiler, any electrode boiler working on a closed water system or any calorifier incorporating a steam receiver. A boiler insurance company shall issue the certificate of thorough examination and test;

iv) Fire alarm warning system - Confirmation from a fire alarm company or, with consent, another competent person that the fire alarm warning system continues to satisfy the requirements of BS 5839;

v) Fire fighting equipment - All portable fire-fighting equipment together with any hose reels or sprinklers in accordance with BS 5306;

vi) Mechanical installations - Any passenger lifts or escalators. All lifting equipment and permanently suspended equipment (These certificates should be copies of the records of examination provided under the Lifting Operations and Lifting Equipment Regulations 1998. Any permanently suspended loads, such as permanently installed stage lighting luminaires or loudspeakers or flown cinema screens, shall be treated as forming part of the lifting equipment installation and be examined by the competent person making the examination). The safety curtain, its operating gear and controls, the smoke ventilators and drencher. Any other mechanical installation (for example, stage, orchestra or organ lifts, revolving or moving platforms) if required.

vii) Lasers - Any permanently installed lasers, other than Class 1 and Class 2 lasers;

viii) Special effects - Permanently installed smoke machines, fog generators and strobe lighting;

ix) Ceilings - Ceilings and ornamental plaster; and

x) Gas installation - Any gas installation and gas appliances, if required. A member of the Council for registered Gas installers (CORGI) shall complete the certificate.

7100 That the maximum number of persons that may be accommodated within the licensed area at any one time shall not exceed 150 in the ground floor bar

8001 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

8002 That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner

8003 That no parts of the outside curtilage, including the patio area, shall be used for the purpose of entertainment

8004 That there shall be no movement of musical or amplification equipment, to or from the premises, between the hours of midnight and 08.00

6011 That two Security Industry Authority licensed Door Supervisors shall be employed to control admissions to and departures from the premises when entertainment is provided on the premises

9501 That the telephone number of a person responsible for the management of the premises shall be prominently displayed, in such a way as to be visible to the public without the need to enter the premises, whenever entertainment is being provided under this licence in order for them to receive and respond to any complaints.

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

Annex 4 - Plans

As attached

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Appendix C

Omojomolo, Alex

From: [redacted]@yahoo.co.uk]
Sent: 05 February 2010 09:39
To: Read, Kirty
Cc: Pidgeon, Caroline
Subject: Licence Application no:831165 - Builder's Cafe 16

Kirty Read
The Licensing Unit
Southwark Council
The Chaplin Centre
Thurlow Street
London SE17 2DG

LICENCE APPLICATION REF NO:831165

BUILDERS CAFÉ, 16 ELEPHANT AND CASTLE, LONDON SE1 6TH

I am writing as resident of Draper House, Draper Estate to object to the application for the supply of alcohol, regulated entertainment and late night refreshment to above premises formerly also known as Bar South Central.

Draper House is in the middle of the estate and is located directly above the Builders Café . Myself and fellow residents on the estate have already endured high levels of noise nuisance, antisocial behaviour and crime past and present directly related to licensed premises in our vicinity. Granting this application would exacerbate these existing problems even further and adversely affect the following licensing objectives:

- Public safety
- The prevention of public nuisance
- The prevention of crime and disorder

I strongly urge the Council's Licensing Sub Committee to refuse this application and would like my local councillor Cllr Caroline Pidgeon to represent me at hearing.

Yours sincerely

Draper House
London SE1

Read, Kirty

From: [redacted]@yahoo.co.uk]
Sent: 27 January 2010 12:51
To: Regen, Licensing
Cc: carolinepidgeon@southwark.gov.uk; Gurling, James
Subject: Fw: bar south central indecent proposal

to whom it may concern

i vehemently oppost to the recent application made by the bar south central<buikder s cafe> to their extension of selling alcohool and playing music and entertainment. this is a residential area, most of us in draper haouse work long hours and we need to sleep to be able to work and we pay tax as well.we are not second class citizens we DESERVE RESPECT . <starting on friday till sunday>we already have la bodeguita constant loud music disturbance and all their drug dealer s fights outside their premises throughout the whole week end. no respect, screms and shouts of revellers all night lond. is this borough a huge night club or a place where the VOTERS and non voters can sleep and work and contribute to society in peace?

draper house
20 elephant and castle
sel

Read, Kirty

From: Regen, Licensing
Sent: 01 February 2010 16:29
To: Ashenden, Kristie
Subject: FW: against the request for a drinks licence for bar south central se1

-----Original Message-----

From: [mailto:] (fsmail.net)
Sent: 01 February 2010 14:10
To: Regen, Licensing
Cc: Pidgeon, Caroline
Subject: against the request for a drinks licence for bar south central se1

To Whom It May Concern

am sending this email to object to the licence request for the builders cafe being granted a late night drinks licence .. we live above this venue and are trying to have so called peace full life .. but all we seem to be doing is objecting to these late drinking venues popping up around us .. we live in a block that the council has not maintained we have single glazed windows which dont close correctly so hear everything on the ground .. the goverment are always saying they want people to cut down there drinking habits.... but keep given drinks licences to venues like this on mentioned above ... we who live in this area and above venue should not have to suffer with noise and crimes and having to listen to customers leaving sreaming at 5am and even later .. and when we contact the noise team to come out we are already woken and the bar customers have gone home to there peaceful areas ..
i dont want to live in or around an area that is never peaceful and safe ... please dont give a late licence to bar south central

think about the residents first .
many thanks araper house .. se1

Omojomolo, Alex

From: [redacted]@kcl.ac.uk]
Sent: 04 February 2010 13:15
To: Read, Kirty
Cc: Pidgeon, Caroline; drapertra@btinternet.com
Subject: License Application Ref No:831165

Kirty Read
The Licensing Unit
Southwark Council
The Chaplin Centre
Thurlow Street
London SE17 2DG

LICENCE APPLICATION REF NO:831165
BUILDERS CAFÉ, 16 ELEPHANT AND CASTLE, LONDON SE1 6TH

I am writing as resident of Draper House to object to the application for the supply of alcohol, regulated entertainment and late night refreshment to above premises formerly also known as Bar South Central.

Draper House is in the middle of the estate and is located directly above the Builders Café . Myself and fellow residents on the estate have already endured high levels of noise nuisance, antisocial behaviour and crime past and present directly related to licensed premises in our vicinity. Granting this application would exacerbate these existing problems even further and adversely affect the following licensing objectives:

- Public safety
- The prevention of public nuisance
- The prevention of crime and disorder

I strongly urge the Council's Licensing Sub Committee to refuse this application and would like my local councillor Cllr Caroline Pidgeon to represent me at hearing.

Yours sincerely,

(Flat Draper House)

LICENSING

RECEIVED

28 JAN 2010

I STRONGLY OBJECT ~~TO~~
 BUILDERS CAFE: HAVING A LATE
 NIGHT LICENCE. THE RESIDENTS
 OF DRAPER EST, AND THE SURROUNDING
 FLATS AND HOUSES, HAVE SO MUCH
 NOISE, TO PUT UP WITH.

TRAFFIC | PALACE BINGO |
 DRUNKS WHO THINK HOWEL
 WALK IS A PUBLIC TOILET.

HOWEL WALK
 SE1

WC 831165

*Draper Estate**Tenants and Residents Association**Hampton Street, London SE1 6TL drapertra@btinternet.com*

Kirty Read
 The Licensing Unit
 c/o Southwark Environmental Health
 and Trading Standards
 The Chaplin Centre
 Thurlow Street
 London SE17 2DG

2nd February 2010

Dear Ms Read

**LICENCE APPLICATION REF NO:831165
 BUILDERS CAFÉ, 16 ELEPHANT AND CASTLE, LONDON SE1 6TH**

I am writing as the Vice-chair of the Draper Estate Tenants and Residents Association representing the estates residents to object to the application for the supply of alcohol, regulated entertainment and late night refreshment to above premises formerly also known as Bar South Central.

Draper Estate contains approximate 250 residential units, many inhabited by families with children of all ages. Draper House is the largest single building on the estate and located directly above the Builders Café containing 140 flats itself.

The estate has already endured high levels of noise nuisance, antisocial behaviour and crime past and present directly related to licensed premises adjoining the estate or in the immediate vicinity. As a consequence, the Draper Estate TRA has received clear directions from its members throughout the years that late night drinking / entertainment venues and the repercussion of their operation were and are having severe adverse effects on the quality of life and residential amenity of the Draper Estate as a whole and therefore are not suitable to be situated at such close proximity to peoples homes.

Right beside Draper Estate and directly adjoining the Builders Café is the construction site of 'Strata' tower and its pavilion building accommodating in excess of 400 residential units due to be occupied in the forthcoming months. This construction site is the first part of the Elephant and Castle Regeneration scheme led by Southwark Council for the much needed and long awaited improvement of this area to turn it into an attractive neighbourhood providing

high quality housing, better security improved schools, better leisure facilities and new business opportunities.

Due to the proximity of the Builders Café to the established estate and new residential buildings we believe three of the four objectives of the Licensing Act 2003 would be contravened should this application be granted:

- The prevention of crime and disorder
- Public safety
- The prevention of nuisance

This proposal does not provide better security in what is already a well established residential area earmarked to dramatically grow further. The past has sadly already shown many times what the direct consequences of drinking / entertainment venues can be and the detrimental effects they have on the quality of life to residents nearby or even the whole local neighbourhood. Granting his application would also directly compromise Southwark Council's own regeneration plans as public safety and residential amenity would be compromised rather than enhanced.

The TRA feels it is highly unlikely that any measures proposed by the applicant during any conciliation meeting will be sufficient to address the residents serious concerns other than the complete withdrawal of the licence application.

On behalf of the Draper Estate tenants and residents the TRA strongly urge the Council's Licensing Sub Committee to refuse this application.

Due to the importance of this matter, the Chairperson of the Draper Estate Tenants and Residents Association has also formally asked our local Councillors Cllr Caroline Pidgeon and Cllr James Gurling to represent the estates residents in objecting to this application in addition to this letter.

I am looking forward to receive your acknowledgment of this formal objection.

Yours sincerely,

Vice-chair
Draper Tenants and Residents Association

Cc Cllr Caroline Pidgeon, Southwark Council
Cllr James Gurling, Southwark Council

Omojomolo, Alex

From: [mailto: [redacted]@gmail.com]
Sent: 04 February 2010 13:38
To: Regen, Licensing
Cc: Read, Kirty
Subject: Re: License application for extended opening hours - objection

As requested - full name and address now included below. I hope this is satisfactory.

Kind regards,

On 4 February 2010 12:43, Read, Kirty <Kirty.Read@southwark.gov.uk> wrote:
 all we need is full name and address of the objector and also please sent to licensing@southwark.gov.uk
 Many Thanks
 Kirty

From: [mailto: [redacted]@gmail.com]
Sent: 04 February 2010 11:56
To: Read, Kirty
Cc: Pidgeon, Caroline
Subject: License application for extended opening hours - objection

[PLEASE ADVISE IF YOU REQUIRE THIS IN SIGNED, HARD COPY]

Kirty Read
 The Licensing Unit
 Southwark Council
 The Chaplin Centre
 Thurflow Street
 London SE17 2DG

LICENCE APPLICATION REF NO:831165
 BUILDERS CAFÉ, 16 ELEPHANT AND CASTLE, LONDON SE1 6TH

Dear Kirty,

I am writing as resident of Wollaston Close, on the Draper Estate, to object to the application for the supply of alcohol, regulated entertainment and late night refreshment to above premises formerly also known as Bar South Central.

The premises in question is situated in a highly residential area, which has already seen much noise nuisance, antisocial behaviour and crime related to licenced premises in the area. My own bedroom overlooks the central space on the estate, which traps sound and used to reverbrate loudly when Bar South Central stayed open late, making it impossible to sleep when they were playing music or having karaoke nights *inside the venue*. As such, any kind of music at volume is unacceptable during hours when people might reasonably want to quietly enjoy their homes on the Draper Estate.

Thankfully, with the closure of that venue and the Ivory Arch, the area now suffers a little less with the problems listed above. However, it is still subject to excessive intrusion - there is a notable latino bar under the railway that is excessively loud outdoors in summer - and granting application 831165 would exacerbate these existing problems even further and adversely

04/02/2010

affect the following licensing objectives:

- Public safety
- The prevention of public nuisance
- The prevention of crime and disorder

I strongly urge the Council's Licensing Sub Committee to refuse this application and would like my local councillor Cllr Caroline Pidgeon to represent me at hearing.

Yours sincerely,

Hampton Street
London SE1

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Draper House 20 Elephant & Castle London SE1

Kirty Read
The Licensing Unit
c/O Southwark Environmental Health
and Trading Standards
The Chaplin Centre
Thurlow Street
London SE17 2DG

1st February 2010

Dear Ms Read

**LICENCE APPLICATION REF NO:831165
BUILDERS CAFÉ, 16 ELEPHANT AND CASTLE, LONDON SE1 6TH**

I am writing as resident of Draper House to object to the application for the supply of alcohol, regulated entertainment and late night refreshment to above premises formerly also known as Bar South Central.

Draper House is located directly above the Builders Café containing 141 flats, many of which are occupied by families with children of all ages. Myself and fellow Draper House residents have already endured high levels of noise nuisance, antisocial behaviour and crime past and present directly related to adjoining licensed premises or licensed premises in it's vicinity.

Right beside Draper House and directly adjoining the Builders Café is the construction site of 'Strata' tower and its pavilion building accommodating in excess of 400 residential units due to be occupied in the forthcoming months. Said construction site is the first part of the Elephant and Castle Regeneration scheme led by Southwark Council for the much needed improvement of this area to turn it into an attractive neighbourhood providing high quality housing, better security improved schools, better leisure facilities and new business opportunities.


Due to the proximity of the Builders Café to established and new residential buildings I believe three of the four objectives of the Licensing Act 2003 would be contravened should this application be granted:

- Public safety
- The prevention of nuisance
- The prevention of crime and disorder

This proposal does not provide better security in what is already an established residential area earmarked to dramatically grow further. The past has sadly already shown many times what the direct consequences of drinking / entertainment venues can be and the detrimental effects they have on the quality of life to residents nearby or even the whole local neighbourhood. Granting his application would directly compromise Southwark Council's own regeneration plans as public safety and residential amenity would be compromised rather than enhanced.

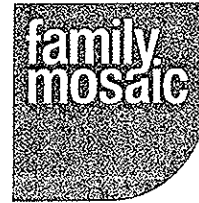
I strongly urge the Council's Licensing Sub Committee to refuse this application and am looking forward to receive your acknowledgment of this formal objection.

Yours sincerely,


Draper House
20 Elephant and Castle
London SE1 6SY

.@hotmail.com
m: 078

Cc Cllr Caroline Pidgeon, Southwark Council
Draper Tenant and Residents Association



2nd February 2010

Southwark Licensing Service
 London Borough of Southwark
 Chaplin Centre
 Thurlow Street
 LONDON
 SE17 2DG

**Family Mosaic
 Development**
 Albion House
 20 Queen Elizabeth Street
 London, SE1 2RJ

DD: 020 7089 1000
 Email: dick.mortimer@familymosaic.co.uk
 Fax: 020 7089 1001

Dear Sirs

Application Number 831165
Builders Café, 16 Elephant and Castle, London SE1 6TH

I am writing on behalf of Family Mosaic to object to the above application.

I would first of all like to mention that, the details of the application, as displayed on your website (copy attached) appear to be incorrect. The proposed hours for the licensable activities appear to be the same as the existing ones, namely, finishing at 02.00am Monday to Saturday, and 11.00pm on Sundays, whereas, I understand the hours sought are to be within half an hour of the proposed new opening hours, namely, 02.30am Monday to Wednesday, 05.00am Thursday to Saturday, and midnight on Sunday.

The Castle House development has the benefit of Planning Permission for the erection of a 43-storey building with retail restaurant with take-away use on the ground floor and first floor with 399 residential units above and a 4-storey pavilion building with restaurant or take-away use on the ground floor and 9 residential units above.

Of these units, 78 will be either tenants of Family Mosaic or shared owners with Family Mosaic and there are a further 20 residential equity units.

We therefore wish to object on our own behalf as owners of the shared ownership units and on behalf of our future tenants.

The relevant objectives of the Licensing Act 2003 are:

1. The prevention of crime and disorder;
2. Public safety;
3. The prevention of nuisance.

Head Office
 Albion House
 20 Queen Elizabeth Street
 London SE1 2RJ
 Tel: 020 7089 1000
 Fax: 020 7089 1001
 www.familymosaic.co.uk

Registered as a Charitable Industrial and Provident Society (IP30093R) and with The Housing Corporation (L4470)

Registered Office as above



I have had the benefit of seeing the objections raised by Mr Justin Black of Brookfield Developments (UK) Limited and his further objections on behalf of Strata SE1 Management Company Limited.

As he has stated, the immediate area of the premises is already an established residential area and the new development will place a significant number of new units in immediate proximity.

We believe that allowing premises to operate until 05.00am will be detrimental to the wellbeing of our tenants for the reasons set out in Mr Black's letter, the contents of which we fully endorse.

I strongly believe that that the granting of the license in the terms sought would be detrimental to the overall objectives for regeneration of the area.

I would be grateful if you would acknowledge safe receipt of this letter which sets our objections.

Yours faithfully

A handwritten signature in black ink, appearing to read "R. H. Mortimer". The signature is written in a cursive style with a long, sweeping tail.

R. H. Mortimer
Group Director of Development

Brookfield

Brookfield Europe
23 Hanover Square, London, W1S 1JB
United Kingdom

Tel +44 (0) 20 7659 3500
Fax +44 (0) 20 7659 3501
www.brookfieldeurope.com

Brookfield Developments (UK) Ltd

VAT No: 749 9299 06 Company No: 04852612

29 January 2010

Kirby Read
The Licensing Unit
c/o Southwark Environmental Health and
Trading Standards
The Chaplin Centre
Thurlow Street
London SE17 2DG

Dear Kirby

LICENCE APPLICATION REF NO: 831165
BUILDERS CAFE, 16 ELEPHANT AND CASTLE, LONDON SE1 6TH

I am writing on behalf of Brookfield Developments (UK) Limited to object to the application for the supply of alcohol, regulated entertainment and late night refreshment to the above premises (formerly known as South Central).

We believe that three of the four objectives of the Licensing Act 2003 would be contravened should this application be granted, namely:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of nuisance

Brookfield Developments (UK) Limited act as Development Manager for the redevelopment of the site known as Castle House, 2-20 Walworth Road, London SE1 6SP, immediately adjacent to the Builders Café premises. Comprising the first significant private development to be undertaken as part of the Elephant & Castle (E&C) regeneration, our scheme, Strata SE1, will deliver 408 market and affordable homes and 4 (A1/A3/A5) commercial units to the Elephant & Castle area in May this year.

Our company (previously known as Multiplex) and myself in particular have been actively involved with this part of London since January 2005. We have worked closely with local people, businesses and Southwark Council officers throughout the years in the planning, development, approval and implementation of our project. We understand the local community and their fears, hopes and aspirations for this part of the Elephant very well.

This representation is made as both a business operating in that vicinity and a body supporting persons who live in that vicinity - the existing local community (supporting groups such as the Draper Tenants & Residents Association) and the circa 757 residents and tenants of our development who will be Southwark Council tax payers within the next 4 months or so.

During public consultation on our evolving planning proposals (July 2005-March 2006), we received clear direction from residents that late night drinking/entertainment venues and the direct consequences of their operation were having a materially detrimental effect on their quality of life and the residential amenity of the area as a whole. The reality of their situation was unmistakable and it was for this reason that:

Brookfield

- We removed the option for a public house from the commercial element at the base of Strata SE1 and reduced the operating hours for our proposed A1/A3 and A5 uses to 11.00pm.
- We supported the local community and police and made representations to the Licensing Unit when the nearby Ivory Arches licence was reviewed and revoked in October 2007 following a fatality
- We again made representations to the Licensing Unit when Ivory Arch unsuccessfully applied for the re-instatement of their late night alcohol and refreshment licence in May 2009.

The area in the vicinity of the Builders Cafe is clearly already an established residential area. A sustainable residential community which with the imminent arrival of a further 408 homes in May is growing. Several families already live above the Builders Cafe within apartments in Draper House. More will move in directly adjacent to the premises in the new affordable homes within our 5 storey pavilion building. Late night drinking and entertainment venues are never suitable in close proximity to people's homes and allowing this contradiction to occur inevitably leads to nuisance.

We have reviewed the license application in full and know the applicant, Daniel Scrivens, as he and the Builders Cafe are contracted to provide "on site" catering facilities during the construction of Strata SE1. We do not doubt that the premises will be well run under his personal management. However he cannot reasonably be expected to control what happens outside the Builders Cafe and we have no reason to believe that the introduction of a late night alcohol and entertainment licence to these premises would result in anything other than public nuisance ultimately leading to crime, disorder and further safety concerns for already beleaguered local residents.

Hindsight demonstrates that late night drinking and entertainment licences never were appropriate in this location and cannot now be reasonably justified, especially given the Council's and our commitment to the locality's future as an attractive area for people to come and live in the revitalised E&C.

Through the implementation of our significant S106 contributions we are improving the external environment and security of this part of the Elephant. The car park to the rear of our site, previously frequented by customers of the late night establishments once in the area, was one of Southwark's crime hot spots. We do not wish to see this area go backwards in terms of residential amenity and public safety

As this is largely a matter of principle, it is highly unlikely that any measures proposed by the applicant during any conciliation meeting (other than the complete withdrawal of their licence application or bringing forward of their alcohol sale and closing hours to 23.00 and 23.30 respectively for all seven days of operation) will be sufficient to address our substantive concerns. Consequently we are prepared to pursue this beyond conciliation and committed to attend the public hearing if required.

We strongly urge the Council's Licensing Sub Committee to refuse this application and look forward to receiving your acknowledgement of this formal objection.

Yours sincerely,



Justin Black
Brookfield Developments (UK) Limited

Cc Cllr Caroline Pidgeon, Southwark Council
Cllr James Gurling, Southwark Council

Strata SE1 Management Company Limited
23 Hanover Square
London
W1S 1JB

Company Registration Number: 6140847

29 January 2010

Kirby Read
The Licensing Unit
c/o Southwark Environmental Health
and Trading Standards
The Chaplin Centre
Thurlow Street
London SE17 2DG

Dear Kirby

LICENCE APPLICATION REF NO: 831165
BUILDERS CAFE, 16 ELEPHANT AND CASTLE, LONDON SE1 6TH

I am writing on behalf of Strata SE1 Management Company Limited to object to the application for the supply of alcohol, regulated entertainment and late night refreshment to the above premises (formerly known as South Central).

This representation is made as a body representing persons who live in the vicinity of the application – Strata SE1 Management Company Limited has been established to represent the interests of the 408 apartment owners within the Strata SE1 residential development, directly adjacent to the Builders Café and due for completion in May this year.

We suggest that the proposal is inconsistent with Council's own identification of residents' needs that "include more jobs, better security, higher quality housing, improved schools, new business opportunities, more shops and better leisure facilities." (<http://www.elephantandcastle.org.uk/regenerationprogramme/an-overview/>)

All of the new apartment owners have been attracted to the area with the hope and optimism that has been generated by Council's regeneration plans for Elephant and Castle. We note that in 2006, Southwark Council won a prestigious international masterplanning award for the Elephant and Castle framework. While this proposal in itself is a small element in the overall redevelopment, it creates a precedent that compromises the thrust of the regeneration potentially devaluing Council's award winning work to a mere academic exercise.

Because of the proximity of residential buildings to the Builders Cafe, three of the four objectives of the Licensing Act 2003 would be contravened should this application be granted, namely:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of nuisance

Strata SE1 Management Company Limited

23 Hanover Square

London

W1S 1JB

Company Registration Number: 6140847

This proposal does not provide better security for the residents of Strata SE1 or other neighbouring residential buildings. The area in the vicinity of the Builders Cafe is clearly already an established residential area which with the imminent arrival of a further 408 homes is growing. We know from existing residents that previous late night drinking/entertainment venues and the direct consequences of their operation had a materially detrimental effect on their quality of life and the residential amenity of the area as a whole. This proposal will take the area backwards in terms of residential amenity and public safety and ultimately as we have previously noted compromise the intent of the regeneration.

Late night drinking and entertainment venues are never suitable in close proximity to people's homes and allowing this contradiction to occur inevitably leads to nuisance.

The licence application proposes that the premises would be open from 9.00am to 2.30am (Monday to Wednesday), 9.00am to 5.00am (Thursday to Saturday) and 9.00am to midnight (Sunday). Dancing and live music could take place from 9.00am until 2.00am (Monday to Saturday) and 9.00am to 11.00pm (Sundays). Alcohol would be served from 10.00 in the morning until 02.00 the next morning (Monday to Saturday) and from 12.00pm to 11.00pm on Sundays. We believe these hours of operation and alcohol sale to be completely excessive and totally contradictory to the needs and wants of an established residential area.

We have reviewed the licence application in full and we have no reason to believe that the introduction of a late night alcohol and entertainment licence to the Builders Cafe would result in anything other than public nuisance ultimately leading to crime, disorder and further safety concerns for already beleaguered local residents.

As this is largely a matter of principle, it is highly unlikely that any measures proposed by the applicant during any conciliation meeting (other than the complete withdrawal of their licence application) will be sufficient to address our substantive concerns. Consequently we are prepared to pursue this beyond conciliation and committed to attend the public hearing if required.

As the body representing people who have made a significant commitment to regeneration of Elephant and Castle, we strongly urge the Council's Licensing Sub Committee to refuse this application. Strata SE1 Management Company looks forward to receiving your acknowledgement of this formal objection.

Yours sincerely,



Justin Black
Director

Strata SE1 Management Company Limited

Read, Kirty

From: Ashenden, Kristie
Sent: 01 February 2010 12:06
To: Read, Kirty
Subject: FW: RE: Objection to Licence Application Bar South Central

please lodge this as a representation

Kristie Ashenden

Principal Licensing Officer
 London Borough of Southwark
 Ph: 020 7525 5754, Fax: 020 7525 5705

licensing@southwark.gov.uk <http://licensing.southwarksites.com/>

From: Spooner, Carolyn
Sent: 01 February 2010 12:05
To: Regen, Licensing
Cc: Ashenden, Kristie; Pidgeon, Caroline
Subject: FW: RE: Objection to Licence Application Bar South Central

Please respond directly to Cllr Caroline Pidgeon: caroline.pidgeon@southwark.gov.uk

Dear All

Further to previous correspondence, I wish to formally object to the application for a Licence for the above premises.

I am very concerned particularly about preventing public nuisance in the area. The proposed hours of this licence would result in late night sale of alcohol entertainment and refreshment until 2:00am Monday to Wednesday and to 4:30am on Thursday through to Saturday. Given this is below a residential block and due to the makeup of the area, residents who live very high in the block and neighbouring blocks are disturbed by any noise in and around the Elephant & Castle area.

I am therefore seriously concerned about noise, potential for crime and disorder in the area as people leave the premises at a very late hour and the wider issue of unsuitable premises in a residential area.

Please confirm that my objections have been registered and report back to me on the timescale for the application process.

With best wishes

Councillor Caroline Pidgeon AM
Liberal Democrat Councillor for Newington ward

Carolyn Spooner
 Member Services Officer
 Tel: 020 752 (57528)
 Fax: 020 752 (57675)

Southwark Council
 Member Services
 Communities, Law and Governance
 160 Tooley Street
 London SE1 2TZ

94

Appendix D

Your reference: .



Our reference: MD/21/1948/09

Date: 5th November 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

Builders Café 16 Elephant & Castle SE1

Police are in receipt of an application from the above for a Premises Licence Variation. Police and have the following representation to make:

Some of the following conditions may already be in place on the existing Licence 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. 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
2. 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.

3. 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
4. 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.
5. That a Personal Licence holder is on the premises and or on duty at all times that intoxicating liquor is supplied.
6. That SIA registered Door Supervisor, one of whom shall be a female, shall be employed at all times when the premises is being used for regulated entertainment and remain until the terminal hour that the premises are in use under this licence. They should be provided with Hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
7. All SIA Staff are required to record their details, including SIA Badge number, in a booking on/off register.
8. A security search of the premises is conducted prior to opening to the public and a record kept of who conducted the search.
9. 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'
10. Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Those leaving the premises should not be permitted to consume drinks whilst outside. Those who do temporarily leave for this reason shall be the subjected to the requirement of a further search.
11. No entry or re entry to be allowed after 2 am unless for those that leave the premises temporarily for the purpose of a cigarette. Those leaving the premises under such circumstances shall be subject of a new search prior to re entry.

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

Licensing Officer Southwark Borough

☎ Phone: 0207 232 6155

☎ Mobile: 07525 410 811

☎ 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 Wesley McArthur **Date** 23rd December 09
Copies Regen, Lic
From Alan P. Blissett **Telephone** 020 7525 5766 **Fax** 020 7525 5728
Email Alan.Blissett@southwark.gov.uk

Subject Builder's Café 16 El;ephant & castle SE1 Our ref 420478

I refer to the application to vary premises licence received 14th December 2009, in respect of proposed extension of hours for regulated entertainment and refreshment until.

I am concerned that regulated entertainment until 04.30 on Friday, Saturday and Sunday mornings and opening until 0500 the same days may give rise to public nuisance and impact on the residents of Draper House, Sherston Court and the New Castle House once occupied. The present license does not provide adequate conditions to regulate this; and the applicant has not addressed additional measures to prevent public nuisance in the application.

I therefore object to this variation

Alan Blissett
Principal Environmental Protection Officer



LONDON FIRE
AND EMERGENCY
PLANNING AUTHORITY

1221
Fire Safety Regulation: South East Area 3
169 Union Street London SE1 0LL
T 020 8555 1200 x36500
F 020 8536 5924
Minicom 020 7960 3629
www.london-fire.gov.uk

The licensing Services Agency
16 Bengeo Street
Bengeo
Hertford
SG14 3ES

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 20 January 2010
Our Ref 91/182972

Dear Sir/Madam

LICENSING ACT 2003

Premises: Builders Café 16 Elephant & Castle London SE1 6TH

With reference to the application dated 11 December 2009, the Fire Authority, **does not propose to make any representation** to the Licensing Authority, provided that the premises are constructed and managed in accordance with the information supplied with your application.

This letter is without prejudice to the powers of the licensing authority and to any requirements or recommendations that may be made by enforcing authorities under other legislation. It is also without prejudice to any requirements or recommendations that may be made by this Authority under the Regulatory Reform (Fire Safety) Order 2005 or the Petroleum (Consolidation) Act 1928.. All alterations should comply with the appropriate provisions of the current Building Regulations.

Any queries regarding this letter should be addressed to the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours faithfully,


for Assistant Commissioner (Fire Safety Regulation)

Fire and Community Safety Directorate
firesafetyregulationSE@london-fire.gov.uk

cc.: Licensing Authority

Reply to Kevin Keown
Direct T 020 8555 1200 x57287
Direct F 020 8536 5924

RECEIVED
20 JAN 2010



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Item No.	Classification: Open	Date: 1 March 2010 - 10.00AM	MEETING NAME Licensing Sub-Committee
Report title:		LICENSING ACT 2003 – WABE SHEBELE, 189 – 191 NEW KENT ROAD, LONDON SE1 4AG	
Ward(s) or groups affected:		Premises are within: CHAUCER	
From:		Strategic Director of Environment & Housing	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Mustafa Arif to vary a premises licence granted under the Licensing Act 2003 in respect of the premises known as: Wabe Shebele, 189 – 191 New Kent Road, London SE1 4AG.
2. **Notes:**
 - *The application seeks to vary existing licensable activities held under current legislation in respect of the premises known as: Wabe Shebele 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 responsible authorities and is therefore referred to the sub-committee for determination;*
 - *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).*
 - *Paragraphs 17 & 18 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:
 - the sale of and supply of alcohol
 - the provision of regulated entertainment
 - 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
 - the prevention of crime and disorder;
 - the promotion of public safety;

- the prevention of nuisance; and
 - the protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to
- the Act itself;
 - the guidance to the act issued under section 182 of the Act;
 - secondary regulations issued under the Act;
 - the licensing authority's own statement of licensing policy;
 - the application, including the operating schedule submitted as part of the application;
 - 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 Wabe Shebele, 189 – 191 New Kent Road, London SE1 4AG was granted to the applicant on 18 November 2005. It allows the following licensable activities.
- **Live music, recorded music, performance of dance, entertainment similar, facilities for making music, facilities for dancing, entertainment similar**
Monday –Thursday from 09.00hrs - 01.00;

Friday and Saturday from 09.00hrs – 02.00hrs;
 Sunday from 09.00hrs – 23.00hrs

- **Late night refreshment:**
 Monday – Thursday from 23.00hrs – 01.30hrs;
 Friday and Saturday from 23.00hrs – 02.30hrs
- **Sale and Supply of alcohol on the premises:**
 Monday –Thursday from 11.00hrs - 01.00;
 Friday and Saturday from 11.00hrs – 02.00hrs
 Sunday 11.00hrs – 23.30

11. A copy of the existing premises licence is attached as appendix b.

The variation application

12. On 31 December 2009, Mustafa Arif applied to this council to vary the premises licence issued in respect of the premises known as Wabe Shebele, 189 – 191 New Kent Road, London SE1 4AG under section 34 of the Licensing Act 2003.

Details of the variation application

13. The variation application is summarized as follows:

- **To extend the hours for the provision of regulated entertainment (*live music, recorded music, performance of dance, anything similar*) and the provision of facilities (*for making music, for dancing and anything of a similar description*):**
 - Monday – Thursday from 01.00hrs - 05.00hrs
 - Friday and Saturday from 02.00hrs – 05.00hrs
 - Sunday from 23.00hrs – 04.00hrs
- **To extend the hours for the provision of late night refreshment**
 - Monday – Thursday from 01.00hrs - 05.00hrs
 - Friday and Saturday from 02.00hrs – 05.00hrs
 - Sunday from 23.00hrs – 03.00hrs
- **To extend the terminal hour for the sale and supply of alcohol on the premises:**
 - Monday – Thursday from 01.00hrs - 05.00hrs
 - Friday and Saturday from 02.00hrs – 05.00hrs
 - Sunday from 23.00hrs – 04.00hrs
- **The opening hours of the premises requested are**
 - Monday – Saturday from 09.00hrs to 05.30hrs
 - Sunday from 09.00hrs – 05.00hrs
- **Non standard timings (for requested activities)**

- Monday of Bank Holiday weekend, Christmas Eve, Boxing Day and New Years Eve to remain open until 06.00hrs

A copy of the application to vary the licence is attached to the report as appendix a.

14. The variation application form provides the applicant's operating schedule. Parts E, F, G, H, I, J, K, L, M and O set out the proposed operating hours in full.
15. 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

16. The designated premises supervisor under the existing premises licence is Mustafa Arif, who holds a personal licence issued by Southwark Council.

Representations from interested parties

17. There are six representations received from local residents. The representations are primarily concerned with the prevention of crime and disorder, public safety and the prevention of public nuisance. The representations are attached as appendix c to the report.

Representations from responsible authorities

18. There are two representations lodged by the Metropolitan Police and the council's Environmental Protection Team (EPT). The representation from the police outlines control measures that should be undertaken to reduce the risk of crime and disorder if the licence is granted. The representations are attached as appendix d to the report.

Conciliation

19. Due to time constraints it was not possible to arrange a conciliation meeting before the hearing. As such the application is being submitted for determination by the licensing sub-committee.

Additional information relating to the operation of the premises

20. The Environmental Enforcement Team received a number of complaints with regards to noise nuisance and this was witnessed by their officers.
21. A noise abatement notice was served on the premises on 23rd November 2009.
22. A fixed penalty notice was issued on 28th December 2009 after a statutory nuisance was witnessed.

The local area

23. A map of the local area is attached as appendix e. The following licensed premises are shown on the map:

- **Al Mustafa Spicy Chicken & Pizza**, 161 New Kent Road SE1 (licensed for late night refreshment Sun - Thurs 11.00hrs – midnight, Fri & Sat 11.00hrs – 01.00hrs)
- **Lo-Cost Supermarket**, 165-167 New Kent Road, SE1 (licensed for supply of alcohol off the premises Mon – Sun 07.00hrs – 01.00hrs)
- **New Kent Road General Store**, 179 New Kent Road, SE1 (licensed for supply of alcohol off the premises, Mon- Sun 08.00hrs – 02.00hrs)
- **Lebanese Grill**, 173 New Kent Road, SE1 (licensed for late night refreshment Mon – Sat, 11.00hrs – 02,00hrs; Sunday 11.00hrs – 01.00hrs)
- **Good Man Chinese**, 193 New Kent Road, SE17 (licensed for late night refreshment, Mon – Sun, 17.00hrs – 00.30hrs)
- **BP Newington Convenience Store**, 197 – 211 New Kent Road, SE1 (licensed for late night refreshment and supply of alcohol off the premises 24hrs)

Southwark Council statement of licensing policy

24. 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

- section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives
- 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
- section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998
- section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
- section 8 provides general guidance on ensuring public safety including safe capacities
- section 9 provides general guidance on the prevention of nuisance
- section 10 provides general guidance on the protection of children from harm.

25. 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

26. 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

27. 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 newspaper and a similar notice exhibited outside of the premises.

COMMUNITY IMPACT STATEMENT

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

CONCURRENT REPORT BY THE STRATEGIC DIRECTOR OF COMMUNITIES, LAW & GOVERNANCE

29. 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.
30. 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).
31. 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.
32. 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.
33. 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.
34. The principles that sub-committee members must apply are set out below.

Principles for making the determination

35. 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.
36. 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.

37. 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
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

38. 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

39. 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.

40. The four licensing objectives are

- the prevention of crime and disorder;
- public safety;
- the prevention of nuisance; and
- the protection of children from harm.

41. 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.

42. 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.

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

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

Reasons

45. 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

46. 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.
47. 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

48. 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.
49. 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.
50. 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.

51. 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.
52. 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

53. 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 pre-n file.	The Chaplin Centre, Thurlow Street, SE17 2DG	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 representations from interested parties
Appendix d	Copy of the representations from responsible authorities
Appendix e	Copy of the local area map

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment & Housing	
Report Author	Kristie Ashenden, Principal Licensing Officer	
Version	Final	
Dated	11 February 2010	
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 Team	11 February 2010	

Appendix A¹⁰

RECEIVED

31 DEC 2009

Southwark
Council

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 MR. M. ARIF
(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

9083

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

189-191 NEW KENT ROAD
ELEPHANT AND CASTEL

Post town

LONDON

Post code

SE1 4AG

Telephone number at premises (if any)

0207 378 9009

Non-domestic rateable value of premises

£

Part 2 – Applicant details

Daytime contact
telephone number

07889 054445

E-mail address (optional)

mustafatry@aol.com

Current postal address if different from premises address		1 st FLOOR FLAT 189 NEW KENT ROAD LONDON	
Post Town	LONDON	Postcode	SE1 4AG

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)

- Wabi Shebele Rest is located at the 189-191 New Kent Rd, Elephant & Castel, London, SE1 4AG and it serve the authentic Ethiopian food and alcohol.
- ~~4~~ - We would like to extend the alcohol and live music hours etc ---

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 checked="" 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 checked="" type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" 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 checked="" 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

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play 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"/>
				Both	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 3)	
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films 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 the exhibition of films (please read guidance note 4)			
Thur						
Fri						
Sat			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)			
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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>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</u> (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			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
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 checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	01:00	05:00			
Tue	01:00	05:00			
Wed	01:00	05:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	01:00	05:00	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)		
Fri	01:00	05:00			
Sat	02:00	05:00			
Sun	23:00	04:00	on manday, Tuesday, Wed, Thur. Retail alcohol & Live music 01:00 until 05:00 Bank Holiday		

Monday of Bankholiday s, Christmas Eve
 Boxing days and Newyear Eve, the
 Finish time shall extend until 06:00
 hours

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" 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	01:00	05:00			
Tue	01:00	05:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed	01:00	05:00			
Thur	01:00	05:00	<u>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</u> (please read guidance note 5) Monday of Bank holidays, Christmas EVE and Boxing day also New Years EVE, the Finish time shall extend until 06:00hours.		
Fri	02:00	05:00			
Sat	02:00	05:00			
Sun	23:00	04:00			

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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	01:00	05:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	01:00	05:00			
Wed	01:00	05:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	01:00	05:00			
Fri	02:00	05:00	<u>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</u> (please read guidance note 5) monday Bank holiday weekends, Christmas Eve, Boxing day and Newyears Eve, the finish time shall extend until 06:00 hours		
Sat	02:00	05:00			
Sun	23:00	04:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing traditional Ethiopian music.		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	01:00	05:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	01:00	05:00	Please give further details here (please read guidance note 3)		
Wed	01:00	05:00			
Thur	01:00	05:00			
Fri	02:00	05:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Sat	02:00	05:00	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 (please read guidance note 5) Monday of Bank holiday weekends, Christmas Eve, New Year Eve and Boxing Day, the Finish time shall extend until 06:00 hours		
Sun	23:00	04:00			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing Traditional Ethiopian music		
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	01:00	05:00			
Tue	01:00	05:00			
Wed	01:00	05:00	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur	01:00	05:00			
Fri	02:00	05:00	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 (please read guidance note 5)		
Sat	02:00	05:00	Monday of Bank Holiday weekends, Christmas Eve, New Year Eve and Boxing day, the Finish		
Sun	03:00	04:00	time shall extend until 06:00 hours		

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	Ethiopian traditional Dancers	
Mon	01:00	05:00	Please give further details here (please read guidance note 3)	
Tue	01:00	05:00		
Wed	01:00	05:00		
Thur	01:00	05:00	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Fri	02:00	05:00		
Sat	02:00	05:00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5) Monday of Bank holiday weekends, Christmas eve, Newyear eve and Boxing Day, the Finish time shall extend until 06:00 hours.	
Sun	23:00	04:00		

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)			Please give a description of the type of entertainment facility you will be providing Ethiopian Traditional live music.		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	01:00	05:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	01:00	05:00	Please give further details here (please read guidance note 3)		
Wed	01:00	05:00			
Thur	01:00	05:00			
Fri	02:00	05:00	State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)		
Sat	02:00	05:00	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 (please read guidance note 5) Monday of bank Holiday weekends, Christmas Eve, Boxing day and New year eve, the Finish time shall extend until 06:00 hours.		
Sun	23:00	04:00			

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	01:00	05:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	01:00	05:00			
Wed	01:00	05:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	01:00	05:00			
Fri	02:00	05:00	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) Monday of Bank holidays, Christmas Eve Boxing Day and New Year Eve, the Finish time shall extend until 06:00 hours.		
Sat	02:00	05:00			
Sun	23:00	04:00			

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	01:00	05:00	State any seasonal variations for the supply of alcohol (please read guidance note 4) 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). Monday of Bank Holiday weekends, Christmas Eve, Boxing Day and New Year Eve, the Finish time shall extend until 06:00 hours.	Both	<input type="checkbox"/>
Tue	01:00	05:00			
Wed	01:00	05:00			
Thur	01:00	05:00			
Fri	02:00	05:00			
Sat	02:00	05:00			
Sun	23:00	04:00			

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)

NO

0

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	05:30	
Tue	09:00	05:30	
Wed	09:00	05:30	
Thur	09:00	05:30	
Fri	09:00	05:30	
Sat	09:00	05:30	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) Monday of Bank holidays, Christmas eve, Boxing day and New year eve, the Finish time shall extend until 06:00 hours.
Sun	09:00	05:00	

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

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)

Locations of Fire safety and other safety equipment subject to change in accordance with the requirements of responsible authorities OR following a risk assessment.

b) The prevention of crime and disorder

- CCTV camera at the premises
- sale of alcohol is closing 30 minutes before the closing time on any day.
- toilets are checked regularly (security guards)
- after 23:00 hours all customer must be search by

c) Public safety

- Fire exit Call fire fighting equipment is serviced annually.
- CCTV camera
- Security guards every Friday, Saturday and Sunday after 23:00 hours.
- Premises has emergency lighting and exit signage.

d) The prevention of public nuisance

- outside CCTV is monitor 24 hours day.
- Notice to all customers to leave the premises very quietly. when they
- sound limiter and sound proof in the premises to cause minimal noise transmissions.

e) The protection of children from harm

- Childrens and ages under 21 are not allowed in the permises after 23:00 hours
- after 23:00 hour Proof of age should confirm to the Pass security Guards.

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	MR. M. ARIF - M arif
Date	30 TH - 12 - 2009
Capacity	PREMISES LICENCE HOLDER

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)

MR. M. ARIF
FIRST FLAT
189 NEW KENT ROAD

Post town	LONDON	Post code	SE1 4AG
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

130
Appendix B

**Licensing Act 2003
Premises Licence**



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

Premises licence number

9083

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Wabe Shebele Restaurant 189 New Kent Road London SE1 4AG Ground Floor Restaurant Ordnance survey map reference (if applicable), 178995 532587	
Post town London	Post code SE1 4AG
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence

EE Live Music
EF Recorded Music
EG Performance Of Dance
EH Entertainment Similar to EE, EF,EG
EI Facilities for Making Music
EJ Facilities for Dancing
EK Entertainment Similar to EI,EJ
LR Late Night Refreshment
RA Sale by retail of alcohol to be consumed on premises

The opening hours of the premises
For any non standard timings see Annex 2

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

The times the licence authorises the carrying out of licensable activities			
For any non standard timings see Annex 2			
Live Music	Monday	09:00	01:00
Live Music	Tuesday	09:00	01:00
Live Music	Wednesday	09:00	01:00
Live Music	Thursday	09:00	01:00
Live Music	Friday	09:00	02:00
Live Music	Saturday	09:00	02:00
Live Music	Sunday	09:00	23:00
Recorded Music	Monday	09:00	01:00
Recorded Music	Tuesday	09:00	01:00
Recorded Music	Wednesday	09:00	01:00
Recorded Music	Thursday	09:00	01:00
Recorded Music	Friday	09:00	02:00
Recorded Music	Saturday	09:00	02:00
Recorded Music	Sunday	09:00	23:00
Performance Of Dance	Monday	09:00	01:00
Performance Of Dance	Tuesday	09:00	01:00
Performance Of Dance	Wednesday	09:00	01:00
Performance Of Dance	Thursday	09:00	01:00
Performance Of Dance	Friday	09:00	02:00
Performance Of Dance	Saturday	09:00	02:00
Performance Of Dance	Sunday	09:00	23:00
Entertainment Similar to EE, EF,EG	Monday	09:00	01:00
Entertainment Similar to EE, EF,EG	Tuesday	09:00	01:00
Entertainment Similar to EE, EF,EG	Wednesday	09:00	01:00
Entertainment Similar to EE, EF,EG	Thursday	09:00	01:00
Entertainment Similar to EE, EF,EG	Friday	09:00	02:00
Entertainment Similar to EE, EF,EG	Saturday	09:00	02:00
Entertainment Similar to EE, EF,EG	Sunday	09:00	23:00
Facilities for Making Music	Monday	09:00	01:00
Facilities for Making Music	Tuesday	09:00	01:00
Facilities for Making Music	Wednesday	09:00	01:00
Facilities for Making Music	Thursday	09:00	01:00
Facilities for Making Music	Friday	09:00	02:00
Facilities for Making Music	Saturday	09:00	02:00
Facilities for Making Music	Sunday	09:00	23:00
Facilities for Dancing	Monday	09:00	01:00
Facilities for Dancing	Tuesday	09:00	01:00
Facilities for Dancing	Wednesday	09:00	01:00
Facilities for Dancing	Thursday	09:00	01:00
Facilities for Dancing	Friday	09:00	02:00
Facilities for Dancing	Saturday	09:00	02:00
Facilities for Dancing	Sunday	09:00	23:00
Entertainment Similar to EI,EJ	Monday	09:00	01:00
Entertainment Similar to EI,EJ	Tuesday	09:00	01:00
Entertainment Similar to EI,EJ	Wednesday	09:00	01:00
Entertainment Similar to EI,EJ	Thursday	09:00	01:00
Entertainment Similar to EI,EJ	Friday	09:00	02:00
Entertainment Similar to EI,EJ	Saturday	09:00	02:00
Entertainment Similar to EI,EJ	Sunday	09:00	23:00

Late Night Refreshment	Monday	23:00	01:30
Late Night Refreshment	Tuesday	23:00	01:30
Late Night Refreshment	Wednesday	23:00	01:30
Late Night Refreshment	Thursday	23:00	01:30
Late Night Refreshment	Friday	23:00	02:30
Late Night Refreshment	Saturday	23:00	02:30
Late Night Refreshment	Sunday	23:00	00:00
Sale by retail of alcohol to be consumed on premises	Monday	11:00	01:00
Sale by retail of alcohol to be consumed on premises	Tuesday	11:00	01:00
Sale by retail of alcohol to be consumed on premises	Wednesday	11:00	01:00
Sale by retail of alcohol to be consumed on premises	Thursday	11:00	01:00
Sale by retail of alcohol to be consumed on premises	Friday	11:00	02:00
Sale by retail of alcohol to be consumed on premises	Saturday	11:00	02:00
Sale by retail of alcohol to be consumed on premises	Sunday	11:00	23:30

Part 2

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

Mustafa Arif
 First Floor Flat
 189 New Kent Road
 London
 SE1 4AG
 07889 054445

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**

MR MUSTAFA ARIF
 First Floor Flat
 189 New Kent Road
 London
 SE1 4AG

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. 6041
 Authority code 00BE Authority L B Southwark

Licence Issue date 18 November 2005



Environmental Health and
 Trading Standards Manager
 Chaplin Centre
 Thurlow Street
 London SE17 2DG
 020 7525 5748
 licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

1000 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

1001 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

Annex 2 - Conditions consistent with the operating Schedule

2001 No statutory regulations for music and dancing shall apply so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, or of public entertainment by way of music and singing only which is produced solely by the reproduction of recorded sound is permitted.

2002 This licence provides for the provision of private music and dancing entertainment that is promoted for private gain

2100 a. Alcohol may be sold or supplied until midnight to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes, or in other parts of the premises, the hours set out above shall continue to apply.

b. Alcohol may be sold or supplied on

Christmas Day from 1500 to 1900 hours to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes, or in other parts of the premises, the hours set out above shall continue to apply

2800 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;

b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;

c. To a canteen or mess

3400 Alcohol may be sold or supplied:

a. On weekdays, other than Christmas day, Good Friday or New Year's Eve from 1100 to 0000 hours

b. On Sundays, other than Christmas Day or New Year's eve, and on Good Friday: 1200 to 2330 hours

c. On Christmas day: 1200 to 2330 hours

d. On New Year's eve, except on a Sunday, 1100 to 0000 hours

e. On New Year's Eve on a Sunday, 1200 to 2330 hours

f. On New Year's eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December)

4000 The premises shall not open to the public before 9.00.a.m. On Sundays, Good Fridays and Christmas Day the premises shall not open before 2.00.p.m. for the performance of plays.

4001 The premises shall not be kept open after 11.00.p.m. for music, music and dancing, boxing, wrestling or indoor sports or after midnight for plays and film exhibitions

4002 a. The relevant licence or a copy of it shall be prominently exhibited in a position where the public can easily read it. For the purpose of this condition the licence shall be interpreted to mean the licence document containing the conditions specific to the premises, including any accommodation limits.

b. A copy of the standard licence conditions shall be readily available to the Duty Manager.

c. The premises shall not be used for any purpose for which a licence is required unless specifically licensed for that purpose.

4003 Authorised officers who carry written authorizations and proof of identity, which they will produce on

request, shall be admitted immediately to all parts of the premises at all reasonable times.

4004 The Licensee shall not permit any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. This condition does not apply to exhibitions given under the provisions of Section 2(1a) and 5 of the Hypnotism Act 1952.

4011 a. The Licensee shall not permit an entertainment that involves special risks except with consent.

b. The Licensee shall not permit any performances especially for children except with consent.

c. The licensee shall not permit explosives or highly flammable substances to be brought onto the premises except with consent.

4012 a. The Licensee shall not permit the use of special effects, except with consent.

b. The Licensee shall give to the Council at least 10 days notice in writing of any proposal to use special effects. The notice shall include, save in exceptional circumstances, exact details of the proposal including the date and time when the special effects can be demonstrated.

4013 Compressed or liquefied gases shall not be used except with consent. At least 10 days notice in writing shall be given to the Council of any proposal to bring storage cylinders into the premises

4014 a. The Licensee shall ensure that the premises continue to comply with the Council's Technical Regulations.

b. No alterations shall be made to the approved arrangements without consent.

c. The Licensee shall, except with consent, retain control over all parts of the premises.

d. Either the licensee or the Duty Manager shall be in charge of and within the premises whenever the public are present. However, the Licensee remains responsible for the observance of all licensing conditions.

4015 The Licensee may authorize in writing a Duty Manager, who shall be at least 18 years old, to deputise for him. This written authorization shall be kept on the premises and shall be readily available for examination by any Authorised Officer. The Licensee must be satisfied that anyone appointed as a Duty Manager understands the need to comply with the conditions of the licence and is competent to perform the functions of Duty Manager.

4016 The Licensee (if an individual) and any Duty Manager shall

a. Have undertaken an approved training course leading to the possession of the BIIAAB Level 2 National Certificate for Entertainment Licensees, or

b. Possess an equivalent qualification, for example for concert halls, the National Vocational Qualification in Cultural Venue Administration (Level 3) or

c. Be able to demonstrate to the satisfaction of the Council that he possess all relevant knowledge and experience

4017 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.

4018 a. The Licensee shall cause a Fire log-book to be kept.

b. Any authorized officer shall be entitled to obtain a photocopy of any page(s) of the log-book.

4019 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. This Condition does not apply to any premises that are being used for a closely seated audience.

4020 Dancing shall be restricted to the areas designated by the Council.

4021 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.

4022 1. The approved arrangements shall be maintained in good condition and in full working order. Fire fighting equipment, the fire alarm warning system and any smoke ventilators shall be maintained as follows:-

i) Fire Fighting Equipment.

a) The approved fire-fighting equipment shall be kept in the approved positions and be maintained in satisfactory working order, unobstructed and available for immediate use;

b) All fire fighting equipment shall be checked weekly. Note: The Council may consent to the variation of the frequency of checks where the premises are used infrequently and this will not endanger safety;

c) Portable fire-fighting equipment shall be inspected at least once a year in accordance with BS 5306-3 and recharged where necessary in compliance with the manufacturer's instructions. The date of inspection shall be clearly marked on the appliance or a stout tab securely attached to it and recorded in the fire log book;

d) Hose reels, drenchers and sprinklers shall be inspected in accordance with BS 5306 once a year to ensure that they are in working order. The date of the inspection shall be clearly marked on the control valves and recorded in the fire log book; and

e) For details of the certificates to be provided see condition 4045.

ii) Fire-alarm warning system

a) Any fire-alarm warning system shall be maintained in satisfactory working order;

b) The system shall be tested weekly. Note: The Council may consent to the variation of frequency of tests where the premises are used infrequently and this will not endanger safety;

c) All checks, tests and inspections shall be recorded in the fire log book; and

d) For details of the certificates to be provided see condition 4045.

iii) Smoke ventilators

a) Any smoke ventilators shall be maintained in satisfactory working order;

b) Any smoke ventilators shall be tested at least every 3 months;

c) For details of the certificates to be provided see condition 4045.

2. No alterations (including temporary alterations) shall be made except with the consent of the Council.

4023 The Licensee shall ensure that all performances or activities minimize any danger to the public.

4024 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.

4025 The Licensee / Duty Manager shall ensure that all necessary safety checks have been carried out

before the admission of the public. Details of the checks shall be entered in the Fire log-book; this may be by use of a separate check list.

4026 a.All escape routes and exits including external exits shall be maintained unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.

b.All exits door shall be available and easily operable without the use of a key, card, code or similar means. Only approved fastenings shall be used.

c.Any removable security fastening shall be removed from the doors prior to opening the premises to the public. All such fastenings shall be kept in the approved positions.

d.If required, exit doors shall be secured in the fully open position when the public are present.

e.All fire-doors shall be maintained effectively self-closing and shall not be held open other than by approved devices.

f.Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut.

g.The edges of treads of steps and stairways shall be maintained so as to be conspicuous.

4027 a.Hangings, curtains and temporary decorations shall be maintained fire-retarded

b.Any upholstered seating shall continue to meet the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS5852;1990

4028 a.Any scenery shall be maintained flame-retarded in accordance with Additional Conditions S

b.Temporary decorations shall not be provided except with consent. When seeking consent for temporary decorations the Licensee shall advise the Council of the period for which it is desired to retain them

c.Curtains, hangings and temporary decorations shall be arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.

4029 The Licensee / Duty manager shall ensure that the accommodation limit(s) specified on the licence are not exceeded and shall be aware of the number of the public on the premises. This information shall be provided to any authorized officer immediately on request.

4030 Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade can be summoned, shall be prominently displayed and shall be protected from damage or deterioration.

4031 The fire brigade shall be called at once to any outbreak or suspected outbreak of fire, however, slight, and the details recorded in the fire log-book.

4032 The Licensee / Duty manager shall have readily available the telephone number of the local Fire Control Centre. The Licensee / Duty Manager shall notify the local Fire Control Centre as soon as possible if he is aware that the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut-off or restricted.

4033 Refuse receptacles shall be emptied regularly.

4034 Access for emergency vehicles shall be kept clear and free from obstruction.

4035 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.

4036 a.Toilet accommodation shall be provided free of charge and be kept clean and in proper working order.

b.An adequate supply of hot and cold (or warm) water, toilet paper in holders or dispensers, soap and suitable hand and face drying facilities shall be provided in toilet accommodation.

4037 Where free drinking water is provided for the public, it shall, except with the consent of the Council, only be provided in a supervised area.

4038 a. Heating apparatus shall be maintained in a safe and functioning condition.

b. Portable heating or cooking appliances shall not be used except with consent.

4039 If required, a competent person shall be in charge of the electrical or other installation.

4040 a. In the absence of adequate daylight the management lighting in any area accessible to the public shall be fully in operation whilst the public are present.

b. Except as permitted under d. below there shall be adequate illumination to enable people to see their way out of the premises

c. Fire safety signs shall be adequately illuminated except as permitted under d. below.

d. of essential to the entertainment and subject to consent, the management lighting in the entertainment area may be reduced or extinguished provided

(i) the lighting be controlled from a position with a clear view of the entertainment area; and

(ii) An operator remain by the controls whilst the lighting is reduced or extinguished; and

(iii) The operator restore the management lighting at once in the event of any emergency; and

(iv) The escape route signs remain adequately illuminated.

4041 a. The emergency lighting battery shall be fully charged before the admission of the public.

b. The emergency lighting battery shall be fully charged before the admission of the public

c. In the event of failure of the normal lighting

(i) If the emergency lighting battery has a one hour capacity the public shall leave the premises within 20 minutes unless within that time the normal lighting has been restored and the battery is being re-charged; or

(ii) If the emergency lighting battery has a 3 hour capacity the public shall leave the premises within one hour unless within that time the normal lighting has been restored and the battery is being re-charged.

d. The public shall not be re-admitted to the premises until the normal lighting has been fully restored and the battery fully recharged except

(i) Where the emergency lighting battery has a one hour capacity and if the failure of the normal lighting was fully rectified within 20 minutes of failure and the battery is being re-charged; or

(ii) Where the emergency lighting battery has a 3 hour capacity and if the failure of the normal lighting was fully rectified within one hour of failure and the battery is being re-charged.

4042 a. Temporary electrical wiring and distribution systems shall not be provided without notification being given to the Council at least 10 days before the commencement of the work.

b. Temporary electrical wiring and distribution systems shall be inspected and certified before they are put in use. A copy of the certificate shall be sent to the Council as soon as possible.

c. Temporary electrical wiring and distribution systems shall be provided only for a period of up to 3 months. This period may be extended subject to a satisfactory electrical test and inspection report being submitted to the Council at the end of each 3 month period.

4043 a. The premises shall be effectively ventilated.

b. Where the ventilation system is designed to maintain a positive air pressure within that part of the premises, that pressure shall be maintained whenever the public are present in that part of the premises.

4044 a. Ventilation ducting and other shafts shall be kept clean.

b. Any air filters shall be periodically cleaned or replaced so as to maintain a satisfactory air supply.

c. All interior surfaces of extract ventilation ducting serving kitchens and serveries shall be thoroughly

cleaned as frequently as necessary to prevent the accumulation of grease and fat and at least once per year.

d. Grease filters in extract ventilation hoods in kitchens and serveries shall be cleaned weekly or at other intervals as required.

4045 a) The following certificates shall be submitted to the Council at least once a year unless stated otherwise below. Note: Where a certificate covers a period of more than one year it will be sufficient to submit a photocopy of the certificate each year that the certificate remains valid.

i) Battery - The emergency lighting battery (including any self contained units) and associated control equipment. The inspection of the battery and control equipment shall be in accordance with BS 5266-1. The certificate shall be signed by a Corporate Member of the Institution of Electrical Engineers or a member of the Electrical Contractors Association or by a contractor enrolled with the National Inspection Council for Electrical Installation Contracting or, with consent, another competent person.

ii) Electrical installation - The entire electrical installation (including the emergency lighting installation but excluding any battery). The inspection shall be in accordance with Guidance Note 3 to BS 7671. In large or complex premises the electrical installation shall be visually inspected once a year and at least 20% of the installation tested in accordance with a programme approved by the Council such that the whole installation is tested every 5 years. The certificate shall be signed by a Corporate Member of the Institution of Electrical Engineers or a member of the Electrical Contractors Association or by a contractor enrolled with the National Inspection Council for Electrical Installation Contracting or, with consent, another competent person.

iii) Boilers and calorifiers - Any steam boiler, any electrode boiler working on a closed water system or any calorifier incorporating a steam receiver. A boiler insurance company shall issue the certificate of thorough examination and test;

iv) Fire alarm warning system - Confirmation from a fire alarm company or, with consent, another competent person that the fire alarm warning system continues to satisfy the requirements of BS 5839;

v) Fire fighting equipment - All portable fire-fighting equipment together with any hose reels or sprinklers in accordance with BS 5306;

vi) Mechanical installations - Any passenger lifts or escalators. All lifting equipment and permanently suspended equipment (These certificates should be copies of the records of examination provided under the Lifting Operations and Lifting Equipment Regulations 1998. Any permanently suspended loads, such as permanently installed stage lighting luminaires or loudspeakers or flown cinema screens, shall be treated as forming part of the lifting equipment installation and be examined by the competent person making the examination). The safety curtain, its operating gear and controls, the smoke ventilators and drencher. Any other mechanical installation (for example, stage, orchestra or organ lifts, revolving or moving platforms) if required.

vii) Lasers - Any permanently installed lasers, other than Class 1 and Class 2 lasers;

viii) Special effects - Permanently installed smoke machines, fog generators and strobe lighting;

ix) Ceilings - Ceilings and ornamental plaster; and

x) Gas installation - Any gas installation and gas appliances, if required. A member of the Council for registered Gas installers (CORGI) shall complete the certificate.

4300 The Licensee shall not permit conduct on the premises that is likely to cause disorder or a breach of the peace or drug misuse. In particular the licensee shall ensure that none of the following shall take place

a) indecent behaviour, including sexual intercourse, except as permitted by the Theatres Act 1968;

b) the offer of any sexual or other indecent service for reward;

c) acts of violence against person or property and / or the attempt or threat of such acts; and

d) unlawful possession and / or supply of drugs controlled by the Misuse of Drugs Act 1971.

7100 That the maximum number of persons that may be accommodated on the premises at any one time shall not exceed 100 (One Hundred)

8002 That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner

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

Annex 4 - Plans

As attached

Appendix C

New Kent Road
LONDON
SE7

Tel: 020

Mobile:

email:

[@yahoo.co.uk](mailto: @yahoo.co.uk)

The Licensing Service
C/O Southwark Environmental Health and Trading Standards
The Chaplin Centre
Thurlow Street
London
SE17 2DG

20 January 2010

Dear Sir or Madam,

RECEIVED
25 JAN 2010

Proposed Extension of Licence of the WABI SHEBELE Restaurant SE1

We are Freeholders of Number [redacted] New Kent Road, virtually directly opposite the Wabi Shebele restaurant. Having let our property for six years we moved in July 2006.

Our bedrooms tend to be at the back of our house but my study faces the restaurant's front door.

Since 2006, our experience is that several, <5 of our nights' sleep has been interrupted by noise from the restaurant or more usually by the noise emanating from the pavement outside.

What certainly is a nuisance is the detritus of their revelry left on the pavement in the mornings. This amounts to several tens or hundreds of cigarette ends and not infrequently vomitus on the pavement. I have watched the assiduous road cleaner spending much time picking up these cigarette ends and the pigeons cleaning up the vomitus.

The prospect of further extension of the licence in the morning and into the next morning fills me with great concern. Extra hours of drinking will produce even more disinhibited drunken people all more likely to transgress normal behaviour patterns and increase the likelihood of

fights, punch-ups or worse. This could occur within the confines of the restaurant or more likely on the pavement outside.

From our personal perspective, it is unlikely that our disturbance will be other than noise in the early or even later hours but there always remains the threat that trouble on the pavement outside the restaurant could spill over into our houses.

Southwark Council is committed to improve the Elephant and Castle of which we are an easterly extension with a few of the original Georgian buildings left intact. We should hope that the Wabi Shebele should look to the future and adjust their profile rather than attempt to offer alcohol for 20 hours per day at the same time that much of government and the Royal College of Physicians are hell bent on reducing alcohol abuse because of its detrimental effects.

I strongly support the pleas by the immediate neighbours of the restaurant in their reasons for the extension to be resisted as far as is possible within the law.

Yours sincerely,

New Kent Road London SE1 4AG
(44) 020' @btinternet.com

Objection to Mustafa Arif's Application to extend licensing hours for the Wabi Shebele Resataurant at 189 New Kent Rd – Licence Number 831231

Reasons for my objection

Prevention of crime and disorder & Ensuring public safety (reasons 1 & 2)

There have been repeated breaches of this licence in terms of the hours of closing. Routinely I have heard, from my bedroom, music and singing going on past 3 am at weekends. If the licensing hours were imposed by the Council in the interests of good order and public safety then a breach of these hours can be seen as a threat to good order and public safety.

Prevention of nuisance (reason 3)

This restaurant, even with its current licensing hours, has caused a lot of nuisance because Ethiopian entertainment evidently requires very loud music. The enclosed petition, signed last year by ourselves at 185 New Kent Road and nearby neighbours, lists the nuisance we have suffered. To extend the hours, as requested, could be expected to extend the nuisance.

Protection of children from harm (reason 4)

Pupils from the local school gather in considerable numbers in the afternoon on the segment of the pavement that includes the shop at 179, our frontage and the entrance to the restaurant at 189. Present concerns with alcohol use might support the view that a drinking shop licensed by the Council for most of the day and night will be giving an awkward and inappropriate message to young people.

Signature:

Date:

[Handwritten signature]
21st January 2010

147
COPY sent with Objector 21/1/10

Southwark Council
Town Hall, Peckham Road, London SE5 8UB

October 2009

Dear Sirs

Re: Nuisance caused by Noise Pollution from Wabi Shebele Restaurant at 189-191 New Kent Road
("the Restaurant")

There has been earlier correspondence and complaints about the noise, in particular loud music, which emanates from the Restaurant at unsociable hours. Unfortunately, it is necessary to write again as despite various complaints, the nuisance continues. This time this takes the form of a letter signed by local residents who are affected.

We, the undersigned, all live near to the Restaurant. We believe that the owner of the Restaurant has wrongfully caused or permitted excessive noise to emanate from the Restaurant interfering with neighbouring residents' enjoyment of their properties. In particular:

1. Music from the Restaurant is loud and continuous. It persists on most Fridays, Saturdays, Sundays and until Monday mornings (usually 3 or 4 times per week) and regularly continues until 4 am but occasionally even later. It usually commences at about 11.00 p.m. This has been the case for the last few years as has been reported to the Council and the Licensing authority since September 2005 or earlier

2. The music is loud and causes a nuisance to nearby residents as it affects the peaceable and quiet enjoyment of residents' properties. It regularly wakes the nearby residents up at various hours in the early morning and may prohibit the possibility of a proper night's sleep. This is most unsatisfactory, particularly bearing in mind the nuisance is not always confined to weekends

3. The Restaurant's patrons are routinely noisy on the pavement outside the Restaurant near to where their cars are parked on the New Kent Road. There have been bouts of fighting, which is disturbing in the middle of the night, again constituting a nuisance

4. There have been repeated complaints to the Southwark Council 24-hour Noise Control Team - which involves having to wait up for an hour or more in the middle of the night for a representative to attend to "witness" the noise. The team now seems to have concluded that the noise is a nuisance and qualifies for action only if they can observe it after midnight and if it can be heard in the street outside the restaurant. We, the undersigned, do not understand this conclusion as the noise (i.e. the extremely loud music) that causes the nuisance is rarely heard on the pavement of the New Kent Road but is noise transmitted through the structure of the neighbouring buildings and also airborne noise behind the Restaurant - that is the space between the backs of the buildings in County Street and the New Kent Road. Please note that the owners of County Street (some way behind the Restaurant) have signed this letter and have regularly telephoned the Noise Team complaining about the nuisance.

5. When asked to control the nuisance, the Restaurant may often respond politely but in the negative, claiming that a wedding party is responsible for the noise nuisance rather than the Restaurant itself (although this music emanates from the Restaurant's sound system presumably controlled by the Restaurant rather than their patrons).

This letter is intended to bring to your attention the number of local residents affected by the nuisance caused by the Restaurant and provide particulars of some of their concerns. We urge you to take effective steps to address the problem. If, however, the Council fails to take any substantive action, we shall have to consider taking legal action.

Thank you for your attention

Copies to

Environmental Enforcement Team, The Chaplin Centre, Thurlow Street, London SE17 2DG
Councillor Tim McNally, Councillor Mackie Sheik, Councillor Lorraine Zuleta

RECEIVED
7 5 JAN 2010

Ground Floor + Mezzanine

Postal Address Owner / Occupier ~~Contact Address~~

County Street, London SE1

Signature.

Date 05.10.09

Postal Address Owner / Occupier Contact Address

First Floor Flat, County Street, London SE1.

Signature.

Date 5th October 2009

Postal Address Owner / Occupier Contact Address

F.F.F., County Street, London SE1 4AD

Signature.

Date 05.10.09

Postal Address ~~Owner~~ Occupier ~~Contact Address~~

COUNTY ST. LONDON SE1

Signature.

Date 06.10.09.

Postal Address Owner / Occupier Contact Address

COUNTY ST LONDON SE1 4AD

Signature.

Date 16/10/09

Postal Address Owner / Occupier Contact Address

NEW KENT ROAD LONDON SE1 (GROUND FLOOR FLAT)

Signature.

Date 28/10/09

Postal Address Owner / Occupier Contact Address


Signature.

Date

Postal Address
NEW KENT RD.
LONDON SE1 4AQ

Owner / Occupier
(GROUND FLOOR FLAT)

Contact Address
@hotmail.com

Signature. 

Date 3/10/09

Postal Address
New Kent Rd

Owner / Occupier

Contact Address
btinternet.com

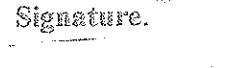
Signature. 

Date 14/10/09

Postal Address
NEW KENT RD
SE1

Owner / Occupier

Contact Address


Signature. 

Date 05/10/09

Postal Address
New Kent Rd
SE1

Owner / Occupier

Contact Address


Signature. 

Date

Postal Address
New Kent Road

Owner / Occupier

Contact Address

Signature. 

Date 06 10 09

Postal Address

Owner / Occupier

Contact Address

Signature.

Date

Postal Address

Owner / Occupier

Contact Address

Signature.

Date

County Street
London
SE1 4AD

26 January 2010

Southwark Licensing Team
Chaplin Centre
Thurlon Street
London
SE17 2DG

BY RECORDED DELIVERY AND BY E-MAIL: licensing@southwark.gov.uk

Dear Sir

Licence Number 831231

Wabe Shebele Restaurant 189 New Kent Road ("the Restaurant")
Mustafa Arif ("the Applicant")

We are writing, as interested parties, with reference to the above application for a variation to the Premises Licence at the Restaurant as lodged by the Applicant. We object to the proposed variation to the Licence.

We [redacted] are the owners of the first floor flat at [redacted] County Street, London, SE1 [redacted] ("the Flat") [redacted] is the freehold owner of [redacted] County Street which includes some commercial space ("the Commercial Space"), currently rented to [redacted]. [redacted] is a director and shareholder of [redacted].

This letter opposing the application for an extension to the Premises Licence at the Restaurant is therefore made by each of the following interested parties, each of which have valid reasons for opposing the application:

- The leasehold owners of the Flat. [redacted]
- The freehold owner of [redacted] County Street [redacted]
- The tenant of the Commercial Space at [redacted] County Street: [redacted]

We purchased [redacted] County Street in October 2007 and have, since that date used the Flat as our only residence and the Commercial Space as the sole place of business from which [redacted] operates. Since the date of purchase until approximately end of November 2009, we have, on average been awoken by music emanating from the Restaurant at least 3 or 4 times per week. The music was loud, constant and ordinarily persisted until at least 4.00 a.m. causing us a nuisance. We were regularly awoken and kept awake by the loud music such that, we often had to move out of our bedroom in the middle of the night (regularly on weekdays) and sleep in the living area to avoid the noise. The Premises Licence that was granted on 18 November 2005 was therefore regularly breached without enforcement. On occasion, we reported the noise to Southwark Council Environmental Team who we are sure

can verify this. We are therefore not confident that the harm caused by the Restaurant's activities can be appropriately controlled by the use of conditions.

Turning to the application, we believe that the application does not promote the licensing objectives set out under the Licensing Act 2003 for the following reasons:

1 **The Prevention of Crime and Disorder-** The Applicant seeks an extension to the Premises Licence to allow it to open between 9.00 a.m. and 5.30 a.m. (Monday to Saturday- 20.5 hours per day) and 9.00 a.m. and 5.00 a.m. on Sundays (some 20 hours per day). The Applicant wishes the Premises to be able to provide, inter alia, entertainment such as dance, facilities for dancing, live music and recorded music between 9.00 a.m. and 5.00 a.m. (Monday to Saturday- 20 hours per day) and 9.00 a.m. to 4.00 a.m. on Sundays (19 hours per day). The Applicant wishes the Premises to be allowed to provide late night refreshments during the same operating hours and serve alcohol from 11.00 a.m. to 5.00 a.m. (Monday to Saturday- 18 hours per day) and 11.00 a.m. to 4.00 a.m. on Sundays (17 hours per day). We believe that the proposed extension will only serve to lead to violence, so often exacerbated by excessive alcohol consumption, criminal damage and littering. We are aware that there have been previous incidents of violence, criminal damage and littering caused by patrons of the Restaurant and would only expect the frequency of such incidents to increase. We are also aware of incidents of patrons urinating and fouling in the doorways of nearby properties.

2 **Public Safety-** the Restaurant is situated on one of the main roads into London with heavy traffic at all hours of the day. People under the influence of alcohol may wander onto the road and cause an accident.

The Restaurant is situated in a built-up area, primarily residential area, adjoining a number of properties, and therefore, in the event of fire, would increase the risk to public safety as the risk cannot be confined to the Restaurant. It is worth noting, in this regard, that there is a petrol station nearby.

Similarly, people under the influence of alcohol may intimidate passers-by and neighbouring occupiers, as well as making people feel threatened. Indeed, this may make people less willing to complain about the disturbance.

We live in a dead-end street and there are already undesirable people who enter the street, so as not to be disturbed, in order to engage in criminal activities. If the licence was extended, so too would the number of undesirable people visiting our street increase, making us fear our own safety and the safety of our home and business both during the day and at night.

3 **The Prevention of Nuisance-** we have already been subjected to regular and constant noise nuisance emanating from the Restaurant. The nuisance to date has regularly interrupted our sleep (during the week as well as weekends). We do not feel comfortable going round to the Restaurant at the time of the noise (usually from approximately 12.00 a.m. to 4.30 a.m. on Fridays, Saturdays, Sundays and Mondays) (clearly in breach of the Restaurant's current licence) as we feel intimidated. We have not suffered noise nuisance since December 2009 which we presume, in part, was as a result of action taken by the Council and, in part an attempt by the Applicant to reduce the grounds for objecting to the Applicant's application. Going forward, if the licence was extended, further nuisance would be caused and would also affect Covent Garden Plants Limited's business deleteriously as the noise would be suffered by its employees

during normal working hours thereby inhibiting, their ability to work without disturbance.

- 4 **The Protection of Children from Harm-** there are a number of schools nearby and therefore, a large volume of children pass by the Premises on a daily basis. We would have thought that, if alcohol is served at the Premises for some 18 hours per day (and loud music and dance entertainment provided for some 20 hours per day), there would be an increased risk to children as it is well documented that excessive alcohol consumption can be a cause of violence. Children passing by the Restaurant on a daily basis may get caught in the cross-fire.

Additionally, children passing by the Restaurant may be tempted to enter the Premises to listen to the music, dance and buy alcohol instead of going to school.

We also believe there are children living near the Restaurant who would be disturbed by the noise emanating from the Restaurant and their sleep further compromised.

We hope that the application will be refused accordingly.

Yours sincerely



Ground Floor Flat
New Kent Road, SE1 4AG

Signature:



Ground Floor Flat
New Kent Road, SE1 4AG

Signature:



January 17th 2010

Applicant: Mr. M Arif
Premises: Wabi Shebele Ltd, 189-191 New Kent Road, London SE1 4AG
Licence Number: 831231

Objection to Mustafa Arif's proposed extension to the license for the Wabi Shebele

We object for the reasons of prevention of nuisance (reason 3), the prevention of crime and disorder (reason 1) and public safety (reason 2).

Prevention of nuisance (reason 3)

For several nights every week the Wabi Shebele plays loud music which renders us unable to sleep in our bedroom and we have been unable to resolve this issue through the council, despite repeated effort over the past 3 years. Our bedroom shares a party wall with the Wabi Shebele.

We have been complaining to the council regarding noise nuisance since we moved in to our ground floor flat during September 2007, and the situation for us is not much improved since then. Every weekend we have loud live and recorded music playing through our bedroom wall. Whilst we have frequently complained to the Southwark Council Noise Team, and they have issued several noise abatement orders on the Wabi Shebele, there is only so much one can do without causing hostility with one's neighbours.

There have been promises both from the Southwark Council Noise Team and the Wabi Shebele management that a music level device will be calibrated by a member of the Noise Team. This has been promised since September 2007 and as yet has not happened. On Friday, Saturday & Sunday night when the music is playing we generally have to sleep in our lounge and not in our bedroom, because the music is easily loud enough to penetrate ear plugs. Our peaceful enjoyment of a decent nights sleep is not severely compromised by this, but in fact ruined. Sleeping in our lounge is obviously not an ideal solution to our problem, both due to the constant traffic of vehicles and people on the New Kent Road, and also because during opening hours the customers of the Wabi Shebele often loiter outside our window to take a break from the club, and there is frequently lively conversation amongst them occurring outside. The only thing that makes this almost bearable is the knowledge that it is currently "only" during three nights of the week.

Lic 831231

We have also had assurances in the past from Mr Arif, the proprietor and licence holder of the Wabi Shebele that a sound engineer will take a look at his premises to discover why our property is so affected by his establishment but as yet this has also not happened.

Prevention of crime and disorder (reason 1)

The Wabi Shebele is continually indifferent their current licence and remains open for trade on Friday nights until 3am and Saturday nights until 330am. On the evidence of these clear breaches of licence we are strongly concerned that an extension to their current opening hours will mean that they simply open and close for business whenever they please.

Up until Christmas 2009, the Wabi Shebele was open on a Friday night until 4am, Saturday night until 4am and Sunday was generally 3-4am (although we have been kept awake on a Sunday night until 5am in the past). Mr Arif has temporarily ensured that the loud music no longer happens on a Sunday night but the Friday and Saturday hours continue. These existing opening hours show blatant disregard for their current licence. We have frequently called the Noise Team out to witness and corroborate these timings.

Public Safety (reason 2)

When the Wabi Shebele is open for trade, there is frequent fighting amongst the customers on the public street, often amongst large groups, and semi constant use of our front door as a urinal. This makes our local area extremely unpleasant and intimidating throughout the weekend.

The consequences of the premises at 189 New Kent Road being open until 5am virtually every night of the week would be that we will not be able to sleep in our own bed unless something drastic is done about the sound problems. Given that this has not happened in over 3 years, we are extremely doubtful that it will in the future. We also fail to see how staying open until the early hours of the morning every night of the week is in the interest of the area, or that it will improve the environment for the local residents.

To: Richard Parkins/Head of licensing
Southwark Council
Fax: 7525 5705

From: The Balfour Street Community Group
c/o [redacted] New Kent Road, London SE1
Tel/Fax: 020 7 [redacted]

25.01.2010, 1 page

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Sir,

Re: Complaint against new licence/license renewal for restaurant
Wabele Schebele, 191 New Kent Road, SE1

The Balfour Street Community Group encompasses 16 addresses (nos
1-8 Balfour Mews, SE17 1PU and 156 to 170 New Kent Road, SE1 4YS).

We would like to object to new licence/renewal of old licence for the
restauant opposite us on New Kent Road called Wabele Schebele on the
grounds of noise pollution. The new license should not be extended to
the early morning hours such as 4.00 am... as demanded by the owner
of the restaurant.

Yours faithfully

Appendix D

MEMO: Environmental Protection Team

To	Regen Licensing	Date	26 January 2010	
Copies				
From	Debbie Lawless	Telephone	020 7525 5759	Fax 020 7525 5728
Email	debra.lawless@southwark.gov.uk			

Subject **Licensing Act 2003-Wabi Shebele Restaurant, 189-191 New Kent Road London SE1 4AG Ref: 423747**

The applicant's proposals if granted will allow for the premises to operate with both live and recorded music based entertainment on Sunday until Saturday until 05.00 hours and 04.00 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: Party wall with adjoining residential premises
- The sound system is equipped with sound limitation device –was reset by Environmental Protection Team on 26/1/2010 after Mr Arif admitted tampering with the sound limiting device.
- admission of new customers/ re-entry of patrons after 00.00 hour until the terminal hour is likely to rise to public nuisance.
- Dispersal of customers during the hours 01.00 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 00.00 until 0800 day following, may give rise to nuisance.
- Operation of the cooking extract system after 00.00 may give rise to nuisance
- The use of smoking area by smokers taking drinks outside may give rise public nuisance.

In addition to the above, the premises has a history of noise nuisance detailed below:-

- A noise abatement Notice was served on the premises on 23/11/2009
- A fixed penalty notice was issued on 28/12/2009 after a statutory nuisance was witnessed.

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

Your reference: .



Our reference: MD/21/2010

Date: 5th January 2010

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 – 6210 Fax6282

Dear Sir/Madam

Wabi Shebele 189-191 New Kent Road Se1 4AG

Police are in receipt of an application from the above to vary the existing Premises Licence for which I have the following representation to make.

The applicant has applied for a significant increase in the permitted hours for the premises to be open to the public and sale and supply of alcohol. The premises although located on a busy thoroughfare is within close proximity of many dwellings and as a consequence additional control measures would be required to ensure that there would be no detrimental effect upon the local community and indicate that the management of the premises have given sufficient consideration to the four main licensing objectives.

Regrettably section P of the application form which details how the applicant would promote the four licensing objectives has not been satisfactorily completed, which would indicate that the applicant has failed to give them sufficient consideration. Police require the applicant to address this shortcoming before further consideration could be given to this application.

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

1. That SIA registered Door Supervisor, shall be employed at all times after 22.00hrs and the terminal hour that the premises are in use under this licence and provided with Hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their

- assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
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.
 9. That the Premises Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch Scheme should there be one in existence for the area in which the premises is located.
 10. Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Those who do temporarily leave for this reason shall be the subjected to the requirement of a further search.
 11. The premises install a computer based identification entry system I.E Clubscan or similar and that details of all persons, including staff are passed through the system prior to being permitted entry to the premises.

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.

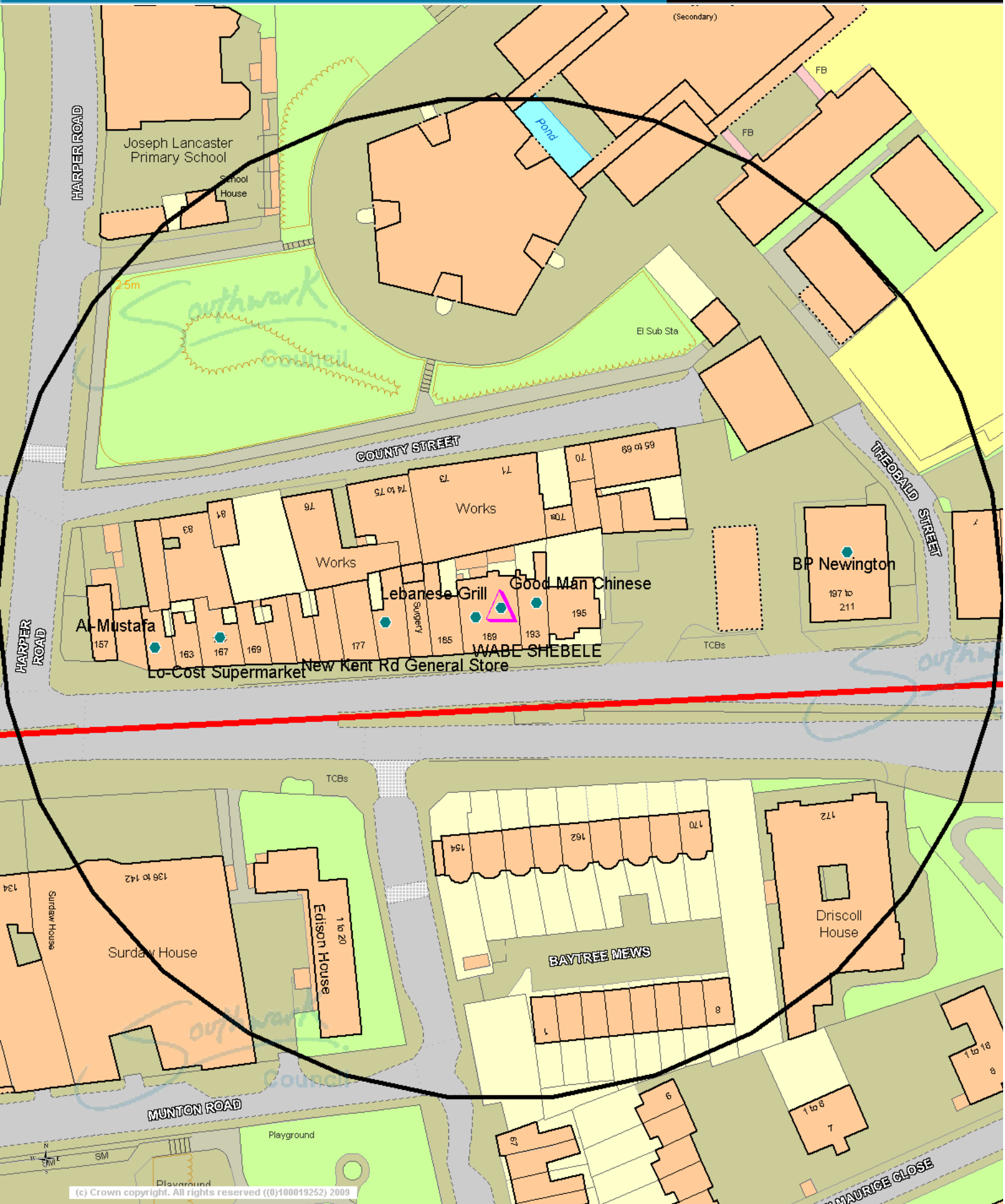
Paul Compton PC294MD

Licensing Officer (Southwark North)

☎ Phone: 0207 232 6210

☎ Mobile: 07990901483

Date 12/2/2010



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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: 1 March 2010</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 (Chair) Councillor Sandra Rhule Councillor Mackie Sheik Councillor Althea Smith (Reserve)</p> <p>Officers</p> <p>Felix Rechtman, Legal Services, Tooley Street Sean Usher, Floor 2, Tooley Street (Hub 4) (2 copies) Kristie Ashenden , Licensing Unit Debra Lawless, Environmental Protection Team Alan Blissett, Environmental Protection Team</p> <p>Ward Councillors (Notified by Email)</p> <p>Newington and Chaucer Wards</p> <p>Councillor Caroline Pidgeon (1 hard copy)</p>	<p>Applicants and Interested Parties</p> <p>Builders Cafe, 16 Elephant & Castle, London SE1 6TH</p> <p>Licensing Services Agency, 16 Bengeo Street, Hertford Hertfordshire, SG14 3ES</p> <p>Wabe-Shebele, 189-191 New Kent Road, London SE1 4AG</p> <p>Mr M Arif, 1st Floor Flat, 189 New Kent Road, London SE1 4AG</p> <p>Local residents/Objectors</p> <p>On File</p>
<p>Total Copies to be printed: 37</p> <p><u>PLEASE BRING YOUR PAPERS TO THE MEETING.</u></p>	<p>Total copies to be circulated: 31</p> <p>All spares to be delivered to Sean Usher, Room 216, Town Hall</p> <p>Day of Despatch: 19 February 2010</p>