

Licensing Sub-Committee

Monday 26 April 2010
10.00 am
Town Hall, Peckham Road, London SE5 8UB

Membership

Councillor David Hubber (Chair)
Councillor Wilma Nelson
Councillor Ian Wingfield

Reserves

Councillor Eliza Mann

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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Contact

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

Members of the committee are summoned to attend this meeting.

Annie Shepperd
Chief Executive
Date: 16 April 2010



Licensing Sub-Committee

Monday 26 April 2010
10.00 am
Town Hall, Peckham Road, London SE5 8UB

Order of Business

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

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

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

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

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

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

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

5. LICENSING ACT 2003 - MOYO.MA, 347 WALWORTH ROAD, LONDON SE17 2AL 1 - 39

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

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

Item No.

Title

Page No.

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

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

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

Date: 16 April 2010

Agenda Item 5

Item No. 5.	Classification: Open	Date: 26 April 2010	MEETING NAME Licensing sub-committee
Report title:		LICENSING ACT 2003 – MOYO.MA, 347 WALWORTH ROAD, LONDON SE17 2AL	
Ward(s) or groups affected:		Premises are within: FARADAY	
From:		Strategic Director of Environment & Housing	

RECOMMENDATION

1. That the Licensing sub-committee considers an application made by Moyo.Ma Ltd to grant a Premises Licence under the Licensing Act 2003 in respect of the premises known as: Moyo.Ma, 347 Walworth Road, London SE17 2AL.
2. *Notes:*
 - a) *This application forms a new application for a Premises Licence, under Section 17 of the Licensing Act 2003. The application is subject to representations from a Responsible Authority and Interested Parties and is therefore referred to the sub-committee for determination;*
 - b) *Paragraphs 8 to 12 of this report provide a summary of the application the Premises Licence under consideration by the sub-committee (A copy of the full application is provided as Appendix A)*
 - c) *Paragraphs 14 and 16 of this report deal with the representations received to the Premises Licence application. (A copy of each of the relevant representation and comments are attached as Appendices B-C)*

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

MATTERS FOR CONSIDERATION

The application for a new grant

8. On 22 February 2010, an application was made by Moyo.Ma Ltd to grant a Premises Licence in respect of both the **basement** and **ground floor** of the premises known as Moyo.Ma, 347 Walworth Road, London SE17 2AL under section 17 of the Licensing Act 2003. A copy of the application is attached to the report as appendix A.
9. The application is summarised as follows:

To permit the provision of regulated entertainment:

- **(recorded music – only in the basement area)**
 - Monday to Thursday between 18.00 hrs to 23.00 hrs
 - Friday between 18.00 hrs to 00.00hrs (midnight)
 - Saturday between 12.00 hrs to 00.00hrs (midnight)
 - Sunday between 12.00 hrs to 23.00hrs
 - **To permit the provision of late night refreshment (ground floor premises only)**
 - Thursday to Saturday between 23.00 hrs to 05.00hrs on the following morning
 - **To permit the sale and or supply of alcohol (both floors)**
 - Monday to Wednesday between 12.00 hrs to 23.00 hrs
 - Thursday to Sunday between 12.00 hrs to 00.00hrs (midnight)
 - **Proposed opening hours of the premises are**
 - Monday to Wednesday between 12.00 hrs to 23.30 hrs.
 - Thursday to Saturday between 12.00 hrs to 05.00hrs (ground floor takeaway only) on the following morning.
 - Sunday between 12.00 hrs to 00.30hrs on the following morning.
10. The application describes the premises as “a 2 floors comprising of ground and basement restaurant that seat up to 35 persons on the ground floor and seats up to 40

in the basement area. The main entrance faces Walworth Road and basement exits on Liverpool Grove.”

11. The application form provides the applicant’s operating schedule. Parts F, L, M and O set out the proposed operating hours in full.
12. Part P of the application provides any additional steps that are proposed by the applicant to promote the four licensing objectives as set out in the Licensing Act 2003. In the event that the sub-committee should approve the application any proposals stated here must become conditions on any subsequent Premises Licence issued.

Designated Premises Supervisor

13. The proposed designated premises supervisor is Justina Ogunbiyi, who holds a Personal Licence issued by the London Borough of Sutton.

Representations from interested parties

14. There is one representation lodged by an interested party. The representation is primarily concerned with the possibility of noise nuisance, and anti social behaviour that may be experienced as a result of the proposed grant. A copy of the representation is attached as appendix B to the report.

Representations from responsible authorities

15. There are no representations from responsible authorities. However comments from the Metropolitan Police, Environmental Protection Team (EPT) and the London Fire and Civil Defence Authority are attached for information purposes as appendix C to the report.
16. On recommendation by EPT **“that recorded music will only be played at a level that does not exceed background level within the ground floor”** and upon the acceptance of this condition by the applicant, the operation schedule is amended. This will form part of the conditions of the licence if granted.

Conciliation

17. Conciliation was offered as part of the application process. A conciliation statement was prepared and sent to the interested party, however noise and disorder issues remain unresolved. As such the application is being submitted for determination by the Licensing sub-committee. A copy of the conciliation statement is attached as appendix D to the report.

The local vicinity

18. A map of the local area is attached as appendix F. The operating terminal hours of the following premises licensed for regulated entertainment and late night refreshment are shown on the map:

Off Licences

- **Capalina Stores**, 365 Walworth Road, SE17 (Mon – Sat until 23:00 and Sun 22.30)
- **Oli Centre**, 332- 344 Walworth Road, SE17 (Mon – Sun 24hrs)

- **Iceland Stores**, 332 344 Walworth Road, SE17 (Mon – Sat 23:00; Sun till 22.30)
- **Samra Convenience Store**, 316 The Crown Walworth Road, SE17 2NA (Mon – Sat 23:00; Sun till 22.30)
- **Marks & Spencer Ltd**, 311 Walworth Road, SE17 2TG (Mon – Sat 23:00; Sun till 22.30)

Late Night Refreshment

- **Walworth Kebab & Kebab & Burger Bar**, 360 Walworth Road, SE17 (Sun – Thurs till 02.00; Friday & Saturday till 04:00)
- **Entrees Restaurant**, 310 Walworth Road, SE17 2NA (Mon – Sat till 23:00; Sun till 05.00)
- **Pizza Hut**, 318-320 Walworth Road, SE17 (Mon – Sat till 00:30; Sun till 00.00)
- **Inspire Catering & Bar**, St Peters Crypt Club, Liverpool Grove, SE17 (Mon – Thurs till 23:30; Fri & Sat till 00.30)

SOUTHWARK COUNCIL STATEMENT OF LICENSING POLICY

19. Council assembly approved the original Southwark statement of licensing policy on 2 April 2008. The policy has since been twice revised with the latest revision agreed on 8 November 2009. 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; and
 - Section 10 provides general guidance on the protection of children from harm.
20. 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

21. 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

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

COMMUNITY IMPACT STATEMENT

23. 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 communities, law & governance

24. The sub-committee is asked to determine the application for a grant of a premises licence.
25. 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.
26. 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.
27. 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.
28. The principles that sub-committee members must apply are set out below.

PRINCIPLES FOR MAKING THE DETERMINATION

29. The general principle is that applications for Premises Licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
30. Relevant representations are those which:
 - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn (in this case, the initial objections from the Fire Service have been withdrawn).

- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
31. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- Add to, omit, and/or alter the conditions of the licence or,
 - Reject the whole or part of the application

Conditions

32. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
33. The four licensing objectives are:
- a. The prevention of crime and disorder;
 - b. Public safety;
 - c. The prevention of nuisance; and
 - d. The protection of children from harm.
34. 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.
35. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
36. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors.
37. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

38. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application, it must give reasons for its decision.

Hearing Procedures

39. 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.
40. As this matter relates to the determination of an application for a grant under section 17 of the Licensing Act 2003, regulation 26(1)(a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

41. 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.
42. 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.
43. 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.
44. 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.

45. 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

46. Members are required to have regard to the DCMS Guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

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

APPENDICES

No.	Title
Appendix A	Copy of the application
Appendix B	Copy of the representation from interested party
Appendix C	Copies of comments from responsible authorities
Appendix D	Copy of conciliation statement
Appendix E	Copy of the local area map

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment & Housing	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	16 April 2010	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director for Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Executive Member	No	No
Date final report sent to Constitutional Team	16 April 2010	

RECEIVED
22 FEB 2010

Southwark
Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We MOYO.MA LTD
(Insert name(s) of applicant)

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

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
MOYO.MA 347 WALWORTH ROAD LONDON SE17 2AL			
Post town	LONDON	Post code	SE17 2AL

Telephone number at premises (if any)	0207 708 4495
Non-domestic rateable value of premises	£15,000 = 00

Part 2 - Applicant Details

£17,750.00

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

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

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

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

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

(B) OTHER APPLICANTS

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

Name	Moyo. MA LTD
Address	SUITE 12464 2ND FLOOR 145 - 1ST ST JOHNS STREET LONDON EC1V 2PT
Registered number (where applicable)	07090929
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	0207 708 4495
E-mail address (optional)	N/A

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year

1	0	0	3	2	0	1	0
---	---	---	---	---	---	---	---

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

Day Month Year

--	--	--	--	--	--	--	--

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

RESTAURANT
 2 FLOORS , GROUND & BASEMENT
 GROUND FLOOR SEATS UP TO 35
 BASEMENT SEATS UP TO 40

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

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

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

A

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

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

C

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

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	18.00	23.00	Please give further details here (please read guidance note 3) RECORDED MUSIC ONLY IN THE BASEMENT NOT ON GROUND FLOOR.	Both	<input type="checkbox"/>
Tue	18.00	23.00			
Wed	18.00	23.00 23.00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	18.00	23.00			
Fri	18.00	00.00 00.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12.00	00.00			
Sun	12.00	23.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<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)		
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 type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur					
Fri			<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)		
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					

I

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

J

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

L

A32

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 type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	12.00	05.00			
Fri	12.00	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) ON THURSDAY, FRIDAY & SATURDAY, FOR TAKE AWAY FOOD ONLY FROM 01.00am till 5.00am on ground floor		
Sat	12.00	05.00			
Sun					

M

A 30/32

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	12.00	23.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	12.00	23.00			
Wed	12.00	23.00			
Thur	12.00	00.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
		00.00			
Fri	12.00	00.00			
		00.00			
Sat	12.00	00.00			
		00.00			
Sun	12.00	00.00			
		00.00			

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

Name	MRS JUSTINA OGUNBYI
Address	9 GREAT WOODCOTE PARK PURLEY,
Postcode	CR8 3QU
Personal Licence number (if known)	5870/10/00040/LAPERS
Issuing licensing authority (if known)	LB OF SUTTON

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)

N/A

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	12.00	23.30	
Tue	12.00	23.30	
Wed	12.00	23.30	
Thur	12.00	05.00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>TAKE AWAY FOOD TO BE SERVED FROM 01.00am till 05.00am ONLY ON THURSDAYS, FRIDAYS AND SATURDAYS. NO SITTING ON THE GROUND FLOOR AFTER THIS TIME.</p>
Fri	12.00	05.00	
Sat	12.00	05.00	
Sun	12.00	23.30	

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

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

WE HAVE PUT IN PLACE ALL ~~NEE~~ THAT IS NECESSARY, TO ^{MAINTAIN} ~~PROVIDE~~ GOOD QUALITY AND ACCIDENT FREE & CLEAN ENVIRONMENT SAFE FOR CUSTOMER, KEEP MUSIC DOWN IN ORDER FOR LOW NOISE, MAKE SURE CUSTOMERS DON'T LOITER.

b) The prevention of crime and disorder

WE HAVE CCTV RNS AROUND THE PREMISES STAFF TRAINING & APPOINTMENT OF SUPERVISOR TO CONTAIN WHAT COULD BE A TENSED SITUATION

c) Public safety

IN AND AROUND THE RESTAURANT WE HAVE CCTV TO RECORD ALL SITUATIONS, FIRE ADEQUATE FIRE RISK ASSESSMENT, AND HAZARD ASSESSMENT FOOD SAFETY TRAINING, AND CCTV ALL AROUND THE RESTAURANT, ADEQUATE SIGNAGE FOR GUIDANCE

d) The prevention of public nuisance

WHEN THERE IS A BIG GROUP WE WILL ENSURE GUESTS LEAVE THE PREMISE ON AT A TIME SO AS NOT TO CONSTITUTE A NUISANCE TO NEIGHBOURS BY GATHERING OUTSIDE, SUPERVISOR WILL DEAL WITH SITUATION IF NECESSARY AND POLICE CALLED

e) The protection of children from harm

MAKE SURE THAT ALCOHOL IS NOT SOLD TO CHILDREN, PARENTS ARE SEATED WITH THEIR YOUNG ONES AT ALL TIMES.

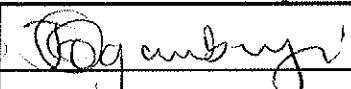
Please tick yes

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

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

Part 4 – Signatures (please read guidance note 10)

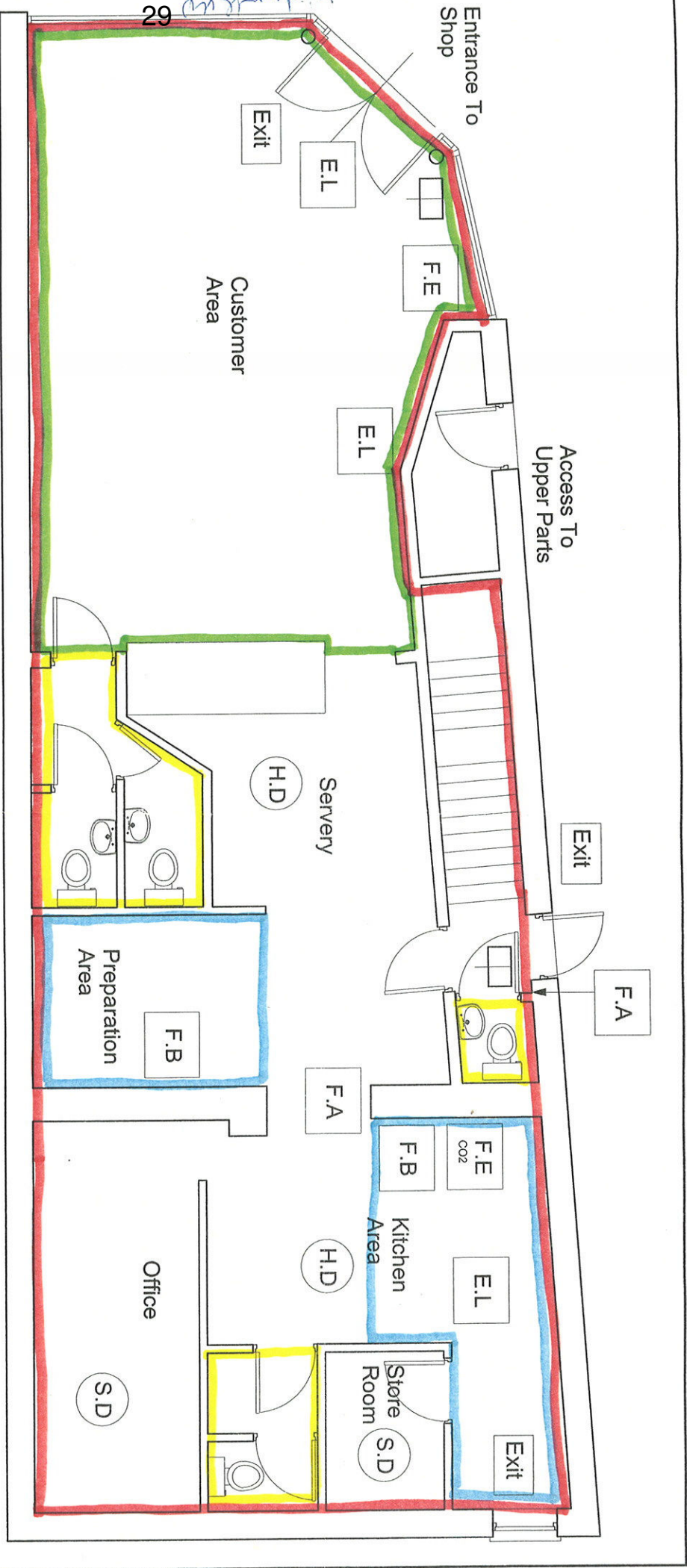
Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	18/2/2010
Capacity	DIRECTOR OF COMPANY

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
9 GREAT WOODCOTE PARK, PURLEY, SURREY CR			
Post town	GP PURLEY,	Post code	CR8 3QV
Telephone number (if any)	07904628383 / 02086459856		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
Justlact@aol.com			



Existing Ground Floor Plan

Legend	
Dining Area	Licensed Premises
Toilets	Food Prep.
	Fire Blanket
	Emergency Lighting
	Smoke Detector
	Fire Alarm Call Point
	Heat Detector
	Fire Extinguisher
	Fire Exit
	Fire Action Signage
	F.B
	S.D
	F.E
	E.L
	F.A

Revisions	No dimensions are to be scaled from this drawing. No deviation may be made from the details shown on this drawing without prior permission of the architect. Any discrepancy found between this drawing and any other document should be referred immediately to the architect.	Date	Dec. 2009	Project	Lease Plan 347 Waltham Road, Camden, London SE17 2AL	Client	Moyo/Ma Restaurant	AL-RASHEED DAUDA ARCHITECT
		Scale	1:50	Drawing No.	MYM.02.01	Rev.		Mobile // 07956 888 334 Fax // 07092 251 967 e-Mail: rashheed.dauda@gmail.com



Existing Basement Floor Plan

Legend	
Dining Area	Licensed Premises
Toilets	Food Prep.
	Fire Blanket
	Emergency Lighting
	Smoke Detector
	Fire Alarm Call Point
	Heat Detector
	Fire Extinguisher
	Fire Exit
	Fire Action Signage
	Fire Blanket (F.B)
	Emergency Lighting (E.L)
	Smoke Detector (S.D)
	Fire Alarm Call Point (F.A)
	Heat Detector (H.D)
	Fire Extinguisher (F.E)
	Fire Exit (Exit)
	Fire Action Signage (F.A)

Revisions No dimensions are to be scaled from this drawing No deviation may be made from the details shown on this drawing without prior permission of the architect Any discrepancy found between this drawing and any other document should be referred immediately to the architect.	Date Dec. 2009	Project Lease Plan 347 Walworth Road, Camberwell, London SE17 2AL	Client Mojo Ma Restaurant	AL-RASHEED DAUDA ARCHITECT Mobile // 07956 886 334 Fax // 07092 251 987 e-Mail: rashheed.dauda@gmail.com
	Scale 1:50	Drawing No. MYM.02.02 Rev.		

RECEIVED
15 MAR 2010

Southwark Licensing Team
The Chaplin Centre
Thurlow Street
London
SE17 2DG

Walworth Road
London
SE17 2AL

Friday 12th March 2010

Dear Sir/Madam,

Re. Objection to Licence Application no. 831500

My name is [REDACTED]; I live with my young daughter at [REDACTED] Walworth Road, directly above Moyo-Ma Restaurant.

After consultation of Moyo-Ma's licence application for late night opening on Thursday, Friday and Saturday, I wish to share my concerns with you.

First of all, the noise and anti-social behaviour from people using other local premises on Walworth Road is already a great nuisance to us and by us I mean myself and all the other local residents of Walworth Road and Liverpool Grove. Adding to it by allowing Moyo-Ma opening late is not a solution nor is it an option. Opening late will only re-enforce bad language, disorder, vandalism, and people urinating or vomiting on my doorstep.

Too often have I been woken up by drunk and disorderly people arguing and fighting in the vicinity, which is quite frightening and stressful. Sleep disruption and deprivation have meant that my health has suffered and as you can imagine, I am not alone in wanting to limit the disturbance from late night revellers.

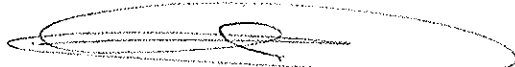
Second of all, the houses and therefore the bedrooms are close to the road. At present, we are often disturbed by noisy passers-by at night. These are not necessarily the younger element but often customers who have left the local pubs, and like many do not realise that the volume of their conversation increases in relation to their alcohol intake. Even the more sophisticated Walworth resident is not immune from displaying inconsiderate behaviour after a good meal and a few glasses of wine. Many customers of Moyo-Ma will be "popping out" for a cigarette, chatting outside loudly in the middle of the night. It can also be intimidating when people convene in front of the door.

Finally, I can foresee an increase in traffic volume and over zealous drivers hooting in the middle of the night as a way of showing their appreciation to a good night out, which goes yet against the wellbeing of the local residents.

All this added noise is a concern when children are in bed and is therefore unacceptable. We donnot want extra noise after midnight. Noise is not conducive to good neighbourliness.

Thank you and kind regards,

[REDACTED]



Mills, Dorcas

From: [REDACTED]
Sent: 19 March 2010 15:18
To: Mills, Dorcas
Subject: FW: Premises Licence Application- 347 Walworth Road, SE17.

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

From: Patel, Dipesh
Sent: 19 March 2010 14:46
To: Regen, Licensing
Subject: FW: Premises Licence Application- 347 Walworth Road, SE17.

Dear Sir/Madam

Further to the confirmation from the applicant below of her acceptance of the amendment to the operating schedule as suggested in my email of earlier today, I am pleased to advise that I have no representation to make.

Kind regards, Dipesh.

Dipesh Patel
Principal Enforcement Officer
Environmental Protection Team
London Borough of Southwark
T: 020 7525 5723

From: [REDACTED] [mailto:[REDACTED]]
Sent: 19 March 2010 14:07
To: Patel, Dipesh
Subject: Re: Premises Licence Application- 347 Walworth Road, SE17.

Dear Mr Patel,

This is just to confirm that the level of music in the basement is acceptable at background level. Thank you

Justina Ogunbiyi

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

From: Patel, Dipesh <Dipesh.Patel@southwark.gov.uk>
To: [REDACTED]
Cc: Regen, Licensing <Licensing.Regan@southwark.gov.uk>
Sent: Fri, Mar 19, 2010 1:19 pm
Subject: Premises Licence Application- 347 Walworth Road, SE17.

Dear Ms Ogunbiyi

Further to our telephone conversation this afternoon, in order to satisfy me that the likelihood of public nuisance from your proposed use of the above premises is addressed, I would recommend the following amendment to your operating schedule:

1. Recorded music played in the basement shall be at a level that does not exceed 'background music level' within the ground floor.

If this is acceptable, please confirm in writing.

23/03/2010

Kind regards, Dipesh.

Dipesh Patel
Principal Enforcement Officer
Environmental Protection Team
London Borough of Southwark
T: 020 7525 5723
F: 020 7525 5728

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This footnote also confirms that this email message has been swept by MIMESweeper for the presence of computer viruses.

Your reference: .



Our reference: MD/21/1976/2010

Date: 09/03/2010

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 – 6155 Fax6282

Dear Sir/Madam

Moyo Ma Ltd 347 Walworth Road SE17 2AL

I write with reference to an Application from the above premises in respect of a premises Licence to be issued under the licensing act 2003.

Police have no objection/representation to the granting of this licence.

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



Mrs Justina Ogunbyi
9 Great Woodcote Park
Purley
Surrey
CR8 3QU

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 16 March 2010
Our Ref 91/5753

RECEIVED

18 MAR 2010

Dear Madam

LICENSING ACT 2003

Premises: Moyo.Ma Restaurant, 347 Walworth Road, London SE17 2AL

With reference to the application dated 18th February 2010, as shown on plans, 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. Should you propose to make any changes to the layout of the building, you are advised to consult with Building Control Body. A suitable fire risk assessment will be required to comply with the Regulatory Reform (Fire Safety) Order 2005.

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

MOYO.MA

347 Walworth Road, SE17 2AL

Tel: 020 7708 4495

23 March 2010

Representation: LICENSING APPLICATION FOR MOYO.MA RESTAURANT

We list below the following representations to answer our neighbours concerns:

- Walworth is served by extensive (all day) Bus system and there is parking restrictions around MOYO.MAs location. Most of our customers come by public transport which is very extensive on Walworth Road – it being a main road.
- Most of the activities we have applied for will be ending between 11.30pm and 12 Midnight.
 1. Sale of Alcohol
 2. Entertainment (Background Music)
- The application aspect beyond midnight is to only to provide light refreshment. Also only Take Away Meals are until 5am.
- Our application is very restrictive to 12.00 midnight and we are sure that our business will not make worse the situation on Walworth road.

We hope given the information above, that the neighbour is satisfied.



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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: Monday 26 April 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>Applicants and Interested Parties</p>
<p>Councillor David Hubber Councillor Wilma Nelson Councillor Ian Wingfield Councillor Eliza Mann (Reserve)</p> <p>Officers</p> <p>Felix Rechtman, Legal Services, Tooley Street Sean Usher, Tooley Street (Hub 4) Dorcas Mills, Licensing Unit</p> <p>Ward Councillors (Notified by Email)</p> <p>Faraday</p> <p>Press Office – Tooley Street, Hub 4, 2nd Floor</p>	<p>Moyo-Ma, 347 Walworth Road, London SE17 2AL</p> <p>Mrs Justina Ogunbiyi, 9 Great Woodcote Park Purley, Surrey CR8 3QU</p> <p>Moyo Ma Ltd, Suite 12464, End Floor, 145-157 St Johns Sreet London EC1V 2PY</p> <p>Local residents/Interested Parties</p> <p>Ms Cecile Azzola , 347B Walworth Road London SE17 2AL</p>
<p>Total Copies to be printed: 16</p> <p><u>PLEASE BRING YOUR PAPERS TO THE MEETING.</u></p>	<p>Total copies to be circulated: 11</p> <p>All spares to be delivered to Sean Usher, Room 206, Southwark Town Hall</p> <p>Day of Despatch: 16 April 2010</p>