

## Licensing Sub-Committee

Monday 28 June 2010

10.00 am

Town Hall, Peckham Road, London SE5 8UB

### Membership

Councillor Lorraine Lauder MBE (Chair)  
Councillor Jeff Hook  
Councillor Sunil Chopra

### Reserves

Councillor Emmanuel Oyewole

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Contact

Sean Usher on 020 7525 7222 or email: [sean.usher@southwark.gov.uk](mailto:sean.usher@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Annie Shepperd**  
Chief Executive  
Date: 18 June 2010



## Licensing Sub-Committee

Monday 28 June 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.

<b>5. LICENSING ACT 2003 - NIVLA RESTAURANT, 51 CAMBERWELL ROAD, LONDON SE5 0EZ</b>	1 - 42
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<b>6. LICENSING ACT 2003 - WAZOBIA RESTAURANT, 670 OLD KENT ROAD, LONDON SE15 1JF</b>	43 - 93
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**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.”

**7. CONTACT DETAILS FOR INTERESTED PARTIES**

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

Date: 18 June 2010

# Agenda Item 5

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 28 June 2010	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		LICENSING ACT 2003 – Nivla Restaurant, 51 Camberwell Road, London SE5 0EZ	
<b>Ward(s) or groups affected:</b>		Premises are within: Faraday	
<b>From:</b>		Strategic Director of Environment & Housing	

## RECOMMENDATION

1. That the Licensing Sub-Committee considers an application made by Alvin and Avril Cole for a grant of a Premises Licence under the Licensing Act 2003 in respect of the premises known as: Nivla Restaurant, Nivla Restaurant, 51 Camberwell Road, London SE5 0EZ.
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 13 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 and appendix b - amended schedule)*
  - c) *Paragraphs 14 to 16 of this report deal with the representations received to the Premises Licence application. (A copy of each of the relevant representations are attached as Appendices c & d).*

## 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 26 April 2010, an application was made by Alvin and Avril Cole for a grant of a Premises Licence in respect of both the basement and ground floor of the premises known as Nivla Restaurant, 51 Camberwell Road, London SE5 OEZ under section 17 of the Licensing Act 2003. A copy of the application is attached to the report as appendix a.

#### Reduction in Hours

9. After considering representations received from both the Metropolitan Police and the Environmental Protection Team the operating schedule and hours requested have been amended. A copy of the statement requesting amendments to the application is attached as appendix b.
10. The application is therefore summarized as follows:

To permit the provision of regulated entertainment

- (*recorded music and performance of dance*)
  - Monday to Thursday 11.00 to 00.00
  - Friday and Saturday 10.00 to 02.00 on the day following
  - Sunday between 14.00 hrs to 23.00
- To permit the provision of late night refreshment
  - Monday to Thursday 23.00 to 00.00
  - Friday and Saturday 23.00 to 02.00 on the day following
  - Sunday between 14.00 hrs to 23.00
- To permit the sale and or supply of alcohol
  - Monday to Thursday 11.00 to 00.00
  - Friday and Saturday 10.00 to 02.00 on the day following
  - Sunday between 14.00 hrs to 23.00
- Proposed opening hours of the premises are
  - Monday to Thursday from 07.00 to 00.30.
  - Friday and Saturday 07.00 to 02.30 on the day following

- Sunday from 13.00 hrs to 23.30

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

### **Designated Premises Supervisor**

13. The proposed designated premises supervisor Licence is Avril Cole. Note (however, Avril Cole is in the process of qualifying and obtaining a personal licence).

### **Representations From Interested Parties**

14. There are six representations lodged by interested parties. The same letter has been submitted by all parties ). 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 c to the report.

### **Representations From Responsible Authorities**

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

### **Conciliation**

16. Conciliation was offered as part of the application process. This led to an amendment of the operating schedule and the reduction in hours (see appendix b). However both the Metropolitan Police and EPT are not satisfied that noise and disorder issues have been resolved. Copies of the email detailing this are attached as appendix d1. As such the application is being submitted for determination by the Licensing Sub-Committee.

### **The Local Area**

17. A map of the local vicinity is attached appendix e. For the purposes of scale only the circle on the map has a 100-metre radius. The operating terminal hours of the following premises licensed for regulated entertainment and late night refreshment are shown on the map.

- T – Bar, 39 - 45 Camberwell Road (Mon -Sun – 03.30)
- D'Eclipse Bar & Restaurant – (Sun – Thurs – 00.30, Fri & Sat 03.00)
- Alabarma, 11 John Ruskin Street (Sun – Thurs -02.00; Fri & Sat until 03.00)
- Alabarma, 13 John Ruskin Street (Sun – Thurs -00.00; Fri & Sat until 01.00)
- Emukay Restaurant 91 Camberwell Rd (Mon – Sun: until 02:30hrs)

#### Late night refreshment

- Red Sea restaurant, 85 Camberwell Rd (Mon – Sun until 01.00 hrs)
- Winner, 3 Westmoreland Road, SE17 (Mon - Thurs till 00:00; Fri & Sa till 00.30; Sun till 23.30)

## **Southwark council statement of licensing policy**

Council assembly approved the Southwark's statement of licensing policy on 4 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.
18. 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**

19. 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**

20. 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**

21. 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**

22. The Sub-Committee is asked to determine the application for a grant of a premises licence.
23. 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.

24. 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.
25. 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.
26. The principles that Sub-Committee members must apply are set out below.

### **Principles for making the determination**

27. 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.
28. 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.
29. 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**

30. 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.
31. 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.
32. 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.



33. 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.
34. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors.
35. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

### **Reasons**

36. 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**

37. 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.
38. 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**

39. 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.
40. 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.
41. 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.
42. 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.
43. 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

44. 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 The Chaplin Centre 0207 525 5748

## APPENDICES

No.	Title
Appendix A	Copy of the application
Appendix B	Copy of amended operating schedule
Appendix C	Copy of the representation from interested parties
Appendix D	Copies of representations from responsible authorities
Appendix D1	Copies of responses to amendments from responsible authorities
Appendix E	Copy of the local area map
Appendix F	List of representations (On closed agenda)

## AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment & Housing	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	18 June 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
Cabinet Member	No	No
Date final report sent to Constitutional Team	18 June 2010	



**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.

**we** Mr Alvin Cole + Mrs Avril Cole  
 (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 NIWLA RESTAURANT 51 CAMBERWELL ROAD			
Post town	LONDON	Post code	SE5 0EZ

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

**Part 2 - Applicant Details**

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*  please complete section (A)
- 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)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname <b>COLE</b>		First names <b>ALVIN</b>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes
Current postal address if different from premises address		<b>28 EAST SURREY GROVE PECKHAM LONDON</b>		
Post Town	<b>LONDON</b>		Postcode	<b>SE15 6EY</b>
Daytime contact telephone number <b>020 5515 1515</b>				
E-mail address (optional)		<b>nivla@hotmail.co.uk</b>		

**SECOND INDIVIDUAL APPLICANT** (if applicable)

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

Current postal address if different from premises address		28 EAST SURREY GROVE PECKHAM	
Post Town	LONDON	Postcode	SE15 6EY
Daytime contact telephone number		[REDACTED]	
E-mail address (optional)	rivca@hotmail.co.uk		

**(B) OTHER APPLICANTS**

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

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

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
[ ] [ ] [ ] [ ] [ ] [ ]	[ ] [ ] [ ] [ ] [ ] [ ]	[ ] [ ] [ ] [ ] [ ] [ ]

AS SOON AS POSSIBLE / GRANTED

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

Day	Month	Year
[ ] [ ] [ ] [ ] [ ] [ ]	[ ] [ ] [ ] [ ] [ ] [ ]	[ ] [ ] [ ] [ ] [ ] [ ]

N/A

Please give a general description of the premises (please read guidance note 1)

Open plan ground floor + basement situated on the main commercial thoroughfare A215 Camberwell Road. It was previously a restaurant and wine bar and will continue to be used for the same purpose. The basement has 2 exits, one takes you to the ground floor of the restaurant and the other takes you out to the outside path of Camberwell road. It has been enhanced with emergency lighting and CCTV on both floors

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

N/A

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 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)

**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 <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day				Start	Finish
Mon				Outdoors	<input type="checkbox"/>
Tue				Both	<input type="checkbox"/>
			<b><u>Please give further details here</u></b> (please read guidance note 3)		
			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
			<b><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></b> (please read guidance note 5)		
Fri					
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	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
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)			<u>Will the boxing or wrestling entertainment 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 boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

DELETED

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	04:00	Please give further details here (please read guidance note 3) Performance will be done in the basement area of the premises by selected artist. There will also be Karaoke on selected days.	Both	<input type="checkbox"/>
Tue	10:00	04:00			
Wed	10:00	04:00	State any seasonal variations for the performance of live music (please read guidance note 4)  None		
Thur	10:00	04:00			
Fri	10:00	04:00	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)  None		
Sat	10:00	04:00			
Sun	10:00	04:00			

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	10:00	04:00	<b>Please give further details here</b> (please read guidance note 3) Music will be played on the two floors but amplified in the basement area only. A music licenced is been applied for.	Both	<input type="checkbox"/>
Tue	10:00	04:00			
Wed	10:00	04:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4) None		
Thur	10:00	04:00			
Fri	10:00	04:00	<b>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</b> (please read guidance note 5) None		
Sat	10:00	04:00			
Sun	10:00	04:00			

A MEND SA

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	10:00	04:00	Please give further details here (please read guidance note 3) will take place in basement area by customers who want to dance. There will also be special dance performance by artists on special occasions.	Both	<input type="checkbox"/>
Tue	10:00	04:00			
Wed	10:00	04:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	10:00	04:00			
Fri	10:00	04:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	04:00			
Sun	10:00	04:00			

AMENDED

H A20.

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b> Reading Club Conferences + Meetings.		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	04:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10:00	04:00	<b>Please give further details here</b> (please read guidance note 3) The basement area will also be a private function area for clients who want privacy. It will be prebooked.		
Wed	10:00	04:00			
Thur	10:00	04:00	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri	10:00	04:00	None		
Sat	10:00	04:00	<b>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</b> (please read guidance note 5)		
Sun	10:00	04:00	None		

AMENDED

*Deleted*

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)  A29  A23			<b><u>Please give a description of the facilities for making music you will be providing</u></b>  Premises with Private function area in the basement. Hi-Fi and amplified equipments such as mics + mixers	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)	
Mon	10:00	04:00		
Tue	10:00	04:00		
Wed	10:00	04:00	<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Thur	10:00	04:00	<b><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></b> (please read guidance note 5)	
Fri	10:00	04:00		
Sat	10:00	04:00		
Sun	10:00	04:00		



J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)	Indoors <input checked="" type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
ARB			<b>Please give a description of the facilities for dancing you will be providing</b> The basement area of the premises		
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	10:00	04:00			
Tue	10:00	04:00			
Wed	10:00	04:00	<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)		
Thur	10:00	04:00			
Fri	10:00	04:00			
Sat	10:00	04:00	<b>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</b> (please read guidance note 5)		
Sun	10:00	04:00			

*Deleted*

*DATED*

K

*A30 A29*

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment facility you will be providing</b> <i>Adequate secure premises with music + dancing facilities for guests + customers</i>		
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	04:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10:00	04:30	<b>Please give further details here</b> (please read guidance note 3) <i>Recording of music by artist</i>		
Wed	10:00	04:30	<i>Dance performance + lessons when appropriate</i>		
Thur	10:00	04:30	<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</b> (please read guidance note 4)		
Fri	10:00	04:30			
Sat	10:00	04:00	<b>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</b> (please read guidance note 5)		
Sun	10:00	04:00			

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	04:00	<b>Please give further details here</b> (please read guidance note 3) Provision of hot and cold food and alcohol to customers.		
Tue	23:00	04:00			
Wed	23:00	04:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23:00	04:00			
Fri	23:00	04:00	<b>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</b> (please read guidance note 5)		
Sat	23:00	04:00			
Sun	23:00	04:00			

Amended

AMENDED

M

A35

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	10:00	04:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)  None	Both	<input type="checkbox"/>
Tue	10:00	04:00			
Wed	10:00	04:00			
Thur	10:00	04:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)  None		
Fri	10:00	04:00			
Sat	10:00	04:00			
Sun	10:00	04:00			

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

Name	MS AVRIL COLE
Address	28 EAST SURREY GROVE PECKHAM LONDON
Postcode	SE 15 6EX
Personal Licence number (if known)	APPLIED FOR
Issuing licensing authority (if known)	SOUTHWARK

N

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

None

O

ALLY

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	07:00	05:00	<p><u>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</u> (please read guidance note 5)</p>
Tue	07:00	05:00	
Wed	07:00	05:00	
Thur	07:00	05:00	
Fri	07:00	05:00	
Sat	07:00	05:00	
Sun	07:00	05:00	

AMENDED

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)

- Install CCTV on both floors of the Premises
- Discourage idlers + loafers from loitering the Premises
- Only admit invited guest to Private function + Reception

b) The prevention of crime and disorder

- As in (a)
- No one person will be left in the restaurant at any time when it is open to the public.

c) Public safety

- As in (a)
- Also making sure staff are properly trained to carry out the role in welcoming, serving customers + to be able to spot trouble makers.  
Trained in Health + Safety at work

d) The prevention of public nuisance

- As in (a)
- Will not admit anyone management perceive to be drunk
  - Will ask customers who misbehave to act properly or leave the premises

e) The protection of children from harm

- As in (a)
- Don't admit children to late night entertainment + functions unless accompany an adult

Please tick yes

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

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

**Part 4 – Signatures** (please read guidance note 10)

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

Signature	<i>[Handwritten Signature]</i>
Date	<i>7/4/2010</i>
Capacity	<i>Director</i>

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

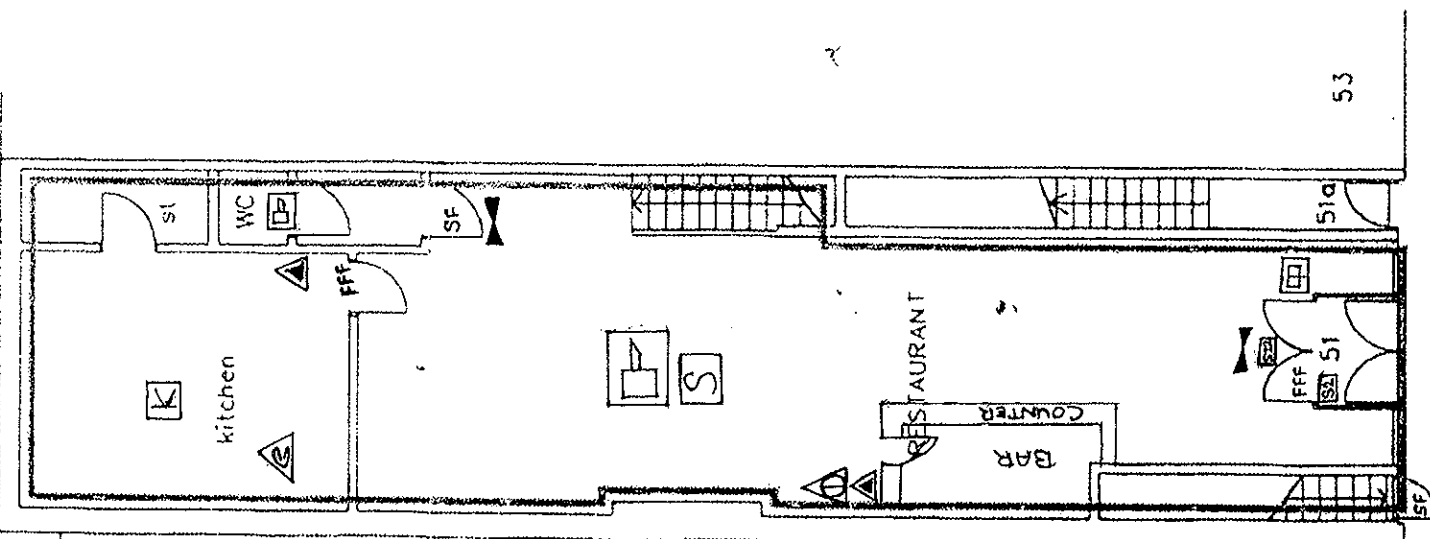
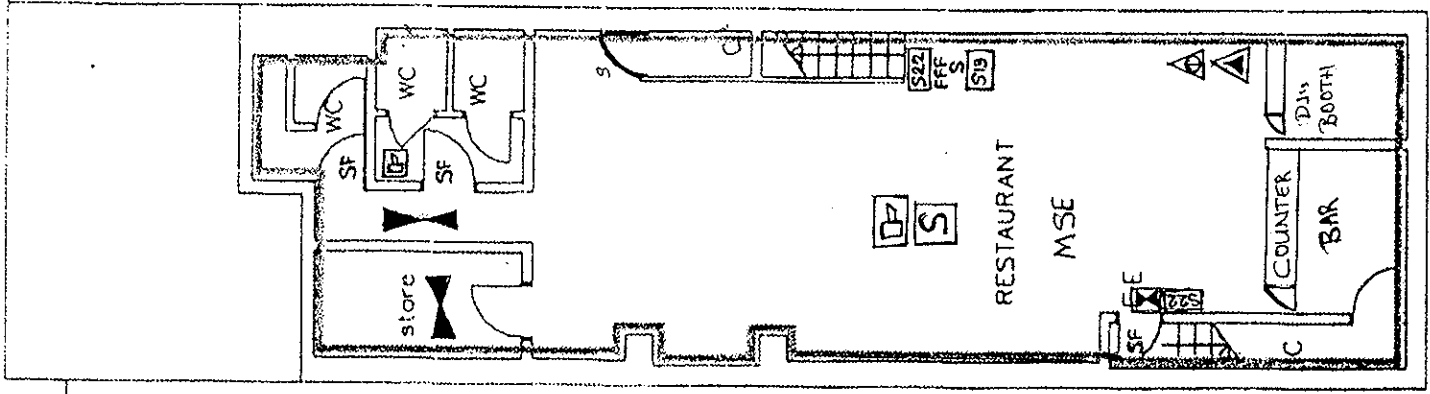
Signature	<i>[Handwritten Signature]</i>
Date	<i>7/4/2010</i>
Capacity	<i>Director</i>

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

*51 Camberwell Rd*

Post town	<i>London</i>	<i>[Redacted]</i>	Post code	<i>SE5 0EZ</i>
Telephone number (if any)	<i>[Redacted]</i>			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)				

29  
 No.51 CAMBERWELL ROAD  
 LONDON SE5 0EZ  
 Ground Floor and  
 basement Shop  
 Scale 1:150 Date: 12/09  
 Bar Scale 0 1 2 3 4 5m



No.51 CAMBERWELL ROAD

BASEMENT

public footpath

53

49

51a

51



To: Jane Tear  
From: Nivla Restaurant  
Date: 9<sup>th</sup> June 2010.  
Subject: Response to objection for premises License.

Thanks for meeting with me yesterday in which we discussed appropriated steps required to satisfy the objections received.

In direct response to the objections from Environmental Protection Team, Metropolitan Police Services Licensing Office and Residences, the Management of Nivla Restaurant has decided to make the following amendment to its License application.

### **Provision of regulated entertainment**

e) **Live Music:** As a consequence of the objections received the management of Nivla Restaurant has decided to delete this activity from its application.

f) **Recorded Music:** The following days and times will now apply: Monday to Thursday 11am – 00:00 hrs, Friday to Saturday 10am – 02:00hrs and Sunday from 14:00 – 23:00 hr.

This will be played on a mini hi fi system on the ground floor as background music.

The basement will double up as a restaurant/ lounge with low and more relaxing music on an amplified hi fi system. It will also be used for private functions such as parties, meeting etc which may involve some music and dancing and this will be based on customer's booking usually for Fridays and Saturdays but cannot say the frequency. We are therefore in the process of installing a sound sensor in the basement to be able to keep amplified music to an acceptable level.

In regards to noise during function that requires amplified music in the basement area, noise reducing foam has been installed into the roof cavity on both the basement and ground floors. Speakers will be redirected so that sound bounces off the floor instead of the walls and ceiling to reduce disturbance to neighbours and all the doors will be kept shut at from 10pm till closing time. Both exit doors in the basements are fire doors with insulations stripes which reduces escape of noise. The emergency exit via the secondary stairway direct to the street would be closed from 10pm during regulated activities to help reduces noise level during the night. Fire exits will be clearly identified, clear of obstruction and locked at all times.

No movement of musical or amplification equipment will take place from the premises between 12:00 midnight and 8:00 am. Infact as we no longer required live music and the provision of making music there will no be a need for movement of musical or amplification equipment.

g) **Performances of Dance:** The following days and times will now apply: Monday to Thursday 11am – 00:00 hrs, Friday to Saturday 10am – 02:00hrs and Sunday from 14:00 – 23:00 hr. This will take place on the basement level of the premises. An extractor fan has been installed in the basement and currently there are two free standing circulating fans to provide ventilation. At present we are taking advice on the installation of several wall fans and other alternative cooling system. This process and imminent installation should happen by the end of June 2010.

### **Provision of entertainment facilities**

i) **Making Music:** As a consequence of the objections received the management of Nivla Restaurant has decided to delete this activity from its application.

j) **Facilities for dancing Dancing:** As a consequence of the objections received the management of Nivla Restaurant has decided to delete this activity from its application

l) **Provision of late night refreshment**

The following days and times will now apply: Monday to Thursday 11pm – 00:00 hrs, Friday to Saturday 11pm – 02:00hrs.

With regards to people noise outside of the premises, we will limit the number of people going out for a cigarette to no more than five at a time. We will also not allow people to take there drinks with them when going out for a cigarette.

We are also going to put up notices on the exit and we will tell our patrons when they are paying there bills to leave the premises quietly and in an orderly manner without any disturbance.

We have installed a 6 camera CCTV system on the premises that is capable of capturing an image of every person that enters the premises from any entrance. The cameras will be live whenever the premise is in use. This will also act as a deterrent and as an additional control measure to anyone wanting to disturb this peace. The CCTV footage will be kept for a period of 30 days and will be available for inspection.

A personal licence holder will be on the premises most times but on the absent of the personal licence holder, permission will be given to a responsible individual.

m) **Supply of Alcohol**

The following days and times will now apply: Monday to Thursday 11am – 00:00 hrs, Friday to Saturday 10am – 02:00hrs and Sunday from 14:00 – 23:00 hr.

Staff will be trained to prevent the supply of alcohol to under age drinkers by adopting a challenge 21 policy for dealing with proof of age whereby staff will request customers to prove they are over 18 if they are believe to be under the age of 21.

To prevent drunkenness and disorderly conduct on the premises we will not sell or authorised to sell alcohol knowingly to a person who is drunk or who appears drunk.

We will not allow alcohol to be obtain for someone who is drunk

o) **Hours open to public:**

The following days and times will now apply: Monday to Thursday 7am – 00:30 hrs, Friday to Saturday 7am – 02:30hrs and Sunday from 13:00 – 23:30 hr.

Nivla Restaurant at the core of its operations seeks to provide a tranquil for people to come and enjoy some of the best home cooked food and music from sub Sahara Africa. It also seeks to provide facilities where business meeting, conferences and parties could be held up to the operating hours as and when required. It was never intended to be operated as a club. We will try and work with all relevant authorities to make the community a safer place to live and do business. We believe and business and brand will attracts descent clientele to the area.

We are committed to joining local scheme that prevent misuse of drugs, drunken and disorderly behaviour in the community. All matters relating to drugs will be in accordance with the Met Best Practice Guide on the handling of drugs.

Yours sincerely

Alvin Cole

Director  
Nivla Restaurant



**From:** [REDACTED]  
**Sent:** 02 June 2010 00:36  
**To:** Regen, Licensing  
**Subject:** Objection to license application no. 831905

Dear Sir/Madame,

I am writing to you to lodge an objection against license application no. 831905 submitted by Avril Cole and Alvin Cole for the premises of Nivla Restaurant at 51 Camberwell Road, SE5 0EZ. [REDACTED]  
[REDACTED]

The reason for the objection is that the above license application proposes activities which would result in the depreciation of quality of life for the residents of [REDACTED] [REDACTED]. We are concerned that the sale of alcohol and the provision of live and recorded music entertainment and facilities for dancing from 10am to 4am seven days a week will result in a significant increase in the level of noise throughout and around the building and will deteriorate safety in the area.

Based on our past experience of similar activities at the premises, we fear that the proposed music entertainment would be heard throughout the building and would cause serious disturbance at night. The building is an old, period terrace house with timber floors and light weight plasterboard walls, which are most likely not up to today's construction standards in terms of resistance to the passage of sound as set out by part E of the Building Regulations. Therefore, when previous owners of the premises hosted events involving the same activities, despite the installation of a sound limiting device, the music sent reverberations through the structure and could be clearly heard throughout the building including our upper floor bedrooms. This has caused many sleepless nights and continuous conflicts with the operators of the premises. As far as I know, both the police and the Southwark Noise Team were notified on a number of occasions but, despite their actions, the nuisance continued. Although a sound limiting device was installed, the music remained audible and eventually forced the previous tenants [REDACTED] to move out of the building.

Although, these events in the past took place under a different management, they are indicative of how granting the license this time around would affect us and other nearby residents. Knowing how parties held once or twice a week until about 2 am interrupted our lives, the prospect of having to face the same nuisance every single day and until even later into the morning is terrifying to all of the tenants. One can easily imagine the stress that prolonged sleep deprivation would cause and how that would affect our personal and professional lives. One can also easily imagine the devastating impact listening to thumping music in the night would have on the development of [REDACTED] young children in the family residing [REDACTED].

Besides the nuisance caused by the music played inside, the noise from party-goers spilling out onto the street in the middle of the night is also of grave concern to us. In the past, the occasional arguments or fights outside the premises or even just smokers talking

loudly or cars stopping to drop off or pick up guests have been clearly audible through our aged, single glazed sash windows.

In addition to the disturbance caused by the noise from the music and the guests loitering outside, we are also afraid of the implications that late night entertainment in combination with alcohol would have on safety in the area. In the past, we have witnessed a number of fights between guests of these premises and also fights connected to another similar establishment, the DEclipse Bar, located a few buildings further south on Camberwell Road. Some of these incidents involved knives and guns, which have made some of us feel uneasy about returning home or leaving the building at night. With the entrance door to our flats and the entrance door to Nivla Restaurant located [REDACTED] on a narrow stretch of pavement we would potentially have to pass through a large number of alcohol influenced guests lingering outside the premises or queuing to be admitted to enter the stair hall to the flats. This, given the violent history of night clubs in the area, can in itself become an intimidating and uncomfortable experience due to the risk of being caught up in a conflict.

To sum up, on grounds of public safety and noise pollution we, the residents of the [REDACTED] ask you not to grant license for the proposed activities. We strongly feel that this venue, in this building is not suitable for hosting the night club, which the proposed license would allow.

Thank you for your consideration and attention.

Yours faithfully,

*List of tenants follows;*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Your reference: .



Our reference: MD/21/2019/10

Date: 14th May 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

**Nivla 51 Camberwell Road SE5 OED**

I write in respect of the above premises for which I wish to make the following representations/objections to the granting of a Premises Licence under the Licensing Act 2003.

Regrettably the applicant has failed to adequately address the four main Licensing Objectives by offering control measures that would 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 licensing objectives. The applicant has applied for extended hours on each day of the week, but has not offered any additional control measures that would normally be placed on a premises licence that operates such extended hours.

Therefore I have attached a list of sample conditions for the applicant to consider and which Police would like to see placed on the varied premises licence.

1. That there shall be no movement of musical or amplification equipment from the premises between the hours of 12.00 midnight and 8.00 am.
2. That SIA registered Door Supervisors, at least one of whom shall be a female, 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.
3. 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'

4. 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
5. 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
6. 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.
7. 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
8. 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.
9. That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.
10. 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.
11. There shall be no new entry or re-entry to the premises after 02.00am.
12. 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.
13. 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.

Police would welcome the opportunity of a conciliation meeting with all interested parties.

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

☎ Fax: 0207 232 6282

✉ E-mail: [paul.compton@met.police.uk](mailto:paul.compton@met.police.uk)

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



## MEMO: Environmental Protection Team

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**To** Regen.licensing;      **Date** 18<sup>th</sup> May 2010

**Copies**

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

**Email** Alan.Blissett@southwark.gov.uk

---

**Subject** Nivla 51 Camberwell Road SE5 Ref 446688

The applicant seeks a license for live and recorded music and dancing 7 days a week until 0400

The premises is a ground floor bar and restaurant with steps down the basement beneath residential accommodation fronting Walworth Road. There is a history of noise disturbance arising from music affecting the residents above during its two previous management arrangements, which need to be taken into account in both the applicants operating schedule and the refurbishment of the premises - which was ongoing at time of visit.

It is understood that both ground floors and basement will be equipped with sound making equipment. It is not clear from the applicant the extent of current amplification and speaker equipment which is to be re-utilised or how the amplification systems is to be managed and regulated.

The ground floor entrance is lobbied, however the doors are ill-fitting and are a potential source of sound escape. There is no means of ventilating the premises, which may lead to the entrance doors being opened during performance of regulated entertainment late into the night

The basement is entered form a stairway down from the ground floor, there would be potential for sounds to generate to the ground floor. This basement is not equipped with ventilation other than a portable circulating fan which is to be re-used. The emergency exit via secondary stairway direct to street, would appear to have been used as the location of /or route to a smoking area and has the potential to sound escape.

I do not believe the terminal hours for patrons to be on/ or leaving could be accommodated until 0400 7 days a week.

The applicant has not adequately addressed the prevention of public nuisance from music sounds and / or patron use in the application.

I have discussed my concerns with the applicant regarding entrance and exit doors, inadequacy of ventilation and potential for and sound escape with the applicant. However more information will be required on the sound making equipment and facilities, its location and control, and extent of sound insulation measures undertaken both during refurbishment and that proposed before I can propose conditions

I therefore object to the application

**Alan Blissett**  
**Principal Environmental Protection Officer**

FILE COPY

APPENDIX  
D 1**Tear, Jayne**

---

**From:** Paul.Compton@met.pnn.police.uk  
**Sent:** 15 June 2010 10:41  
**To:** Tear, Jayne  
**Subject:** RE: Nivla Restaurant License Ref 446688

Jayne

Than you for the attached reply, however I still have some concerns:

The applicant wishes to operate up to 02.00am at weekends but does not wish to employ SIA door staff or have a search policy?

The applicant mentions that "Private Functions" will be accepted for Friday & Saturday nights but has not agreed with the control measures that I suggested in my original representation letter such as door staff, search policy, venue hire agreement forms etc?

I think at this juncture my representation letter remains active.

Regards

Paul Compton PC294MD

Licensing Officer Southwark Borough

☎ Phone: 0207 232 6210

☎ Mobile: 07595011458

☎ Fax: 0207 232 6282

✉ E-mail: [paul.compton@met.police.uk](mailto:paul.compton@met.police.uk)

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

(not protectively marked)

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## MEMO: Environmental Protection Team

**To** Regen.licensing; **Date** 17<sup>th</sup> June 2010

**Copies**

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

**Email** Alan.Blissett@southwark.gov.uk

**Subject** Nivla 51 Camberwell Road SE5 Ref 446688

I refer to your email 17<sup>th</sup> June attaching email 9<sup>th</sup> June from Nivla restaurant. The applicant has addressed the points raised in my memo of 8<sup>th</sup> June, for clarity I shall comment on each point against the my original memo at set out below.

**Point 1**

We need confirmation:-

- that the applicant is deleting E, G & I from the operating schedule

*Applicant has withdrawn E Live Music, I making music, J. facilities for dancing - Agreed by EPT*

- that the revised terminal hours set out apply to both ground floor and basement

*Revised terminal hours for regulated entertainment of Mon-Thurs 00.00 Fri-Sat 02.00 Sun 23.00 apply to both ground and basement - Agreed by EPT*

- that they accept that ground floor background recorded music will not be a licensable activity and shall therefore not be at level where it could be defined as entertainment

*Applicant states ground floor – background music only will be played - Agreed by EPT*

- that recorded music entertainment will be confined to basement area

*Applicant states recorded music will now only be played in the basement as regulated entertainment - Agreed by EPT*

**Point 2** – I would agree the revised hours of operation [ Mon-Thurs until 0000; Fri-Sat until 0200 day following and Sunday until 2300 would be more acceptable in terms of prevention of public nuisance.

*Applicant states that Hours of Closing will be 30 mins after termination of regulated entertainment and supply of alcohol - Agreed by EPT*

*Note : there is no provision for late night refreshment on Sunday*

**Point 3** agreed – background music only to ground floor as above

Point 4 Basement recorded music it noted that:-

- Sound limitation will be installed to the amplification

*Applicant advises in process of installing sound sensor.*

*EPT : The applicant proposal may not be adequate and has not been examined*

*Suggested Condition: that all the proposed amplification and speakers be installed in their proposed operational positions, that all amplification circuits be controlled through a sound limitation installation, which shall be set after completion of sound insulation works, to a level in the presence of EPT and in conjunction with assessment in adjoining residential accommodation.. That once set no additional speakers or amplification be brought onto the premises or the layout re- configured without consent and re-checking of the Sound Limiter Level. The sound limiter control equipment shall be kept in a secure location and shall not be interferred with.*

- Sound insulation has been installed

*Applicant advises in process of installing sound insulation to 'roof' cavity of basement and ground floor.*

*EPT : The applicant proposal may not be adequate and has not been examined; there is concern that music sounds may penetrate up through the open stairway and also may be structure borne through the flank wall*

*Suggested Condition: that works of sound insulation / isolation shall be adequate to resist both air borne and structure borne sounds from affecting the adjoining residential accommodation when tested under operational levels in conjunction with the sound limitation installation .*

*Speakers shall be floor mounted where practical using isolation material; where wall mounted – brackets shall be isolated from wall and /or columns.*

- Fire Exit door to stairway up to street will be kept shut except in emergency

*Agreed by EPT*

I am not satisfied that the free standing circulating fans will provide adequate ventilation to the basement to accommodate regulated entertainment to the terminal hour without a means of chilling and replacing air.

*Applicant advises that taking advice on installation of wall fans or alternative cooling*

*EPT : The applicants proposal may not be adequate*

*Suggested Condition: that suitable and sufficient permanent means of ventilation be installed in the basement and operated during performance of regulated entertainment to ensure both extraction and replacement of fresh / chilled air [ approx 10-12 air changes per hour with capability iof 18°C ]*

With regard to people noise outside of the premises, we need to consider a limit on the number of smokers, a condition which does not permit drinks to be taken out by smokers and more robust arrangement to ensure patrons leave the vicinity on departure without disturbance.

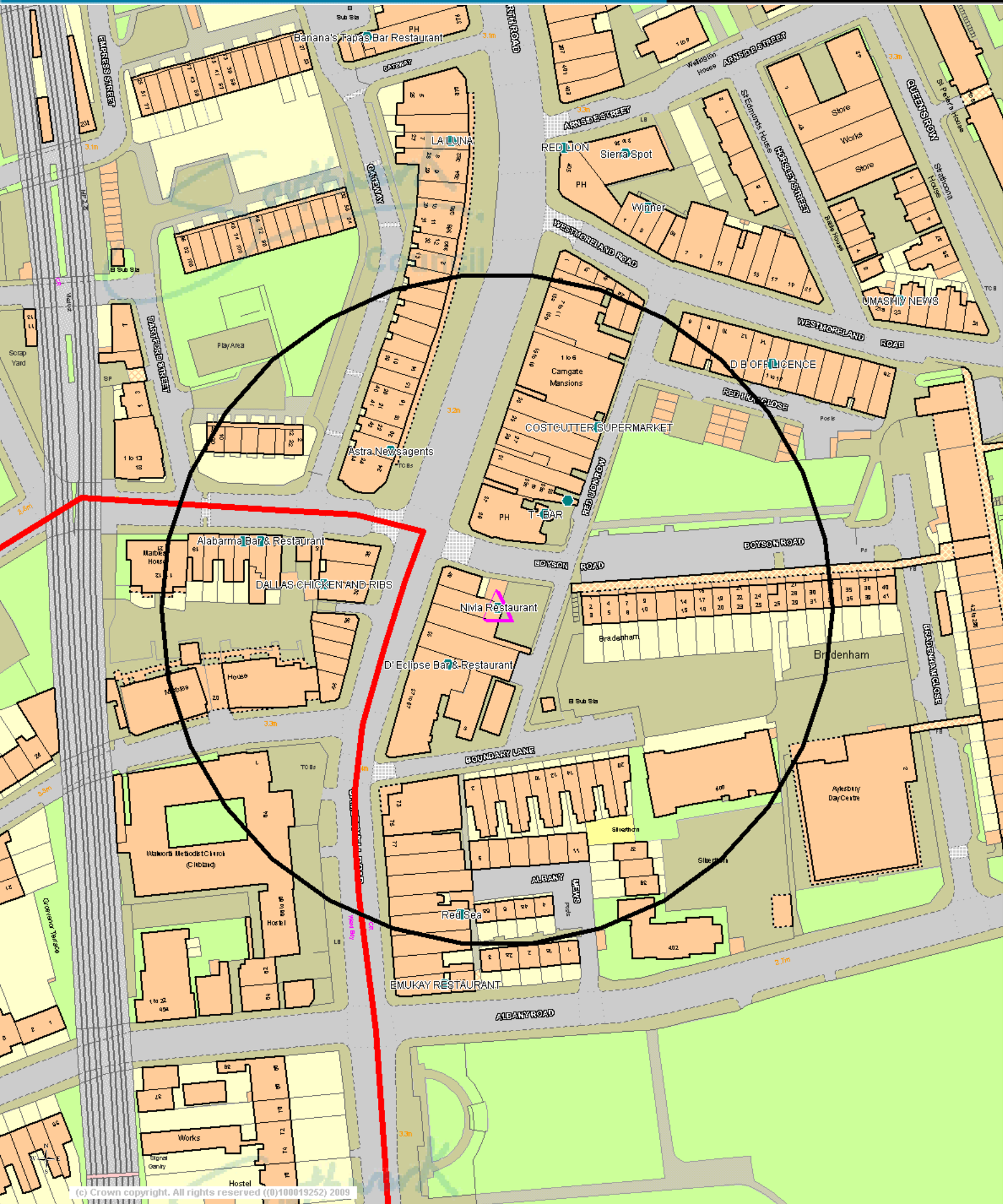
*Applicants have indicated that they will limit numbers of smokers outside to 5 at any one time and that they will not be permitted to take drinks with them*

*Agreed EPT*

*At this stage I am not in a position to fully withdraw my representations until the suggested conditions have been agreed*

**Alan Blissett - Principal Environmental Protection Officer**

Date 9/6/2010



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<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 28 June 2010 at 10am.	<b>MEETING NAME</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003 – Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF	
<b>Ward(s) or groups affected:</b>		Premises are within: Livesey	
<b>From:</b>		Strategic Director of Environment & Housing	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Richard Bennetts to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF.
2. **Notes:**
  - *The application seeks to vary existing licensable activities held under current legislation in respect of the premises known as Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from interested parties and is therefore referred to the Sub-Committee for determination;*
  - *Paragraphs 12 to 15 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). and*
  - *Paragraphs 17 - 21 of this report deals with the representations and comments received to the application. (copies of relevant representations and conciliations are attached as appendices C and D).*

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provided a new licensing regime for the following activities:
  - 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 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 provides licensing schemes for premises licences, club premises certificates, personal licences and temporary event notices.
8. In order to apply for a new premises licence or to vary an existing premises licence the applicant is required to provide all relevant information required to the licensing authority and to provide copies 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 current premises licence**

9. The current licence in respect of the premises known as Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF was issued 23<sup>rd</sup> April 2009. It allows the following licensable activities.
  - Sale and Supply of alcohol to be consumed on the premises:  
Sunday - Thursday from 12.00- 00.00;  
Friday and Saturday from 12.00- 02.00
  - Late night refreshment:  
Sunday - Thursday from 23.00- 00.00;  
Friday and Saturday from 23.00- 02.00
  - Opening hours of the premises:  
Sunday - Thursday from 12.00- 00.00;  
Friday and Saturday from 12.00- 02.00
10. A copy of the existing premises licence is attached as appendix B.

### **The variation application**

11. On the 26<sup>th</sup> of April 2010, Richard Bennetts applied to this council to vary the existing premises licence issued in respect of the premises known as Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF under section 34 of the Licensing Act 2003.

### **Details of the variation application**

12. The variation application is summarized as follows:
  - To extend the hours permitted for the sale / supply of alcohol:  
Friday and Saturday from 02.00 – 04.00;
  - To extend the hours permitted for late night refreshment:  
Friday and Saturday from 02.00 – 04.00;

- To extend the opening hours of the premises  
Friday and Saturday from 02.00 – 04.30;
  - To allow the provision of live music, recorded music, facilities for making music & facilities for dancing:  
Sunday - Thursday from 12.00- 00.00;  
Friday and Saturday from 12.00- 04.00
  - To change the time stated in conditions 315 & 424 from 22.00 to 01.00
13. A copy of the variation application is attached as appendix A to the report.
  14. The variation application form provides the applicant's operating schedule. Parts E, F, I, J, 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 Richard Bennetts who holds a personal licence issued by Hertsmere Borough council.

#### **Representations from interested parties**

17. There are representations submitted by seven local residents. The representations are primarily concerned with the prevention of public nuisance and the prevention of crime and disorder. The representations are attached as appendix C to the report.

#### **Representations from responsible authorities**

18. A representation was submitted by the metropolitan police. The representation was concerned that the licensing objectives had not been sufficiently addressed in regards to the proposed variation. The police suggested conditions that they recommended be applied to licence should the variation be granted.
19. After conciliation and agreement with the applicant, the applicant agreed to amend the application to include conditions suggested by the police and also to amend the proposed variation to the existing conditions of the licence. The police have withdrawn their representation and the correspondence is attached as appendix D to the report.
20. A representation was submitted by the council's Environmental Protection Team. The representation was concerned that the proposed variation could give rise to public nuisance.
21. After conciliation and agreement with the applicant, the applicant agreed to amend the application to include measures suggested by the Environmental Protection Team. The Environmental Protection Team have withdrawn their representation and the correspondence is attached as appendix D2 to the report.

#### **Conciliation**

22. It was not possible to reach a conciliation between the applicant and the interested parties.



### Disability discrimination act

23. The Southwark Disablement Association has not made comments regarding this application.

### Operating History of the premises

24. The current licensee, Mr. Richard Bennetts, applied for the premises licence that has been issued in respect of the premises on the 12 of January 2009. At the time of the application representations were submitted by interested parties and the police. The applicant was able to conciliate with the police but not the interested parties. A licensing sub-committee hearing was subsequently held on the 15<sup>th</sup> of April 2009 and the licence was approved with amendments to the permitted operating hours of the premises and permitted hours for licensable activities. A premises licence was duly granted in respect of the premises on the 23<sup>rd</sup> of April 2009.
25. On the 24<sup>th</sup> of October 2009 licensing officers conducted an inspection of the premises. During the inspection two breaches of licence were noted. The breaches related to a lack of signage requesting that customers leave the premises quietly and the lack of an SIA registered door supervisor being on duty. A warning letter was sent to the licensee in regards to the aforementioned breaches of licence. A copy of the warning letter is attached to this report as Appendix F.
26. On the 10<sup>th</sup> of March 2010 a re-inspection of the premises was conducted. At the time of the inspection the premises was found to be operating in full compliance with the premises licence issued in respect of the premises. A compliance letter was subsequently sent to the premises. A copy of the compliance letter is attached to this report as Appendix G.
27. On 26<sup>th</sup> April 2010 Richard Bennetts applied to this council to vary the existing premises licence issued in respect of the premises known as Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF under section 34 of the Licensing Act 2003.

### The local area

28. A map of the local area is attached as appendix E. The premises are identified by a diamond at the centre of the map. For purposes of scale-only a circle with a 100 meter radius is shown on the map. The following licensed premises are also shown on the map:

Premise Name	No	Street	Premise Type	Activities & Times
Vasluiet Ltd	650	Old Kent Road	Grocery	<b>Sale of alcohol off premises</b> Mon - Fri 06:00 to 22:00 Sat 08:00 to 22:00 Sun 10:00 to 22:00
Costcutter	656-658	Old Kent Road	Grocery	<b>Sale of alcohol off premises</b> Mon - Sun 24 hours
Prince Of Wales	14	Ruby Street	Public House / nightclub	<b>Entertainment</b> Mon - Wed 09:00 to 01:00 Thu 09:00 to 02:00 Fri - Sat 10:00 to 05:00 Sunday 12:00 to 04:00 <b>Sale of alcohol on &amp; off premises</b>

				Mon - Wed 10:00 to 01:00 Thursday 10:00 to 02:00 Fri - Sat 10:00 to 04:00 Sunday 12:00 to 02:00
KFC	670	Old Kent Road	Restaurant	<b>Late Night Refreshment</b> Sun - Thur 23:00 to 02:00 Fri - Sat 23:00 to 05:00
New Haven Restaurant	664	Old Kent Road	Restaurant	<b>Sale of alcohol on premises</b> Mon - Sun 07:00 to 01:00 <b>Late night refreshment</b> Mon - Sun 07:00 to 02:00
Connect Supermarket	681	Old Kent Road	Grocery	<b>Sale of alcohol off premises</b> Mon - Thu 06:00 to 23:00 Fri - Sat 06:00 to 02:00 Sun 06:00 to 22:00

### Southwark council Statement of Licensing Policy

29. 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, as well as relating to cumulative effect and saturation policies;
  - 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.
30. 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

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

### CONSULTATIONS

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

## **COMMUNITY IMPACT STATEMENT**

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

## **SUPPLEMENTARY ADVICE FROM THE STRATEGIC DIRECTOR OF COMMUNITIES, LAW & GOVERNANCE**

34. The sub-committee is asked to determine the application for a variation of a converted premises licence.
35. The requirement is to give all parties a fair, unbiased hearing.
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-by-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 and 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 day on which the applicant was notified by the licensing authority of the decision to be appealed against.
39. The principles that sub-committee members must apply are set out below.

### **Principles for making the determination**

40. 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.
41. 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.
42. 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.
43. 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

44. 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.
45. The four licensing objectives are
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of nuisance; and
  - The protection of children from harm.
46. 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.
47. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence 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.
48. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films, in respect of door supervisors, irresponsible drinks promotions, alcohol dispensing, free tap water and minimum measures.
49. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

### Reasons

50. 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

51. 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.
52. 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**

53. 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.
54. 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.
55. 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.
56. 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.
57. 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**

58. 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
Licensing Act 2003 DCMS Guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises 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 variation application
Appendix B	Copy of the existing premises licence
Appendix C	Copy of the representation from interested parties
Appendix D	Copy of police representation and conciliation
Appendix D2	Copy of Environmental Protection Team representation and conciliation
Appendix E	Copy of local area map
Appendix F	Copy of warning letter sent to licensee
Appendix G	Copy of compliance letter sent to licensee
Appendix H	List of representations (On closed agenda)

## AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment & Housing	
Report Author	Wesley McArthur, Licensing Enforcement Officer	
Version	Final	
Dated	17 June 2010	
Key Decision?	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law and Governance	Yes	Yes
Finance Director	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	17 June 2010	

## 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 RICHARD BSNNZTTS  
(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	829029
-------------------------	--------

## Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
670 OLD KENT ROAD			
Post town		LONDON	Post code
			SE15 1JF

RECEIVED  
26 APR 2010

Telephone number at premises (if any)	02077325544
Non-domestic rateable value of premises	£ 7045

## Part 2 – Applicant details

Daytime contact telephone number	0 20 7 7 3 2 5 5 4 4
E-mail address (optional)	sean1daui@s@yahoo.com
Current postal address if different from premises address	15 MILDRED AVENUE BORNHAMWOOD
Post Town	BORNHAMWOOD, HERTS
Postcode	WD6 1ET

## 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)

The premises is a well lit restaurant which provides food and serves alcohol to members of the public.

1) We want to change times on conditions 315 and 424. (See page 17).

2) We also want to extend our opening hours on Fridays and Saturdays.

3) We wish to engage in the following additional licensable activities

a) Live Music - Box E

b) Recorded music - Box F

c) Making music - Box I

d) Dancing - Box J

e) Provision of late night refreshment - Box L

f) Sale by retail of alcohol. - Box M.

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.

- | <u>Provision of regulated entertainment</u>  | 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 type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>            |
| <br><u>Provision of entertainment facilities:</u>  |                                     |
| 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)<br>(if ticking yes, fill in box K) | <input type="checkbox"/>            |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box L)                                     | <input checked="" type="checkbox"/> |
| <u>Sale by retail of alcohol</u> (if ticking yes, fill in box M)   | <input checked="" type="checkbox"/> |

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"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for 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

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur								
Fri						<b><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></b> (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 <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	12.00	00.00			
Tue	12.00	00.00			
Wed	12.00	00.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	12.00	00.00			
Fri	12.00	04.00	<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	12.00	04.00			
Sun	12.00	00.00			

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12.00	00.00	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	12.00	00.00			
Wed	12.00	00.00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	12.00	00.00			
Fri	12.00	04.00	<b>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</b> (please read guidance note 5)		
Sat	12.00	04.00			
Sun	12.00	00.00			

## 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			<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)		
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					

1

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for making music you will be providing</b>	
			<b>Will the facilities for making music be indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon	12.00	00.00		
Tue	12.00	00.00		
Wed	12.00	00.00		
Thur	12.00	00.00		
Fri	12.00	04.00		
Sat	12.00	04.00		
Sun	12.00	00.00		
			<b>State any seasonal variations for the provision of facilities for making music</b> (please read guidance note 4)	
			<b>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</b> (please read guidance note 5)	

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"/>		
			<b>Please give a description of the facilities for dancing you will be providing</b> The idea is that if customers want to dance they should feel free to so.			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon	12.00	00.00				
Tue	12.00	00.00				
Wed	12.00	00.00			<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)	
Thur	12.00	00.00				
Fri	12.00	04.00				
Sat	12.00	04.00			<b>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</b> (please read guidance note 5)	
Sun	12.00	00.00				

K

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

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment <u>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	<b>Please give further details here</b> (please read guidance note 3)					
Mon	-	-						
Tue	-	-						
Wed	-	-				<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	-	-						
Fri	02.00	04.00				<b>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</b> (please read guidance note 5)		
Sat	02.00	04.00						
Sun	-	-						

M

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon	-	-						
Tue	-	-						
Wed	-	-						
Thur	-	-				<b>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</b> (please read guidance note 5)		
Fri	02.00	04.00						
Sat	02.00	04.00						
Sun	-	-						

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.

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	12.00	00.00	<p><b>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</b> (please read guidance note 5)</p>
Tue	12.00	00.00	
Wed	12.00	00.00	
Thur	12.00	00.00	
Fri	12.00	09.30	
Sat	12.00	04.30	
Sun	12.00	00.00	

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

Condition:  
315 - Change hours from 22:00hrs to 01:00hrs

Condition:  
424 - Change hours from 22:00hrs to 01:00hrs

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)**

**b) The prevention of crime and disorder**

- 1) The installation of CCTV.
- 2) Installation of bright lights within & outside premises.
- 3) No sale of alcohol to drunk or seemingly drunk customers.
- 4) Exit premises in an orderly and manner.

**c) Public safety**

- 1) Clear fire exit pathways properly and clearly.
- 2) Clear signs within and outside premises indicating relevant areas.
- 3) Ensuring hygiene is at optimum levels at all times.
- 4) Liaise with police and crime prevention partners.

**d) The prevention of public nuisance**

- 1) Noise reduction and insulation of whole premises.
- 2) Proper dress code.
- 3) To ensure that customers leave premises in an orderly manner.
- 4) Creation of a family friendly environment.

**e) The protection of children from harm**

- 1) Check relevant documentation for proof of age.
- 2) Admission time for children to be no later than 8pm unless accompanied by an adult.
- 3) Ensure all types of unacceptable behaviour conduct & activities are not allowed on premises at any time.

Please tick yes

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

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

**Part 5 – Signatures** (please read guidance note 10)

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

Signature	<i>R. P. [Signature]</i>
Date	22/04/2010
Capacity	DPS

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)

15 MILDRED AVENUE

Post town	BORSN HAMMOOD, HERTS.	Post code	WD6 1ET
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

## Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to 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.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



# Licensing Act 2003 Premises Licence

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

Premises licence number

829029

## Part 1 - Premises details

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

Wazobia Restaurant  
670 Old Kent Road  
London  
SE15 1JF

Ordnance survey map reference (if applicable),  
177695534606

#### Post town

London

#### Post code

SE15 1JF

#### Telephone number

### Where the licence is time limited the dates

### Licensable activities authorised by the licence

Late Night Refreshment - Indoors  
Sale by retail of alcohol to be consumed on premises

### The opening hours of the premises

For any non standard timings see **Annex 2**

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 02:00
Saturday	12:00 - 02:00
Sunday	12:00 - 00:00

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

Sale by retail of alcohol to be consumed on premises

**The times the licence authorises the carrying out of licensable activities**

For any non standard timings see Annex 2 of the full premises licence

**Late Night Refreshment - Indoors**

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 02:00
Saturday	23:00 - 02:00
Sunday	23:00 - 00:00

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

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 02:00
Saturday	12:00 - 02:00
Sunday	12:00 - 00:00

## Part 2

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

Richard Bennetts  
 15 Mildred Avenue  
 Borehamwood  
 Herts  
 WD6 1ET  
 07872 124342  
 npbennetts@aol.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**

Richard Bennetts  
 15 Mildred Avenue  
 Borehamwood  
 Herts  
 WD6 1ET

**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. PER - 0416  
 Authority Hertsmere Borough Council



Licence Issue date 23/04/2009

.....  
 Environmental Health and  
 Trading Standards Manager  
 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

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

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

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

## **Annex 2 - Conditions consistent with the operating Schedule**

**288** 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.

**289** 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

**303** 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.

**311** 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

**298** 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'

**302** 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;

**315** 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.

**332** Children will not be admitted after 8pm unless accompanied by an adult

**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

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

**340** Bright lights shall be installed and used both inside and outside the premises

**341** The whole premises shall be sound insulated

**342** 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.

**343** The registered door staff shall urge people to leave noiselessly and attempt to move on persons loitering outside the premises.

**344** There will be a designated smoking area at the rear of the premises and smokers are to be limited to 2 persons outside the rear of the premises.

**345** Only customers who have ordered substantial meals will only be served alcohol.

**346** There will be a suggestions box inside the entrance to the premises that will display a mobile number for complaints. The number shall be available throughout the opening hours of the premises.

**424** 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.

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

**808** That there shall be no new admission of the public to the premises after 12 midnight.

**840** No open containers of alcohol to be taken outside the premises, as indicated in the floor plans.

RECEIVED  
20 MAY 2009

London  
SE15 1JF  
9<sup>th</sup> February 2009

.....

The Licensing Services Unit  
c/o Southwark Environmental Health & Trading Standards  
The Chaplin Centre  
Thurlow Street  
London SE17 2DG

Dear Sir/Madam,

We write with objections regarding the Notice of application for a Premises Licence made under Section 17 of the Licensing Act 2003 in respect of the Wazobia Restaurant at 670 Old Kent Road, London SE15 1JF.

We have lived at our address (4 doors away from the new restaurant) for just over 40 years and have obviously seen many changes during that time. The main ones being an increase in crime, safety in our area, noise, nuisance, traffic and parking.

Unfortunately, we are already subjected to late night noise and nuisance from a club in Ruby Street which is a side road directly off of the Old Kent Road on the opposite side to us. The nuisance begins very late at night when cars and people on foot are making their way to the club, and then again when cars and again people on foot are leaving the club in the early hours of the morning. There is always the noise of cars tooting on their horns, people shouting and calling out to each other and of course where they have parked on the main road, the slamming of car doors. From time to time fights breaking out on the street, this in turn usually means that the police arrive with their sirens going, often 2-3 cars, but we have known as many as 7 police cars and also ambulances arriving where people have been injured in the fights. The police, we are sure will verify this.

All of the above, as already mentioned, are the existing problems we experience from a club on the opposite side of the road down a side turning. We are therefore aware of how this will increase if the licence application is granted at 670 Old Kent Road as the restaurant will only be 4 doors away from us and on the same side of the road.

As a point of interest there was a restaurant at 670 Old Kent Road a number of years ago, we were not aware at the time of an application for a licence for alcohol, nor a licence for music. The police attended on a weekly basis and the noise from music, drunken people on the street, cars illegally parked etc was very disturbing. We understand that the police finally took steps to have the restaurant closed down.

With regard to the current application, we assume a music licence has not been applied for or granted and are surprised therefore, that a restaurant would want to be open between midnight and 6.am.

Our immediate neighbours are in agreement to object to the application and have therefore signed this letter. Unfortunately, many of the other residents nearby are renting on a short time basis and therefore will be moving on.

Yours faithfully,

[REDACTED]

Mrs. [REDACTED] Old Kent Road

Mrs. [REDACTED] Old Kent Road

RECEIVED

20 MAY 2010

.....

658 Old Kent Road  
London  
SE15 1JF17<sup>th</sup> May 2010

The Licensing Services Unit  
c/o Southwark Environmental Health & Trading Standards  
The Chaplin Centre  
Thurlow Street  
London SE17 2DG

Dear Sir/Madam,

**Re: Wazobia Restaurant – 670-672 Old Kent Road, SE15 1JF**

We write with objections regarding the Notice of Application to Vary a Premises Licence made under Section 34 of the Licensing Act 2003 in respect of Wazobia Restaurant at 670-672 Old Kent Road, London SE15 1JF.

At the beginning of last year the Wazobia Restaurant made an application for a Premises Licence made under Section 17 of the Licensing Act 2003. Objections were made in writing by us and others in a letter to you dated 9<sup>th</sup> February 2009 (copy attached). At a meeting attended by us and held by Southwark Council's Licensing Sub-Committee on 15<sup>th</sup> April 2009 at Peckham Town Hall the premises licence was approved with conditions. In a letter dated 21<sup>st</sup> April 2009 from Southwark Council, the Notice of Decision gave under Reasons:- "The sub-committee believed that to grant any hours additional to those granted would have the likely effect of resulting in noise disturbance to local residents, in particular noise from customers smoking and entering and leaving the premises".

The current application is to have these conditions changed by:-

- Extending opening hours (to 04.30 hours Friday – Saturday)
- Extend hours for the retail sale of alcohol and late night refreshments
- Add regulated entertainment

All of our original objections in our letter of 9<sup>th</sup> February 2009 are still applicable to the current application. We also felt that the decision made by the Sub-Committee on 15<sup>th</sup> April 2009 to restrict opening hours in particular to 02.00 hours Friday – Saturday to be acceptable.

This having been said we are still disturbed on a weekly basis late at night from noise on the street by people we assume leaving the Wazobia Restaurant and that of The Prince of Wales Club which is situated behind Hyndman Street/Ruby Street which are

directly across from the Wazobia Restaurant. Only this weekend at just after 05.00 on Sunday 16<sup>th</sup> May we were woken by a disturbance immediately outside the Minicab office at 662 Old Kent Road by people leaving the club and waiting on the street for a cab. At the same time an ambulance and at least 2 police vehicles arrived at the junction of Old Kent Road/Hyndman Street, (directly opposite the Wazobia Restaurant) in connection with another incident.

We feel as local residents that we are disturbed enough already by noise and ongoing street problems and feel that if the Wazobia Restaurant has its application granted the level of disturbance will increase and may even add to crime as both The Prince of Wales club and the Wazobia Restaurant will be closing at around the same times. Further, if granted, we feel that the addition of regulated entertainment which we understand to cover live and recorded music and facilities for dancing, is veering more towards a club environment rather than the all seated restaurant against which the original premises licence was applied for. The music will again add to possible disturbances particularly if we should get a good summer whereby the Wazobia Restaurant might have its window shutters open. Further, surely the type of customer the Wazobia Restaurant is now looking to attract is in complete contradiction to that made when applying for the original Premises Licence namely " Our main target audience are families, churches in the area as well as all ethnic community"

We would like to add that it is good to see any business succeed, particularly in our current economic climate, however we feel this should not be to the detriment of local residents, many of whom have lived here for over 30 years and as much as possible want to be able to enjoy a reasonable quality of life in their own homes.

Yours sincerely,

















Enc:- letter dated 9<sup>th</sup> February 2009

WE THE UNDERSIGNED OBJECT TO THE APPLICATION TO VARY A  
PREMISES LICENCE MADE UNDER SECTION 34 OF THE LICENCING ACT  
2003.

Premises:- Wazobia Restaurant, 670-672 Old Kent Road, London SE15 1JF

Application to:- Extend opening hours to 04.30 hours Friday – Saturday  
Extend sale of alcohol to 04.00 hours Friday – Saturday  
To add regulated entertainment

<u>Signature</u>	<u>Print Name</u>	<u>Address</u>
		Old Kent Road
		" " " "
		OLD KENT RD
		" " " "
		OLD KENT RD
		" " " "
		OLD KENT ROAD

Your reference:



Our reference: MD/21/2013/10

Date: 4th May 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

**Wazobia 670 Old Kent Road London SE15 1JF**

I write in respect of the above premises for which I wish to make the following representations/objections to the granting of a Variation to the Premises Licence under the Licensing Act 2003.

Regrettably the applicant has failed to adequately address the four main Licensing Objectives by offering control measures that would 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 licensing objectives. The applicant has applied for extended hours on Friday and Saturday's nights and at the same time appears to be requesting a relaxation of the control measures that are on the current premises licence, namely condition 315 restricting the use of outside areas and condition 424 the requirement of SIA Door Staff.

It would appear eminently sensible that in order to address adequately the four the main licensing objectives, for additional conditions to be required as the premises is requesting longer operating hours and not a relaxation of the current licence conditions as the applicant appears to be advocating.

Police would also require the following additional conditions to be placed onto the premises licence should extended hours be granted:

1. 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.

2. That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.
3. 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.
4. 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.

**Therefore Police oppose the variation to condition 315 & 424 but do not oppose the request for additional operating hours, with the proviso of the additional conditions as shown above.**

Police would welcome the opportunity of a conciliation meeting with all interested parties.

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  
 📠 Fax: 0207 232 6282  
 ✉ E-mail: [paul.compton@met.police.uk](mailto:paul.compton@met.police.uk)  
 📧 Mail: Licensing Office, Walworth Police Station,  
 12/28 Manor Place Walworth London  
 SE17 3RL

670-672 Old kent road, London. SE15 1JF

From:  **Paul.Compton@met.police.uk**

 You may not know this sender. Mark as safe | Mark as junk

Sent: 21 May 2010 06:54:44

To: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

Cc: [bola\\_balogun@hotmail.com](mailto:bola_balogun@hotmail.com)

Dear Sir/Madam


Re an application to vary the existing premises licence for the above: I met with the applicant and have agreed the following conciliated resolution.

Therefore I am now in a position to formerly withdraw my representation.

Regards


Paul Compton PC294MD


Licensing Officer Southwark Borough

 Phone: 0207 232 6210

 Mobile: 07595011458

 Fax: 0207 232 6282

 E-mail: [paul.compton@met.police.uk](mailto:paul.compton@met.police.uk)

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

(not protectively marked)

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**From:** Bola Balogun [[mailto:bola\\_balogun@hotmail.com](mailto:bola_balogun@hotmail.com)]

**Sent:** 20 May 2010 15:10

**To:** Compton Paul - MD; Clements Ian - MD; Pope2; Pope

**Subject:** 670-672 Old kent road, London. SE15 1JF

Dear Paul,

Many thanks guys for today's meeting with regards to the varying of the conditions on our premises licence.

I therefore wish to confirm the following agreed terms per our meeting

- 1) That conditions 315 and 424 be removed from Sundays to Thursdays and that on Saturdays and Sundays when we supply regulated entertainment, the conditions will still apply but the times will be moved to 00.00hrs:
- 2) That the first three additional conditions on your letter dated 4th of May are acceptable;
- 3) That condition 4's time be changed to 00.00hrs

Once again I thank you very much for your time and effort.

Regards

Mr Balogun

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Get a free e-mail account with Hotmail. Sign-up now.



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Appendix F

Warning letter sent to licensee from the Licensing Authority

Wazobia Restaurant  
670 Old Kent Road  
London  
SE15 1JF

**Licensing Unit**  
Direct Line: 0207 525 5688  
Direct Fax: 0207 525 5705

25 November 2009

Dear Mr Bennett

**RE: THE LICENSING ACT 2003 – WARNING LETTER  
(Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF)**

On 24th October 2009 at 23:00 Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

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

During the inspection the officers witnessed the following:

- 1. Condition No 311 states: That suitable notices shall be displayed and announcement made asking requesting people to leave the premises in a quiet and orderly manner.**
- 2. Condition No 424 states: That SIA registered Door Supervisor, shall be employed at all times after 22:00hrs and the 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.**

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

**FILE COPY**



If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

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

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) or by telephone on 0207 525 5688 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,



David Swaby  
Principal Enforcement Officer  
[David.Swaby@southwark.gov.uk](mailto:David.Swaby@southwark.gov.uk)

c.c P.C. McNally / P.C. Compton  
Southwark Police Licensing Office  
Walworth Police Station  
12-28 Manor Place  
London  
SE17 3BB

**FILE COPY**

**Appendix G**

**Compliance letter sent to licensee from the Licensing Authority**

**FILE COPY**

Wazobia Restaurant  
670 Old Kent Road  
London  
SE15 1JF

**Licensing Unit**  
Direct Line: 0207 525 5688  
Direct Fax: 0207 525 5705

10 March 2010

Dear Mr Bennett

**RE: THE LICENSING ACT 2003 – RE-VISIT COMPLIANCE  
(Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF)**

Following the warning letter that was sent to you on the 25 November 2009, Licensing Enforcement Officers re-inspected your premises on 24 October 2009 to check on compliance.

I am pleased to confirm that at the time of our visit the premises were found to be operating in full compliance with terms and conditions of the premises licence.

As a result of the above, the premises has been placed in the 'C' risk category and will be inspected again in 1 years or following a complaint whichever is the soonest.

Should you require any assistance or advice, please contact us by email at [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) or by telephone on 0207 525 5688 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,



David Swaby  
Principal Enforcement Officer  
[David.Swaby@southwark.gov.uk](mailto:David.Swaby@southwark.gov.uk)

c.c. The Head Office





<p><b>Distribution List</b></p> <p><b>Open</b></p> <p><b>Licensing Sub-Committee</b></p>	<p><b>MUNICIPAL YEAR 2010-11</b></p> <p><b>Date of Meeting: Monday 28 June 2010</b></p> <p><b>Time: 10.00am</b></p>
<p><b>Note:</b> Original held in Constitutional Team; all amendments/queries to Sean Usher, Constitutional Team, Tel: 020-7525-7222.</p>	
<p><b>Councillors (1 Copy Each)</b></p>	<p><b>Applicants and Interested Parties</b></p>
<p>Councillor Lorraine Lauder (Chair)  Councillor Sunil Chopra  Councillor Jeff Hook  Councillor Emmanuel Oyewole (Reserve)</p> <p><b>Officers</b></p> <p>Felix Rechtman, Legal Services, Tooley Street  Sean Usher, Tooley Street (Hub 4) 2<sup>nd</sup> Floor  Jayne Tear, Licensing Department  Dorcas Mills, Licensing Department  Alan Blissett, Environmental Protection Team  Wesley McArthur, Licensing Team</p> <p><b>Ward Councillors (Notified by Email)</b></p> <p>Faraday and Livesey</p> <p>Press Officer (By Email)</p>	<p><b>Item 5 – Nivla Restaurant</b></p> <p>Applicant and interested parties details on file.</p> <p><b>Application 6 – Wazobia</b></p> <p>Applicant and interested parties details on file.</p>
<p><b>Total Copies to be printed: 28</b></p> <p><b><u>PLEASE BRING YOUR PAPERS TO THE MEETING.</u></b></p>	<p><b>Total copies to be circulated: 22</b></p> <p><b>All spares to be delivered to Sean Usher, C/o Town Hall Post Room</b></p> <p><b>Day of Despatch: 18 June 2010</b></p>