

Licensing Sub-Committee

Monday 21 March 2011

10.00 am

Town Hall, Peckham Road, London SE5 8UB

Membership

Councillor Eliza Mann
Councillor Jeff Hook
Councillor Wilma Nelson

Reserves

Councillor Norma Gibbes

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

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

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: 11 March 2011



Licensing Sub-Committee

Monday 21 March 2011
10.00 am
Town Hall, Peckham Road, London SE5 8UB

Order of Business

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

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

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

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

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

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

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

5. LICENSING ACT 2003 - NESE RESTAURANT (FORMERLY WABI SHEBELE), 189 - 191 NEW KENT ROAD, LONDON, SE1 4AG 1 - 67

6. LICENSING ACT 2003 - LAS DELICIAS, 99 SOUTHAMPTON WAY, LONDON SE5 07SX 68 - 119

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

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

Item No.

Title

Page No.

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

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

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

Date: 11 March 2011

Item No. 5.	Classification: Open	Date: 21 March 2011 at 10am.	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003 – Nese Restaurant (formerly Wabi Shebele), 189 – 191 New Kent Road, London, SE1 4AG	
Ward(s) or groups affected:		Chaucer	
From:		Strategic Director of Environment and Housing	

RECOMMENDATION

1. That the licensing sub-committee considers an application made under Section 51 of the Licensing Act 2003 by Ms Rosalynde Stone for a review of the premises licence in respect of the premises known as Nese Restaurant (formerly Wabi Shebele), 189 – 191 New Kent Road, London SE1 4AG.
2. The licensing sub-committee made a decision on the application for review on 20th December 2010, which is attached as appendix I. The licensee, Mustafa Arif, appealed the decision at Camberwell Green Magistrates' Court and the matter has been remitted back to the licensing sub-committee for determination as Mr Arif contends that there has been a factual change in the operation of the premises.
3. *Notes:*
 - a) *The grounds for the review are stated in paragraph 12 of this report. A copy of the full application is provided as appendix A;*
 - b) *The application is supported by the council's environmental protection team and seven (7) interested parties. Paragraphs 15 and 16 deal with the supporting representations received for the application. Copies of the relevant representations are provided as appendices C & D; and*
 - c) *A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.*

BACKGROUND INFORMATION

The Licensing Act 2003

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

- The prevention of nuisance; and
 - The protection of children from harm.
7. 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; and
 - Relevant representations
8. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.
9. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51(1) of the Act it remains open to any responsible authority or interested party to apply to the local licensing authority for a review of the premises licence where there are concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The review hearing, 20th December 2010, and subsequent appeal

10. The licensing sub-committee heard the application for a review of the premises licence on 20th December 2010. The decision is attached as Appendix I.
11. Mustafa Arif, licensee of 189 – 191 New Kent Rd, appealed against the licensing sub-committee's decision on 23 December 2010. A copy of his Notice of Appeal is attached as Appendix II.
12. At the hearing of the appeal on 21st January 2011 at Camberwell Green Magistrates' Court Mr Arif stated that since the review there had been a significant change in the way the premises were operated.
13. The Magistrates' Court remitted the matter back to the licensing sub-committee for consideration in the light of Mr Arif's contention that there had been a significant factual change in the operation of the premises.

The remitted review

14. All responsible authorities and interested parties involved in the sub-committee hearing on 20th December 2010 were written to inviting them to attend today's licensing sub-committee hearing.
15. The applicant, Rosalynde Stone, submitted a letter attached as appendix III.
16. The licensee, Mr Arif, also submitted a letter attached as appendix IV.
17. Licensing and Health & Safety officers visited the premises for a licensing inspection on 24th February 2011 at 20.05hrs. The premises was found to be mostly compliant

with the terms and conditions on the licence, however there were no notices asking customers to leave quietly, which was a breach of condition 311. The front fire exit was also found to be obstructed and was ordered to be cleared at the time of visit. Mr Arif explained that he was in the process of changing the name to Nese Restaurant on his premises licence. The warning letter is attached as appendix V.

18. The Environmental Protection Team will provide an update on their site visit at the licensing sub-committee hearing.

The premises licence

19. The current licence in respect of the premises known as Wabi Shebele Restaurant, 189 - 191 New Kent Road, London SE1 4AG was granted to Mustafa Arif in November 2005. The licence permits the following licensable activities:

- Regulated entertainment (live music, recorded music, performance of dance, entertainment similar to live/recorded music, facilities for making music, facilities for dancing, provisions similar to making music and dancing):
Monday – Thursday 09.00 – 01.00;
Friday & Saturday 09.00 – 02.00;
Sunday 09.00 – 23.00
- Late night refreshment:
Monday – Thursday 23.00 – 01.30;
Friday & Saturday 23.00 – 02.30;
Sunday 23.00 – 00.00
- Sale and supply of alcohol on premises:
Monday – Thursday 11.00 – 01.00;
Friday & Saturday 11.00 – 02.00;
Sunday 11.00 – 23.30

20. A copy of the current premises licence is attached to the report as Appendix B.

Designated premises supervisor

21. The designated premises supervisor is Mustafa Arif, who holds a personal licence issued by Southwark Council.

The application for a review of the premises licence

22. On the 7th October 2010 an application for the review of the premises licence was received from a local resident. The grounds for the review relate to the following licensing objectives and are summarized as follows:-

- Prevention of crime and disorder – That the premises frequently remains open beyond 2am, and the noise team police have been contacted.
- Public safety – Large groups of drunk men congregate on the street. Fights amongst customers which have been reported to the police.
- Prevention of public nuisance – Members of the household have been complaining to the council regarding noise nuisance since April 2001. Every weekend there is loud live and recorded music. Southwark Noise Team have served a statutory notice.

23. The application for the review of the premises licence had not been sent to the responsible authorities and therefore the consultation was extended to the 3rd December 2010.
24. A copy of the review application and supporting statement is attached the report as appendix A.

Representations from interested parties

25. The licensing service received letters from seven (7) interested parties supporting the original review application. Copies of the correspondence are attached as appendix C to the report. They relate to the licensing objectives of:
 - Prevention of crime and disorder – Concerning the frequent fights outside the premises, police have been called on occasion.
 - Prevention of public nuisance – Loud music most Fridays, Saturdays, and Sundays into Monday mornings often until 4am. The council's noise team have been involved for a number of years and have served a statutory notice.
 - Public safety - The management's failure to ensure that those attending the premises and those living in the local vicinity of the premises can do so in a safe and controlled environment.

Representations from responsible authorities

26. There was a supporting representation from the council's environmental protection team. The fire brigade and police replied advised that they would not support the review. Copies of the representations are attached to the report as appendix D.

Operating history to date

27. Mr Arif made an application for existing licences (justices licence, special hours certificate and entertainments licences) to be converted to a premises licence under the Licensing Act 2003. The premises licence was issued in November 2005.
28. A complaint was received by the licensing service in October 2007 stating that the licensing hours were being ignored. It was alleged that every Friday, Saturday and Sunday the premises were open playing music and serving alcohol until 4am. The complainant was advised to contact the Noise Team, as they could take action if they witnessed the nuisance. The complainant was told that licensing officers would visit the premises to ensure compliance with their licence.
29. A licensing inspection on 13th October 2007 at 01.35am found that the premises was generally operating within the terms and conditions of their licence, however they did not have the premises licence summary on display.
30. A licensing inspection on 20th February 2009 at 20.30pm found that there was no premises licence kept on the premises, and the fire exit was obstructed as it was being used as a storage area. These issues were rectified by the time of the revisit in July 2009.
31. An application was received in December 2009 to vary the premises licence. The proposed variation was to extend the hours for entertainment, late night refreshment and alcohol until 5am Monday to Saturday and 4.30am on Sundays. There were a number of representations received (6 interested parties, the police and environmental protection team), and the application was determined by councillors at licensing sub-committee. The application to vary the premises licence was refused.

Temporary Event Notices

32. Temporary events notices have been used on occasions extend the terminal hours of the premises licence. Below is a table of TENs given to date.

2010	
Date	Closing Time
22 May	4am
29 – 30 May	4am
20 June	4am
26 – 28 June	4am
4 July	4am
1 August	4am
8 August	4am
15 August	4.30am
22 August	4.30am
30 August	4am

Visits made to premises

33. Licensing and environmental protection team (EPT) officers visited the premises in October 2010 to discuss the noise issues. Mr Arif showed the officers the sound limiting device he had installed. The EPT officer outlines the visit in his submission in appendix D.

Details of the warning given to the licence holder/DPS

34. On 30 November 2010, following reports from the noise team of the premises operating beyond terminal hours, a warning letter was sent to Mustafa Arif. The warning letter is attached as appendix E.

The Local Area

35. A map of the local vicinity is attached appendix F. For the purposes of scale only the circle on the map has a 100-metre radius. The operating terminal hour of the following premises licensed for alcohol and late night refreshment are shown on the map.

- Lebanese Grill, 173 New Kent Road (Mon –Sat: 02.00; Sun: 01.00)
- New Kent Road General Store, 179 New Kent Road (Mon – Sun: 02.00)
- Lo-Cost Supermarket, 165 – 167 New Kent Road (Mon – Sun: 01.00)
- Al-Mustafa Spicy Chicken & Pizza, 161 New Kent Road (Sun – Thurs: 00.:00; Fri & Sat: 01.00)
- BP Newington, 197 – 211 New Kent Road (24hrs)

Southwark council statement of licensing policy

36. 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 re-inforces the four licensing objectives
- Section 5 which sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence

- Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998
 - Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
 - Section 8 provides general guidance on ensuring public safety including safe capacities
 - Section 9 provides general guidance on the prevention of nuisance
 - Section 10 provides general guidance on the protection of children from harm.
37. 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

38. No fee is payable in respect of an application for licence review.

CONSULTATIONS

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

COMMUNITY IMPACT STATEMENT

40. 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

41. The Sub-Committee is asked to determine, under Section 52 of the Licensing Act 2003, an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or an interested party may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
42. The principles, which Sub-Committee members must apply, are set out below.

Principles for making the determination

43. The licensing authority must hold a hearing to consider an application for review of a premises licence where.
- the application is properly made in accordance with Section 51 of the Act.
 - the applicant has given notice in accordance with Section 51(3) of the Act.
 - the advertising requirements provided for under Section 51(3) of the Act are satisfied.
 - the licensing authority has considered the ground(s) of review not to be frivolous, vexatious or repetitious.

- the licensing authority has considered the ground(s) of review to be relevant to one or more of the licensing objectives.

The four licensing objectives are -

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

44. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are to-
- modify the conditions of the licence by altering, omitting or adding any condition.
 - exclude a licensable activity from the scope of the licence.
 - remove the designated premises supervisor.
 - suspend the licence for a period not exceeding three months.
 - revoke the licence.
45. For the purpose of determining a relevant representation under section 52 of the Act a "relevant representation" means representations which –
- are relevant to one or more of the licensing objectives.
 - are made by the holder of the premises licence, a responsible authority or an interested party within the prescribed period
 - have not been withdrawn
 - if made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
46. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
47. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.
48. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.
49. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

50. Where the authority determines an application for review it must notify the determination and reasons why for making it to-
- the holder of the licence.
 - the applicant
 - any person who made relevant representations
 - the chief officer of police for the area (or each police area) in which the premises are situated

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. This matter relates to the review of the premises licence under section 51 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 which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
58. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
59. Under the Human Rights Act 1998. The sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
60. Interested parties, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

61. 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.

Finance Director's Concurrent

62. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, The Chaplin Centre, Thurlow Street, London, SE17 2DG	Name: Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix I	Copy of the licensing sub-committee decision 20.12.10
Appendix II	Copy of letter re : appeal from Mr Arif
Appendix III	Copy of letter from Ms Stone
Appendix IV	Copy of email from Mr Arif
Appendix V	Copy of warning letter
Appendix A	Copy of the review application
Appendix B	Copy of the premises licence
Appendix C	Copies of representations from interested parties
Appendix D	Copies of representations from Responsible Authorities
Appendix E	Copy of warning letter
Appendix F	Copy of the local area map
Appendix G	List of representations (On closed agenda)

Audit trail

Lead Officer	Gill Davies, Strategic Director of Environment and Housing	
Report Author	Kristie Ashenden, Principal Licensing Officer	
Version	Final	
Dated	8 March 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET 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	9 March 2011	



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 20 DECEMBER 2010

LICENSING ACT 2003: WABI SHEBELE RESTAURANT, 189 - 191 NEW KENT ROAD, LONDON, SE1 4AG

1. Having had regard to the application by Rosalynde Stone for a review of the premises granted under the Licensing Act 2003 to Mustafa Arif in respect of the premises known as Wabi Shebele Restaurant, situated at 189 - 191 New Kent Road, London, SE1 and having had regard also to representations from the applicant, the environmental protection team, local residents and the licensee, the licensing sub-committee found that the premises as currently operated adversely affect the prevention of public nuisance objective in the Licensing Act and as a result decided to modify the license as follows:
 - a) That the hours of regulated entertainment be reduced to midnight on Monday-Saturday
 - b) That the hours for late night refreshment be reduced to 0100 on Monday-Saturday
 - c) That the hours for the sale and supply of alcohol be reduced to 0100 on Monday-Saturday
 - d) That the premises opening hours be as follows: Monday-Saturday 0900-0130, Sunday 0900-0000

That the following conditions be added to the licence:

- i) all electronically amplified sound shall be played through a compressor sound limiting device, the level of which shall be set by the operator's sound engineer in consultation with the council's environmental protection team and local residents and maintained to the agreed level thereafter
- ii) no more than six people shall use the outside area at any one time
- iii) no drinks in open containers shall be consumed outside the premises by customers
- iv) customers shall be allowed out of the premises in groups of no more than six. Sufficient time shall be allowed to elapse between groups that the previous group have vacated the vicinity.
- v) That an appropriately licensed door supervisor be employed from 2200hrs till closing.

2 Reasons for the Decision.

The reasons for this decision are as follows:

The licensing sub-committee found that the premises as currently operated adversely affect the prevention of public nuisance objective in the Licensing Act 2003.

3 Appeal Rights.

This decision is open to appeal by either

- a) The applicant for the review;
- b) The premises licence holder; or
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team on behalf of the Strategic Director of Communities, Law & Governance.

Date: 20 December 2010

NOTICE OF DECISION – 20 DECEMBER 2010

RECEIVED

24 DEC 2010

Mr Mustafa Arif
 First Floor Flat
 189 New Kent Road
 London SE1 4AG
 Tel:

Date 23rd of Dec 2010

I would like to appeal against the council decision (Licensing Sub Committee 20th December 2010) to reduce my hours. I will be closing Wabi Shebele Restaurant on the 31st of Dec 2010, never to be opened again. I rented out the Restaurant A very long time ago and that's when the problems started. I will never rent the Restaurant to anyone again

The Restaurant Known as Wabi Shebele will close on the 31st of Dec 2010 and a Turkish Restaurant will open in it's place, the Restaurant will be run as a proper authentic Turkish Restaurant.

Webi Shebele was never run as a Restaurant, but more as a Night-Club and that is where my problems started the next door neighbour would complain about the music being to loud but I would be the last person to here about it, all letters about complaints and things like that would come to Webi Sheble Restaurant but would not have my name on them So I was always the last person to here about things that have happened .

I would like to say that I will be trading as a family Restaurant and not a Night-Club or Disco.
 The Restaurant will be called (NESE) That Turkish Place

The reason for the reduction in my Licensing hours

- 1, Music being to loud, I will get professional help to insulate needed arias. I have new sound limiting device (needs to be set)
- 2, Too many customers outside being a little loud, I will limit number of smokers that can smoke at any 1 time
- 3,Public nuisance, The customers that we will attract will be family and friends and couples, only responsible people

I would like the chance to prove that I can run this Restaurant in a orderly way not upsetting neighbours or anyone including the Council or Police or public.

The reason that I rented out the Restaurant in the first place is because my mother had a very fatal accident (rundown by car) And very near died, she never opened her eyes for 6 weeks two broken legs brain damage and she just can not care for herself, so I rented out the Restaurant and started to care for my mother, she is being looked after by other members of the family now so I will change the Restaurant into a Turkish Restaurant and maybe I will be given the chance to prove that I can operate a orderly Restaurant.

I have been talking with the neighbours and they think that we can work together to resolve the noise problem. They are happy that the tenants are leaving and that I am opening the Restaurant myself.

RECEIVED
01 MAR 2011

New Kent Road London SE1

The Licensing Service
c/o Southwark Environmental Health & Trading Standards
The Chaplin Centre
Thurlow Street SE17 2DG
Email: licensing@southwark.gov.uk

RECEIVED
01 MAR 2011
25 February 2011

For attention of Principle Licensing Officer

Dear Ms Ashenden

Re Wabi Shebele Restaurant, 189-191 New Kent Rd, London SE1 4AG

This letter is a formal notice that the occupants of New Kent Road intend to attend the consideration (ie rehearing) of Mustafa Arif's appeal against the Licensing Sub-Committee's decision made at the Licence Review last year which is taking place 10.00am 21st March 2011.

We intend to present our concerns in relation to Public Nuisance in so far as they are relevant to any submissions that may be made by the Licensee.

We may include, if relevant, acknowledgement of some welcome improvement in the sound levels that are apparent since the restaurant has been under the hands-on management of the Licensee himself.

It will also include concern about the possibility of a reversion to past problems that occurred during the extensive periods when Mustafa Arif was effectively a Licensee *in absentia*. In the light of these persistent past problems what would be the useful purpose of any assurances that these problems are not going to return?

Concerns about

Prevention of crime and disorder,

Ensuring public safety & Protection of children from harm

have been expressed in earlier submissions by one or other of the signatories and hopefully do not need further discussion.

Yours sincerely

Ashenden, Kristie

From:
Sent: 02 March 2011 02:28
To: Ashenden, Kristie
Subject: Re: 189 - 191 New Kent Rd

Hallo Kristie,

In reply to your email here is a list of things that I have changed

- 1) I have built a lobby to the problem area to stop the sound from travelling.
- 2) I have made extensive work in the Restaurant around the problem area.
- 3) It is now a Turkish Restaurant.
- 4) Customers are not aloud to have drinks without food
- 5) We are constantly reminding the customers that when going outside for a smoke, or when going home to be as quiet as can be.
- 6) we are running the Restaurant as a Restaurant not a pub/night-club .
- 7) I have taken some photos that I will bring along to you in due course.
- 8) The name of the Restaurant will be changed as soon as possible To Nese Restaurant (That Turkish Place)

Anything that I have missed please let me know. Regards, Mustafa Arif

In a message dated 23/02/2011 12:26:52 GMT Standard Time, Kristie.Ashenden@SOUTHWARK.GOV.UK writes:

Dear Mr Arif,

As discussed on the phone, it would be helpful if you could provide me with a written submission of how the operation of your premises has changed, as well as any structural changes you may have made. I would appreciate it if you could forward that to me by Monday 7th March.

Should you have any queries please contact me on the details below.

Regards

Kristie Ashenden

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

licensing@southwark.gov.uk <http://app.southwark.gov.uk/licensing/licenseregister.asp>

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FILE COPY

Mustafa Arif
Nese Restaurant
189-191 New Kent Road
London
SE1 4AG

Licensing Unit
Direct Line: 020 7525 5754
Direct Fax: 020 7525 5705

2 March 2011

Dear Mr Arif

**RE: THE LICENSING ACT 2003 – WARNING LETTER
(Nese Restaurant, 189-191 New Kent Road, London, SE1 4AG)**

On 24 February 2011 at 20.05 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. Breach of condition 311: *That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner*". At the time of visit, there were no notices on display.

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.

Additionally, please ensure that all fire exits remain clear and unobstructed in the event of an emergency.

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

Licensing Unit - Environment & Housing, Chaplin Centre, Thurlow Street, London SE17 2DG

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director Environment & Housing - Gill Davies

Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

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

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 5754 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,



Kristie Ashenden
Principal Licensing Officer
kristie.ashenden@southwark.gov.uk

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

RECEIVED

07 OCT 2010

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 ROSALYNDE STONE
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>WABI SHEBELE</u> <u>189-191 NEW KENT RD</u>	
Post town <u>LONDON</u>	Post code (if known) <u>SE1 4AG</u>

Name of premises licence holder or club holding club premises certificate (if known) <u>MUSTAFA ARIF</u>

Number of premises licence or club premises certificate (if known) <u>9083</u>

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>	→
<input checked="" type="checkbox"/>	→
<input checked="" type="checkbox"/>	→
<input type="checkbox"/>	

Please state the ground(s) for review (please read guidance note 1)

3. Prevention of Public Nuisance

For several nights of the week the Wabi Shebele plays loud music which renders us unable to sleep in our bedroom. Our bedroom shares a party wall with the Wabi Shebele.

Members of our household have been complaining to the council regarding noise nuisance since April 2001 and we then began to live in our flat in August 2007 and the situation has not much improved since then. Every weekend we have loud live and recorded music playing through our bedroom wall. We have complained to the Southwark Council Noise Team and a Noise Abatement Order has been issued and yet this statutory nuisance continues.

There have been promises from both the Southwark Council Noise Team and the Wabi Shebele that a music level device will be calibrated by a member of the Noise Team. This has been promised for years. Last time the device was installed and calibrated early this year, it was promptly tampered with and is currently (we believe) now broken.

The weekend for us while this situation continues is not a time of rest or recuperation as our peaceful enjoyment of a decent night's sleep is not just compromised by this but in fact completely ruined. Furthermore we cannot avoid this situation as we can neither sell nor let our home whilst the noise nuisance continues.

Please provide as much information as possible to support the application
(please read guidance note 2)

2. Prevention of crime and disorder

The Wabi Shebele is often indifferent to their current license and frequently remains open later than 2am. We have contacted both the Noise Team and the Police about this in the past. Around the time of the last council hearing on March 1st 2010 for the restaurant to alter their opening hours, the hours the Wabi Shebele was actually keeping were

5th February 2010 - music stopped at 3.14am

12th February 2010 - music stopped at 3.15am

13th February 2010 - music stopped at 3.44am

20th March 2010 - music stopped at 3.12am

And this situation has improved with the new management but for example on Friday 11th September they were open past 2.30 am and on Saturday they were still open at 3am. We did try to call out the Noise Team on both nights and I believe the Team witnessed this on the Saturday evening.

3, Public Safety

Our front door is frequently used as a urinal – we have had members of the Noise team standing in our bedroom witnessing the noise barefoot as they have had to walk through a puddle of urine. It is also not unheard of for there to be vomit on the street also.

Furthermore large groups of drunk men congregate on the street which make walking down our street, if only to get to or from the car, daunting. It is not unknown either for there to be fights amongst customers as reported to the police on 29th January and 7th August this year.

With this application I enclose copies of correspondence with the Council over the past 9 years regarding the Wabi Shebele from various members of our household. We hope by this action that there will be a time when we can have the opportunity to relax at the weekends and go to sleep in our own bed at a time of our choosing.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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

If you have made representations before relating to this premises please state what they were and when you made them

- Please tick yes
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
 - 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature *Stone*

Date *6-9-2010*

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) <i>MRS R STONE</i> <i>185 NEW KENT RD.</i>	
Post town <i>LONDON</i>	Post Code <i>SE1 4AG</i>
Telephone number (if any) [REDACTED]	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**Noise Team**

Chaplin Centre
Thurlow Street
London SE17 2DG

Phone 020 7525 5777
Fax 020 7525 5768
E-mail noise@southwark.gov.uk

185 New Kent Road
London
SE1 4AG

6001
RECEIVED
08 OCT 2010

21 April 2001

Dear Customer

DISTURBANCE FROM NOISE: 191 New Kent Road
Please quote your EID No. when telephoning or writing.

(EID No.43370)

With reference to your complaint to the Noise Team on 21/4 at 2.29 hours
The Field Team visited your neighbourhood at 2.54 hours on.
We did witness the noise disturbance, which was considered to be a likely statutory noise nuisance.

- a Formal Warning will be issued to the persons responsible.
- Other Action Taken:- Licensing Section will be informed.

The 24-hour service operates on the basis of the customer contacting the Noise Team as and when the noise disturbance occurs, so if you are regularly bothered by noise from a specific location or address, you should contact us on 020 7525 5777. An officer will then visit you to assess the problem and discuss with you what can be done to resolve the situation.

If you feel that our response to your complaint did not meet your needs or expectations, or you wish to comment on the service, please write to the above address and you will receive a written reply within 10 days.

Yours faithfully

John Fisher.
Enforcement Officer

**CAMBERWELL GREEN MAGISTRATES COURT
SOUTH CENTRAL DIVISION**

Your Ref;
Our Ref;

15 D'Eynsford Road
London
SE5 7UP

To;
185 New Kent Road
London
SE5 4AG

Tel; 020 7805 9851
Fax; 020 7805 9898
Dx ; 35305 CAMBERWELL GREEN

Date; 14th May 2001

Dear Sir / Madam

LICENSING ACT 1964

I refer to your objection to the grant of a Justices Licence to;

.....**Mr A Mustafa**.....

In respect of premises situated at;

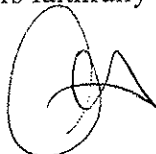
... **Nese Restaurant, 189-191 New Kent Road, SE1**.....

.....
Please confirm that a copy of your letter has been sent to the Licensee/s.

The application will be heard at this Court on Monday, the **21st** Day of ...**May**..... **2001**....., at 10am.

You must attend then if you wish your objection to be considered, with any evidence and witnesses you may wish the Court to hear.

Yours faithfully



For the Clerk to the Licensing Justices.



PUBLIC PROTECTION SERVICE

The Chaplin Centre, Thurlow St
London SE17 2DG

Noise Team 0171 525
Fax 0171 525 5768

Please Reply To Helen Masterson
Officer's Direct Tel No 0171 525 5791
17 October 1997

185 New Kent Road
London
S.E.1 4.A.G.

Dear

Re:Nese Resyaurant 189 Old Kent Road S.E1

An Entertainment Licence was granted to the above restaurant subject to certain conditions. One of these conditions was to install a sound limiting device with a maximum level set to the satisfaction of the Noise Team. A provisional level has been set and agreement for an Entertainment License Event to go ahead this Saturday (18/10) between 9pm -1am. I would be grateful if you could let me know if you are disturbed by music on this night. If you are disturbed it would be useful to call out our 24 Hour Rapid Response Officers from the Noise Team on 0171 525 5777 to witness any disturbance from your flat. This will help us to identify a level that does not cause disturbance. Alternatively you can discuss with Tony Garton on 0171 525 5763. thankyou for your help.

Yours sincerely

Helen Masterson
Environmental Health Officer



185 New Kent Road
London
SE1 4AG

Noise & Air Quality Team
Phone – 020 7525 5777
Facsimile – 020 7525 5768

19 January 2007

Dear

RE: ALLEGATION OF NOISE NUISANCE - MUSIC FROM STREET BLPU, NEW KENT ROAD, LONDON

(EID No. 167228 - please quote this No. if contacting us about this incident).

With reference to your complaint to the Noise Team on 15 January 2007 at 00:24 hours, we visited you on 15 January 2007 at 00:40 hours and witnessed the noise about which you were complaining. I considered the noise to be a statutory nuisance.

I am next on shift on the 23rd of January, at this time I will speak to proprietor of the restaurant, and inform you of any action that I may take.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Heather Cowley". The signature is written in a cursive style with a large, sweeping flourish that loops back under the name.

Heather Cowley
Enforcement Officer
noise@southwark.gov.uk

The 24-hour service operates on the basis of the customer contacting the Noise Team as and when the noise disturbance occurs, so if you are regularly bothered by noise from a specific location or address, you should contact us on 020 7525 5777. An Officer will then visit you to assess the problem and discuss with you what can be done to resolve the situation.

If you feel that our response to your complaint did not meet your needs or expectations, or you wish to comment on the service, please write to the above address and you will receive a written reply within 10 days.



Enforcement & Creative Design
Phone – 020 7525 2000
Fax – 020 7525 5768

185 New Kent Road,
LONDON,
SE1 4AG

12th September 2007

Dear

RE: ALLEGATION OF NOISE NUISANCE – MUSIC FROM WAB SHABELE RESTAURANT
(190189 - please quote this No. if contacting us about this incident).

With reference to your complaint to the Noise Team on 12th September 2007 at 00.27 hours, we visited you on 12th September 2007 at 00.52 hours and witnessed the noise that you complained about. I considered the noise to be a statutory nuisance.

It was possible to negotiate a reduction in the noise level.

A written warning has been issued to the person(s) responsible

Yours sincerely,

A handwritten signature in black ink, appearing to read "Rees Watson".

Rees Watson
Enforcement Officer

If you feel that our response to your complaint did not meet your needs or expectations, or you wish to comment on the service, please write to the address below and you will receive a written reply within 10 days.



Enforcement & Creative Design
Phone – 020 7525 5777
Fax – 020 7525 2378

185 New Kent Road
London
SE1 4AG

23rd November 2009

Dear

RE: ALLEGATION OF NOISE NUISANCE - Loud Music, 189 New Kent Road, London, SE1 4AG
(414862 - please quote this No. if contacting us about this incident).

With reference to your complaint to the Environmental Enforcement Team on 22nd November 2009 at 21.29 hours, we visited you on 22nd November 2009 at 22.09 hours and witnessed the noise that you complained about. I considered the noise to be a statutory nuisance.

It was possible to negotiate a reduction in the noise level.

A Noise Abatement Notice will be served on the person(s) responsible.

The licensing team will be informed about this incident and about the action taken by the Environmental Enforcement Team.

If you feel that our response to your complaint did not meet your needs or expectations, or you wish to comment on the service, please write to the address below and you will receive a written reply within 10 days.

Yours sincerely,

A handwritten signature in black ink, appearing to read "H.Lilley".

Hannah Lilley

Environment Enforcement Officer
hannah.lilley@southwark.gov.uk



Environmental Enforcement
Phone – 020 7525 5777
Fax – 020 7525 2378

185 New Kent Road
London
SE1 4AG

19 September 2010

Dear

RE: ALLEGATION OF NOISE NUISANCE - Loud Music, 189-191 New Kent Road, London, SE1 4AG

(486392 - please quote this No. if contacting us about this incident).

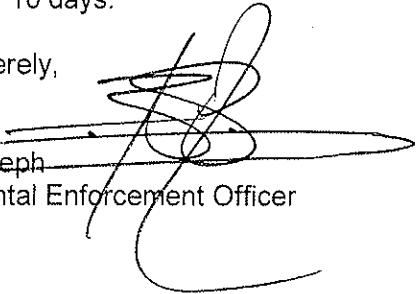
With reference to your complaint to the Environmental Enforcement Team on 19 September 2010 at 00.18 hours, we visited you on 19/9/10 at 01:00 hours and witnessed the noise that you complained about. I considered the noise to be a statutory nuisance.

It was possible to negotiate a reduction in the noise level.

A written warning will be issued to the person(s) responsible.

If you feel that our response to your complaint did not meet your needs or expectations, or you wish to comment on the service, please write to the address below and you will receive a written reply within 10 days.

Yours sincerely,


Barney Joseph
Environmental Enforcement Officer

Licensing Act 2003 Premises Licence



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

FILE COPY

Premises licence number

009083

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Wabe Shebele Restaurant 189 New Kent Road London SE1 4AG	
Ordnance survey map reference (if applicable), 178995532587	
Post town London	Post code SE1 4AG
Telephone number 020 7378 9009	

Where the licence is time limited the dates
--

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

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

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

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

Live Music - Indoors

Monday	09:00 - 01:00
Tuesday	09:00 - 01:00
Wednesday	09:00 - 01:00
Thursday	09:00 - 01:00
Friday	09:00 - 02:00
Saturday	09:00 - 02:00
Sunday	09:00 - 23:00

Y900317

Recorded Music - Indoors

Monday	09:00 - 01:00
Tuesday	09:00 - 01:00
Wednesday	09:00 - 01:00
Thursday	09:00 - 01:00
Friday	09:00 - 02:00
Saturday	09:00 - 02:00
Sunday	09:00 - 23:00

Performance of Dance - Indoors

Monday	09:00 - 01:00
Tuesday	09:00 - 01:00
Wednesday	09:00 - 01:00
Thursday	09:00 - 01:00
Friday	09:00 - 02:00
Saturday	09:00 - 02:00
Sunday	09:00 - 23:00

Entertainment Similar to live/recorded music - Indoors

Monday	09:00 - 01:00
Tuesday	09:00 - 01:00
Wednesday	09:00 - 01:00
Thursday	09:00 - 01:00
Friday	09:00 - 02:00
Saturday	09:00 - 02:00
Sunday	09:00 - 23:00

Facilities for Making Music - Indoors

Monday	09:00 - 01:00
Tuesday	09:00 - 01:00
Wednesday	09:00 - 01:00
Thursday	09:00 - 01:00
Friday	09:00 - 02:00
Saturday	09:00 - 02:00
Sunday	09:00 - 23:00

Facilities for Dancing - Indoors

Monday	09:00 - 01:00
Tuesday	09:00 - 01:00
Wednesday	09:00 - 01:00
Thursday	09:00 - 01:00
Friday	09:00 - 02:00
Saturday	09:00 - 02:00
Sunday	09:00 - 23:00

Provisions Similar to making music and dancing - indoors

Monday	09:00 - 01:00
Tuesday	09:00 - 01:00
Wednesday	09:00 - 01:00
Thursday	09:00 - 01:00
Friday	09:00 - 02:00
Saturday	09:00 - 02:00
Sunday	09:00 - 23:00

Late Night Refreshment - Indoors

Monday	23:00 - 01:30
Tuesday	23:00 - 01:30
Wednesday	23:00 - 01:30
Thursday	23:00 - 01:30
Friday	23:00 - 02:30
Saturday	23:00 - 02:30
Sunday	23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 02:00
Saturday	11:00 - 02:00
Sunday	11:00 - 23:30

Part 2

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

MUSTAFA ARIF
First Floor Flat
189 New Kent Road
London
SE1 4AG
07889 054445

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

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

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No. 6041
Authority L B Southwark



Licence Issue date 18/11/2005

.....
Environmental Health & Trading
Standards Business Unit 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.

Annex 2 - Conditions consistent with the operating Schedule

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

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

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

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

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

- a.With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- b.For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- c.To a canteen or mess.

134 Alcohol may be sold or supplied:

- a.On weekdays, other than Christmas day, Good Friday or New Year's Eve from 1100 to 0000 hours
- b.On Sundays, other than Christmas Day or New Year's eve, and on Good Friday: 1200 to 2330 hours
- c.On Christmas day: 1200 to 2330 hours
- d.On New Year's eve, except on a Sunday, 1100 to 0000 hours
- e.On New Year's Eve on a Sunday, 1200 to 2330 hours

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

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

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

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

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

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

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

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

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

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

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

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

b. The Licensee shall give to the Council at least 10 days notice in

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

150 Compressed or liquefied gases shall not be used except with consent.

At least 10 days notice in writing shall be given to the Council of any proposal to bring storage cylinders into the premises

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

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

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

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

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

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

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

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

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

154 a. The Licensee / Duty Manager shall ensure that he has sufficient trained staff on duty to ensure the safe evacuation of the premises in an emergency. Such staff shall have been specifically instructed on their duties in the event of an emergency by the Licensee or by a person nominated by him. The instruction given to staff shall include training on the safe and efficient running of the premises and the safe evacuation of the premises.

b. A nominated member of staff in addition to the Duty Manager shall have responsibility for fire prevention measures and for ensuring that all escape routes including exit doors are fully available.

c. No Door Supervisor shall be employed at premises outside London except with consent. Any employment shall be in accordance with additional conditions set by the Council.

d. Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role. The Licensee / Duty manager shall, once he is satisfied as to the competence of each member of staff, record this in the Fire log book.

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

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

156 The Licensee / Duty manager shall maintain a register indicating the numbers of staff, including any Door Supervisors and all performers, who are present when the public are present. This register shall be produced immediately on the request of an Authorized Officer. This Condition does not apply to any premises that are being used for a closely seated audience.

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

158 a. The Licensee / Duty Manager shall ensure that no nuisance is caused by noise emanating from the premises or by vibration transmitted through the structure of the premises.

b. If required, legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

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

i) Fire Fighting Equipment.

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

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

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

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

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

ii) Fire-alarm warning system

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

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

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

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

iii) Smoke ventilators

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

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

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

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

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

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

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

163 a. All escape routes and exits including external exits shall be maintained unobstructed, in good order with non-slippery and even

surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.

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

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

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

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

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

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

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

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

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

b. Temporary decorations shall not be provided except with consent.

When seeking consent for temporary decorations the Licensee shall advise the Council of the period for which it is desired to retain them

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

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

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

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

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

170 Refuse receptacles shall be emptied regularly.

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

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

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

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

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

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

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

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

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

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

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

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

d. of essential to the entertainment and subject to consent, the management lighting in the entertainment area may be reduced or extinguished provided
 (i) the lighting be controlled from a position with a clear view of the entertainment area; and
 (ii) An operator remain by the controls whilst the lighting is reduced or extinguished; and

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

(iv) The escape route signs remain adequately illuminated.

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

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

c. In the event of failure of the normal lighting

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

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

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

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

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

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

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

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

180 a. The premises shall be effectively ventilated.

b. Where the ventilation system is designed to maintain a positive air pressure within that part of the premises, that pressure shall be

maintained whenever the public are present in that part of the premises.

181-a. Ventilation ducting and other shafts shall be kept clean.

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

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

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

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

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

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

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

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

- v) Fire fighting equipment - All portable fire-fighting equipment together with any hose reels or sprinklers in accordance with BS 5306;
- vi) Mechanical installations - Any passenger lifts or escalators. All lifting equipment and permanently suspended equipment (These certificates should be copies of the records of examination provided under the Lifting Operations and Lifting Equipment Regulations 1998. Any permanently suspended loads, such as permanently installed stage lighting luminaires or loudspeakers or flown cinema screens, shall be treated as forming part of the lifting equipment installation and be examined by the competent person making the examination). The safety curtain, its operating gear and controls, the smoke ventilators and drencher. Any other mechanical installation (for example, stage, orchestra or organ lifts, revolving or moving platforms) if required.
- vii) Lasers - Any permanently installed lasers, other than Class 1 and Class 2 lasers;
- viii) Special effects - Permanently installed smoke machines, fog generators and strobe lighting;
- ix) Ceilings - Ceilings and ornamental plaster; and
- x) Gas installation - Any gas installation and gas appliances, if required. A member of the Council for registered Gas installers (CORGI) shall complete the certificate.

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

- a) indecent behaviour, including sexual intercourse, except as permitted by the Theatres Act 1968;
- b) the offer of any sexual or other indecent service for reward;
- c) acts of violence against person or property and / or the attempt or threat of such acts; and
- d) unlawful possession and / or supply of drugs controlled by the Misuse of Drugs Act 1971.

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

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

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

Annex 4 - Plans - Attached

Licence No.	009083
Plan No.	N/A
Plan Date	April 2006

PARTY A

RECEIVED
26 OCT 2010

The Licensing Service
c/o Southwark Environmental Health & Trading Standards
The Chaplin Centre
Thurlow Street SE17 2DG
Email; licensing@southwark.gov.uk

I have been informed of a review of licence number 833172 in the name of Mustafa Arif at the Wabi Shebele Restaurant.
189 – 191 New Kent Road, SE1 4AG.

In this matter I, _____ am lodging an objection. I live in my own family house at _____
New Kent Road. _____
I have been living here since 1996.

PREVENTION OF PUBLIC NUISANCE:

Our household has suffered noise nuisance since 2001. Ten years ago in Camberwell Magistrates Court, _____, we made a neighbourly agreement with Mr Arif to have a noise-limiting device fitted to the restaurant sound amplifier. That device was, according to Mr Arif's account, very soon deliberately disabled by the restaurant management. Several similar devices fitted since have suffered the same fate. That particular tenant was forced to leave, as she found the noise unbearable. Since then, on the open market, the _____ flat has been both unlettable and unsellable. _____ . For three or more nights a week they find that sleep in the bedroom is not practicable until the music stops, often as late as four in the morning.

Mr Arif has put two layers of sound-proofing on his side of the party-wall and _____ have forfeited the chimney alcoves in their bedroom to his sound proofing attempts. None of these measures have made sufficient difference to the intolerable volume of sound that enters our house from the restaurant premises.

These buildings in New Kent Road, probably built in about 1860, are too old to be suitable for the noise levels created by the Wabi Shebele Restaurant.

PREVENTION OF CRIME AND DISORDER & ENSURING PUBLIC SAFETY:

In terms of the trouble immediately outside our house - trouble that spills out on occasions on to the pavement that we share with the restaurant premises - both ourselves and passing members of the public perceive a public threat. A car driving clientele _____ combined with late night drinking are component parts of this public threat.

Mr Arif has never succeeded in enforcing neighbourly restraint on the part of his tenant/managers. After ten years of waiting for this to happen it has become clear to me that any such a solution is not possible. Mr Arif has breached the terms of the licence that he is granted and I now beg the Council to remove this licence altogether.

24th October 2010

PARTY B

50

APP - 490 784
Loc: 174 793

New Kent Road
LONDON
SE1 4YS

RECEIVED
28 OCT 2010

email:

@yahoo.co.uk

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

26 October 2010

Dear Sir,

Wabi Shebele Restaurant New Kent Road SE1

In January this year, I wrote to you, hoping that the owner's attempt at extending the licensing hours of the above establishment should not be approved. For ease of reference a copy is attached.

The arguments I put forward at that time remain. Last Saturday morning at 0500 hours I was wakened in our rear bedroom by noise. On entering the bathroom to use the lavatory, it became apparent that the raucous noise was emanating from the Wabi Shebele and the pavement outside.

I have seen Marie Stone's letter to you and fully understand and sympathise with the unenviable situation she faces due entirely to the present licensing hours of the restaurant which appear to me to have been breached repeatedly.

I fully support her application to cancel the licence altogether. Frankly, this establishment is a contradiction of the aims for the redevelopment programme of the Elephant and Castle area.

Yours faithfully,

New Kent Road
LONDON
SE1 4YS

RECEIVED
28 OCT 2010

@yahoo.co.uk

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

20 January 2010

Proposed Extension of Licence of the WABI SHEBELE Restaurant SE1

We are Freeholders of Number () New Kent Road, the Wabi Shebele restaurant. Having let our property for six years we moved in July 2006.

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

Additionally, on numerous occasions when we have been returning to our house in the late evening, 10-12 o'clock there have been smoking and because it is immediately opposite the traffic light controlled crossing have made us uncomfortable but at no time have they ever actually threatened us.

↳ They were however noisy

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

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

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

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

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

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

Yours sincerely,

PARTY C

New Kent Road London SE1 4AG

The Licensing Service
 c/o Southwark Environmental Health & Trading Standards
 The Chaplin Centre, Thurlow Street SE17 2DG, licensing@southwark.gov.uk

I have been informed of a review of licence number 833172 in the name of Mustafa Arif at the Wabi Shebele Restaurant, 189 – 191 New Kent Road, SE1 4AG.

Regarding this licence I am lodging an objection. I live at Wabi Shebele Restaurant. This has been my home since I moved here in 1996.

Reasons for my objection:*Prevention of crime and disorder & Ensuring public safety (reasons 1 & 2)*

There have been repeated breaches of this licence in terms of the hours of closing. If the licensing hours were imposed by the Council in the interests of good order and public safety then I perceive a breach of these hours as a threat to good order and public safety.

Prevention of nuisance (reason 3)

This restaurant has caused a lot of nuisance over the years, particularly with the present style of entertainment, which is very loud music. This noise from the Restaurant is not only loud but is also continuous. It persists on most Fridays, Saturdays, Sundays and until Monday mornings (usually 3 or 4 times per week) and regularly continues until 4 am and, on occasions, even later. This has been the case for the last few years as has been reported to the Council and the Licensing authority since September 2005 or earlier. This noise also causes a nuisance to nearby residents. The Restaurant's patrons are routinely noisy on the pavement outside the Restaurant near to where their cars are parked on the New Kent Road. There have been bouts of fighting, which is disturbing in the middle of the night and adds to the nuisance. There have been repeated complaints to the Southwark Council 24-hour Noise Control Team - which involves having to wait up for an hour or more in the middle of the night for a representative to attend to "witness" the noise. This team on occasions will only respond to noise if it can be heard in the street (that is, in the New Kent Road) outside the restaurant, although the extremely loud music that causes the nuisance is transmitted through the structure of the neighbouring buildings and also airborne noise behind the Restaurant - that is the space between the backs of the buildings in County Street and the New Kent Road. When asked to control the nuisance, the Restaurant may often respond politely but in the negative, claiming that a wedding party is responsible for the noise nuisance rather than the Restaurant itself (although this music emanates from the Restaurant's sound system presumably controlled by the Restaurant rather than their patrons).

Protection of children from harm (reason 4)

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

19 November 2010

PARTY D

London
SE17

3 November 2010

Southwark Licensing Team
 Chaplin Centre
 Thurlon Street
 London
 SE17 2DG

BY E-MAIL: licensing@southwark.gov.uk

Dear Sir

Licence Number 833172

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

We are writing, as interested parties, with reference to the above review of the Premises Licence at the Restaurant which we support due to concerns relating to all four licensing objectives under the Licensing Act 2003 ("the Act"). We believe the Premises Licence should be revoked.

We
 SE17 2DG ("the Flat") are the owners of

This letter supporting the review of the Premises Licence at the Restaurant is therefore made by each of the following interested parties:

- The leasehold owners of the Flat;
- The freehold owner of

We purchased _____ in October 2007 and have, since that date used the Flat as our only residence.

Since the date of purchase until approximately the end of November 2009, we were, on average awoken by music emanating from the Restaurant at least 3 or 4 times per week. The music was loud, constant and ordinarily persisted until at least 4.00 a.m. causing us a nuisance. We were regularly awoken and kept awake by the loud music such that, we often had to move out of our bedroom in the middle of the night (regularly on weekdays) and sleep in the living area to avoid the noise. The Premises Licence that was granted on 18 November 2005 was therefore regularly breached without enforcement.

More recently, since the Applicant's application for an extension to the Premises Licence (which was refused), the disruption has been less regular but it still persists and continues to at least 4.00 a.m in the morning (well beyond its current license). This is particularly disappointing given the Applicant is aware of the nuisance the Restaurant's activities is causing.

Turning to the licensing objectives set out under the Licensing Act we have the following particular concerns:

- 1 **The Prevention of Crime and Disorder-** We are aware of a large number of fights, violence and criminal damage that has been caused by people attending the Restaurant and often, consuming excess quantities, of alcohol. We choose not to visit this end of New Kent Road after 10.00 p.m. due to concerns about our safety. The Restaurant appears to be completely uninterested in such criminal activity and does nothing to protect the security of neighbouring properties and passersby.
- 2 **Public Safety-** We repeat the reasons set out above. We ourselves choose not to go near the Restaurant at night time due to concerns about our safety.
- 3 **The Prevention of Nuisance-** we have already been subjected to regular and constant noise nuisance emanating from the Restaurant. The nuisance to date has regularly interrupted our sleep (during the week as well as weekends). A sound limiter which we understand was installed previously at the Restaurant was of no effect. Mr Harbig understood from the hearing he attended earlier this year that the sound limiter appeared to have been interfered with by the Applicant although the Applicant claimed it had broken. We do not feel comfortable going round to the Restaurant at the time of the noise as we feel intimidated.
- 4 **The Protection of Children from Harm-** there are a number of families nearby with children who must, like us, be disturbed by the noise emanating from the Restaurant. Equally relevant is a desire for children not to see violent and criminal behaviour from adults frequenting the Restaurant.

We hope that the Premises Licence will be revoked accordingly.

Yours sincerely

PARTY E

New Kent Road, London, SE1 4AG

**The Licensing Service, c/o Southwark environmental health and trading standards,
The Chaplin centre, Thurlow Street, SE17 2DG.**

_____ has called for a review of licence number 9083 in the name of
Mustafa Arif at the Wabi Shebele Restaurant 189-191 New Kent Road, SE1 4AG

With regards to this licence I am also lodging an objection.

I would very much like to see any music licences both live or recorded, or as TENS events, withdrawn altogether from the Wabi Shebele, so that the premises can function again as a restaurant instead of the current reality of a nightclub. I believe that this would in turn resolve current issues related to prevention of crime & disorder, and public safety.

REASONS FOR MY OBJECTION

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

There have been frequent fights outside the premises of the Wabi Shebele, mostly involving large groups of drunk individuals late at night. I have phoned the police several times in response to such events, as there have been people thrown and shoved against my front door and windows and I have heard bottles shattering. In the past, following a particularly vicious fight between Wabi Shebele customers which awoke me during the night, I left my house the following morning to see blood spatters on the pavement leading all the way to the corner of Harper Road, several hundred feet away.

I have never witnessed the security staff at the Wabi Shebele intervenes once a fight has been taken outside their premises and onto the public streets, nor phone for police assistance in any of these cases. I feel that it is both unacceptable to allow such dangerous and anti-social behaviour to be inflicted on a community by a local business, but more seriously that is surely only a matter of time before either a patron, employee of the Wabi Shebele or a passer by is seriously injured or killed.

Prevention of nuisance (Reason 3)

For 3 nights a week, until varying hours of the morning, my wife and I are unable to sleep in our bedroom due to the sound of the music, live & recorded, coming from the Wabi Shebele. We can also hear foot stamping and cheering when the premises are particularly busy. This level of noise has been witnessed and recorded as a statutory nuisance many times by Southwark's noise team. Several noise abatement orders have also been issued in the past. Faced with such a level of noise my wife and I find ourselves constantly tired as we both work full time during the week and occasionally also at weekends and find we

cannot rest due to the noise. We also cannot consider renting our flat as the market price has been completely ruined by the constant noise problems.

This is further aggravated by the Wabi Shebele's current management seeking to use temporary event notices to play music until even later than their normal licenced hours, despite our pleas with them not to do so. There have also been repeated breaches of the licensing hours granted to the Wabi Shebele by its various management teams, including the current one, over the years. Several Southwark sound team visits conducted outside of licenced hours have noted that the premises was still playing live/recorded music and appeared to be open for trading well past any allowed times.

There have been many attempts to resolve this problem by both parties over the years, involving relocating our bedroom, insulating both sides of a party wall, proposed mutual agreements on acceptable sound levels, and attempted calibration of sound limiter devices by Southwark officials (Deborah Lawless & Bill Legassick). None of these measures have been effectual due to the Wabi Shebele's fundamental opposition to lowering their noise levels, as they clearly believe that their business relies on creating high levels of noise.

Omojomolo, Alex

From: [redacted]@ [redacted].co.uk]
Sent: 03 November 2010 08:47
To: Regen, Licensing
Subject: Licence Review for Licence No 833172 (Mustafa Arif and Wabi Shebele Restaurant)
Follow Up Flag: Follow up
Flag Status: Red

From:

✓ **New Kent Road**
LONDON
SE1 4YS

The Licensing Service
c/o Southwark Environmental Health and Trading Standards
The Chaplin Centre
Thurlow Street
LONDON
SE17 2DG

3rd November 2010

Dear Sir/Madam

Review of Licence No 833172 for Wabi Shebele Restaurant in Name of Mustafa Arif

We have been resident at the above address for some ten years. The Wabi Shebele Restaurant
We are concerned to hear that there may
be an extension of the licence for the restaurant and would be grateful if the Licensing Service would
take the following into consideration when conducting its review.

1. There is frequent loud noise from the restaurant, often well beyond midnight, which interferes with the sleep of those in bedrooms on the street side of the house. Given that we have some secondary glazing which provides a certain amount of shielding we dread to think what it must be like for those of our neighbours without it. While we appreciate that there are bound to be occasional bouts of noise, it seems to happen with an unreasonable regularity.

2. Part of the problem is that the customers of the restaurant often gather on the pavement outside to continue their partying with a complete disregard for any neighbours. On some occasions this partying has descended into loud and bitter arguments resulting in occasional fights. Indeed, on one occasion there was clearly a serious incident involving an assault as the police were at the scene. This is of particular concern to us as our young son (18 years old) often has to return home from work late. He has sometimes had to cross the road without using the pedestrian crossing to ensure that he does not become embroiled in whatever was going on outside the restaurant. The pedestrian crossing is right next to the restaurant.

We would be most grateful if the Council would take these serious concerns into account when considering whether to allow the license to continue as we believe that the way the restaurant is conducting its business shows an unreasonable lack of regard for the well-being and safety of its neighbours.

Yours sincerely,

03/11/2010

Omojomolo, Alex

From: [redacted]@gmail.com]

Sent: 02 November 2010 20:07

To: Regen, Licensing

Subject: Licence 833172

Dear Sirs

I would like to lodge an objection to this application

I had not read the notice attached to the post by the crossing next to the venue, having assumed it was something to do with the crossing itself. Had it been on the door of Wabi Shebele I would have noticed it sooner.

I live at

[redacted] off the New Kent Road.

I object to the application for the following reasons.

- 1 The noise is already appalling. I do not know how the people living next door cope. Neither can I guess what it is like for people living opposite in the flats at Edison House or in the houses. It regularly wakes me up - and I am tucked away behind and am usually a very strong sleeper.
- 2 There are regular fights, and people blocking the pavement making it difficult to get to the crossing to get to the safety of other side.
- 3 The smell of illegal substances is sometimes plainly noticeable.
- 4 There is frequently rubbish scattered around the bins which is distinctly smelly.

Thank you for your consideration. Will you notify me of the decision once made?

Yours faithfully

LONDON FIRE
EMERGENCY
LICENSING AUTHORITY

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

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

833172

RECEIVED
08 NOV 2010

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 5 November 2010
Our Ref FS/91/5206/KK

Dear Sir/Madam

LICENSING ACT 2003

Premises: WABI SHEBELE RESTAURANT, 189-191 NEW KENT ROAD, LONDON SE1 4AG

With reference to the premises licence review notification received from Rosalynde Stone on 5th November 2010, concerning the above premises, **the Fire Authority does not propose to make any representation** to the Licensing Authority or attend the hearing.

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

Yours faithfully,

P Davis (Mrs)

for Assistant Commissioner (Fire Safety Regulation)

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

Reply to Kevin Keown Fire Safety Inspecting Officer
Direct T 020 8555 1200 x 57287
Direct F 020 8536 5924

MEMO: Environmental Protection Team

To	Licensing Unit	Date	4 November 2010	
Copies	Kristie Ashenden David Franklin			
From	Dipesh Patel	Telephone	020 7525 5723	Fax 020 7525 5768
Email	dipesh.patel@southwark.gov.uk			

Subject Review of a premises licence: 189-191 New Kent Road, SE1. Our Reference: 479585

On behalf of the Environmental Protection Team, I would like to support the review of the premises licence for the Wabi Shebele at 189-191 New Kent Road, SE1.

I inspected the premises and surrounding area on 28 October 2010. In addition to the noise from within the premises affecting the residents of 185 New Kent Road as a result of sound transfer through the party wall, there is significant sound escape through the roof of the 189-191 New Kent Road. There are number of premises that would be affected by noise break-out through the roof, potentially leading to a nuisance that is indiscriminate.

Officers from the Council's Environmental Enforcement Team have also witnessed nuisance being caused by 189-191 New Kent Road. Mr Mustafa Arif has confirmed to me (see appendix 1) that he has installed a sound limiting device and is happy to have an additional condition on his licence to ensure that this device is used.

The type of device that he has installed is a 'sentry' device which requires the sound limit to be exceeded for a certain amount of time before it 'cuts out'. Problems can occur with this type of device when the 'limit' is exceeded but for insufficient duration to trigger the cut off. This can occur regularly without the limiter being triggered and thus cause an adverse impact. I would therefore recommend that a compressor type of device be fitted which actually limits the amount of sound energy that the music system can produce.

Noise and disturbance from patrons outside the premises have also been raised as causing problems to local residents. Again, Mr Arif has indicated that he is amenable to a condition that restricts the number of people outside at any one time to 6. Additional control measures such as not allowing patrons outside with drinks and ensuring that when they do leave, they leave in small numbers will alleviate this problem to some extent.

I would therefore recommend that the premises licence be amended to include the following conditions:

1. All electronically amplified sound shall be played through a compressor sound limiting device, the level of which shall be set by the operator's sound engineer in consultation with the Council's Environmental Protection Team and local residents and maintained to the agreed level thereafter.
2. No more than six people shall use the outside area at any one time
3. No open drinks in open containers shall be taken outside of the premises and no drinks shall be consumed outside the premises by customers.

4. Customers shall be allowed out of the premises on groups of no more than six. Sufficient time shall be allowed to elapse between groups to ensure that the previous group have vacated the vicinity.

Dipesh Patel
Principal Enforcement Officer
Environmental Protection team
London Borough of Southwark

Appendix 1- email from Mr Arif.

From: Mustafatry@aol.com [mailto:Mustafatry@aol.com]
Sent: 31 October 2010 17:47
To: depesh.patel@southwark.gov.uk
Subject: 189-191 New Kent Road

Sir.

As asked for by yourself,
As you have seen I have fitted a new sound limiting device that will need to be calibrated to a suitable level.
I have instructed the door security that no more than 6 people can be aloud to smoke outside at any 1 time
I have instructed that when the restaurant closes that the customers should be let out in small numbers of up to 6 people and although signs have been posted they should be asked to leave in a quiet and orderly manor respecting other people around.

I was telephoned by the next-door 185 on Friday night about the noise level being a little loud and we are working together to reach a happy medium.
I would be happy for any help and addvice to solve the problems and issus that have builtup along the way
I will do whatever it takes.

Regards Mustafa Arif

Your reference: .



Our reference: MD/21/2085

Date: 9th November 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

Review-Wabi Shebele 189-191 New Kent Road SE1

Police are in receipt of an application to review the current Premises Licence held by Mr Mustapha Arif in respect of the above premises.

As you are aware that the Licensing Act 2003 apportions areas of responsibility and Police are limited with addressing issues surrounding Crime & Disorder. Police have searched all relevant reporting and recording systems and have found nothing to the detriment in respect of Crime & Disorder that would permit the submission of a supporting representation.

Paul Compton PC294MD
Licensing Officer (Southwark North)

☎ Phone: 0207 232 6210
☎ Mobile: 07595011458
📠 Fax: 0207 232 6282
✉ E-mail: paul.compton@met.police.uk
✉ Mail: Licensing Office, Walworth Police Station,
12/28 Manor Place Walworth London
SE17 3RL



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

Licensing Service
 Direct Dial - 020 7525 5754
 Facsimile - 020 7525 5705

30 November 2010

FILE COPY

Dear Sir

LICENSING ACT 2003
WABE SHEBELE , 189 NEW KENT ROAD, LONDON SE1 4AG

Southwark Council's Noise Team have advised us that the above premises were operating beyond its terminal hours on the morning of Sunday 28th November 2010. It has been noted that the premises was still providing regulated entertainment at 02.25am.

- The premises was operating beyond its permitted hours of 02.00 for licensable activities (regulated entertainment) to cease.

May I remind you that the terminal hours for your premises are as follows:

Supply of alcohol

Monday – Thursday from 11.00 - 01.00
Friday and Saturday from 11.00 - 02.00
Sunday from 11.00 – 23.30

Regulated entertainment - (live & recorded music, dancing)

Monday – Thursday from 09.00- 01.00
Friday and Saturday from 09.00 - 02.00
Sunday from 09.00 – 23.00

Late Night Refreshment


Monday – Thursday from 23.00 – 01.30
Friday and Saturday from 23.00 – 02.30
Sunday from 23.00 – 00.00

This Service warns you that should any further breaches be reported to us or witnessed by ourselves we will give consideration to the appropriate legal action to be taken. This could result in the instigation of legal proceedings.

I would make it clear that it is the practice of the Council's Licensing Service to send officers to visit premises to check to see if unauthorised activities are being provided. Licensing officers will gain admission to the premises in the same way as ordinary members of the public, and will not necessarily make themselves known to the staff or publican at the time of the visit.

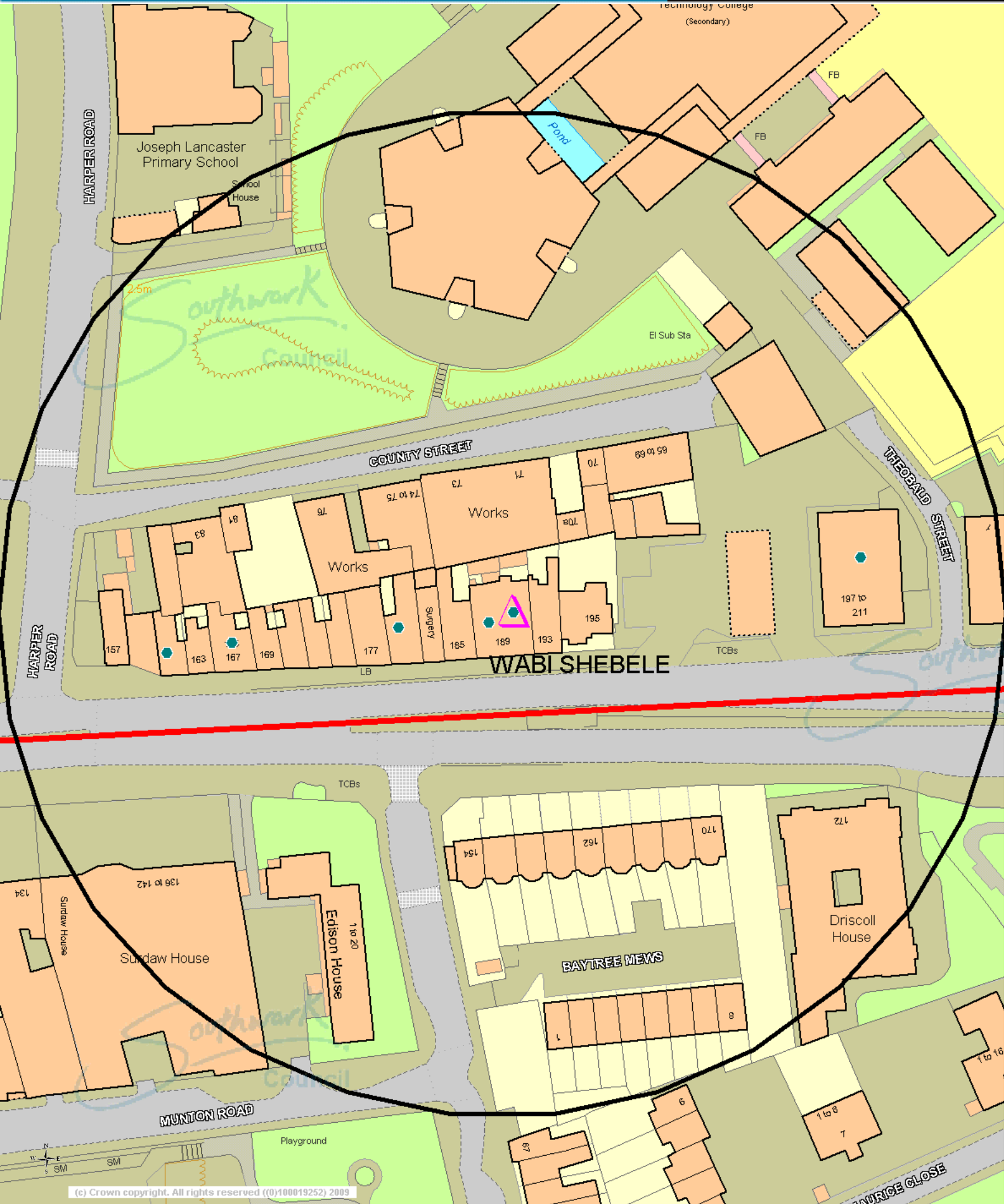
Please ensure you act promptly on this letter. If you require advice or assistance on how to comply with the matters raised please contact me on the telephone number given above.

Yours sincerely



Kristie Ashenden
Principal Licensing Officer
licensing@southwark.gov.uk

Date 1/12/2010



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Item No. 6.	Classification: Open	Date: 21 March 2011 10am	MEETING NAME Licensing Sub-Committee
Report title:		LICENSING ACT 2003 – Las Delicias, 99 Southampton Way, London SE5 07SX	
Ward(s) or groups affected:		Premises are within: Brunswick Park	
From:		Strategic Director of Environment & Housing	

RECOMMENDATION

1. That the Licensing Sub-Committee considers an application made by Nelson Gutierrez Pardo for a grant of a Premises Licence under the Licensing Act 2003 in respect of the premises known as Las Delicias, 99 Southampton Way, London SE5 07SX
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 Responsible Authorities and Interested Parties and is therefore referred to the Sub-Committee for determination;
 - b) Paragraphs 8 to 12 of this report provide a summary of the application the Premises Licence under consideration by the Sub-Committee (A copy of the full application is provided as Appendix a)
 - c) Paragraphs 13 & 14 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 b& c).

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

MATTERS FOR CONSIDERATION

The Application for a New Grant

8. On 17 January 2011, an application was made by Nelson Gutierrez Pardo for a grant of a Premises Licence in respect of the ground floor of the premises known as Las Delicias, 99 Southampton Way, London SE5 7SX under section 17 of the Licensing Act 2003. A copy of the application is attached as appendix a.
9. The application is therefore summarized as follows:
- To permit the provision of regulated entertainment
- *(Live music, recorded music, facilities for making music and dancing)*
 - Sunday to Thursday 09.00 to 21.00
 - Friday and Saturday 09.00 to 04.00 on the day following
 - To permit the provision of late night refreshment
 - Friday and Saturday 23.00 to 04.00 on the day following
 - To permit the sale and or supply of alcohol
 - Sunday to Thursday 09.00 to 21.00
 - Friday and Saturday 09.00 to 04.00 on the day following
 - Proposed opening hours of the premises are
 - Sunday to Thursday 09.00 to 21.30
 - Friday and Saturday 09.00 to 04.30 on the day following
10. The 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.
11. 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

12. The proposed designated premises supervisor Licence is Nelson Gutierrez Pardo. Note (however, Nelson Gutierrez Pardo is in the process of obtaining a personal licence).

Representations From Interested Parties

13. There are 11 representations lodged by interested parties and a local ward councillor. The representations are primarily concerned with the history of noise nuisance, and anti social behaviour that is being experienced at present and which they fear might escalate as a result of the proposed grant. Copies of the representations are attached as appendix b.

Representations From Responsible Authorities

14. There are 4 representations lodged by the Metropolitan Police and the Council's Environmental Protection Team (EPT), Trading Standards and the Planning Department. The representations mostly 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 c.

Conciliation

15. Conciliation was offered as part of the application process. However there has been no response from the applicant. As such the application is being submitted for determination by the Licensing Sub-Committee.

Recent history

16. On 14 November 2010 the Licensing unit received complaints with regards to unlicensed activities and loud music emanating from 99 Southampton Way. This resulted in visits made to the premises and a warning letter being issued on 19 November 2010.

Temporary events notices

17. Below is a list of temporary event notices applied for in December 2010.

	From	To
17 Dec 10	18:00	04.00
18 Dec 10	18:00	04.00
31 Dec 10	18.00	04.00
1 Jan 2011	18:00	04.00

The Local Area

18. A map of the local vicinity is attached appendix d. 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.

- Flying Dutchman, 156 Wells Way , SE5 (Sun – Thurs – 00.30, Fri & Sat 01.30)

Southwark council statement of licensing policy

19. 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.
20. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

RESOURCE IMPLICATIONS

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

CONSULTATIONS

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

COMMUNITY IMPACT STATEMENT

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic director of communities, law & governance

24. The Sub-Committee is asked to determine the application for a grant of a premises licence.
25. The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities.

Interested Parties must live in the vicinity of the premises. This will be decided on a case-by-case basis.

26. Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The Sub-Committee has a duty under Section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent and crime and disorder in the Borough.
27. Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with day on which the applicant was notified by the licensing authority of the decision to be appealed against.
28. The principles that Sub-Committee members must apply are set out below.

Principles for making the determination

29. The general principle is that applications for Premises Licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
30. Relevant representations are those which
 - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn (in this case, the initial objections from the Fire Service have been withdrawn).
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
31. If relevant representations are received then the Sub-Committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to
 - Add to, omit, and/or alter the conditions of the licence or,
 - Reject the whole or part of the application

Conditions

32. The Sub-Committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
33. The four licensing objectives are
 - a. The prevention of crime and disorder;
 - b. Public safety;
 - c. The prevention of nuisance; and
 - d. The protection of children from harm.

34. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
35. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
36. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors.
37. Members are also referred to the DCMS guidance on conditions, specifically section 10, and Annex D of the Amended Guidance issued under section 182 of the Licensing Act 2003 March 2010.

Reasons

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

Hearing Procedures

39. Subject to the Licensing Hearing regulations, the Licensing Committee may determine its own procedures. Key elements of the regulations are that
 - The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant
 - to the particular application before the committee, and
 - the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

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

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

41. Sub-Committee members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
42. Members should note that the Licensing Sub-Committee is meeting on this occasion solely to perform the role of licensing authority. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the Council's Statement of Licensing Policy.
43. As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.
44. The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
45. Members will be aware of the Council's Code of Conduct that requires them to declare personal and prejudicial interests. The Code applies to Members when considering licensing applications. In addition, as a quasi-judicial body, Members are required to avoid both actual bias, and the appearance of bias.

Guidance

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

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

APPENDICES

No.	Title
Appendix A	Copy of the application
Appendix B	Copy of the representation from interested parties
Appendix C	Copies of representations from responsible authorities
Appendix D	Copy of the local area map
Appendix E	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	10 March 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director for Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	10 March 2011	



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.

RECEIVED
 17 JAN 2011

I/We NELSON GUTIERREZ PARDO

(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			
LAS DELICIAS 99 SOUTHAMPTON WAY			
Post town	LONDON	Post code	SE5 7SX

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 4500

Part 2 - Applicant Details

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

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

- 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			First names		
PARDO			NELSON GUTIERREZ		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		51 LIMES GROVE			
Post Town	LONDON		Postcode	SE13 6DD	
Daytime contact telephone number			07960755738		
E-mail address (optional)		<i>njg.pardo75@yahoo.com</i>			

SECOND INDIVIDUAL APPLICANT (if applicable)

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

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

(B) OTHER APPLICANTS

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

Name	
Address	
Registered number (where applicable)	N/A
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
2	0	12
2	0	10

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

Day	Month	Year

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

LAS DELICIAS CONSISTS OF A RESTAURANT/ CAFE SPECIALIZING IN BOLIVIAN FOOD, IT ALSO HAS TOILET FACILITIES.
 LAS DELICIAS HAS A FAMILY FRIENDLY ATMOSPHERE WHERE FAMILIES CAN COME FOR DINNER AND HAVE FUN AND DANCE AFTERWARDS TO SOUTH AMERICAN MUSIC; IT AIMS TO BRING SOME OF THE SOUTH AMERICAN COMMUNITY TOGETHER, TO A PLACE WHERE PEOPLE FEEL AT 'HOME'. THE MAXIMUM AROUND OF COVERS THE PREMISES CAN TAKE IS 35.

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

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

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

Provision of regulated entertainment

Please tick yes

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input 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) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input 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 type="checkbox"/> |

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

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

In all cases complete boxes N, O and P

A

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

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
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 exhibition of films</u> (please read guidance note 4)		
Thur				N/A	
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			<div data-bbox="582 611 1401 678" data-label="Text"> <p><u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)</p> </div> <div data-bbox="858 730 911 763" data-label="Text"> <p>N/A</p> </div> <div data-bbox="582 819 1374 913" data-label="Text"> <p><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)</p> </div>
Tue			
Wed			
Thur			
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"/>	
				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 boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur			N/A		
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					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place 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			
Mon	09:00	21:00	<u>Please give further details here</u> (please read guidance note 3) THE RESTAURANT HAS A SMALL STAGE WHERE SMALL BANDS WILL PLAY SOUTH AMERICAN MUSIC.		
Tue	09:00	21:00			
Wed	09:00	21:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	09:00	21:00			
Fri	09:00	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	09:00	04:00			
Sun	09:00	21:00			

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	09:00	21:00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	09:00	21:00			
Wed	09:00	21:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	09:00	21:00			
Fri	09:00	04:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	09:00	04:00			
Sun	09:00	21:00			

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"/>
				Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3) N/A	
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

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

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u> THE RESTAURANT HAS A SMALL STAGE WHERE SMALL BANDS WILL PLAY SOUTH AMERICAN MUSIC.			
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)			Indoors
			Outdoors			<input type="checkbox"/>
			Both			<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon	09:00	21:00				
Tue	09:00	21:00	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)			
Wed	09:00	21:00				
Thur	09:00	21:00	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Fri	09:00	04:00				
Sat	09:00	04:00				
Sun	09:00	21:00				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u> THE RESTAURANT HAS A SMALL AREA WHERE PEOPLE HAVE SPACE FOR DANCING.		
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	09:00	21:00			
Tue	09:00	21:00			
Wed	09:00	21:00			
Thur	09:00	21:00			
Fri	09:00	04:00			
Sat	09:00	04:00			
Sun	09:00	21:00			
			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

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			N/A		
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09:00	21:00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	09:00	21:00			
Wed	09:00	21:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	09:00	21:00			
Fri	09:00	04:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	09:00	04:00			
Sun	09:00	21:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	09:00	21:00			
Tue	09:00	21:00			
Wed	09:00	21:00			
Thur	09:00	21:00			
Fri	09:00	04:00			
Sat	09:00	04:00			
Sun	09:00	21:00			
			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)		

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

Name	NELSON GUTIERRE PARDO
Address	51 LIMES GROVE LONDON
Postcode	SE13 6DD
Personal Licence number (if known)	
Issuing licensing authority (if known)	

N

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

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	09:00	21:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	09:00	21:30	
Wed	09:00	21:30	
Thur	09:00	21:30	
Fri	09:00	04:30	
Sat	09:00	04:30	
Sun	09:00	21:30	

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

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

LAS DELICIAS WILL IMPLEMENT ANY RECOMMENDATIONS GIVEN BY THE AUTHORITIES TO IMPLEMENT AND PROMOTE THE FOUR LICENSING OBJECTIVES. STAFF WILL BE TRAINED IN REGARDS TO THE PROTECTION OF THE LICENSING OBJECTIVES. CCTV WILL BE INSTALLED IF RECOMMENDED BY THE AUTHORITIES WITH A 28 DAY RECORDED TAPE. THE 'UNDER 21' POLICY WILL BE CARRIED OUT. WE WILL ALSO COMPLY WITH THE FIRE AND SAFETY REGULATIONS.

b) The prevention of crime and disorder

CCTV WILL BE IMPLEMENTED IF RECOMMENDED BY THE AUTHORITIES. DRUNK AND VIOLENT PERSONS WILL NOT BE SERVED OR ALLOWED IN OUR PREMISES. POSTERS AND SIGNAGE WILL BE IN PLACE - UNDER 21 POLICY, NO PROOF NO SALE, CCTV IN OPERATION. STAFF WILL BE FURTHER TRAINED. WE WILL IMPLEMENT ANY RECOMMENDATIONS GIVEN BY THE POLICE OR OTHER AUTHORITIES. A LOG BOOK WILL BE IN PLACE TO REGISTER THE NAMES OF THOSE VIOLENT AND DISORDERLY.

c) Public safety

LAS DELICIAS WILL IMPLEMENT ANY RECOMMENDATIONS GIVEN BY THE POLICE AND OTHER RESPONSIBLE AUTHORITIES. VIOLENT AND DRUNK PEOPLE WILL NOT BE SERVED, STAFF WILL BE TRAINED IN REGARDS TO THIS. THE UNDER 21 CHALLENGE WILL BE IN PLACE. LAS DELICIAS WILL PERSIST TO COMPLY WITH HEALTH AND SAFETY AND FIRE REGULATIONS. A LOG BOOK WILL BE IN PLACE TO IDENTIFY THOSE VIOLENT AND DISORDELY.

d) The prevention of public nuisance

LAS DELICIAS WILL CONTINUE TO RESPECT MEMBERS OF THE PUBLIC, STAFF AND CUSTOMERS REGARDING NOISE AND NUISANCE, A SOUND LIMITER WILL BE IMPLEMENTED IF RECOMMENDED BY THE AUTHORITIES ; NUISANCE WILL NOT BE TOLERATED. WE WILL IMPLEMENT ANY REASONABLE RECOMMENDATIONS GIVEN BY THE POLICE OR HEALTH & SAFETY OFFICER.

e) The protection of children from harm

LAS DELICIAS WILL PERSIST TO DO ANYTHING TO PROTECT CHILDRENS FROM HARM. STAFF TRAINING WILL BE ONGOING IN REGARDS TO 'NO SALE OF ALCOHOL TO PERSONS UNDER 18'. A 'NO PROOF, NO SALE' POLICY WILL BE IMPLEMENTED AND SUSTAINED. POSTERS AND SIGNAGE WILL BE UP. THE 'UNDER 21' CHALLENGE POLICY WILL ALSO BE IMPLEMENTED. ALCOHOL WILL BE STORED AWAY FROM CHILDRENS, AND IT WILL NOT BE STORED ON LOWER SHELVES. CCTV WILL BE IMPLEMENTED IF RECOMMENDED.

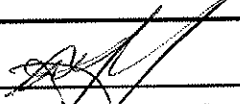
Please tick yes

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

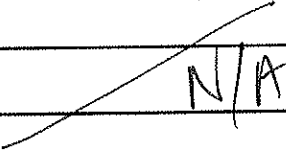
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	11 th JANUARY 2011.
Capacity	OWNER & MANAGER.

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

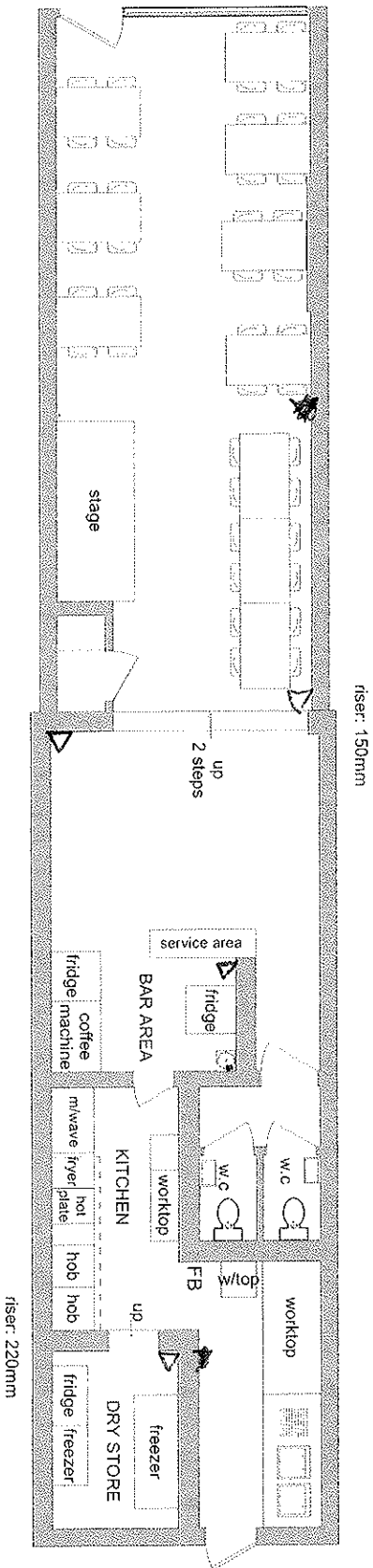
Signature	
Date	N/A
Capacity	

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

MANUEL ROCHA
70 BEAUFORT COURT
BEAUFORT ROAD.

Post town	RICHMOND	Post code	TW107YA
Telephone number (if any)	02084040297 / 07868697778.		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
manuelrocha01@hotmail.com.			

Δ - EXTINGUISHERS — *ML* 08-02-2011



Las Delicias

ADDRESS OF PREMISES
 99 SOUTHAMPTON WAY,
 LONDON
 SE5 7SX

PROJECT
 PREMISES LICENSE
 APPLICATION

DRAWING FILE
 GA PLAN
 LOCATION
 WHOLE
 RESTAURANT

SCALE
 1:100 @ A4
 DATE
 NOVEMBER 2010

DWG NO
 001
 FB Fire Blanket

McCarthy, Tracy (Enforcement Officer)

From: Wingfield, Ian
Sent: 09 February 2011 12:23
To: McCarthy, Tracy (Enforcement Officer)
Cc: Tear, Jayne
Subject: RE: Las Delicias, 99 Southampton Way, SE5 9SX.

Many thanks Tracy.

I formally object on the grounds of the prevention of crime and disorder, ensuring public safety and the prevention of nuisance. This is because there have been many complaints made to me by local residents about noise, disturbance and even fights on the street, when people drink and smoke outside Las Delicias into the early hours.

1 – Noise.

The small premises along this stretch of Southampton Way are narrow (under 12 feet wide) shops. They have thin party walls (only 2 bricks thick), no soundproofing, and are completely unsuitable for use as a late night club. Las Delicias have already been open for over a year playing loud recorded music, live music and holding karaoke nights using amplified microphones.

Under normal circumstances the walls are so thin that residents can hear voices and the squeak of hinges as cupboard doors are closed next door. It would be completely impossible for Las Delicias to play live music at a low enough level for it to remain within their own premises and not bother neighbours.

In fact, the music Las Delicias play can be heard in the adjoining workplace as if it was in the same room. The artists in the workshop often work late into the evenings and even, when inspired or busy with deadlines, through the night. Very occasionally they even sleep in the studio when work overruns. It is very difficult to think, write and solve creative problems while Las Delicias are open. It will be intolerable if they extend their hours into daytime and throughout the week.

2 – Public disturbance.

Most of the premises on this stretch of Southampton Way have been converted into dwellings, and there are bedsits above Las Delicias. Las Delicias are open until 4 or 5 in the morning on most Fridays and Saturdays. People stand outside on the pavement drinking alcohol, smoking and talking raucously, which is intimidating and disturbs residents.

3 – Public disorder.

There have been a number of fights outside Las Delicias, the most recent being at around 4 in the morning on January 30th 2011. Last year the glass door of Las Delicias was smashed during one fight, and the main window in another.

4 – Safety.

Sometimes they close the metal blinds over the window and door while they are in full swing (presumably in an unsuccessful attempt to stop sound escaping). This is worrying from a fire safety point of view.

In conclusion, if Las Delicias Restaurant really WAS simply a restaurant, as the name suggests, and was open usual restaurant hours playing background music, then there would be no objections.

However, Las Delicias is actually a late night music venue located in the middle of a mainly residential row of buildings. It has been open for over a year now and is based in what was previously a daytime café premises (with no soundproofing) that is completely unsuited to use as a late night drinking club. People gathered outside drinking and smoking cause noise and disturbance into the early hours (as late – or early – as 6am, sometimes).

Please register my objections.

Yours sincerely,

Cllr Ian Wingfield
Deputy Leader of the Council, Cabinet Member for Housing, and Labour Member for Brunswick Park Ward

Party A2

From: [REDACTED]
Sent: 30 January 2011 11:31
To: Regen, Licensing
Subject: Objection to application number 833931 for LAS DELICIAS

Hi,

As an owner and resident of [REDACTED] Southampton Way we would like to register our objection to the license application for Las Delicias.

Our main objection is to the late license for any operation past 9pm, we are primarily a residential street and don't think it's appropriate for the area to have a licensed premise open past the time of 9pm.

It is apparent that Las Delicias has potentially been operating illegally without proper license at least since October 2009 [REDACTED], often remaining open until 4am and on some occasions 7am, playing loud music whether from a stereo and sometimes live music. This has been occurring regularly on Thursday, Friday, Saturday and sometimes on Sunday nights. The noise has on occasion affected us and we are [REDACTED] houses away, so can only imagine how disruptive it is for the adjacent houses. The most recent occurrence was last night the 29th of January where the doors were closed, but a number of people remained inside the premise with loud live music being played until after 7am.

We feel any license should reflect the residential nature of the street, and it is not our intention to hinder someone's business, but feel they have already demonstrated they can't adhere to the local bylaws in regards to licensing and noise control.


If you would like more information regarding our objection please contact one of us at the address below.

Regards

[REDACTED]

Party A3

03/02/11

RECEIVED
07 FEB 2011

FAO: Southwark Council licensing service
The Chaplin Centre, Thurlow Street
London SE17 2DG

RE: OBJECTION TO REGISTRATION OF LICENSE NO: 833931

Dear Sir/Madam,

I am writing to formally lodge an objection to the registration of license no. 833931 for LAS DELICIAS cafe on Southampton Way, SE5 7SX.

The objection is made for the prevention of nuisance and anti-social behavior that the proposed licensable activities would cause within the residential area (including inadequate provision for parking and commercial waste). The cafe is situated directly adjacent to family homes (and one above it), on a predominantly residential terrace.

The noise levels and general disturbance caused by the proposed hours for live and recorded music, and for the serving of refreshments and alcohol is not beneficial to the area or it's residents and would only serve to lower the quality of the living conditions for the residents as a whole. There are currently dozens of pubs within 1/2 mile of this location, some of this offer the opportunity of live music, perhaps not until 4am, however I believe this establishment is a restaurant, so I cannot see why this level of licensing would be necessary for a predominantly culinary venue.

I understand that on a several previous occasions, a neighbour has reported to the Council that this establishment has been selling alcohol without the license. I myself have often seen open containers of alcohol being consumed by patrons and had assumed that they had already been granted the license. I may also add that police were called to Las Delicias just last week relating to an altercation involving drunken patrons, which illustrates that this registration of license would effect the community detrimentally.

Serving alcohol until 4 am would be suitable for nightclubs within the business zone in Camberwell, with accompanying security arrangements to ensure safety of patrons, it is not appropriate in this residential setting. Nor is allowing live music until 4 am, as the noise levels are typically difficult to control especially with live music.

It is for the reasons listed above that I make my objection and imagine that you will receive several more objections from residents unhappy with this proposal.

Sincerely,




Party A4

[REDACTED]

[REDACTED]

8th February 2011

OBJECTION

**To license application 833931 made by Las Delicias,
99 Southampton Way, Camberwell, SE5 7SX**

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

Dear sir/madam,

Our business premises are located [REDACTED] to Las Delicias restaurant, and we object to the granting of alcohol, live music, dancing and recorded music licenses to them on the following grounds:

1 - Noise.

The small premises along this stretch of Southampton Way are narrow (under 12 feet wide) shops. They have thin party walls (only 2 bricks thick), no soundproofing, and are completely unsuitable for use as a late night club. Las Delicias have already been open for over a year playing loud

recorded music, live music and holding karaoke nights using amplified microphones.

Under normal circumstances the walls are so thin that you can hear voices and the squeak of hinges as cupboard doors are closed [REDACTED]. It would be completely impossible for Las Delicias to play live music at a low enough level for it to remain within their own premises and not bother neighbours.

In fact, the music Las Delicias play can be heard in our work place as if it was in the same room. We are artists and often work late into the evenings and even, when inspired or busy with deadlines, through the night. Very occasionally we even sleep in our studio when work overruns. It is very difficult to think, write and solve creative problems while Las Delicias are open. It will be intolerable if they extend their hours into daytime and throughout the week.

2 - Public disturbance.

Most of the premises on this stretch of Southampton Way have been converted into dwellings, and there are bedsits above Las Delicias. Las Delicias are open until 4 or 5 in the morning on most Fridays and Saturdays. People stand outside on the pavement drinking alcohol, smoking and talking raucously, which is intimidating and disturbs residents.

3 - Public disorder.

There have been a number of fights outside Las Delcias, the most recent being at around 4 in the morning on January 30th 2011. Last year the glass door of Las Delicias was smashed during one fight, and the main window in another.

4 - Safety.

Sometimes they close the metal blinds over the window and door while they are in full swing (presumably in an unsuccessful attempt to stop sound escaping). We think this is worrying from a fire safety point of view.


In conclusion, if Las Delicias Restaurant really WAS simply a restaurant, as the name suggests, and was open usual restaurant hours playing background music, then we would not object.

However, Las Delicias is actually a late night music venue located in the middle of a mainly residential row of buildings. It has been open for over a year now and is based in what was previously a daytime café premises (with no soundproofing) that is completely unsuited to use as a late night drinking club. People gathered outside drinking and smoking cause noise and disturbance into the early hours (as late - or early - as 6am, sometimes).

Presumably, since Las Delicias is now applying for licenses, they have been operating without them for the past year.

On all these grounds we ask you to turn down their application for all licenses.

Yours faithfully,



Party AS

From: [REDACTED]
Sent: 09 February 2011 21:58
To: Regen, Licensing
Subject: objection to license application



9 February 2011

Dear Sir/Madame:

We have recently become aware that "Las Delicias" restaurant at 99 Southampton Way have applied for a license to open 7 days a week from 9.00am until 9.30pm on week days and until 4.30am on Saturday and Sunday mornings for dancing, to sell alcohol, play recorded music and play live music.

We would like to object to their application on grounds of noise, nuisance, public disturbance and rowdy behaviour. We strongly object to the licensing permission **after midnight** in the weekend as this is a residential area and the noise resultant from the music and people in the restaurant will affect us directly.

In fact, since we moved to [REDACTED] we have consequently reported noise problems caused by this restaurant that are not being resolved. Since we moved here in November, Las Delicias restaurant has been playing loud music and karaoke frequently between midnight and 6am. This is a serious problem as we cannot sleep during the weekends.

We have reported this problem to the Southwark council and called to the noise department twice: once in the 13th November at 00.33am and another on the 4th December around 4.00am .

We have been in contact with Southwark council and I have called to the noise department twice: once in the 13th November at 00.33am and another on the 4th December around 4.00am (one of the complaints reference number is 497592). Twice the police came into our house and said that because they are inside the restaurant, they cannot approach them or ask them to stop playing music and that I would need to contact the licensing department.

This situation is incomprehensible for me as I have received a letter from the Noise Nuisance department that says "A check of the premises revealed that the premises had no license to play music or sell alcoholic beverages. It has been reported to our

licensing unit." I do not understand how it is possible for them to apply for a license after your department has received complaints for noise from them.

Because this situation was taking too long to be solved I have also written a letter to the Southwark MP Harriet Harman (Ref: MARQ01005/SR/01102256) complaining about the same. She replied on the 13th December saying "I have written to Gill Davies, Director of Environment and Housing for the London Borough of Southwark, on your behalf concerning your complaint concerning Las Delicias restaurant and I will contact you again as soon as I receive a response. I expect to receive a response from Southwark Council within four weeks".

In addition to all this, I have reported the problem to your licensing unit (on the 6th December), who said they would be in contact with me. But they weren't, and the licensing officers told me that this was not the first time that somebody complained about it, and that some complains were from at least 5 months ago.

Again, I do not understand how it is possible for the restaurant to apply for a license after these complaints. We spoke with some neighbours that are also strongly opposed to this license, and they are also writing to your department.

We really hope that the above mentioned reasons are enough to stop the restaurant Las Delicias from getting a license to open after midnight, as this is a serious problem that will affect our life and comfort in our own home. We look forward to hearing back from you.

Thank you for your concern,

Yours Sincerely,

A black rectangular redaction box covering the signature of the sender.

Polly AG

From: [REDACTED]
 Sent: 23 February 2011 09:59
 To: [REDACTED]

NOTE: Potentially harmful HTML code has been detected in this e-mail and has been removed to protect users of the e-mail system. This should not affect the reading of the e-mail but may affect any active components therein. This detection and removal is part of the Southwark Council Policy. All enquiries relating to this policy should be directed in mail form to the 'Folder Administrator'. To whom it may concern

my name is [REDACTED] and i reside at [REDACTED]
 [REDACTED] and i would like to strongly object to the following license application.

License Number: 833931
Applicant Name: LAS DELICIAS
99 Southampton Way SE5 7SX

I would like to object to the application based on the trouble that we as residents in the street already have to endure at the weekends.

- very loud music until 4 - 5am every friday, saturday and sunday nights.
- people from the club drinking alcohol outside of the premises and discarding bottles, cans etc in the street or residents wheely bins.
- General rubbish being discarded on the street pavement, rubbish bags from the premises not being stored away in wheely bins.
- empty bottles, cans, etc being dumped into wheely bins for general collection and not being recycled.
- General rowdy and loud behaviour and occassionally fighting outside or in the location of the premises from many of the male and female customers having clearly consumed large amounts of alcohol.
- on several occasions loud, aggressive behaviour and language from customers to residents who ask them to keep the noise down outside of the club.
- racial abuse directed towards my housemate who live in the 1st floor flat after asking customers outside the club to keep the noise down.
- customers not taking residents consideration into accounts while waiting for taxis next door.
- Every saturday night the music being so loud that you can hear it 2 doors away even with doors and windows closed.

For these reason i would like these points to b put forward as basis for my objections to the above license application.

I would also like to know why Southwark noise department do not take further action towards the address as residents have made several calls to complain about the noise, but nothing ever seems to happen.

I would also like to know that why when the original licenses were granted why we as residents did not have the information given to us in regards to having the opportunity to lodge objections to the first application. Why did Southwark Council grant a late license to a restaurant / club in a residential area, it seems absolutely amazing that a license was granted to allow music to be played until 5am in the morning without even considering the consequences to local residents.

Having worked in the restaurant industry i know how hard or virtually impossible it is to apply for late night licenses in residential areas.

As a resident of southampton way, i when i am able to avoid being at my own address on a saturday and sunday night to avoid the noise on a weekly basis and enough is enough.

Yours Sincerely

[REDACTED]

23/02/2011

From: [REDACTED]
Sent: 23 February 2011 14:18
To: Regen, Licensing
Subject: Objection to license applicaton 833931

To whom it may concern,i work at [REDACTED] to the proposed application.

This row of houses is not built to cope with the noise levels of a club especially at the late hours suggested. It will be disruptive to my working environment.I think it will also be very noisy for any residential neighbours .

There is also inadequate parking in front of the studio which has become a free for all ,as the pole with the parking regulations is constantly being defaced with black paint so no one can get a ticket.

The premises next door already operate as a weekend club through the night ...with what license ? with what fire regs ?

[REDACTED] has already objected but i would like to add my name as a separate objector from this building.

yours [REDACTED]

feb 23rd 2011

From: [REDACTED]
Sent: 24 February 2011 15:34
To: Regen, Licensing
Subject: Application Number 833931

I am writing to object to licence application 833931 for 99 Southampton Way.

This premises is located in a very high density residential area the proposed lincense extension will cause problems for the residents as follows:

1. Potential noise of customers leaving the premises late at night and early hours of the morning during the weekend, causing a nuisance to residents.
2. Potential for customers being rowdy and behaving badly when leaving the premises, this may cause public disturbance and vandalism.
3. Parking issues, the streets surrounding the premises are already difficult to park in for residents, there is no dedicated parking area for the premises, therefore customers will expect to park in local streets, this will prevent even more residents from being able to park close their homes and will cause congestion in narrow streets.
4. There is a vacant pub premises around 100 yards from 99 Southampton Way, it is still unclear what the premises will be used for when opened, if it is going to be a club or public house this means even greater numbers of customers leaving late at night, making a noise and nuisance of themselves to local residents, this will also impact on the lack of parking.

Overall, it is totally unacceptable to me as a resident of Wells Way to have a club with a late license on the doorstep, it will have a very negative effect on the area for all local residents.

Your truly

[REDACTED]

R-4 A9

25th February 2011

Objection to Las Delicias - 833931

We object to the granting of alcohol, live music, dancing, and recorded music licenses on the following grounds:

Noise

We have had to suffer considerable noise from Las Delicias prior to this application. This includes:

- the PA system playing music at levels completely unacceptable for a residential street sometimes until 5am.
- The bass from Latin American music is especially annoying when trying to sleep.
- Las Delicias has no soundproofing which means that we can hear everything in full amplification.
- In the summer months we cannot have our windows open during the night as the noise is intolerable.
- Patrons congregate outside to smoke and talk very loudly.
- Patrons of Las Delicias have arrived predominately by car or taxi in the past and this has meant additional noise, and antisocial use of car horns to summon patrons.

Anti social behaviour

- Litter:
 - Empty beer bottles, cigarette butts, and incidents of waste from Las Delicias being deposited in residential bins of neighbouring properties.
- Violence/Fights:
 - The police have been called to several incidents at Las Delicias. On one occasion we witnessed a fight at around 11am which left blood on the pavement outside our front door. Those involved had been drinking through the night at Las Delicias which was still open from the night before.
- Urination in street:
 - We have witnessed firsthand patrons urinating on the street and between parked cars.
- Drunk patrons:
 - Shouting and arguing loudly at all hours day and night. This is especially antisocial in the summer when windows are open.

We urge you to take our objections into consideration.

With thanks, .

From: [REDACTED]
Sent: 25 February 2011 14:52
To: Regen, Licensing
Subject: Objection to application for La Delicias 833931

Dear Licensing

I live at [REDACTED] and I object to the application for La Delicias on the basis of overlong hours of opening, especially on Sundays.

The club already causes some degree of noise disruption and nuisance to the immediate neighbours. Longer opening hours will exacerbate that. This is a residential street, with families, and an inappropriate place for a club with extensive opening hours.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 28 February 2011 16:56
To: Regen, Licensing
Subject: Licence number: 833931

Licence number: 833931
Trading name and address: LAS DELICIAS
99 Southampton Way
SE5 7SX

Dear sirs, please accept this e-mail as an objection to the above licence application.

I am the landlord of [REDACTED]. I have exceptionally tolerant tenants who have been exasperated over the past few months with the antisocial behaviour of the occupants of the above premises.

This is not an appropriate use to be permitted in a residential area and both rents and house prices will be disadvantaged if it is allowed to continue. the objection is founded primarily on noise nuisance.

Yours faithfully

[REDACTED]

Your reference: .



Our reference: MD/21/2116/11

Date: 10/02/2011

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

Las Delicias 99 Southampton Way SE5 7SX

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

The applicant has applied for a New Premises Licence for a premises located within very close proximity of many dwellings and as a consequence additional control measures would be required to ensure that there would be no or little detrimental effect upon the local community and indicate that the management of the premises have given sufficient consideration to the four main licensing objectives.

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

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

1. That at least two (2) SIA registered Door Supervisors, one of whom shall be a female, shall be employed from 10pm on Friday and Saturday

and remain until the terminal hour that the premises are in use under this licence. They should be provided with Hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

2. All SIA Staff are required to record their details, including SIA Badge number, in a booking on/off register.
3. A security search of the premises is conducted prior to opening to the public and a record kept of who conducted the search.
4. 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'
5. That clearly legible notices shall be prominently displayed at each exit at the premises 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' and once completed, you shall ensure that a copy of the agreement is provided to the Police 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. Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Those leaving the premises should not be permitted to consume drinks whilst outside. Those who do temporarily leave for this reason shall be the subjected to the requirement of a further search.


Respectfully submitted for your consideration, Police would welcome the opportunity for a conciliation meeting with the applicant should any issue arise as a result of the above recommendations.

Ian Clements

Licensing Officer Southwark Borough

 Phone: 0207 232 6155

 Mobile:

 Fax: 0207 232 6282

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

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

MEMO: Environmental Protection Team

To	Regen.licensing;	Date	16 th February 2011	
Copies	Jayne Tear			
From	Alan P. Blissett	Telephone	020 7525 5766	Fax 020 7525 5728
Email	Alan.Blissett@southwark.gov.uk			

Subject Las Delicias 99 Southampton Way SE5 7SX APP 509303

This application seeks to permit live and recorded music, dancing, late night refreshment and supply of alcohol

- Sunday to Thursday 0900 – 2100
- Friday to Saturday 0900 – 0400 the day following

The premises comprises ground floor converted shop with restaurant seating, small dance area and stage, rear bar and kitchen. There is single storey residential over, similar to others in the terrace although some of the shops have been converted to residential . The premises is opposite the Elmington Estate with new residential accommodation in Benhill Road / Harris Street.

Concerns have been raised by residents in adjoining premises of music noise from the premises in August and September 2009, although this may not be attributable to the current applicant.

Prevention of Public Nuisance

Music Sound Containment

I believe there is potential for music sounds to permeate the structure and escape from the frontage

The ground floor entrance is not equipped with a lobby, and the front windows are fixed pane with openable louvres above. The premises has already been equipped with a sound system, including mixer deck under the stairs and some speakers also a drum kit on the stage and several sound to light units. The applicant was not able to demonstrate operation at time of inspection, however there was no evidence of sound limitation apparatus. The premise does not appear to have been suitably insulated to ensure both air borne and structure borne sounds will be adequately contained.

Patron Sound

There is potential for patron noise on arrival and particularly departure at Friday & Saturday until the proposed curfew hour of 0400.

Ventilation

The premises is not equipped with any means of extract ventilation or cooling of air to facilitate dancing until 0400 without the entrance door and front windows being opened during performance particularly during the summer season

The premises in its present state is entirely unsuitable for the regulate entertainment proposed particularly until the proposed curfew hours on Friday and Saturday. The applicant has not expressed adequate proposals to address prevention of public nuisance.

I therefore object to the applicant

Alan Blissett - Principal Environmental Protection Officer

Environmental Protection Team - Environment & Housing, Chaplin Centre, Thurlow Street, London SE17 2DG
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Gill Davies

McCarthy, Tracy (Enforcement Officer)

From: Regen, Licensing
Sent: 20 January 2011 13:52
To: McCarthy, Tracy (Enforcement Officer)
Cc: Tear, Jayne
Subject: FW: Representations - Las Delicias 99 Southampton Way

Please consider the environment before printing this email.

From: Masini, Bill
Sent: 20 January 2011 13:01
To: Regen, Licensing
Subject: Representations - Las Delicias 99 Southampton Way

Please note that the London Borough of Southwark's Trading Standards Service, as a responsible authority under the Licensing Act 2003, wish to make representations to the premises licence application for Las Delicias 99 Southampton Way SE5 7SX. The representations are based on the licensing objective for protection of children from harm with regard to underage sales of alcohol.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 requires an age verification policy as part of the operation of the premises. However the operating schedule does not include full details of what the operators' age verification policy will be. Without details of their policy the Trading Standards Service has concerns that the premises may not be operating procedures which are robust enough to prevent the sale of alcohol to children.

Trading Standards recommend the applicants amend their operating schedules to include the following conditions to ensure that their age verification policy is effective in protecting children from harm:

1. The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.
2. All staff involved in the sale of alcohol shall be trained in the agecheck 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.
3. Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required
4. A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

Further details and guidance on age verification policies can be found at www.southwark.gov.uk/ageverification. The applicant may also contact Trading Standards for guidance and free agecheck signage materials.

Should the applicant wish to operate a different policy to the agecheck 'Challenge 25' scheme then we would request details of that scheme to be forwarded to the Trading Standards service.

Bill Masini

Trading Standards Officer
 Southwark Environmental Health and Trading Standards
 London Borough of Southwark



Regeneration and neighbourhoods
 Planning & transport
 Development management
 5th Floor, Hub 2
 PO Box 64529
 LONDON SE1P 5LX

Ms R Read
 Licensing Unit
 Chaplin Centre
 Thurlow Street
 London
 SE17 2DG

Your Ref: 176069
Our Ref: 11-CE- 00086
Contact: Alex Cameron
Telephone: 020 7525 5416
Fax: 020 3357 3101
E-Mail: alexander.cameron@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 24/01/2011

Dear Ms Read

Premises Licensing re:
 LAS DELICIAS 99 SOUTHAMPTON WAY, LONDON, SE5 7SX

Summary description: sale of alcohol on and off premises

Date Received: 17/01/2011

The premises was granted permission as a cafe(A3) on 29/01/1990 (LBS ref:1354/89) and the hours of operations for the use of the premises were not controlled by way of a planning condition attached to this application. I have attached, a copy of the planning permission here for your information.

Having reviewed the details of the licensing application, it appears that this cafe/restaurant may now be operating as a nightclub after midnight.

The surrounding area is of a mix use nature and there are a number of residential units within close proximity to the application site. An extension in the hours of operation of the cafe/restaurant to 04:00 Fridays and Saturdays might result in the intensification of the unauthorised nite club use without planning permission to the detriment of the amenity of adjoining occupiers by reason of noise, nuisance and disturbance contrary to the licensing objectives.

As such, Development Management objects to this licensing application as it would likely harm the amenity of the surrounding residential occupiers contrary to licensing objectives.

Yours sincerely

Alex Cameron
 Planning Enforcement

SL 23908

TP5B/C

LONDON BOROUGH OF SOUTHWARK

TOWN AND COUNTRY PLANNING ACT 1971-1972

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS 1977-1981

To: Behet Mehmet
 c/o Hassan Mustafa
 83 Camberwell Road
 London SE5

Case No: TP/ 2229-99/AH

Date:

The Council of the London Borough of Southwark, as the local planning authority within the meaning of the above-mentioned Act and Orders in pursuance of their powers thereunder, HEREBY PERMIT the following undermentioned development:-

The change of use of the ground floor of 99 SOUTHAMPTON WAY, SE5 from retail shop to cafe.

in accordance with the application ^{rec'd} ~~dated~~ 14/11/89 and Plans Register No. 1354/89
 and applicant's plans No. 99/1

Such permission, however is given subject to the following condition(s) :-

1. The development hereby permitted shall be begun before the end of five years from the date of this permission.
2. The use hereby permitted shall not be begun until full particulars and details of a scheme for the ventilation of the premises to an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard of dilution expected, has been submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

Reasons for the Imposition of the Conditions

1. As required by Section 41 of the Town and Country Planning Act 1971.
2. To ensure that the operation as a cafe does not result in any loss of amenity to local residents and that the ventilation accords with the Council's Environmental Health Departments requirements.

Informative

101. You are advised to consult the Council's Head of Environmental Health Services with regard to how to best comply with the terms of Condition No. 2 on this permission. Please contact the Department of Consumer Protection, 19 Grange Road, London SE1 3BE (tel: 237 4551).

..../cont'd

DATED this 29 day of January 1990

Borough Planner

IMPORTANT — This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or rights of occupation of or entry to the land to which it refers.

Your attention is drawn to the notes on the back of this form.

Any correspondence regarding this document should quote the case number and be addressed to:-

The Borough Planner, Angel Court, 199 Borough High Street, SE1 1HY.

2. The Council's Head of Environmental Health Services also has concern over the following:

- a) the amount of work space in the kitchen
- b) the location of the storerooms
- c) lack of detail of the refuse storage arrangements
- d) no food preparation sink in the kitchen.

Therefore you are advised to consult the Head of Environmental Health with regard to these points and comply with their requirements prior to the use commencing.

<p>Distribution List</p> <p>Open</p> <p>Licensing Sub-Committee</p>	<p>MUNICIPAL YEAR 2010/11</p> <p>Date of Meeting: Monday 21 March 2011</p> <p>Time: 10.00am – Town Hall, Room A2</p>
<p>Note: Original held in Constitutional Team; all queries to Sean Usher, Constitutional Team, Tel: 020 7525 7222.</p>	
<p>Councillors (1 Copy Each)</p> <p>Councillor Jeff Hook Councillor Eliza Mann Councillor Wilma Nelson</p> <p>Councillor Norma Gibbes (Reserve)</p> <p>Officers</p> <p>Sean Usher, Tooley Street (Hub 4) 2nd Floor Kristie Ashenden, Licensing Unit, Chaplin Centre David Perry, Legal Services, Tooley Street Dorcas Mills, Licensing Unit, Chaplin Centre</p> <p>Ward Councillors (Notified by Email)</p> <p>Chaucer / Brunswick Park</p> <p>Press Officer (By Email)</p> <p>Councillor Ian Wingfield (Paper copy)</p>	<p>Applicants and Interested Parties</p> <p>Item 5 – Nese Restaurant (formerly Wabi Shebele)</p> <p>Applicant and interested parties details on file.</p> <p>Item 6 – Las Delicias</p> <p>Applicant and interested parties details on file.</p>
<p>Total Copies to be printed: 28</p> <p>PLEASE BRING YOUR PAPERS TO THE MEETING.</p>	<p>Total copies to be circulated: 22</p> <p>All spares to be delivered to Sean Usher, C/o Post Room,, Town Hall</p> <p>Day of Despatch: 11 March 2011</p>