

Licensing Sub-Committee

Wednesday 16 November 2016

10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London

SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Jon Hartley
Councillor Sandra Rhule

Reserves

Councillor Sunny Lambe

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact Andrew Weir on 020 7525 7222 or email: Andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 8 November 2016



Licensing Sub-Committee

Wednesday 16 November 2016
10.00 am
Ground Floor Meeting Room G02A - 160 Tooley Street, London
SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: BERFIN SUPERMARKET (T/A DENMARK FOOD AND WINE), 74 DENMARK HILL, SE5 8RZ	1 - 40
6.	LICENSING ACT 2003: MAMUSKA, 16 ELEPHANT AND CASTLE, LONDON SE16 6TH	41 - 104

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

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Date: 8 November 2016

Item No. 5.	Classification: Open	Date: 16 November 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003 – Berfin Supermarket (T/A Denmark Food and Wine), 74 Denmark Hill, SE5 8RZ	
Ward(s) or groups affected:		Camberwell Green	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATIONS

1. That the licensing sub-committee considers an application submitted by this council's Trading Standards service under Section 51 of the Licensing Act 2003 (the Act) for a review of the premises licence held by Ismail Incedal in respect of the premises known as Berfin Supermarket (T/A Denmark Food and Wine), 74 Denmark Hill, SE5 8RZ.
2. Notes:
 - a) The grounds for the review are stated in paragraph 13 of this report. A copy of the premises licence review application is attached as Appendix A.
 - b) The review application is supported in a representation submitted by one responsible authority. A copy of the representation is attached as Appendix B. Details of the representation are provided in paragraph 16.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix C.
 - d) 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

3. The Licensing Act 2003 provides a new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment
4. Within Southwark, 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:
 - The prevention of crime and disorder

- The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm
6. In carrying out its licensing functions, a licensing authority must also have regard to:
- The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations
7. The 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 persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The premises licence allows the provision of licensable activities as follows:
- The sale of alcohol to be consumed off the premises on
Monday to Sunday 00:00 to 00:00 (24 hour service of alcohol)
 - The opening hours of the premises are as follows:
Monday to Sunday 00:00 to 00:00 (24 hour opening)
10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is provided for as Appendix C.

Designated premises supervisor (DPS)

11. The current Designated Premises Supervisor (DPS) named on the licence is Ismail Incedal. Ismail Incedal holds a personal licence issued by the London Borough of Hackney.

The review application

12. On 21 September 2016, an application was submitted by this council's trading standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Ismail Incedal in respect of the premises known as Berfin Supermarket (T/A Denmark Food and Wine), 74 Denmark Hill, SE5 8RZ.
13. The review application was submitted in respect of the prevention of crime and disorder and the protection of children from harm licensing objectives and can be summarised as follows:

That breaches of licence conditions 128, 326, 334, 336, 342 have been witnessed, that the premises have been witnessed operating past its permitted hours of operation, that the licensee named on the licence at the time of the aforementioned licence breaches had left the premises and no new licensee was in place and that council officers have witnessed the sale of alcohol to a person who appeared to have alcohol dependency problems. Trading Standards suggest various amendments to the premises licence should the licence continue.
14. Full details of the grounds for the review are provided within review the application. The review application is provided in Appendix A.

Representations from responsible authorities

15. The Metropolitan Police Service has submitted a representation in support of the review.
16. The Metropolitan Police Service representation states that Trading Standards have supplied a comprehensive list of amendments and additions to the licence conditions for the premises and that the Metropolitan Police Service agrees that these amendments could help assist with the promotion of the licensing objectives. The Metropolitan Police Service suggests the removal of the current DPS. The Metropolitan Police Service suggests that to allow the premises to implement any recommendations that it the licensing sub-committee should consider suspending the premises licence. A copy of the representation is attached as appendix B.

Representations from other persons

17. No representations have been received by other persons.

Operating History

18. A premises licence was issued in respect of the premises to Bayram Dag on 6 April 2006. The DPS specified in respect of the licence was Bayram Dag.
19. On 11 November 2009 an application to specify Piro Balloglli as the premises' DPS was submitted and an amended licence was issued on 26 November 2009.
20. On 8 February 2013 a licensing inspection of the premises was undertaken. Various breaches of the premises licence issued in respect of the premises were noted and a warning letter was sent to the licensee. A copy of the warning letter is attached as appendix D.

21. On 28 February 2013 an application with immediate effect to specify Ismail Incedal premises' DPS was submitted and an amended licence was issued on 28 February 2013.
22. On 21 August 2015 a licensing inspection of the premises was undertaken. The premises were being operated compliantly.
23. On 5 September 2016 an application with immediate effect to transfer the licence to Ismail Incedal was submitted and an amended licence was issued on 5 September 2016.
24. No TEN's have been submitted in regards to the premises.
25. A list of licensing visits to the premises is attached as Appendix E.
26. On 21 September 2016, an application was made on by an this council's Trading Standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Ismail Incedal in respect of the premises known as Berfin Supermarket (T/A Denmark Food and Wine), 74 Denmark Hill, SE5 8RZ.

The local area

27. A map of the area is attached to this report as Appendix F. The premises are identified by a black diamond at the centre of the map. The following licensed premises are also shown on the map:

Pesh Flowers, 31 Denmark Hill SE5 8RS:

Sale of alcohol to be consumed off the premises:

Monday to Saturday until 23:00
Sunday until 22:30

Joiners Arms, 35 Denmark Hill, SE5 8RS:

Sale of alcohol to be consumed on and off the premises, live music, recorded music:

Sunday to Thursday until 00:00 (midnight)
Friday and Saturday until 01:00 the following day

Lamoon Restaurant, 39 Denmark Hill, SE5 8RS:

Sale of alcohol to be consumed on and off the premises, recorded music & late night refreshment:

Monday to Saturday until 00:00
Sunday until 23:30

Chicken Express, 53 Denmark Hill, SE5 8RS:

Late night refreshment:

Monday to Sunday until 01:00 the following day

Pizza Hut, 57 Denmark Hill, SE5 8RS:

Late night refreshment:

Monday to Sunday until 00:30 the following day

Ginseng Noodle Bar, 4 Coldharbour Lane, SE5 9PR:

Late night refreshment:

Monday to Saturday until 00:30

Sunday until 00:00

Sale of Alcohol:

Monday to Saturday until 00:00

Sunday until 23:30

Adams News, 6 Coldharbour Lane, SE5 9PR:

Sale of Alcohol:

Monday to Sunday 24 hours a day

Temple Of Bacchus, 8 Coldharbour Lane, SE5 9PR:

Sale of Alcohol:

Monday to Sunday until 23:00

Southwark council saturation policy for Camberwell

28. Council assembly approved the introduction of a special policy for Camberwell in respect of the cumulative impact of the concentration in Camberwell of licensed premises (Cumulative Impact Policy (CIP) on 12 October 2011. This was renewed in November 2015 when full council assembly approved the 2016 - 2020 Statement of Licensing Policy.
29. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
30. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
31. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

32. The premises are subject to the Camberwell CIP.

Southwark council statement of licensing policy

33. Council assembly approved Southwark's Statement of Licensing Policy 2016 - 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and Scope of the Policy – Which reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
- Section 5 – Determining Applications for Premises Licences and Club Premises certificates - Which explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
- Section 6 – Local Cumulative Impact Policies – Which sets out this Authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
- Section 7 – Hours of Operation – Which provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
- Section 8 – The Prevention of Crime and Disorder – Which provides general guidance on the promotion of the first licensing objective
- Section 9 – Public Safety – Which provides general guidance on the promotion of the second licensing objective
- Section 10 – The Prevention of Nuisance – Which provides general guidance on the promotion of the third licensing objective
- Section 11 – The Protection of Children from Harm – Which provides general guidance on the promotion of the fourth licensing objective.

34. 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.

35. Within Southwark's statement of licensing policy 2016 - 2020, the premises are identified as being within Camberwell district town centre area. The closing times recommended for off licences in Camberwell district town centre area by the statement of licensing policy are 00:00 hours daily.

Resource implications

36. There is no fee associated with this type of application.

Consultation

37. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

Community impact statement

38. 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

Director of Law and Democracy

39. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following 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 any other person 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.
40. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

41. Under s.52 the licensing authority must hold a hearing to determine the review and any relevant representations.
42. 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.
43. 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 appropriate 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.
44. 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 other person within the prescribed period

- Have not been withdrawn
 - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
45. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
46. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
47. 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 an appropriate and proportionate response.
48. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

49. 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

50. 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.
51. 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

52. 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.
53. 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.
54. 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.
55. 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.
56. 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.

57. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
58. 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.
59. Other persons, 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

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

Strategic Director of Finance and Governance

61. 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, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Review application
Appendix B	Representations and related correspondence submitted by responsible authorities and other persons
Appendix C	The premises licence
Appendix D	List of licensing night time visits to the premises
Appendix E	Map of area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	3 November 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		3 November 2016

[Insert details including name and address of licensing authority and application reference if any (optional)]



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. 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 Bill Masini (On behalf of Trading Standards)

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Berfin Supermarket a.k.a Denmark Food and Wine 74 Denmark Hill	
Post town London	Post code (if known) SE5 8RZ

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)

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 | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Southwark Council – Trading Standards Bill Masini Trading Standards Officer Community Safety & Enforcement 3 rd Floor Hub 1 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 2629
E-mail address (optional) bill.masini@southwark.gov.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)**Prevention of Crime and disorder –**

- Unauthorised licensable activity – Failure to comply with condition 336 – supplying alcohol when no personal licence holder present
- Unauthorised licensable activity – Sale of K-cider (8.4% ABV) outside permitted hour – (condition 342) – s136 Licensing Act 2003
- Unauthorised licensable activity – Failure to comply with condition 128 – offering to supply spirits

Protection of Children from Harm

- Unauthorised licensable activity - Failure to comply with condition 326 on the premise licence – training of staff with regard to age identification

Late morning on 3 August 2016 Trading Standards carried out a joint visit with Police Officers from Southwark's "Night Time Economy" team. The purpose was to check for compliance with the Premise Licence, Trading Standards legislation and other criminality such as employing illegal workers.

Currently the premise licence permits alcohol to be sold 24 hours 7 days a week.

At the time of the visit the only person working in the shop was Janet Incedal who was in the process of selling 3 cans of K-cider (8.4% ABV) to a young lady who clearly had alcohol dependency problems.

Mrs Incedal later said she did not have a personal licence and was unaware that a personal licence holder was required to be on the premise at all times alcohol was supplied. She said she opened the shop at 8 am and her husband, Ismail Incedal, worked there from lunch time until he closed the shop at night. She added the shop closed around midnight Sundays to Thursday and on Friday and Saturday evenings at around 2am the following morning.

The premise licence showed Bayram Dag to be the premise licence holder and Ismail Incedal as the Designated Premises Supervisor. Mrs Incedal said Bayram Dag had left about 2-3 years ago and had had nothing to do with the business since then. Trading Standards and the police concluded there was effectively now no premise licence holder in existence and a transfer was required.

It was noted the premise was stocked with all the usual alcoholic drinks typically sold by convenience stores. A significant quantity of so called super strength beers, lagers and ciders were displayed for sale including a beer called Crest which has an ABV of 10%. One such can alone contains 5 units of alcohol and this is more than the Government recommended maximum daily intake. The stockroom downstairs contained very large quantities of super strength beers, lagers and ciders indicating the extent of this market. See photos 1-4.

Drinks for sale included spirits but it was noted condition 128 on the premise licence only permits the sale of beer, cider and wine only. Mrs Incedal said she was unaware of this requirement.

Condition 334 requires there to be an age identification scheme. Condition 326 requires staff to be trained in this scheme and records of that training to be kept and

made available for inspection by authorised officers of The Council. Condition 488 also requires the Premise Licence Holder to ensure an age verification policy is adopted. No training records were available for anyone working in the shop; Mrs Incedal said there were two other people who worked in the shop in the evenings.

A copy of the premise licence could not be found and this applicant says this is probably why there was a complete lack of understanding of the conditions on the licence.

Condition 342 of the Premise Licence states that after 23:00 hours every night there shall be a ban on the sales of beer, lager and cider that has an alcoholic content over 5.5%. On Saturday 20 August 2016 at 00.20 hours a test purchase was attempted of K-Cider. A can was taken from the cabinet which had a notice stuck on the door stating:

Attention:

S.Brew

Skol Super

Kestel Super

Tenents

K-cider

White Star

Perla

Okocim

Crest

Will not be sold after 11pm due to high alcohol volume. Thank you

See photo 5

This cabinet is immediately in front of the counter. Ismail Incedal sold the can of K-cider for £1.30 without any hesitation. There were no other customers in the shop. As soon as Mr Incedal was notified of the sale, his reaction was that he knew the sale should not have taken place. A large clock was displayed in the shop showing the current time; it showed 12.20.

On leaving the shop, the officer noted an area near the shop where drinkers disgarded their empty cans. See photo 6.

On 31 August Mr Incedal was interviewed under caution. During the interview it

became apparent that Mr Dag left the business in February 2013, some three and a half years earlier. A transfer of the DPS to Ismail Incedal was made on 28 February 2013 but no transfer of the premise licence was made.

Mr Incedal accepted a simple caution for 5 offences under The Licensing Act 2003.

The sub-committee is invited to consider all options available to it.

However, if the licence is to continue, having spoken to and formally interviewed Ismail Incedal, Trading Standards requests he, as the Designated Premise Supervisor, be replaced with another person such as Janet Incedal who it is understood since the visit in early August has been trying obtain a Personal Licence. Trading Standards do not have confidence that Ismail Incedal is able to fulfil his legal obligations.

Also, Trading Standards would like to see the conditions on the licence modernised to reflect the hours the shop operates and to assist in addressing the problems associated with super strength beers, lagers and ciders in this area.

Trading Standards wish to point out that some of the proposed changes would also assist the business. Trading Standards would be happy for condition 128 to be removed. Conditions 487 and 489 should also be removed as they are not relevant to this business where there is no consumption on the premise.

If the opening and licensable hours were reduced more in line with the business's current operation and Southwark's Statement of Licensing Policy Trading Standards would also be happy to seek a modification or complete removal of condition 336 about the requirement to have a personal licence holder on the premise at all times alcohol is supplied. Modified wording could take the form:

- There shall be a personal licence holder on the premises after 22.00 hours until closing time where alcohol is available for supply for the purpose of supervising such sales

With regard to age verification Trading Standards would like conditions 293, 326, 334, 341 and 488 to be removed and the following conditions added to the licence:

- The premises shall operate an agecheck 'Challenge 25' policy That a challenge 25

scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

- All staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

Trading Standards would like condition 342 to be removed and replaced with the following condition:

- No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises

Trading Standards would also request the conditions with regard to CCTV be modernised. Therefore it seeks conditions 288 and 289 be removed and replaced with the following conditions:

- An approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a minimum of 31 days recording facility and will be maintained in full working order at all times and be continually recording at all times the premise is in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premise. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to The Police and/or Authorised Officers from Southwark Council
- All staff working at the premise shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by Police and/or Authorised Officers from Southwark Council

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

.....

Date

.....

Capacity Trading Standards officer acting on behalf of Southwark Council

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
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.

FOR

re to bail them

ELE MARIE

because the Bank of England is at the wheel, with its checks on the ability to cope with shocks 'worse than useless'. Bank's governor Mark Carney has his 'stress tests' show all our banks

and by losses 2008. 'It's a



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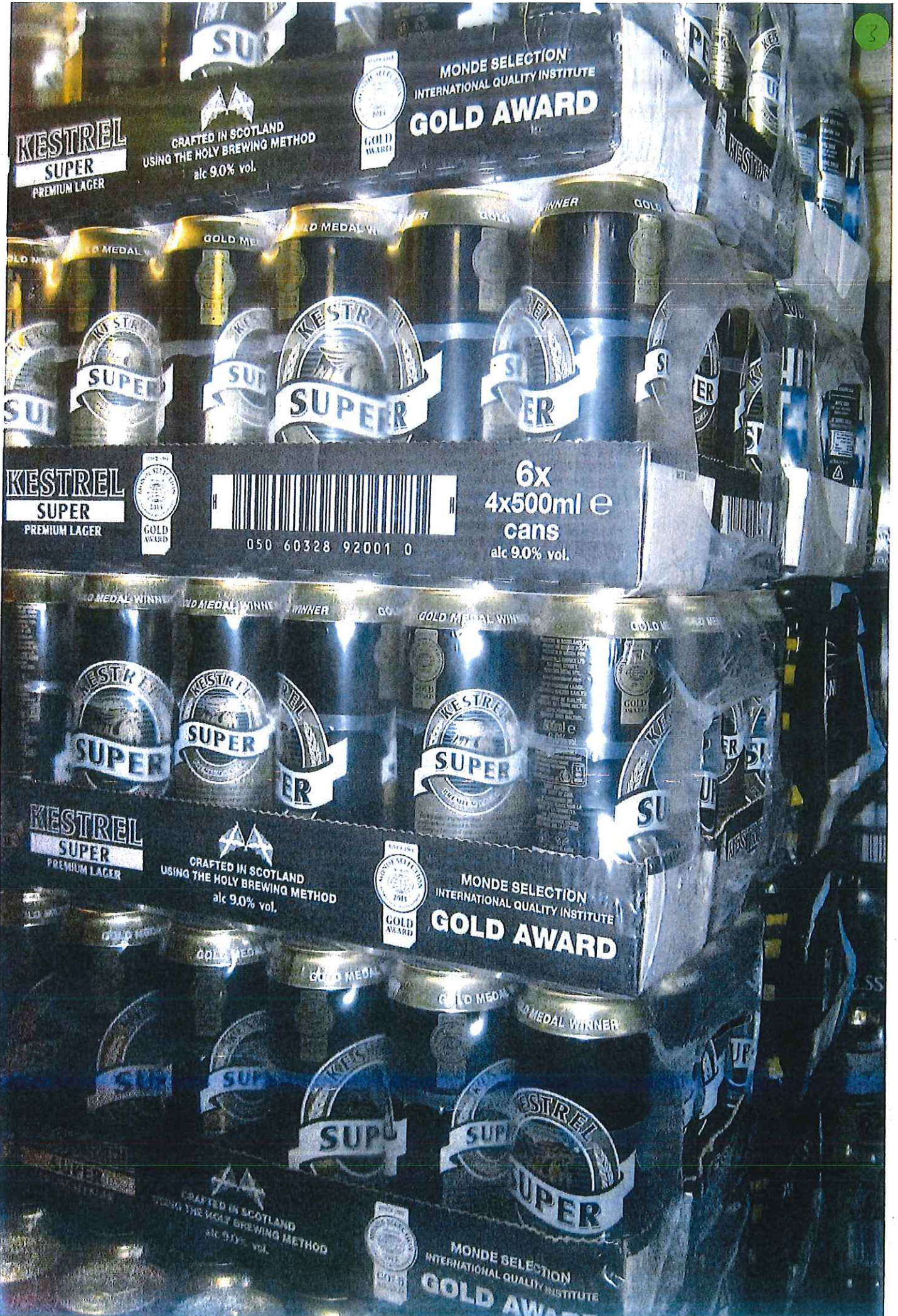
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ATTENTION

S. BREW

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CREST

WILL NOT BE ALLOWED TO BE SOLD
AFTER 11PM DUE TO HIGH ALCOHOL
VOLUME. THANK YOU

Grolsch

10

15

20





The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

Metropolitan Police Service
Licensing Office
 Southwark Police Station,
 323 Borough High Street,
 LONDON,
 SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/2874 /16

Date: 10th October 2016

Re:- Berfin Supermarket 74 Denmark Hill SE5 8RZ

Dear Sir/Madam

Police are in possession of an application from the Southwark's Trading Standards Service for a review of the above premises licence under Section 51 of the licensing act 2003.

Police have the following comments to make:

The application details a number of incidents and breaches of the premises licence conditions that give me cause for concern in relation to the premises, and their dedication to promoting the licensing objectives.

The conditions placed on the premises licence are designed specifically for each premises licence for the promotion of the licensing objectives.

Any breaches of these conditions can be taken as a failure to promote the licensing objectives and can indeed have a negative impact on the licensing objectives.

Trading standards have supplied a comprehensive list of amendments and additions to the licence conditions for the premises, Police agree that these amendments could help assist with the promotion of the licensing objectives, this however can only be effective if the person in charge of the premises on a day to day basis has the ability to follow these conditions, we therefore support the removal of the current DPS.

To allow the premises to implement these changes to a satisfactory standard it might be a consideration for the committee to suspend the premises.

The Following is submitted for your consideration,

Yours Sincerely

PC Ian Clements 362MD
 Southwark Police Licensing Unit
 Tel: 0207 232 6756

Licensing Act 2003 Premises Licence



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London. SE1P 5LX

Premises licence number

855506

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Berfin Supermarket 74 Denmark Hill London SE5 8RZ	
Ordnance survey map reference (if applicable), 176539532519	
Post town London	Post code SE5 8RZ
Telephone number [REDACTED]	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of alcohol to be consumed off premises

The opening hours of the premises

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

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

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

Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

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

Sale by retail of alcohol to be consumed off premises

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licenceIsmail Incedal
[REDACTED]**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**Ismail Incedal
[REDACTED]**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. [REDACTED]
Authority L.B. Hackney

Licence Issue date 05/09/2016

Head of Regulatory Services
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
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.

485 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

487 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

(a) a holographic mark; or

(b) an ultraviolet feature.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) Beer or cider: 1/2 pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence:

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

125 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

128 The licence authorises the sale of Beer, Cider and Wine only.

293 All staff shall be trained on a recognised training scheme in all aspects of the aims and objectives of the licensing laws and a record of the dates and names of the staff trained kept.

288 That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times.

289 That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days.

255 a. Fire extinguishers and equipment shall be efficiently maintained in satisfactory working order and kept available for instant use. They shall be in the charge of a suitable person specially nominated for the purpose.

b. Portable fire extinguishers shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an antifreeze agent shall be examined and recharged in compliance with manufacturer's instructions.

c. Where provided hydraulic hose reels shall be tested once a year to check that they are in working order and produce a satisfactory jet of water, and the test shall be recorded in a log book.

d. All testing of fire extinguishers and equipment shall be at the expense of the licensee.

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

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

340 That there will be a minimum of two staff on the premises after 23:00 hours.

341 That a Refusal Book will be kept to record cases where the sale of intoxicating liquor has been refused.

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

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

342 That after 23:00 hours every night there shall be a ban on the sales of beer, cider or lager with an alcoholic content over 5.5 %.

Annex 4 - Plans - Attached

Licence No. 855506
Plan No. 336.05/01
Plan Date July 2005



Mr Bayram Dag
 BERFIN SUPERMARKET
 74 Denmark Hill
 London
 SE5 8RZ

Licensing Unit
 Direct Line: 020 7525 0396
 Direct Fax: 020 7525 5705

11 February 2013

Dear Mr Bayram Dag

**RE: THE LICENSING ACT 2003 – WARNING LETTER
 (BERFIN SUPERMARKET, 74 Denmark Hill, London, SE5 8RZ)**

On 8 February 2013 at 20:20 hours a Licensing Enforcement Officer 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 Officer 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. A personal licence holder was not on the premises whilst intoxicating liquor was being supplied. **Contrary to condition 336 on the premises licence.**
2. Staff training records with regards to an age identification scheme were not available for inspection at the premises. **Contrary to condition 326 on the premises licence.**
3. The CCTV installed upon the premises was not in good working order therefore recordings of the footage from the CCTV was not available for inspection. **Contrary to conditions 288 & 289 on the premises licence.**
4. A refusal book was available for inspection at the premises, however was not being used and had no entries at all. **Contrary to condition 341 on the premises licence.**
5. In addition to the above matters, [REDACTED] the person in charge at the time of the visit informed me that Mr Piro Balloglli is no longer the Designated premises supervisor(DPS) at the premises and that a Mr Ismail Incedal is now the DPS. Mr [REDACTED] assured me that the licensing unit had been informed of this.

I have checked the council's records and there has not been any such application to vary the DPS attached to your premises licence.

If Mr Piro Balloglli has left the premises you need to submit an application to vary your DPS. I have enclosed an application with this letter. I advise you not supply any alcohol from your premises until such time that you have submitted an application to vary the DPS. It is an offence under the Licensing Act 2003 to supply alcohol from the premises with out a DPS in place.

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.

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 0396 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,

Jayne Tear
Principal Licensing Enforcement Officer
Licensing@southwark.gov.uk

ENC: VARY DPS APPLICATION, TRAINING RECORDS

C.c P.C. Ian Clements/ P.C. Graham White
Southwark Police Licensing Office
Walworth Police Station
12-28 Manor Place
London
SE17 3BB

Date	Time	Officer	Notes
08/02/2013	20:20	Jayne Tear	<p>JMT & NVD. Visited premises at above times to carry out and inspection - was also an enquiry from Dionne in SASBU with regards to street drinkers in Milkwell yard. The person in charge was Mr [REDACTED] who told me he had a P.L. but had left his wallet a home when I asked to see it. I asked him where it was issued and he said [REDACTED]. I asked for his address and he said that he had moved to [REDACTED]. I then asked for his previous address in [REDACTED] and he said that he could not remember it. I then asked for his dob which was [REDACTED]. I said that I would check with [REDACTED] and also told him that it was an offence not to notify the issuing authority of the change of address. I asked [REDACTED] to bring the licence for me to see tomorrow night (as I suspect it will be difficult to find on [REDACTED]'s database without details of address. Also spoke to Mr [REDACTED] of concerns of serving street drinkers, he said that he does not serve them and when he refuses they become very aggressive. I pointed out that he has strong lagers above 5.5% ABV in the fridge and asked him if he sold this after 23:00hrs and told him of the condition 342 on the licence. At first he did not seem to know what I was talking about, however I got several different strong lagers out of the fridge and showed him where the ABV was on the can and compared the difference with the ones under 5.5%. He said that most street drinkers come in the morning and buy it.(I thought he did not serve them as he told me previously). I suggested if he did not stock it, and once the stock has run out of cans above 5.5% it might be wise not to replace it and then he will not be bothered by street drinkers. He agreed and told me that he had already mentioned this to the boss. Mr [REDACTED] told me that his English was not very good and that I would be better speaking to the boss. I asked him for a telephone number and said I would call the boss next week. Gave me the shop number which is 0207 737 0137. Also found breaches: 1. A personal licence holder was not on the premises whilst intoxicating liquor was being supplied. Contrary to condition 336 on the premises licence. 2. Staff training records with regards to an age identification scheme were not available for inspection at the premises. Contrary to condition 326 on the premises licence. 3. The CCTV installed upon the premises was not in good working order therefore recordings of the footage from the CCTV were not available for inspection. Contrary to conditions 288 & 289 on the premises licence. 4. A refusal book was available for inspection at the premises, however was not being used and had no entries at all. Contrary to condition 341 on the premises licence. 5. In addition to the above matters, Mr [REDACTED] the person in charge at the time of the visit informed me that Mr Piro Balloglli is no longer the Designated premises supervisor (DPS) at the premises and that a Mr Ismail Incedal is now the DPS. Mr [REDACTED] assured me that the Licensing Unit had been informed of this.</p>
21/08/2015	21:01	Kristie Ashenden	With Sue Hunter. Full inspection, all OK.



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Item No. 6.	Classification: Open	Date: 16 November 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Mamuska, 16 Elephant and Castle, London, SE1 6TH	
Ward(s) or groups affected:		Newington	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Kristy Carnell Phipps under Section 51 of the Licensing Act 2003 (the Act) for a review of the premises licence held by Mamuska Restaurants Limited in respect of the premises known as Mamuska, 16 Elephant and Castle, London, SE1 6TH.
2. Notes:
 - a) The grounds for the review are stated in paragraph 13 of this report. A copy of the premises licence review application is attached as Appendix A.
 - b) The application is supported in representations submitted by two responsible authorities and five 'other persons'. Representations in support of the licensee have been submitted by three 'other persons'. Copies of the representations are attached in appendices B and C. Details of the representations are provided in paragraphs 17 – 21 of this report.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix D.
 - d) 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

3. The Licensing Act 2003 provides a new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment
4. Within Southwark, 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:

- The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm
6. In carrying out its licensing functions, a licensing authority must also have regard to:
- The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations
7. The premise license application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The premises licence allows the provision of licensable activities as follows:
- The sale of alcohol to be consumed on and off the premises on

Monday to Saturday	10:00 to 02:00 the following day
Sunday	12:00 to 23:00
 - The provision of late night refreshment on

Monday to Saturday	23:00 to 02:30 the following day
Sunday	23:00 to 23:30
 - The provision of live music, performances of dance and anything similar to live or recorded music on

Monday to Saturday	09:00 to 02:00 the following day
Sunday	09:00 to 23:00
 - The provision of recorded music on

Monday to Saturday	09:00 to 23:00
--------------------	----------------

Sunday 12:00 to 22:30

- There are no standard opening hours in respect of the premises
10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as appendix D.

Designated premises supervisor (DPS)

11. The current Designated Premises Supervisor (DPS) named on the licence is Ian Coll. Ian Coll holds a personal licence issued by the London Borough of Southwark.

The review application

12. On 26 September 2016, an application was made on by an 'other person' under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Mamuska Restaurants Limited in respect of the premises known as Mamuska, 16 Elephant and Castle, London, SE1 6TH.
13. The review application was submitted in respect of the prevention of public nuisance licensing objective on the grounds that:
- The operation of the premises causes noise nuisance during the day (offensive language being used at times), and noise nuisance at anti-social hours (on occasions until past 04:00 hours).
 - Noise pollution is caused by the broadcasting of live sport to the exterior of the premises.
 - People sit drinking their own alcohol during the day on benches outside of the premises.
 - Tables and chairs get dragged across the floor at anti-social hours (past midnight / in the early hours of the morning) causing noise nuisance
 - Waste glass gets tipped into the premises' bottle bin at anti-social hours and the collection of bottles also takes place at anti-social hours.
 - Benches are left outside of the premises after the premises have closed and are used by people to entertain themselves.
 - Motorbikes are parked on the pavement when customers are dining at the restaurant.
 - Smoke from cigarettes being smoked by the premises' customers and smoke from the premises' kitchen and hot dog grill enters the applicant's flat.
14. In the review application the applicant refers to various video clips and shows various still images from these video clips. Internet Uniform Resource Locators (URLs) linking to the videos are also provided in the review application. The applicant has also compiled video evidence to be shown at the review hearing. The

video clips and the internet URLs linking to the video's that the still images were taken from have been omitted from this report. The applicant has been advised that the video clips and still images taken from them a breach of the Data Protection Act 1998.

15. A petition, signed by 10 local residents, in support of the application was also submitted with the report. The petition omits various required information and is therefore not valid evidence. As such the petition has been omitted from this report. Notwithstanding this, it is noted that in any case five of the petition signatories are the other persons who have submitted representations in support of the review application – please see paragraph 20 below. The applicant has been informed that if the applicant wishes to submit a valid petition signed by the same residents the applicant may do so and it will be presented to the sub-committee.
16. A copy of the review application is attached as Appendix A.

Representations from responsible authorities

17. This council's environmental protection team and The Metropolitan Police Service have submitted representations in support of the review.
18. The environmental protection team's representation states that the council's noise and nuisance team have received three complaints in respect of patrons of the restaurant. The representation notes that the land in front of the premises may be owned and / or administered by this council's housing department or by Transport for London. The environmental protection team suggest various conditions that should be included in the licence should the licence continue. The imposition of one of the suggested conditions is dependant on who owns the land in front of the premises and any legally binding permissions in relation to that land.
19. The Metropolitan Police Service representation states that the application details a number of incidents most of which are noise related issues including bad language. Offensive words can be an offence under the public order act, but a number of factors would need to be present before an offence is committed. The use of bad language in itself is not a criminal offence, but could be seen as anti-social behaviour. Police records do not show any reported offenses or anti-social behaviour (ASB) that could be accredited to the direct running of the premises, however the incidents listed within the application are likely to have caused public nuisance. The Metropolitan Police Service suggest that conditions relating to CCTV and the use of SIA staff should be included in the licence should the licence continue, but does not specify the conditions. The Metropolitan Police Service also contends that a reduction in the operating hours of the premises may, in the future, prevent a repetition of the incidents alleged in the review application.

Representations from other persons

20. Four representations in support of the review application have been submitted by other persons on behalf of 5 people, those other persons being local residents. The representations are relevant to the prevention crime and disorder and the prevention of public nuisance licensing objectives. In summary the representations state that the operation of the premises leads to:
 - Benches at the premises not being removed at night promoting people to use them when the premises are shut.

- Noise nuisance caused by: customer & delivery motorcycles arriving at and leaving the premises, loud music being played at the premises, loud voices of both customers and staff at the premises, patio furniture being dragged about, the depositing of waste glass at the premises (especially at unsocial hours), the extractor fan at the premises, live sport being broadcast to the exterior of the premises and a creaky gate at the premises.
 - Odour nuisance caused by cooking at the premises and customers' cigarette smoke.
 - Anti-Social Behaviour (ASB) by drunk customers.
 - Copies of the representations in support of the review application are attached to this report as Appendix B. The other persons who submitted the representations are identified as parties 1 – 5.
21. Three representations in support of the licensee have been submitted by other persons, those other persons being two local residents and a local church. The representations in support of the licensee are summarised as follows:
- The redesign of the shop front has improved the visual appearance of the location.
 - The outdoor dining area provided at the premises is of benefit to the local community and is in line with Southwark Council's landscaping policy in respect of Draper House, which was to promote the use of the area by cafes.
 - The management have made real effort to become part of the local community, in particular the local housing estate that the premises are located in.
 - The operation of the premises does not give rise to noise or odour nuisance.
 - ASB is not caused by the customers of the premises.
 - The premises are a safe environment.
 - The current use of the premises has raised the standard of the local environment.
 - The operation of the premises provided much needed employment to local people.
 - Copies of the representations in support of the licensee are attached to this report as appendix C. The other persons who submitted the representations are identified as parties 6 – 8.

Operating History

22. Extant records show that a Justices On Licence, Public Entertainment Licence and Special Hours Certificate were issued to a Mr Daniel Scriven on 19 June 1999. It is known that prior to this date the premises was in operation as a public house, however records are incomplete and the date that the original Justices On Licence was granted is not known.

23. An application to convert the Justices On Licence, Public Entertainment Licence and Special Hours Certificate issued to Mr Scriven into a premises licence under 'grandfather rights' was submitted by Mr Scriven, and a premises licence was issued on 21 February 2006.
24. On 26 October 2011 a minor variation application was submitted to remove various superfluous licence conditions. An amended licence was issued on 22 November 2011.
25. On 17 July 2015 applications, to have immediate effect, were submitted to transfer the licence to Mamuska Restaurants Limited and to specify Mr Ian Coll as the DPS of the premises. An amended licence was issued on 17 July 2015. This is the current licence.
26. On 20 May 2016 a complaint was received by the Licensing Unit from the review applicant relating to noise nuisance caused by customers using the outside area of the premises.
27. On 22 August a complaint was received by the Licensing Unit from the review applicant relating to noise nuisance caused by customers using the outside area of the premises.
28. On 26 September 2016, an application was made on by an 'other person' under Section 51 of the Licensing Act 2003, for a review of the premises licence held by Mamuska Restaurants in respect of the premises known as Mamuska, 16 Elephant and Castle, London, SE1 6TH.
29. No TEN's have been submitted in regards to the premises.
30. A list of visits to the premises is attached as appendix E

The local area

31. A map of the area is attached to this report as Appendix F. The premises are identified by a black diamond at the centre of the map. The following licensed premises are also shown on the map:

Ivory Arch, 80-82 Walworth Road, SE1 6SW licensed for -

Sale of alcohol, late night refreshment and regulated entertainment:

Monday to Sunday day until 00:00 (midnight)

Chatkhara Restaurant, 84 Walworth Road, SE1 6SW licensed for -

Late night refreshment:

Monday to Sunday until 02:00 the following day

After Taste Chinese Restaurant, 97 Newington Butts, SE1 6SF licensed for -

Sale of alcohol:

Monday to Saturday until 00:00

Sunday until 23:30

Late night refreshment:

Monday to Saturday until 00:30 the following day
Sunday until 00:00

Winemasters, 101 Newington Butts, SE1 6SF licensed for -

Sale of alcohol:

Monday to Saturday until 23:00
Sunday until 22:30

Aroma De Café, Unit 10, 91-95 Newington Butts, SE1 6SF licensed for –

Sale of alcohol:

Monday to Saturday until 22:00
Sunday until 20:00

Suraj Mini Market, 99 Newington Butts, SE1 6SF licensed for –

Sale of alcohol:

Monday to Sunday until 21:00

Longwave Bar and Café, 1 The Artworks, Elephant Road, SE17 1AY licensed for –

Sale of alcohol:

Monday to Sunday until 00:30 the following day

Late night refreshment:

Monday to Sunday until 00:00

Southwark council statement of licensing policy

32. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and Scope of the Policy – Which reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
 - Section 5 – Determining Applications for Premises Licences and Club Premises certificates - Which explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.

- Section 6 – Local Cumulative Impact Policies – Which sets out this Authority’s approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
 - Section 7 – Hours of Operation – Which provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 – The Prevention of Crime and Disorder – Which provides general guidance on the promotion of the first licensing objective
 - Section 9 – Public Safety – Which provides general guidance on the promotion of the second licensing objective
 - Section 10 – The Prevention of Nuisance – Which provides general guidance on the promotion of the third licensing objective
 - Section 11 – The Protection of Children from Harm – Which provides general guidance on the promotion of the fourth licensing objective.
33. 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.
34. Within Southwark’s Statement of Licensing Policy 2016 - 2020, the premises are identified as being within The Elephant and Castle Major Town Centre Area. The closing times recommended in the Statement of Licensing Policy The Elephant and Castle Major Town Centre Area are as follows for the types of premises stated:

Restaurants and cafes	-	Friday and Saturday	01:00 hours
		Sunday to Thursday	00:00
Public Houses / wine bars	-	Friday and Saturday	01:00 hours
		Sunday to Thursday	00:00
Nightclubs	-	Friday and Saturday	03:00 hours
		Monday to Thursday	01:00
		Sunday	00:00

Resource implications

35. There is no fee associated with this type of application.

Consultation

36. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

Community impact statement

37. 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

Director of Law and Democracy

38. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following 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 any other person 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.
39. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

40. Under s.52 the licensing authority must hold a hearing to determine the review and any relevant representations.
41. 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.
42. 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 appropriate 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.
43. 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 another person within the prescribed period.
 - Have not been withdrawn.
 - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
44. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.

45. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
46. 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 an appropriate and proportionate response.
47. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

48. 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

49. 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.
50. 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

51. 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.
52. 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.
53. 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.
54. 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.
55. 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.
56. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.

57. 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.
58. Other persons, 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

59. 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.

Strategic Director of Finance and Governance

60. 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, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Copies of the representations submitted by responsible authorities and other persons in support of the review application
Appendix C	Copies of the representations submitted by other persons in support of the licensee
Appendix D	Copy of the current premises licence
Appendix E	Details of licensing visits to the premises
Appendix F	Map showing the location of the premises

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment & Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	3 November 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	4 November 2016	

Southwark Licensing Team

Community Safety EHTS,
3rd Floor Hub 2
160 Tooley Street
PO Box 64529
London SE1 5LX

E-mail: licensing@southwark.gov.uk

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
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

(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

MAMUSKA, 16 ELEPHANT & CASTLE

Post town

LONDON

Post code (if known)

SE1 6TH

Name of premises licence holder or club holding club premises certificate (if known)

MAMUSKA, IAN COLL

Number of premises licence or club premises certificate (if known)

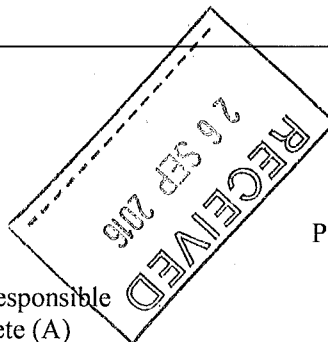
849089

Part 2 - Applicant details

I am

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

Please tick ✓ yes



(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)

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

Please tick one or more boxes ✓

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

Please state the ground(s) for review (please read guidance note 2)

PLEASE SEE ADDITIONAL PAGES, DOCUMENT 1

Please provide as much information as possible to support the application (please read guidance note 3)

PLEASE SEE ADDITIONAL PAGES, DOCUMENT 2

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year

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

NA.

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date 21.9.16

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

ALREADY PROVIDED.

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Additional Pages Document 1

Please state grounds of review.

The grounds for review of this licence are noise and nuisance related. As local residents, I am unable to enjoy, nor use our home in the way we should be (along with other residents within the building), due to noise disturbance and anti social behaviour as a result of Mamuska restaurant.

I fully support the regeneration of Elephant and Castle and appreciate that this is achieved by thriving businesses such as Mamuska. I understand that they have a restaurant to run, but the current situation is causing much sleep deprivation, stress and worry. I have tried to speak directly to the restaurant on a number of occasions about many of these issues and it is disappointing that the situation is just getting worse. I was advised that this was the next step to take by Alexander Lisowski from the licensing team, I hope that I have provided enough initial information for this review, but happy to go into further detail if required.

I have experienced ongoing noise and nuisance issues with Mamuska restaurant for the past year. It started with their customers and members of staff drinking and smoking outside the restaurant late at night and in the early hours of the morning, this issue then worsened at the start of the summer with the introduction of patio furniture spread across a wide area directly outside our apartment.

The noise that is generated from Mamuska is heard from both the bedrooms in our apartment and prevents myself and my partner from sleeping. The patio furniture is located directly underneath our bedroom windows. Our apartment is [REDACTED] and therefore customers could be as little [REDACTED] from our bedroom when sat on the tables and chairs.

In summary, the issues we are having are as follows:

- Noise pollution during the day (offensive language being used at times).
- Noise pollution at anti-social hours (on occasions until past 4am).
- Broadcasting live sport from a window within their establishment to people gathered on the external pavement below our apartment windows (I believe, without a sport licence).
- People sitting drinking their own alcohol during the day.
- Tables and chairs being dragged across the floor at anti-social hours (past midnight/early hours of the morning), which is very loud in our apartment.
- Bottles being tipped into the bottle bin at anti social hours and the collection of bottles. This is very loud in our apartment.
- Leaving three pub benches out at night, chained up outside our bedroom window which invites people to entertain themselves there during the night.
- Motorbikes being parked on pavement when customers are dining at the restaurant.
- Smoke from cigarettes, the kitchen and Hot Dog grill entering our flats.

I understand that the Mamuska site used to be a nightclub which was granted a late licence back in the 1960's (as Ian Coll informed us). This licence, which has now rolled over to Mamuska (a restaurant, not a club) would have been permitted prior to the recent additional Strata residential buildings going up within the area, and at a time when you could smoke indoors, which of course isn't the case any longer. We would appreciate the Southwark licensing team reviewing this case with this in mind; a restaurant is a very different set up to a club and all pubs and restaurants (and in fact clubs) within the local area have time restrictions on people being outside late at night. When this licence was originally drafted by the council, was it intended for it to be used in this way?

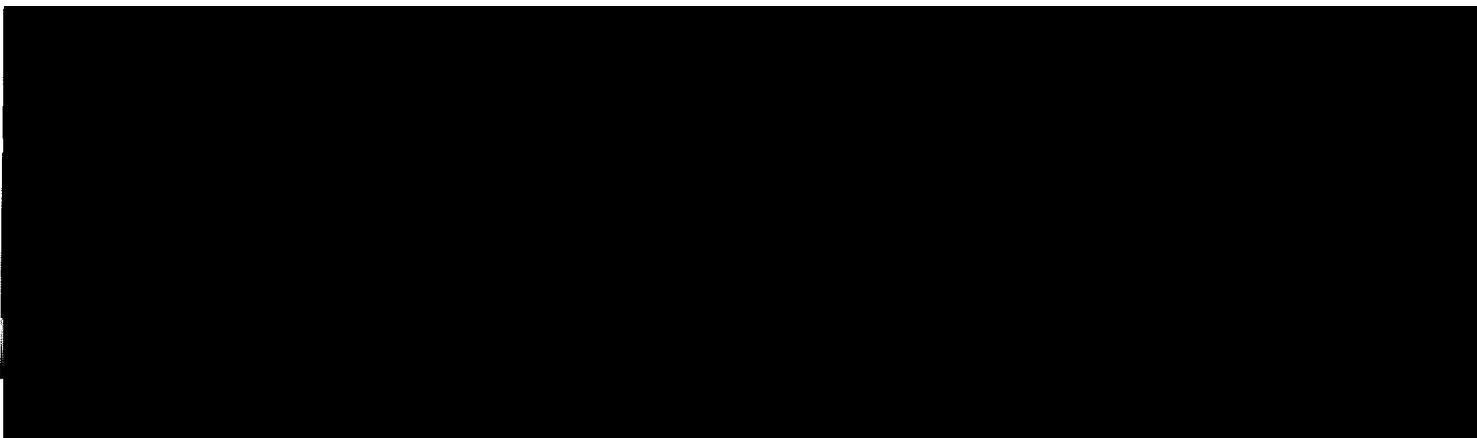
We have a right to enjoy our property peacefully, we have put up with enough over the past year and cannot be expected to live like this any longer.

Additional Pages Document 2

Please provide as much information as possible to support the application.

Noise pollution during the day (bad language being used at times).

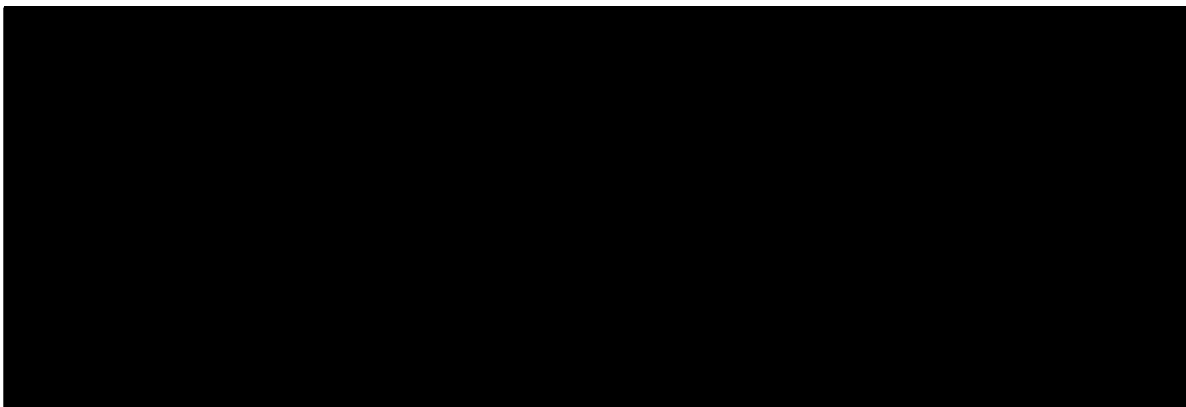
Please see YouTube video as example of noise nuisance filmed from our bedroom window @ 15:16 on Saturday August 6th 2016 (these photos were taken shortly afterwards). The customers were quite intoxicated at lunchtime and my partner was ill and trying to sleep. On this occasion we called the noise out team who who explained that they couldn't take the assessment from our bedroom during the day, yet it is still an issue during the day, especially with bad language and behaviour such as this.



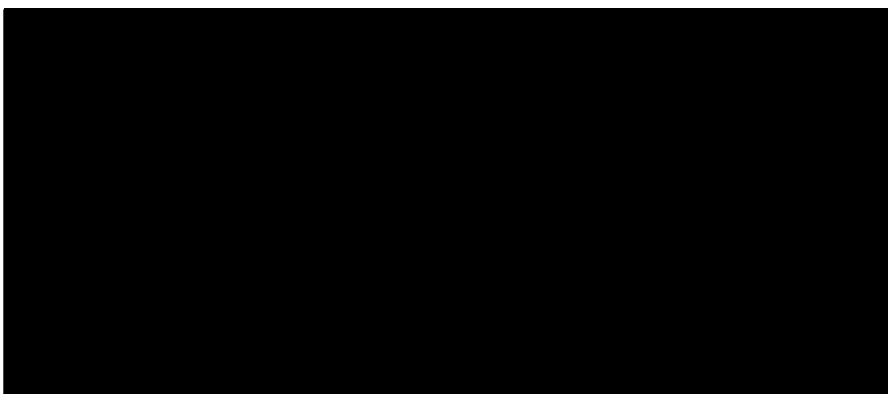
Noise pollution at anti-social hours (until past 4am on occasions).

We had experienced noise issues late at night when customers and staff smoke & drink outside the restaurant, however our first severe experience of noise nuisance was Monday 30th November 2015, when Mamuska held a staff party until the early hours of the morning. Please see *supporting document 1* for evidence of this which was followed up with a meeting with restaurant owner Ian Coll. During the meeting we discussed the main issues that we had been experiencing; people standing outside the restaurant smoking and drinking late at night and explained where our bedrooms were. Ian agreed to put some signs up and appeared to listen to our concerns and made a suggestion that they would restrict outdoor activity late at night. After chasing it, the laminated temporary signs went up two months later and just one remains today (please see *supporting document 1* for evidence of me chasing this).

Video taken on Friday 10th June 2016 (pretending to be on the phone)



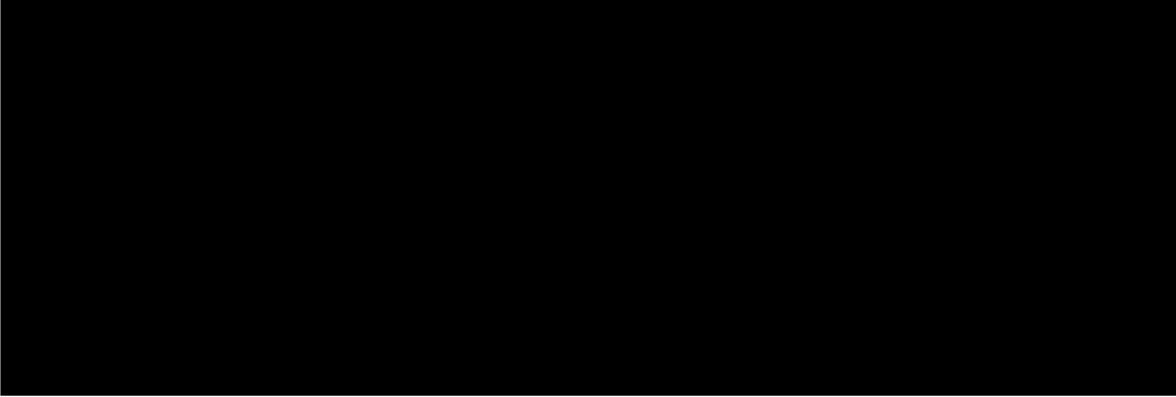
On Tuesday 2nd August, the staff were making noise after the restaurant shut in the early hours of the morning and I had to shout out of the bedroom window to request that they were quiet. We had guests staying over and they were shocked by the noise.



Taken 22nd August (Sunday night/Monday morning) @ 00.09 and Mamuska still had customers drinking and so were staff members. Shortly after we took these photos we went down to have a chat with the security bouncer who lives in Draper House about our frustrations, he said he would pass them onto Ian. This was over one hour past their licensable activity (to be consuming alcohol on their premises on a Sunday night).

Broadcasting live sport from a window within the establishment to people sat on the external pavement below our apartment windows.

Please see first YouTube video as example of noise nuisance filmed from our bedroom window @ 22:34 on Saturday 30th June 2016, second video was filmed earlier that evening at 20:56. In excess of 70 people watching (from outside) a live football match which was being broadcast from a TV inside the restaurant out of the front window to the outside curtilage. The noise this night was horrific. Having read Mamuska's licence, we note that they do not have an indoor or outdoor sports licence, this clearly breaches condition 312 under Annex 2 of the licence.



People sitting drinking their own alcohol during the day.

Photo taken 19th June 2016 @ 18:24.

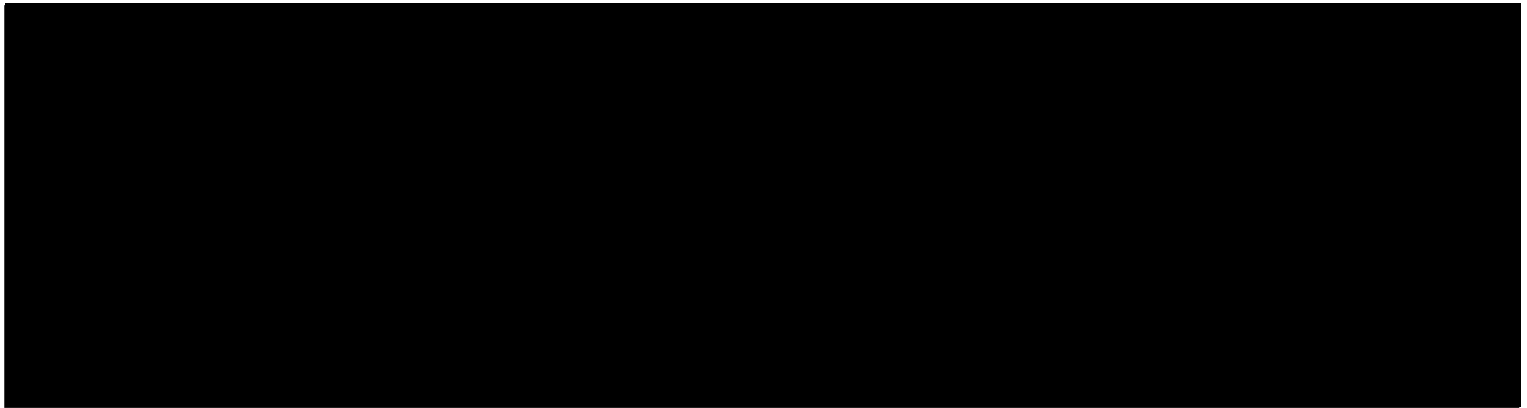


Tables and chairs being dragged across the floor at anti-social hours (past midnight)/ early in the morning.

Please see **supporting document two** for exchange of emails with restaurant owner Ian Coll on this issue, following us previously chatting to the manager about his on several occasions. We still experience dragging of patio furniture on a regular basis.

Bottles being tipped into the bottle bin at anti social hours and the collection of bottles.

Same issue as above, this can be heard from our bedroom and is loud enough to wake us up. Please see extract from Strata Facebook group regarding the collections, this is an issue for many.

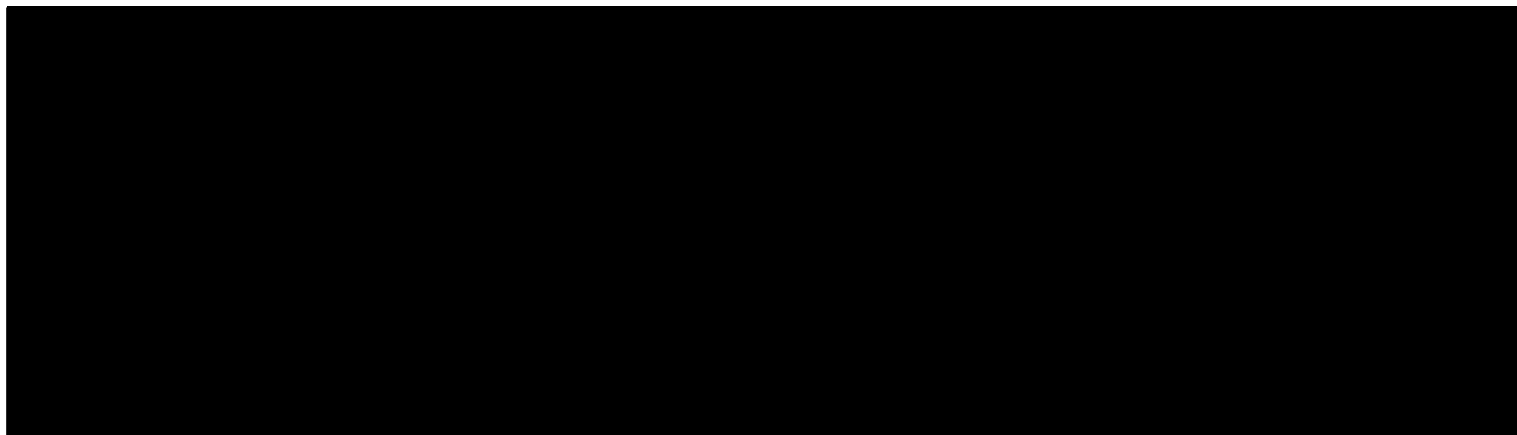


Leaving three pub benches out at night, chained up outside our bedroom window which invites people to entertain themselves there during the night.

Same issue as above, the locking of the chain can be heard from our bedroom & wakes us up, but what's more of an issue is that we feel unsafe that anyone can come and sit here at any point of the evening, and we get woken up when they do.

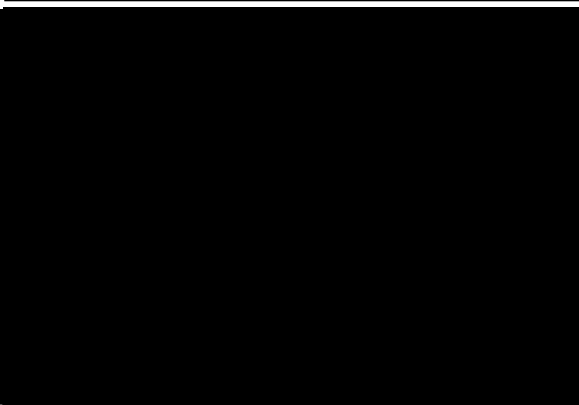
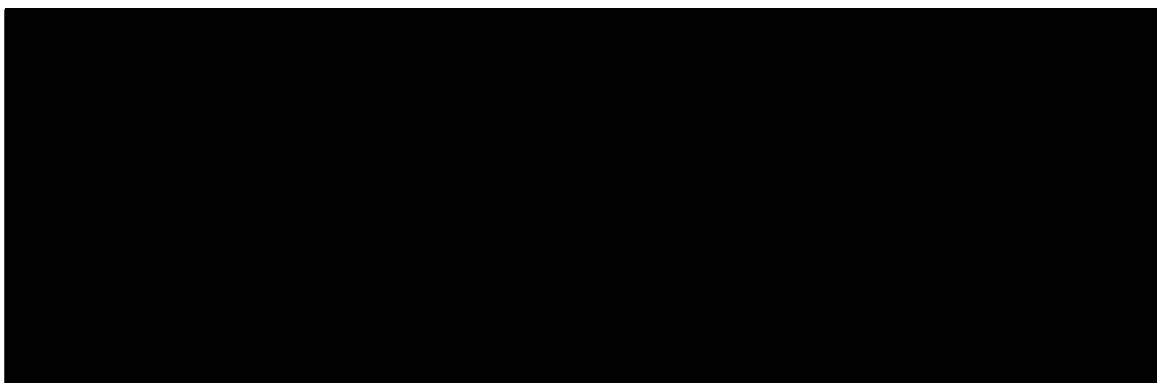
Please see YouTube video for example of noise nuisance filmed on Monday 19th September at 3:38am. I was unable

to sleep so I eventually asked the men who were smoking, chatting and drinking to kindly move away from the area which they did just after 4am but this involved me having to approach them in the middle of the night which is unsafe. We have contacted Ian regarding this and made the suggestion that they move the benches inside like all the other furniture, but are yet to receive a response (*please see supporting document 3 as evidence*).

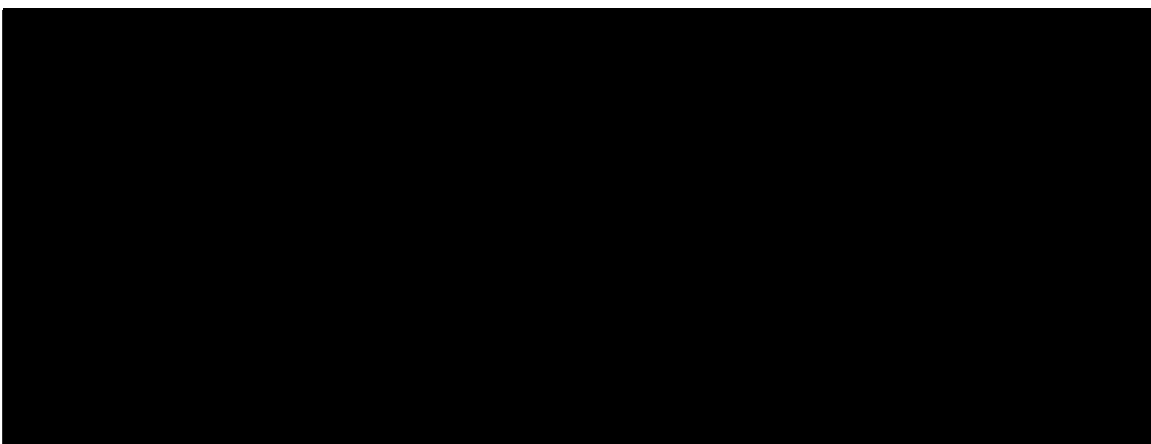


Motorbikes being parked on pavement when customers are dining at the restaurant (under my living room window).

This is just below our lounge window, this is both unsightly and creates a noise nuisance.
Both filmed on 19th June 2016



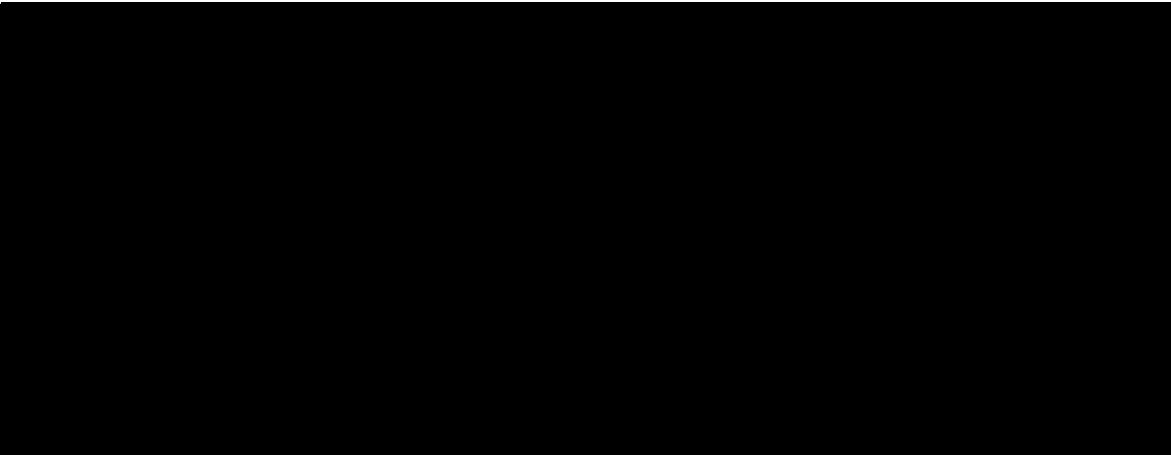
Other occasions - motorbikes being parked...



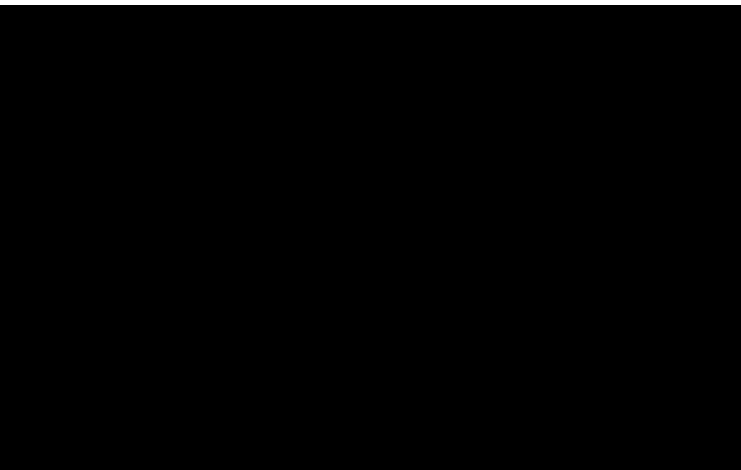
Smoke from cigarettes, the kitchen and Hot Dog grill entering our flats.

This is a daily issue and we do not want smoke, especially cigarette smoke, entering our apartment and polluting our living air. During the warm weather it is essential for our windows to remain open and the smell of smoke is often unbearable due to chain smokers. We note that every single table has an ash tray, unlike most restaurants which now have a small designated area for smokers.

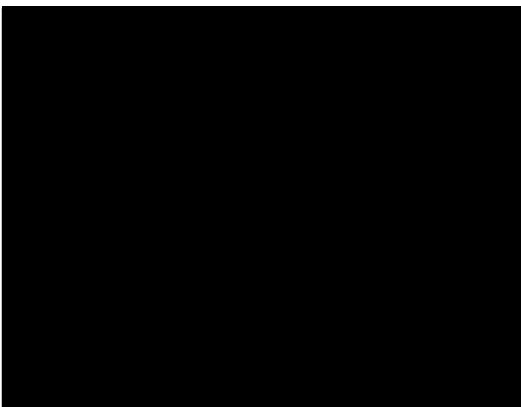
Photos taken on 20th May 2016. This table is located below our lounge window.



Photos below taken on 20th September 2016 @ 6:40 am. These are the pub bench tables that are left out all night below our bedroom window. These Mamuska staff woke us up by chatting at 6:40am below our bedroom window whilst having a cigarette as they do most mornings, proving the tables are a popular place to hang out when the restaurant is shut. The shutters have not even been taken up, this was 2.2 hours before operational hours.



And again the following morning: 21st September 2016. I would like to highlight that it only takes two people to have a conversation that close to our bedroom window, for the whole conversation to be heard in our bedroom and thus waking us up each and every time.

**Additional Evidence**

Please find on next page, a document containing signatures of other residents within the building who are also experiencing these (or some of these) issues and are in support of the licence application review.

Additional Pages Supporting Document 1

Supporting document 1**Please read from bottom up so in order of date.****Ian Coll** [REDACTED]

To [REDACTED]

CC [REDACTED]

Feb 9 at 10:50 AM

Hi [REDACTED]

We have a plan for something rather cute while the scaffolding is in place, and I believe Kasia has been on the hunt for something longer term that is in keeping with our brand and will do the trick. However, I agree this is taking too long.

Kasia, can you please print out and laminate some temporary signs and post them today?

For now they can read:

Oi!

Quite down please,
or our neighbours will get up,
follow you home,
wait until you are fast asleep
and then yell at the top of their lungs.

Thanks for thinking of others.

Mama and the Team

Ian Coll
Founder and MD
Mamuška!

Hide original message

From: [REDACTED]**Sent:** 06 February 2016 16:44**To:** Ian Coll**Subject:** Re: Meeting following Monday night.

Hi Ian,

I hope all is well and that business is good despite the scaffolding being erected over your restaurant.

We have wondered past Mamuska's windows several times since our meeting on 8th December. It was agreed that you would display a sign notifying your customers that this is a residential area and to please be respectful of the neighbours with noise, especially when late at night and they are standing outside smoking.

Like us, you have probably been very busy over the past two months, but we would appreciate your cooperation as agreed at our meeting.

Thanks Ian,

On Monday, 7 December 2015, 21:46, Ian Coll [REDACTED] wrote:

Thanks [REDACTED]

I appreciate your flexibility. See you tomorrow.

Best Regards,
Ian Coll

On 7 Dec 2015, at 21:22, [REDACTED] wrote:
Hi Ian,

No problem, 19:30 is perfect.

See you then.

[REDACTED]
Sent from my iPhone

On 7 Dec 2015, at 20:35, Ian Coll [REDACTED] wrote:
Hi [REDACTED]

We had a very large delivery order come in today, which I need to take myself tomorrow at 18:30.

Would it be at all possible to move our meeting to 19:30, so that I can be certain I will not be late?

Best regards,

Ian Coll
Founder and MD
Mamuška!
[REDACTED]

From: Ian Coll [REDACTED]
Sent: 04 December 2015 10:30
To: [REDACTED]
Subject: Re: Meeting following Monday night.

Good morning [REDACTED]

I will pass that on to the team. They felt pretty bad about keeping you up.

Tuesday at 19:00 is great. Look forward to meeting you then.
Best Regards,
Ian Coll

On 4 Dec 2015, at 10:21, [REDACTED] wrote:
Morning Ian,

First of all, a big thank you to you and the team for the beautiful card and flowers, that was a very nice gesture, and lovely to come home to.

Sorry I didn't get the change to reply yesterday, I was working late last night. Can we do Tuesday evening next week? I do not get back from work until 7pm, so will around then be okay?

Many thanks,

[REDACTED]

On Thursday, 3 December 2015, 13:41, Ian Coll [REDACTED] wrote:

Hi [REDACTED]

I am so glad to hear from you.

I didn't get a Facebook message but that is probably because I am a complete dunce when it comes to FB. I only use it as "Mamuška!" for business purposes.

My wife has me booked all day Saturday for Christmas shopping and I am reluctant to cancel on her. Would you be available either tonight at 19:00?

We have two Christmas events booked in after church on Sunday with the kids so – hoping not to appear evasive – I cannot meet Sunday either.

I am happy to meet with you during the daytime through the week but I suspect you are working and that is not convenient. I just mention it as an option for flexibility. Any evening next week is fine except for Thursday as I am volunteering on the ROBES project and need to be at the venue by 18:00.

I hope we can meet soon, as I am eager to hear your version of what happened and find a way to move forward in an spirit of cooperation and community.

There are certain things we cannot help, because we are, after all, a restaurant bar on a site that has been licenced as such since the 1960's. But that does not preclude being

considerate to neighbours, including restricting outside activity past a certain hour at night, which we are currently framing as a policy after Monday's events.

Hope to meet with you in person soon.

Best regards,

Ian Coll
Founder and MD
Mamuška!

From: [REDACTED]
Sent: 03 December 2015 09:36
To: Ian Coll
Subject: Meeting following Monday night.

Morning Ian,

I was wondering if you received my Facebook reply to your message?

Would you be available for a quick meeting on afternoon on Saturday?

Many thanks,

Kirsty

You and Ian Coll aren't connected on Facebook

Founder and Managing Director at Mamuška
Studied Marketing at Concordia University

Conversation started 1 December 2015

Ian Coll

01/12/2015 18:08

Hi Kirsty. I am very disappointed to read about the disturbance last night. I would be happy to meet with you to discuss in detail but meanwhile I have copied your note to my management team and am awaiting a response. I left at 11:30 but I would have hoped that this kind of thing would not happen in my absence. Please email me at ian@mamuska.net so I can respond more fully. Best regards, Ian

[REDACTED]
Hi Ian,

01/12/2015 17:20

Thank you for getting back to me, I didn't get home until after midnight myself as had been to the cinema, it was about then that it started. I do have some photos and videos which I would be happy to share with you, but hopefully your staff will just be honest when you raise it with them.

A meeting would be good, we would rather keep things friendly with surrounding business and work with you, but I hope that you understand that sleep deprivation isn't nice.

We are pretty booked up this week, could do Thursday evening or Saturday/Sunday during the day?

[REDACTED]


Mamuska

3 hrs · London · 🌐

Good Morning Everyone! A big THANK YOU is going out to all our customers for giving us the night off last night for our annual staff party. We are back on the clock and cooking up a storm for you on this first day of December! We may have closed early last night, but we are wondering: Would like us to be open later through December? BACK OFF! Mama has a 2am licence and we are NOT afraid to use it! #feedback #whatisyourbedtime


 Like

 Comment

 Share

Most Recent ▾

Write a comment...



 When do they sleep?

Well in last nights case, for those partying in and outside of Mamuska restaurant until the early hours of this morning (and I'm talking gone 2:30am), plus for the poor people that live in the residential properties surrounding the restaurant, we did not sleep last night...

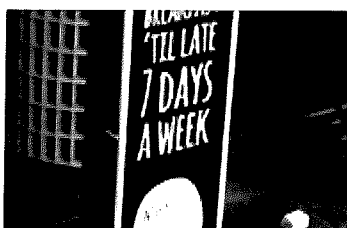
I would like to draw your attention to some copy on your homepage which reads "We are situated next to the Strata Tower". You know that the Strata Tower is a residential tower, therefore the people shouting and smoking for hours upon hours last night, especially the high pitched lady who was running around the building and making a right racket, clearly have zero respect for the people residing within the neighbourhood. And to think these are your staff members...?

It is one thing to have a party with such loud music on a Monday night until that time of the morning, but to have people spilling out onto the pavement directly below all of our bedrooms is totally unacceptable.

I understand one poor lady within our tower had to come and have a word with you at 12:20 as your music was so loud her flat felt like a nightclub and both of her young children woke up, but to continue with the noise on the pavement that we all witnessed after her coming to complain is very disappointing.

We are pleased that you had such a great staff annual party, and we know that you have a 2am licence and you're not afraid to use it. But please can you have a little respect for your neighbours? We would really appreciate it.

We totally understand that people need to have a good time, but this is our home and we wouldn't do it outside yours.



Additional Pages Supporting Document 2

Supporting document 2**Please read from bottom up so in order of date.**

[REDACTED]
To
Ian Coll
CC
[REDACTED]

Jul 17 at 10:55 AM
Hi both,

Many thanks, seems as though it should be a pretty easy training step so we will look forward to the progress.

Enjoy your Sunday

K ;-)

Sent from my iPhone
Hide original message

On 17 Jul 2016, at 09:38, Ian Coll [REDACTED] wrote:

Good morning [REDACTED]

This is really just a training issue down to staff turnover. Pete will have a word today and I am confident it will be resolved immediately.

Many thanks

Ian Coll
Founder and MD
Mamuska Restaurants Limited t/a
Mamuška!
[REDACTED]

Sent from a so-called "smart" phone. Excuse typos and other errors. My thumbs are too big for this foolishness.

----- Original message -----

From: [REDACTED]
Date: 16/07/2016 09:49 (GMT+00:00)
To: Ian Coll [REDACTED]
Subject: Update - your staff

Hello Ian,

I hope all is well with you and that business is good at Mamuska.

Ian, you will recall our previous request that your staff members pick up your outdoor furniture rather than drag them across the floor, which is very loud in our apartment and wakes us up on every occasion, whether it is late at night or first thing in the morning.

It is disappointing that this issue has raised its ugly head again and now with even more furniture to drag, is an even bigger problem for us. Please will you have a serious word with everyone, that it is really not too much effort to pick up each item, especially as they are very light and thus keep your

close neighbours happy? This girl in particular with the glasses is the main culprit we have had countless furniture dragging frustrations so it is now time to bring it to your attention.

I trust that you will assist with this and we wish you a pleasant weekend.

Kind regards,

██████████

Additional Pages Supporting Document 3

Supporting document 3

[REDACTED]
To [REDACTED]

BCC [REDACTED]

Sep 19 at 9:35 AM
Morning Ian,

I hope you had a good weekend.

Ian, I'm afraid we are having ongoing issues with people using the bench tables that you leave outside chained up at night. They use them as a place to drink, smoke and entertain in the middle of the night/early hours of the morning. Last night was particularly bad and resulted in me only getting three hours sleep; in the end I had to get up and go and ask them to move at 3:45, which is as you can imagine, is not a particularly nice task and comes with its own set of risks as you can never be too sure how people will react.

These tables are chained up and left out just a few meters from the bed in our first bedroom. I hope you can understand our frustrations and safety concerns with the current situation, and are able to find a quick solution, such as clearing the tables inside every evening?

I shall look forward to hearing from you,

[REDACTED]

From: Legassick, Bill
Sent: Friday, October 21, 2016 7:23 PM
To: Regen, Licensing
Subject: Licensing Review of Mamuska 16 Elephant And Castle London SE1 6TH

I refer to the review of the licence at Mamuska 16 Elephant And Castle London SE1 6TH on the 23rd September 2016.

I am writing to confirm that the Environmental Protection Team supports the applicant for the review. Checking the Management Information System, the Noise and Nuisance Team has received three complaints in respect of patrons of the restaurant.

30th June 2016: 23:15 hours Resident reporting people being loud outside restaurant Mamuska. Please investigate. Telephone call to the complainant, no answer, message left.

06th August 2016: 15:10 hours People making noise outside tenants property at Mamuska restaurant. Noise Team made a visit to the complainant at 16.30 hours however the noise had ceased. The Noise Team officers waited for about 10 minutes, but the situation remained the same. No Noise witnessed at the time of the visit.

18th August 2016 22:37 hours Patrons from nearby restaurant drinking and smoking etc. with loud voices. Noise Team made a visit to the complainant at 23.35 hrs however the noise had ceased. The Noise Team officers waited for about 10 minutes, but the situation remained the same. No Noise witnessed at the time of the visit.

From the details provided in the review application, some of the problem is due to the usage of the table and chairs by the patrons, the clearance of the table and chairs and the use of the heavy table & benches by other people not using the restaurant. The area being used by the restaurant for the table and chairs is not classed as a public highway, therefore a table & chair has not been granted by the Highway section of the Authority. I understand that the external area of the restaurant could be in the ownership of the Housing Department or it could be classed as TfL Highway land. I have written to the Housing Department to enquire whether the restaurant external area is on Housing land, if it is on Housing land, whether the restaurant has any permission to use land. If permission has been granted, if there are any conditions attached to the permission, if it is being used illegally, then the procedure to stop the use of the land. I am awaiting a response.

If the outcome of the review, results in a continuation of the licence, the Environmental Protection Team will be requesting the Committee to consider that the following conditions to be included on the premises licence:-

A condition to prohibit the emptying bottles into the waste containers between certain hours

Depending on the outcome of the investigations a condition restricting the use of the tables and chairs in the external area of the restaurant between certain hours.

A condition to ensure that all the tables and chairs when being stored or stacked are lifted and carried to point of storage and quietly stacked.

A condition to ensure that there is a designated smoking area, so designed to avoid an amenity problem to the surrounding residential properties.

Before the hearing, I may have further information that I wish to be included in this representation.

Bill Legassick
Principal Environmental Health Officer

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only): Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

Tel: 020 7525 4253 | Fax: 020 7525 5705 | e mail: Bill.Legassick@southwark.gov.uk



The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

Metropolitan Police Service
Licensing Office
 Southwark Police Station,
 323 Borough High Street,
 LONDON,
 SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/2876 /16

Date: 18th October 2016

Re:- Mamuska, 16 Elephant & Castle, London SE1 6TH

Dear Sir/Madam

Police are in possession of an application from a local resident for a review of the above premises licence.

Police have the following comments to make:

The application details a number of incidents most of which are noise related issues including bad language. Offensive words can be an offence under the public order act but a number of factors would need to be present before an offence is committed and just the use of bad language in itself is not a criminal offence but could be seen as anti-social behaviour.

I have search the police records and am unable to find any reported offenses or Anti-social behaviour that could be accredited to the direct running of the premises, however the incidents listed within the application are likely to have caused public nuisance.

Conditions placed on the premises licence are designed specifically for each premises licence for the promotion of the licensing objectives. The current Licence has no terminal hour listed and the last licensable activity cease at 02.30hrs with alcohol at 02.00hrs. We would expect a minimum conditions on the licence with these hours to include the provision of SIA, CCTV and the use of the outside area to be restricted to 22.00hrs.

The current Licensing policy would not allow for such hours if applied for now and would restrict the activity to alcohol only being served with a meal. These restrictions placed on the licence and a reduction in hours would go some way in preventing such incidents in the future.

The Following is submitted for your consideration,
 Yours Sincerely

PC Graham White 288MD
 Southwark Police Licensing Unit
 Tel: 0207 232 6756

From: [REDACTED]
Sent: Thursday, October 13, 2016 8:30 PM
To: Regen, Licensing
Subject: Mamuska SE1

Dear Southwark council,

We live at the property address [REDACTED] We wish to contest the current terms of the license for Mamushka restaurant.

Mamuska, 16 Elephant And Castle, SE1 6TH

Our living room and both master and guest bedroom windows are within a very close proximity (approx. 2 meters) to the Patio area that is currently being used by the restaurant for eating and drinking from 9am until the early hours of the morning.

We are really tired of the long hours and noise coming from the restaurant and also concerned about drunken people leaving the restaurant at late hours and sometimes using the front of our building as a public toilet or a place to continue drinking and laughing out loud. We did not purchase this property with a late night bar open next to it and we are no longer able to enjoy the privacy of our home in the way we would like and deserve. It has been a stressful summer with sleepless nights, noise and loud people screaming outside our windows.

Please see a more detailed reasons that we would like the license to be reviewed below:

1) The prevention of crime and disorder

Elephant & Castle is a busy city centre area. Within the proximity of our property and the restaurant are many clubs and late license bars each that have restrictions of the use of the outside area. Since this summer Mamuska have purchased 3 x Pub benches that are not taken in during the night. This promotes people that left these late night venues to come and sit directly underneath our building and make noise and carry on drinking.

2) The prevention of nuisance

We are aware they have a 2am license, but this was granted to a night club when our building (Pavilion, Strata) did not exist. The noise is unbearable mainly over weekends.

Mamuska customers also decide to park their motorcycles underneath our building while they dine at the restaurant and again when fired up to leave this causes a huge amount of noise pollution in our living room (day and night), even with the windows closed.

During the summer our apartment is very hot. This makes it very difficult to have the windows closed, but this summer we have had to shut the windows on many occasions to help stop the noise a little and to prevent the cigarette smoke from the numerous customers from Mamuska. At the time of writing this objection we note that it is now Autumn and there have been a decreasing number of people using this patio to dine due to the colder weather and heavy rain on occasion, but it is still used by groups of people to drink and smoke until the restaurant decide to close.

The current license restricts outside entertainment, but this is clearly in breach of the activities that we have seen over the past summer. The use of the outside area is causing us great discomfort and we can no longer enjoy the home that we have lived in for the past 6 years.

Please feel free to contact us if you need any further information on any of these points.

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 17 October 2016 20:15
To: Regen, Licensing
Subject: Objection to Licence 855806 – Mamushka Restaurant, Elephant & Castle

[REDACTED]

17th October 2016

Reference: Licence 855806 – Mamushka Restaurant, Elephant & Castle

Dear Sir/Madam,

I wish to contest the current terms of the license for Mamushka restaurant. My living room and both bedroom windows are within a very close proximity (I believe approx. 4 meters) to the Patio area that is currently being used by the restaurant for eating, drinking and smoking from 9am until the early hours of the morning.

I did not purchase my property with a late night bar open next to it and I am no longer able to enjoy my home in the way that I should be. It has been a stressful summer with sleepless nights and that is not how I should feel in my own home.

Please see the reasons that I would like the license to be reviewed below:

1) The prevention of crime and disorder

Elephant & Castle is a busy city centre area. Within the proximity of my flat and the restaurant, are many clubs and late license bars each that have restrictions of the use of the outside area. Since early this summer Mamuska have purchased three Pub benches that are not taken in during the night. This promotes people that leave these late night venues to come and sit directly underneath my bedroom windows and make noise and carry on drinking. On Friday 23rd September at approximately 3:30am a group of 3 people sat on one of those tables to carry on their evening. After an hour of this disruption they began to argue and moved from the benches, but a full scale and very loud argument took place on the patio area of which I believe is owned by Mamuska. A lady was screaming loudly and eventually I banged and shouted out of the window to request that they stopped making noise and preventing me from sleeping. I did not feel safe going downstairs to approach them as the disagreement was very heated. If the pub style benches were not left out all night long, then those people would not have congregated in that area.

2) The prevention of nuisance

On Tuesday 1st December I returned home in the morning at around 12:30am. Mamuska were having a Christmas party for staff. It was impossible not to hear the noise coming from inside the restaurant. I know they have a 2am license, but this was granted to a night club when my building (Pavilion, Strata) did not exist. The noise was unbearable and eventually I went and asked for the music to be turned down. One of the members of staff asked if I would allow them to continue because it was their Christmas party. I explained that it was a Monday night and I had to be up for work and I would call the noise team if they did not turn it down as it would not allow me to sleep. After some resistance the music was turned down. Unfortunately, this did not stop many members of staff coming out and drinking and smoking on the patio area (which at that time, didn't have tables). I remained disturbed until 4am that morning by the drunk members of staff having their party in the patio area directly under my bedroom window (within 4 metres). The next day Mamuska posted what I believe is a threatening message directly to my complaint on Facebook (below). This appears to be a direct threat to the fact I approached them and asked the music to be turned down. Even at 12:30am their music was louder than I have heard from even walking past the nearby Corsica studios who do not (at this time) have residents living within such close proximity. The threat "Back off as they have a 2am license and they are not afraid to use it" is a complete insult to local residents. After a frustrating sleepless night, that

was a very upsetting Facebook update from a business who clearly do not have any respect for the neighbouring residents.



I work from home as I own my own business. On 30th June 2016 I had a business Skype meeting with a client at 5:30pm. I had to call off my Skype meeting as it was clear that Mamuska were holding an event and the patio area was full of what I believe to be in excess of 70 people, which made it impossible to hear my client on the call. Shortly after I rescheduled my call Mamuska began screening a live football match from a screen placed within the restaurant, but broadcast to the patio area which is directly underneath my living room and both bedroom windows. This noise carried on early into the morning (at least 1am) with loud bad language and excessive smoking, which made it impossible for me to have my windows open.

The patrons that congregate on this outside smoking terrace make lots of noise which is a big nuisance whether that is during the day or at night because all of the tables are located right next to my apartment. At this current time there are covers for I estimate at least 30 people, but in the summer months this is more as they have additional beach deck chair furniture which they spread around.

On Monday 15th August I returned from a holiday around 10pm. The outside area was used until at least 1am. The restaurant owner was actually present and joining guests on the patio that evening and contributed to much of the noise that kept me awake.

Mamuska are registered with Deliveroo. This causes many motorbikes to park directly underneath my living room window on many occasions while they collect food before they head off to deliver the food. The noise from these motorcycles firing up is very loud and I can no longer sit in my own living room without being disturbed several times a week by this.

Mamuska customers also decide to park their motorcycles underneath my living room window while they dine at the restaurant and again when fired up to leave this causes a huge amount of noise pollution in my living room (day and night), even with the windows closed.

Each evening depending on the time they decide to close there is a very loud crash of the empty bottles being placed into the bottle bank that is at the back of my building. This is at many times after midnight and wakes me up on many occasions.

During the summer my apartment is very hot. This makes it very difficult to have the windows closed, but this summer I have had to shut the windows on many occasions to prevent the cigarette smoke from the numerous tables entering my apartment which becomes unbearable. Smoking is one of the leading causes of ill health and death in Southwark and more people die from smoking-attributable deaths in the borough than do in other parts of the country. Mamuska are using the large pavement area directly outside of the restaurant and right next to our bedroom windows as a giant smoking 'terrace'. Every single table has an ash tray unlike most restaurants who will have a restricted/small smoking area. I do not want cigarette smoke entering my apartment, it is damaging to our health and it absolutely stinks.

I have experienced regular issues with noise associated with Mamuska's staff dragging their patio furniture across the pavement, this is an issue which I have tried to speak to them directly with on a number of occasions. More recently on Thursday 6th October at 00:23 I was woken by a member of Mamuska staff dragging the pub benches down to the immediate area of the patio where they chain

them up overnight. She was alone and therefore had to drag them causing a huge amount of noise which is very disturbing especially at that time of night.

Again at 00:01 on Friday 7th October I was awoken by a member of staff moving stacked chairs from the outside patio area and into the restaurant as they were closing. Because they do not have storage space for the tables and chairs they are not taken inside until the restaurant closes. This means that even if chairs and tables from the patio area are stacked up before they close they can not take them into the restaurant until the last customer has left. If they have a 2am license this means dragging chairs and tables indoors right underneath my bedroom window at that time which is 4 metres from the patio area.

At the time of writing this objection I note that it is now Autumn and there have been a decreasing number of people using this patio to dine due to the colder weather and heavy rain on occasion, but it is still used by groups of people to drink and smoke until the restaurant decide to close and it is then they take most of the tables and chairs inside.

I am not aware of any other restaurant, café, bar or nightclub that has a patio area that is licensed until 2am in the morning within 4 Metres of a bedroom window.

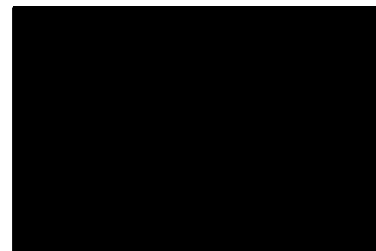
The current license restricts outside entertainment, but this is clearly in breach of the activities that I have seen over the past summer within my apartment. The use of the outside area is causing me great discomfort and I can no longer enjoy the home that I have lived in for the past 6 years.

This is a densely populated residential area. The current licence granted to this premises means that I'm kept awake by patrons and staff members creating noise right outside my bedroom window after midnight all days of the week. The noise nuisance as a result of Mamuska's activities are impacting on my sleep and therefore health, impacting on my work and preventing me from enjoying my own home in the way that I should be. I cannot be expected to live like this?

Please feel free to contact me if you need any further information on any of these points.

Many thanks

██████████



17th October 2016

Objection to licence 855806

Dear Southwark Council,

Since the restaurant opened, named Mamuska in Draper House, I have experienced a very distressful period of not sleeping which is affecting my health.

1. The noise of the extractor fan is unbearable and it is on 24 hours a day.
2. There is a terrible smell of food.
3. Noise of the emptying bottles into the bin at 2/3 O'clock in the morning.
4. Starting at 10pm, the patrons and staff are drinking and shouting, all against our bedrooms.
5. They have so many tables, benches and deckchairs spread against our building and all over the pavements.
6. The proprietor is running two restaurants; one inside the building, and one outside on the paved area, plus a bar. This is totally unsociable behaviour.
7. The four days of August 26th, 27th, 28th and 29th 2016 they cooked hot dogs using a great big grill out on the pavement area. The smell of burning oil and the smell of the hot dogs was terrible. In the summer heat, I could not open my windows, but the smell still penetrated into my home.

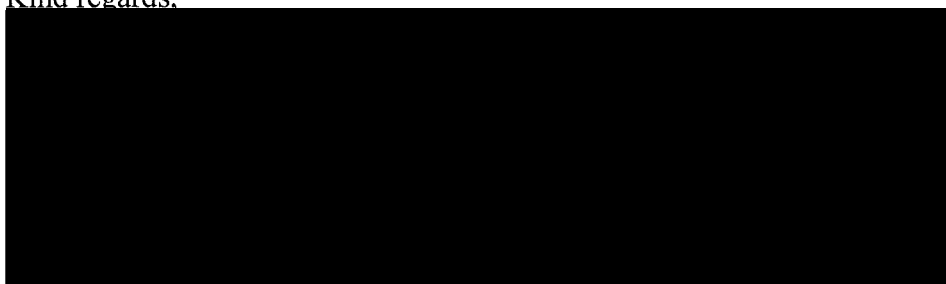
In those four days I was in contact with the noise team. They told me to keep in contact with them, they will inform the environmental economy team, I was also given the telephone number for the nuisance team, a telephone number to phone the highway department as they deal with the chairs and tables, but they denied authorising these chairs and tables.

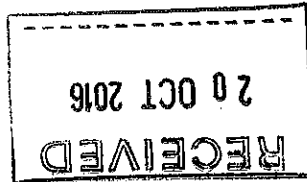
I had three visits from the noise and environmental team and one visit from the environmental economy team.

It is worse since I contacted these departments and they make more disturbance under our bedrooms.

I do have a learning disability son who cannot stay overnight due to the shouting and noise. He is frightened of this disturbance and he is deprived to spend quality time with his mother. Plus, I am a disabled person suffering with Rheumatoid Arthritis.

Kind regards,





17th October 2016

**Ref: Noise Nuisance
Objection to licence 855806**

Dear Southwark Council,

I am currently being woken up by noise nuisance from Mamuska:

- Loud creaking gate.
- Emptying the glass bottles into the bin just behind our building. They are very loudly dumped into the bin.
- The extractor fan being left on all night long.
- Noise during what should be quiet sleeping hours late at night/early in the morning.

I cannot leave my own windows open during the summer, which during hot spells is unbearable, because of food smells – the cooking of fish and fried onions and a strong smell of burning cooking oil. This has been over a year. At first I could not detect where the food smells were coming from.

Noise team were called on 30th August Ref No 810 533.

All these sudden noises during the night cause loss of sleep. We are living in a residential area and the neighbour with the business has shown little regards for our houses/building. The restaurant is somewhat too close to our building.

Yours truly,

From: [REDACTED]
Sent: Thursday, October 20, 2016 11:54 AM
To: Regen, Licensing
Cc: [REDACTED]
Subject: Representation for the Review of Premises License for Mamuska! Polish Kitchen and Bar,
Licence number: 855806
Importance: High

Dear Sir/Madam

I am writing in support of my local Polish restaurant, Mamuska!, who I understand is having their license reviewed.

I am leaseholder who has lived in Draper House with my husband and two children for over 10 years. I am architect and also treasurer of the Draper Residents Association.

The original design of our estate included mixed use at ground floor level and I have seen various establishments come and go in the original public house on the ground floor of Draper House and Mamuska is easily the most successful for various reasons.

Firstly, despite the recent refurbishment of Draper House the ground floor units are generally still very run down (due to being a separate freehold) but the quality of the Mamuska shop front design has really improved the visual appearance of the location. This has been done in challenging circumstances due to ongoing building work and scaffolding to the block.

Secondly, I have recently been involved in Southwark Council's improvements to the landscaping outside Draper House, the work that has been done was to help encourage positive use of the outside space and create areas that could potentially allow local cafes, such as the one in Tiendas del Sur, to put out some tables and chairs and generally allow the community to enjoy being outdoors. Mamuska also uses the outdoor space immediately outside their premises during the day and I think it's a great addition to the area. We now also have a new Pret across the road and it feels like we have a friendly cafe culture emerging that can only improve the area.

Thirdly and very importantly, Mamuska and their management team, in particular Ian Coll, has made a real effort to become part of the community on our estate. They have attended residents association meetings and participated in the past two summer festivals and we have already planned a special residents association Christmas dinner at Mamuska in December. I have also found Mamuska to have a great family atmosphere and my children enjoyed watching some of the World Cup football action in the restaurant this summer.

Finally, our estate is on an extremely busy road junction and we have continuous loud noise from road traffic and sirens. I have never had reason to complain about noise from Mamuska and am not aware of any complaints from my neighbours about noise related to Mamuska.

I hope you will consider the many positive contributions that Mamuska brings to our estate when you are conducting your review and that our community will be able to enjoy the restaurant for many years to come.

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

21st October 2017

Licensing Committee of Southwark Council
Tooley Street
London
SE1P 5LX

Dear Sir

Representation for the Review of Premises License for Mamuška! Polish
Kitchen and Bar

I speak on behalf of [REDACTED] who are soon to be neighbours of Mamuška following our redevelopment of the former [REDACTED] in [REDACTED]. While the new church has been under construction for the last year I have become a regular user of the restaurant and have got to know the management and staff very well.

The quality of the food and service is very good and the establishment is always presented to an exceptional standard of cleanliness. The atmosphere for the customer is always good and there is never any hint of unruly behaviour or 'brewing trouble'. I am very happy to invite church groups to meet at Mamuška, the last being a group of 12 men starting a pilgrimage across the London Bridges. I have also visited Mamuška of an evening and again found the atmosphere to be cordial and safe.

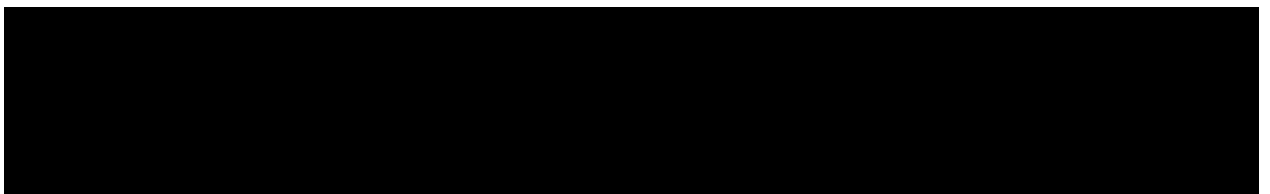
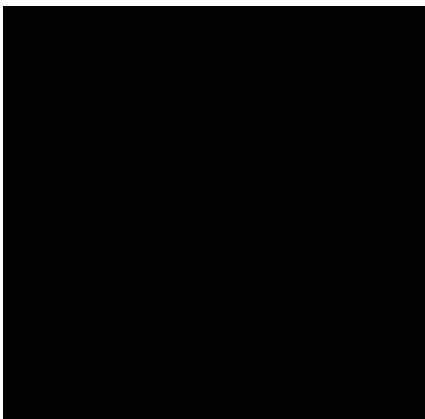
It was lovely to be able to use the outside space during the summer and hold many meetings alfresco. It is a delightful setting and very conducive to conversation in a more relaxed setting. I note the proximity of the

[REDACTED]

residential properties but imagine that the continuous noise from the ever flowing traffic is much worse than the conversations taking place in the outside dining area.

I am sad and disappointed that Mamuška are having to defend their licence in light of a complaint from one resident and feel that the committee must consider the good work that the restaurant has done to raise the standard of the environment and provide much needed employment for a number of people. Limiting or withdrawing the company's operating licence would be a drastic step and I hope that the committee is able to find in favour of the company.

Yours faithfully



From: [REDACTED]
Sent: Friday, October 21, 2016 7:34 AM
To: Regen, Licensing
Subject: Mamuška Closure

Dear Sir or Madam,

I have just been informed that my local eatery Mamuška maybe closing and losing its licence. This is extremely sad news as the venue is part of the local community and enjoyed not only by my own family but many friends who live nearby. I feel strongly enough to write and request that the restaurant should remain in operation as it is in its current state.

The new outdoor space has been great for the area in which to meet friends, family and enjoy. This should not be closed and let this part of the area decline back to a nondescript location which adds no value. The restaurant and outdoor area is part of the fabric of the local area and must remain in my view. The restaurant does not cause myself or my young family any bother in terms of noise or physical pollution.

I look forward to hearing from you and hopefully the decision to allow the restaurant to operate as it is currently.

Many thanks,

[REDACTED]

[REDACTED]

[REDACTED]

Licensing Act 2003 Premises Licence

92



Environmental Health & Trading Standards
Licensing Unit
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

849089

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Mamuska Restaurants 16 Elephant And Castle	
Ordnance survey map reference (if applicable): 178812531990	
Post town London	Post code SE1 6TH
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence Live Music - Indoors Recorded Music - Indoors Performance of Dance - Indoors Entertainment Similar to live/recorded music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

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

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

The times the licence authorises the carrying out of licensable activities For any non standard timings see Annex 2 of the full premises licence
Live Music - Indoors Monday 09:00 - 02:00 Tuesday 09:00 - 02:00 Wednesday 09:00 - 02:00 Thursday 09:00 - 02:00 Friday 09:00 - 02:00 Saturday 09:00 - 02:00 Sunday 09:00 - 23:00
Recorded Music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	12:00 - 22:30

Performance of Dance - Indoors

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

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

Monday	10:00 - 02:00
Tuesday	10:00 - 02:00
Wednesday	10:00 - 02:00
Thursday	10:00 - 02:00
Friday	10:00 - 02:00
Saturday	10:00 - 02:00
Sunday	12:00 - 23:00

Sale by retail of alcohol to be consumed off premises

Monday	10:00 - 02:00
Tuesday	10:00 - 02:00
Wednesday	10:00 - 02:00
Thursday	10:00 - 02:00
Friday	10:00 - 02:00
Saturday	10:00 - 02:00
Sunday	12:00 - 23:00

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

Mamuska Restaurants Ltd
 Flat 13
 14 Weller Street
 London
 SE1 1QU
 ian@mamuska.net

Registered number of holder, for example company number, charity number (where applicable)

8212408

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Ian Stuart Coll
 Flat 13
 14 Weller Street
 London
 SE1 1QU

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.: 831084
 Authority: L B of Southwark

Licence Issue date: 17 July 2015



Anti-Social Behaviour, Noise Nuisance &
 Licensing Manager
 Hub 2, 3rd Floor
 PO Box 64529
 London, SE1P 5LX
 020 7525 5748
 licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

- a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

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

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

485 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise

anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

487 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula
 $P = D + (D \times V)$,

where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence:

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

109 That the sale of alcohol is permitted from the end of permitted hours on New Years Eve through to the start of permitted hours on New Years Day - standard timings.

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

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.

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.

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.

291 When the terminal hour as detailed on the premises is greater than 1.00am then the premises will employ at least two (2) SIA registered door supervisors to control entry and exit to the premises. They should be provided with a mechanical counting device to ensure that the maximum accommodation limit is not exceeded.

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

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

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

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

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

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

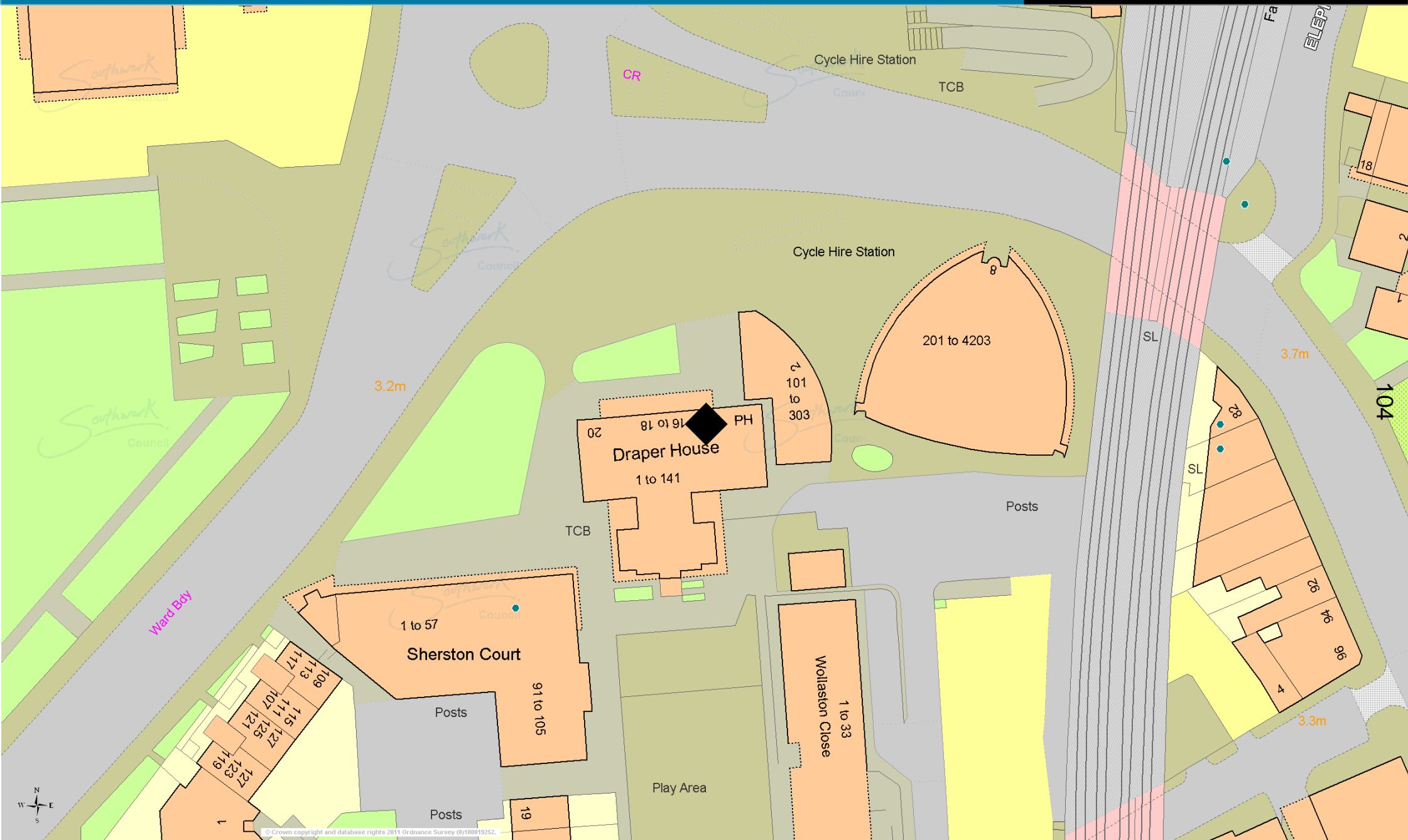
Annex 4 - Plans - Attached

Licence No. 849089
Plan No. 858 – 1 – 9M
Plan Date June 2003

Appendix E

Date	Time	Officer	Notes
07/07/2015	22:30	Mark Orton	Spoke with female member of staff called [REDACTED]. She stated that the manager is called Ian Coll who can be contacted on [REDACTED] and the finance manager called [REDACTED] can be contacted on [REDACTED] if required. Premises currently operating within hours specified on the licence. No issues.
15/10/2016	20:45	Farhad Chowdhury	Lots of chairs and tables outside on the square outside. Manager not in, spoke to sous chef about the chairs and tables if they have a licence for the chairs and tables he did not know. Said Manager was Mr [REDACTED] tel [REDACTED] Advised to call Licensing Team on Monday to discuss a complaint we've received.

Date 3/11/2016



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LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2016-17

NOTE: Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

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