

Licensing Sub-Committee

Thursday 9 December 2021

10.00 am

Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online meeting

Membership

Councillor Renata Hamvas (Chair)
Councillor Ian Wingfield
Councillor Charlie Smith

Reserves

Councillor Sunny Lambe

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

Andrew Weir by email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 30 November 2021



Licensing Sub-Committee

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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: THE EXECUTIVE LOUNGE, UNIT 1, 777 OLD KENT ROAD, LONDON SE15 1NZ	1 - 107
	ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.	

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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: 30 November 2021

Item No. 5.	Classification: Open	Date: 9 December 2021	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: The Executive Lounge, Unit 1, 777 Old Kent Road, London SE15 1NZ	
Ward(s) of group(s) affected		Old Kent Road	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers whether an application submitted by Speedlink Services Limited for a premises licence be granted under the Licensing Act 2003 in respect of the premises known as The Executive Lounge, Unit 1, 777 Old Kent Road, London SE15 1NZ.
2. Notes:
 - a) The application is for a premises licence and was submitted under Section 17 of the Licensing Act 2003. The application is subject to representations and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 9 and 12 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 13 to 27 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached to this report as Appendices B and C. A map showing the location of the premises is attached to this report as Appendix Q.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to applications 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 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 premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 21 September 2021 Speedlink Services Ltd applied to this council for the grant of a premises licence in respect of The Executive Lounge, Unit 1, 777 Old Kent Road, London SE15 1NZ.
9. The application is summarised as follows:
 - **Late Night Refreshment:**
 - Sunday to Thursday: 23:00 – 00:00 (midnight)
 - Friday and Saturday: 23:00 – 01:00
 - **Supply of alcohol for consumption on and off the premises:**
 - Sunday to Thursday: 11:00 – 00:00
 - Friday and Saturday: 11:00 – 01:00

- **Proposed opening hours of the premises:**
 - Sunday to Thursday: 11:00 – 00:30
 - Friday and Saturday: 11:00 – 01:30
 - **Non standard timings:**
 - That on Bank Holidays the permitted hours in respect of licensable activities are 11:00 to 02:00 and the permitted opening hours are 11:00 to 02:30.
 - The premises are described in the application as a restaurant.
10. The premises licence application form provides the applicant's operating schedule. Parts I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application then the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application.
11. A copy the application to which this report relates is attached as Appendix A.

Designated Premises Supervisor

12. The proposed designated premises supervisor of the premises is Temple Ubazue.

Representations submitted by responsible authorities

13. Representations have been submitted by this council's environmental protection team, the Metropolitan Police Service and by this council's licensing responsible authority.
14. The environmental protection team notes that according to this council's statement of licensing policy, the premises are located in a residential area and that the closing times recommended in the statement of licensing policy for premises located in residential areas and licensed to sell alcohol is 23:00 hours daily.
15. The environmental protection team contend that the site plan provided is indicative of a bar style operation rather than that of a restaurant, that the premises are linked to a licensed premises next door (known as The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ) by way of an internal door between the premises, and that the listed controls \ conditions in Part M of the application are insufficient to meet the prevention of public nuisance licensing objective.
16. The Metropolitan Police Service notes that one of the directors of Speedlink Services limited is a Mr George Nwachukwa and that Mr Nwachukwa

operates The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ which is directly next door to Unit 1, 777 Old Kent Road, London SE15 1NZ (the premises to which this application relates).

17. The Metropolitan Police Service contends that Unit 1, 777 Old Kent Road, London, SE15 1NZ can be directly accessed via a doorway from Unit 2, 777 Old Kent Road, London, SE15 1NZ as has been witnessed by the Police on the 28 May 2021 and 11 July 2021. The police further contend that during these visits The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ was witnessed to be being operated in breach of the Coronavirus regulations in force at that time.
18. The Metropolitan Police Service state that the plan submitted with this application shows a total of 24 seated covers out of a proposed maximum capacity of 100 people at the premises at any one time, potentially leaving 76 patrons with no way of being seated to consume a table meal.
19. The Metropolitan Police Service notes that according to this council's statement of licensing policy, the premises are located in a residential area and that the closing times recommended in the Statement of Licensing Policy for premises located in residential areas and licensed to sell alcohol is 23:00 hours daily. The Metropolitan Police Service recommend that that the application is rejected.
20. The licensing responsible authority notes that, according to this council's statement of licensing policy, the premises are located in a residential area and that the closing times recommended in the statement of licensing policy for premises located in residential areas and licensed to sell alcohol is 23:00 daily.
21. The licensing responsible authority notes that one of the directors of Speedlink Services limited is a Mr George Nwachukwa and that Mr Nwachukwa operates The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ which is directly next door to Unit 1, 777 Old Kent Road, London SE15 1NZ (the premises to which this application relates).
22. The licensing responsible authority contends that Unit 1, 777 Old Kent Road, London SE15 1NZ can be directly accessed via a doorway from Unit 2, 777 Old Kent Road, London SE15 1NZ.
23. The licensing responsible authority further alleges that during recent enforcements visits licensing officers have noted that Unit 1, 777 Old Kent Road, London SE15 1NZ was being used for licensable activities without a licencing authorisation first being obtained and that a warning letter was sent to Mr George Nwachukwu regarding this matter.
24. The licensing responsible authority states that the plan submitted with this application shows a total of 24 seated covers out of a proposed maximum capacity of 100 people at the premises at any one time, potentially leaving 76 patrons with no way of being seated to consume a table meal. .

25. Copies of the representations submitted by responsible authorities, and related correspondence, are attached as Appendix B.

Representations from other persons

26. Three representations have been submitted by 'other persons', those all being local residents and referred to hereafter as parties 1-3. The representations state that the existing operation of The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ gives rise to extreme noise nuisance and anti-social behaviour in the locale, that granting a licence in respect of Unit 1, 777 Old Kent Road, London SE15 to the same operator as The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ will exacerbate such problems and will effectively amount to an extension of the operation of Unit 2, 777 Old Kent Road, London SE15 1NZ. All of the representations strongly object to the application.
27. Copies of the representations submitted by the other persons are attached to this report as Appendix C.

Conciliation

28. All of the representations received have been provided to the applicant.
29. At this time all of the representations submitted remain outstanding and must be considered by the licensing sub committee.
30. The licensing sub-committee will be informed as to any conciliation of the objectors at the licensing sub-committee hearing to determine this application.

Premises history

31. No licensing authorisation under the Licensing Act 2003 or any other legislation has been held regarding the premises.
32. No temporary event notices have been submitted regarding the premises.

Premises history regarding The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ

33. This is an application for a new premises licence in respect of Unit 1, 777 Old Kent Road, London SE15 1NZ. However, because Mr George Nwachukwu is the licensee in respect of The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ, and a director of Speedlink Services Ltd (the applicant), due to the concerns raised relating to the access between Units 1 and 2 at 777 Old Kent Road in addition to the possibility this application may effectively amount to an extension of the operation of The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ, the operating history regarding The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ is included below.

34. A premises licence was issued to Mr George Nwachukwu in respect of The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ on 25 September 2016. On the licence Mr Nwachukwu was specified as the premises' DPS. A copy of the license is attached as appendix D.
35. On 15 December 2016 a complaint was made to Southwark's Anti-Social Behaviour Unit (SASBU) by a local resident ('resident 1') alleging that customers using the premises engage in anti-social behaviour in the locale. The complaint was forwarded to the Licensing Unit by SASBU.
36. On 23 December 2016 a complaint was made to a local ward councillor by a second local resident ('resident 2') alleging that customers using the premises engage in anti-social behaviour in the locale. The complaint was forwarded to the Licensing Unit by the local ward councillor.
37. On 3 January 2017 a complaint was made to a local MP by a third local resident ('resident 3') alleging that customers using the premises engage in anti-social behaviour in the locale. The complaint was forwarded to local ward councillors by the local MP. The complaint was then forwarded to the Licensing Unit by a local ward councillor.
38. As a result of the above complaints an induction meeting at the premises was undertaken by a licensing officer on 5 January 2017. At the induction meeting the conditions of the premises licence issued in respect of the premises, the remit of the Licensing Unit and the potential consequences of breaching licensing legislation were explained to the licensee. During the induction meeting it was established that the following conditions of the premises licence issued in respect of the premises were not being complied with:
 - Condition 841 - concerning a dispersal policy required at the premises.
 - Condition - 4A1 - concerning a refusal register required at the premises.
 - Condition 305 - concerning signage required to be displayed at the premises.
 - Condition 288 - concerning the maintenance of a CCTV system at the premises.
39. A warning letter was sent to the licensee in regards to the above breaches of the licence conditions.
40. On 20 June 2017 an application to vary the premises licence issued in respect of the premises was submitted. The application sought to extend the hours permitted for licensable activities at the premises and extend the premises' opening hours. The application was subject to representations submitted by responsible authorities and four 'other persons' and so the application was referred to the licensing sub-committee for determination.
41. On 14 July 2017 an inspection of the premises was undertaken by a licensing officer. At the time of the inspection the premises were found to be being operated in compliance with the conditions of the premises licence issued in respect of the premises.

42. On 1 August 2017 a complaint was made to SASBU by 'resident 1' alleging that the premises were being operated outside of the hours permitted for licensable activities by the premises licence issued in respect of the premises (specifically "past midnight"), and that customers shout and drink in the surrounding streets when leaving the premises. The complaint was forwarded to the Licensing Unit by SASBU.
43. A licensing sub-committee hearing in respect of the variation application submitted on 20 June 2017 was held on 6 September 2017. At the hearing the application was granted with hours that were reduced from the hours applied for. A copy of the notice of decision in regards to the hearing is attached as Appendix E.
44. On 7 September 2017 a complaint was made to the licensing unit by a fourth local resident ('resident 4') stating that the provision of licensable activities at the premises, outside of the hours permitted for licensable activities by the premises licence issued in respect of the premises, was being advertised in respect of the premises.

N.B. The hours referred to in the complaint are a closing time of 23:00 on Monday to Thursday and "till late" on Friday and Saturday. The decision made by the licensing sub-committee on 6 September 2017 allowed for a closing time of 00:00 (midnight) on Monday to Thursday.

45. On 12 July 2017 an application was submitted by an 'other person' ('resident 1'), under Section 51 of the Licensing Act 2003, for the review of the premises licence held by George Nwachukwu in respect of the premises known as The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ.
46. On 2 October 2017 a licensing sub-committee hearing in respect of the review application submitted on 12 July 2017 was held. At the hearing condition 852, requiring that a dispersal policy be devised in respect of the premises, was imposed on the premises licence issued in respect of the premises. A copy of the notice of decision in regards to the hearing is attached as Appendix F.
47. On 27 January 2018 the police visited the premises and noted various breaches of the premises licence issued in respect of the premises. The police provided the Licensing Unit with two witness statements regarding the visit. The witness statements are attached as Appendix G.
48. On 2 February 2018 a second induction meeting with the Mr Nwachukwu was undertaken. At the induction meeting the conditions of the premises licence issued in respect of the premises, the remit of the Licensing Unit and the potential consequences of breaching licensing legislation were again explained to the licensee.
49. On 2 April 2018 a complaint was made by 'resident 2' to the licensing unit. The complaint alleged that noise nuisance caused by loud music frequently emanated from the premises and that the premises frequently operated outside of the hours permitted.

50. On 5 April 2018 a complaint was made to a local ward councillor by 'resident 2' alleging that noise nuisance caused by loud music frequently emanated from the premises and that the premises frequently operated outside of the hours permitted.
51. As a result of 'resident 2's' complaints of 2 April 2018 & 5 April 2018 a visit to the premises by a licensing officer was undertaken on 6 April 2018. At the time of the inspection it was noted that the premises were operating outside of the hours permitted by the planning permission granted in respect of the premises. A witness statement pertaining to this visit is attached as Appendix H.
52. On 9 April 2018 the council's planning service sent a letter with questions asked of Mr Nwachukwu under caution. The questions pertained to a planning enforcement notice dated 26 October 2017 requiring that the premises either operate as per the hours allowed by the planning permission granted in respect of the premises or cease operating as a restaurant and hot food takeaway. Copies of this letter and the related planning enforcement notice are attached as Appendix I.
53. On 13 April 2018 an inspection of the premises was undertaken by a licensing officer. Various breaches of the premises licence issued in respect of the premises were noted by the inspecting officer. A warning letter was sent to the premises regarding the inspection.
54. On 11 August 2018 the police visited the premises and in their opinion licensable activities were being provided at the premises outside of the hours permitted by the premises licence issued in respect of the premises. The police provided the Licensing Unit with a witness statement regarding the visit. The witness statement is attached as Appendix J.
55. On 3 November 2018 a re-inspection of the premises was undertaken by a licensing officer. The premises were found to be being operated compliantly.
56. On 14 February 2019 a complaint was made by 'resident 2' to the licensing unit. The complaint alleged that noise nuisance caused by loud music frequently continues to emanate from the premises and that the premises continues to frequently be operated outside of permitted hours.
57. On 13 February 2020 a complaint was made by a fifth local resident ('resident 5') alleging that noise nuisance caused by loud music frequently emanated from the premises and that the premises frequently operated outside of the hours permitted.
58. On 8 March 2020 an inspection of the premises was undertaken by a licensing officer. One condition (number 288 relating to CCTV at the premises) was found to be being breached.
59. On 6 April 2020 Mr George Nwachukwu applied to this council for the grant of a premises licence in respect of Empire Lounge, 777 Old Kent Road, London

SE15 1NZ. The application effectively sought to extend the hours permitted for licensable activities as permitted by the extant licence issued in respect of the premises. The application was subject to representations. The application was refused at a licensing sub-committee hearing held to determine the application on 4 June 2020. A copy of the notice of decision in regards to the hearing is attached as Appendix K.

60. On 25 July 2021 a complaint was made by a sixth local resident ('resident 6') to the licensing unit. The complaint alleged that customers used a local businesses' car park to park their cars and whilst using the car park caused noise nuisance, engaged in anti-social behaviour and that, when confronted about their behaviour, the premises' customers were rude to local residents.
61. On 29 July 2021 a complaint was made by 'resident 2' to the licensing unit. The complaint alleged the premises' customers frequently engaged in anti-social behaviour in the immediate locale and that the premises were frequently operated outside of the hours permitted. Resident 2 requested that the premises be monitored.
62. On 6 August 2021 during a visit to the premises it was noted that an internal door had been installed at Unit 2, 777 Old Kent Road, London SE15 1NZ (The Empire Lounge) leading to Unit 1, 777 Old Kent Road, London SE15 1NZ (The Executive Lounge). A warning letter was sent to Mr George Nwachukwu regarding this matter and also the alleged operation of the premises outside of permitted hours. A copy of the warning letter is attached as Appendix L.
63. On 22 October 2021 council officers visited the premises. A council officer noted the doorway between Unit 1 and Unit 2 777 Old Kent Road, London SE15 1NZ and took a photograph of the doorway. The photograph is attached as Appendix M.
64. On 4 October 2021 a complaint was made by a seventh local resident ('resident 7') to the licensing unit. The complaint alleged that the premises' customers caused noise nuisance, engaged in anti-social behaviour and that the premises were frequently operated outside of permitted hours.
65. On 15 November 2021 a complaint was made by an eighth local resident ('resident 8') to the licensing unit. The complaint alleged that the premises were being used for illegal private parties and that when such parties took place the premises' shutters were kept closed to elude the detection of the parties. It was further alleged that these parties finished between 02:00 and 03:00.
66. On 25 November 2021 a warning letter was sent to the licensee regarding a change to the layout of the premises (the addition of a new internal doorway which leads to Unit 1, 777 Old Kent Road, London SE15 1NZ) that is not reflected on the floor plan attached to the premises licence issued in respect of the premises. A copy of this is attached as Appendix N.

67. The premises have been monitored periodically as a result of the complaints outlined above. Details of this monitoring are provided in Appendix O.
68. A list of the temporary event notices (TENs) submitted in respect of the premises is attached as Appendix P.

Deregulation of entertainment

69. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
 - Live amplified music and recorded music are deregulated between 08:00 and 23:00 at on licensed premises for an audience of up to 500 people.
 - Plays and the performance of dance are deregulated between 08:00 and 23:00 for an audience of up to 500 people.
 - Indoor sporting events are deregulated between 08:00 and 23:00 for an audience of up to 1000 people.
70. Live music and recorded music can become licensable in on-licensed premises if the licensing authority removes the effect of deregulation following a licence review ('licence review mechanism').
71. The showing of films has not been de-regulated.

Map

72. A map showing the location of the premises is attached to this report as Appendix Q. The following licensed premises are also shown on the map and provide licensable activities as stated:

The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ
licensed for:

- The provision of late night refreshment:
 - Sunday to Thursday: 23:00 - 23:30
 - Friday and Saturday: 23:00 - 00:30
- The sale of alcohol to be consumed both on and off the premises:
 - Sunday to Thursday: 11:00 - 23:30
 - Friday and Saturday: 11:00 - 00:30

- **805 Restaurant, 805-809 Old Kent Road, London SE15 1NX** licensed for:
 - The provision of late night refreshment:
 - Monday to Sunday: 23:00 - 00:30
 - The sale of alcohol to be consumed both on and off the premises and the provision of regulated entertainment
 - Monday to Sunday: 14:00 - 00:30
- **Champagne Bar & Lounge, 817 Old Kent Road, London SE15 1NX** licensed for:
 - The provision of late night refreshment:
 - Monday to Sunday: 23:00 - 00:30
 - The sale of alcohol to be consumed both on and off the premises:
 - Sunday to Thursday: 10:00 - 00:00
 - Friday and Saturday: 10:00 - 03:00

Iceland Foods LTD, 789-799 Old Kent Road, London SE15 1NZ licensed for:

- The sale of alcohol to be consumed off the premises
 - Monday to Saturday: 08:00 - 23:00
 - Sunday: 10:00 - 22:30

Murco Costcutter Hopfields Service Station, 747-759 Old Kent Road, London SE15 1NZ licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Sunday: 00:00 - 00:00 (24 hours sales)
- The provision of late night refreshment
 - Friday and Saturday: 23:00 - 05:00

Southwark council statement of licensing policy

73. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and came into effect on 1 January 2021.
74. 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. This 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. This 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. This 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. This 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. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
75. 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.

Cumulative Impact Area (CIA)

76. The premises is not situated in any of Southwark’s CIAs. The premises is situated in a residential area.
77. Under the Southwark statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within this area for these categories of premises:
- Restaurants:
 - Monday to Sunday: 23:00

- Public houses, wine bars, or other drinking establishments and bars in other types of premises:
 - Monday to Sunday: 23:00
- Nightclubs:
 - Not suitable for residential areas.

Climate change Implications

78. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
79. Climate change is not a legal factor in the consideration of a grant of a premises license under the current licensing objectives, however members can make enquiries and request an agreement from applicants to promote the reduction of the impact of climate change that may be caused by the operation of the premises.
80. Examples of such agreements may be:
- Not to use single use plastics, such as disposable plastic glasses, when selling alcohol at the premises.
 - Encourage patrons not to drive to venues by providing details of public transport on their webpages/tickets.
81. The council's climate change strategy is available at:
<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

Community, equalities (including socio-economic) and health impacts

Community impact statement

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

Equalities (including socio-economic) impact statement

83. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the Council to consider all individuals when carrying out its functions.
84. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct;

advance equality of opportunity and foster good relations between people with protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.

85. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing policy 2021 – 2026:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>.
86. The equalities impact assessment is available at:
<https://moderngov.southwark.gov.uk/documents/s92016/Appendix%20F%20-%20Equalities%20Impact%20Assessment.pdf>

Health impact statement

87. Health impacts cannot be considered by law when making decisions under the Licensing Act 2003.

Resource implications

88. A fee of £315.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band C.

Consultation

89. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and similar notices were exhibited outside of the premises for a period of 28 consecutive days.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

90. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.
91. The principles which sub-committee members must apply are set out below.

Principles for making the determination

92. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
93. The principles which sub-committee members must apply are set out below.

94. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
95. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
96. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence.
 - To exclude from the scope of the licence any of the licensable activities to which the application relates.
 - To refuse to specify a person in the licence as the premises supervisor.
 - To reject the application.

Conditions

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

99. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
100. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
101. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

103. 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.

104. This matter relates to the determination of an application for a premises licence under Section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

105. 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.
106. 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.
107. 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.
108. 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.
109. 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.

110. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
111. 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.
112. 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

113. Members are required to have regard to the Home Office 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

114. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety and Enforcement, 160 Tooley Street, London SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of the application
Appendix B	Copies of the representations submitted by responsible authorities
Appendix C	Copies of the representations submitted by other persons
Appendix D	Copy of premises licence number 859547 in respect of The Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ
Appendix E	Copy of the notice of decision regarding the variation application from 6 September 2017 regarding Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ
Appendix F	Copy of the notice of decision regarding the review application from 2 October 2017 regarding Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ
Appendix G	Copies of the Metropolitan Police Service witness statements regarding a visit to the Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ on 27 January 2018
Appendix H	Copy of the licensing officer witness statement regarding a visit to Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ on 6 April 2018
Appendix I	Copies of the planning caution letter of 9 April 2018 and related planning enforcement notice regarding Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ
Appendix J	Copy of the Metropolitan Police Service witness statements regarding a visit to Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ on 11 August 2018
Appendix K	Copy of the notice of decision in respect of the premises licence application from 4 June 2020 regarding Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ
Appendix L	Copy of a warning letter in respect of Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ dated 17 August 2021
Appendix M	Photograph showing the internal door linking Units 1 & 2, 777 Old Kent Road, London SE15 1NZ
Appendix N	Copy of a warning letter in respect of Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ dated 25 November 2021
Appendix O	Details of licensing night time visits to the premises
Appendix P	List of temporary event notices submitted in respect of Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ
Appendix Q	Map of the local area

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	26 November 2021	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	29 November 2021	

21
21/09/2021

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

Ref No. 1736779

Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Speedlink Services Ltd

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the

entertainment is provided by or on behalf of the health care provider;

o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.

11. The application form must be signed.

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.

14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications

from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a

European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - o evidence of the applicant's own identity – such as a passport,

 - o evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and

 - o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,

 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,

 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or

 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;

- (ii) any page containing the holder's photograph;

- (iii) any page containing the holder's signature;

(iv) any page containing the date of expiry; and

(v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Premises Details

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

Non-domestic rateable value of premises in order to see your rateable value [click here](#) (opens in new window)

£	33000
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

Premises trading name

	The Executive Lounge
--	----------------------

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

Do you have a Southwark postcode?	Yes
Address Line 1	UNIT 1
Address Line 2	777 OLD KENT ROAD
Town	LONDON
Post code	SE15 1NZ
Ordnance survey map reference	
Description of the location	
Telephone number	

Applicant Details

Please select whether you are applying for a premises licence as

	a person other than an individual (limited company, partnership etc)
--	--

If you are applying as an individual or non-individual please select one of the following:-

	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
--	---

Other Applicants

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

Name - First Entry

	Speedlink Services Ltd
--	------------------------

Address - First Entry

Street number or building name	57
Street Description	Deptford Broadway
Town	London
County	
Post code	SE8 4PH
Registered number (where applicable)	06726666

Description of applicant (for example, partnership, company, unincorporated association etc)	Limited Company
--	-----------------

Contact Details - First Entry

Telephone number	[REDACTED]
Email address	[REDACTED]

Operating Schedule

When do you want the premises licence to start?

	20/10/2021
--	------------

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

--	--

General description of premises (see guidance note 1)

	Restaurant
--	------------

If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

	Less than 5000
--	----------------

Note 1

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.

Operating Schedule part 2

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

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 of the Licensing Act 2003)
--	---

Provision of regulated entertainment (Please read guidance note 2)

Provision of late night refreshment

	i) Late night refreshment
--	---------------------------

Supply of alcohol

	j) Supply of alcohol
--	----------------------

In all cases please complete boxes K, L and M.

I - Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (Please read guidance note 3)

	Indoors
--	---------

Please give further details here (Please read guidance note 4)

	Substantial meals provided inside the premises.
--	---

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 7)

Day	Start	Finish
Mon	23:00	00:00
Tues	23:00	00:00
Wed	23:00	00:00
Thur	23:00	00:00
Fri	23:00	01:00
Sat	23:00	01:00
Sun	23:00	00:00

State any seasonal variations for the provision of late night refreshment (Please read guidance note 5)

--	--

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed. Please list, (Please read guidance note 6)

	That on Bank Holidays the permitted hours in respect of licensable activities are 11:00 to 02:00 and the permitted opening hours are 11:00 to 02:30.
--	--

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 23:00) and only give details for the days of the week when you intend the premises to be used for the activity. Start time begins from 23:00

J - Supply of Alcohol

Will the supply of alcohol be for consumption (Please read guidance note 8)

	Both
--	------

Standard days and timings for Supply of alcohol (Please read guidance note 7)

Day	Start	Finish
Mon	11:00	00:00
Tues	11:00	00:00
Wed	11:00	00:00
Thur	11:00	00:00
Fri	11:00	01:00
Sat	11:00	01:00
Sun	11:00	00:00

State any seasonal variations for the supply of alcohol (Please read guidance 5)

--	--

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, (Please read guidance note 6)

	That on Bank Holidays the permitted hours in respect of licensable activities are 11:00 to 02:00 and the permitted opening hours are 11:00 to 02:30.
--	--

Please download and then upload the consent form completed by the designated proposed premises supervisor

--	--

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

Premises Supervisor

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (Please see declaration about the entitlement to work in the check list at the end of the form)

Full name of proposed designated premises supervisor

First names	Temple
Surname	Ubazue

DOB

Date Of Birth	
---------------	--

Address of proposed designated premises supervisor

Street number or Building name	
Street Description	
Town	
County	
Post code	

Personal licence number of proposed designated premises supervisor, if any,

Personal licence number (if known)	
Issuing authority (if known)	

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (Please read guidance note 9)

	There will be no activities of this description.
--	--

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

L - Hours premises are open to public

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Hours premises are open to the public (standard timings Please read guidance note 7)

Day	Start	Finish
Mon	11:00	00:30
Tues	11:00	00:30
Wed	11:00	00:30
Thur	11:00	00:30
Fri	11:00	01:30
Sat	11:00	01:30
Sun	11:00	00:30

State any seasonal variations (Please read guidance note 5)

--	--

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 6)

	That on Bank Holidays the permitted hours in respect of licensable activities are 11:00 to 02:00 and the permitted opening hours are 11:00 to 02:30.
--	--

M - Steps to promote four licencing objectives

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 10)

	The premises licence holder is a responsible operator who is aware of the 4 Licensing objectives, the Council's licensing policy and their responsibilities under the Licensing Act 2003. The business is run lawfully and in accordance with good business practice
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and offers the following conditions to be attached to the premises licence. All health & safety, fire and other legal commitments will be complied with under the relevant legislation.

1 - (a) That a CCTV system shall be installed at the premises and maintained in full working order at all times that the premises are in use. Any recordings made by the CCTV system shall be retained for a minimum of 31 days and shall be made immediately available to officers of the council or police on request. The CCTV system shall record at a minimum of 6 frames per second (FPS). (b) That at all times that the premises are in operation there shall be a member of staff will be on duty who is capable of downloading recordings within a reasonable time should the police or council officers request a copy of any recordings. (c) That should the system break down then the police will be informed immediately and the system shall be repaired within two working days, or sooner if the police request. (d) That the system shall record inside and outside the entrance to the premises and the rear fire exit. (e) That the system shall be able to record clear images in all lighting conditions.

2 - That all staff shall be trained in their responsibilities under the Licensing Act 2003 and in regards to the terms and conditions of this licence. Records pertaining to such training shall be kept / be accessible at the premises at all times, shall be updated every 6 months and shall be made immediately available for inspection at the premises to council or police officers on request.

3 - That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises, requesting to the effect that customers leave the premises and area in a quiet and orderly manner. Such signs shall be maintained free from obstruction when the premises are in use in accordance with this licence.

4 - An incident book / incident recording system shall be kept at the premises to record details of any of the following occurrences at the premises:

- Instances of anti-social or disorderly behaviour
- Violence
- Calls to the police or fire brigade
- Abuse of staff and / or customers
- Ejections of people from the premises
- Visits to the premises by the local authority, police or fire brigade
- Refused sales of alcohol
- Any malfunction in respect of the CCTV system
- Any other relevant incidents

The incident book / incident recording system shall record the time, date, location and description of each incident, the printed and signed name of the person reporting the incident and any action taken in respect of the incident. The incident book / incident recording system shall be available / be accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available to officers of the council, police or fire brigade on request. A record of the preceding 12 months incidents shall be available at the premises at any time.

5 - 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.

6 - That 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. The register shall be made immediately available for inspection at the premises to council or police officers on request. A record of the preceding 12 months refusals shall be available at the premises at any time.

7 - That alcohol shall not be sold or supplied for consumption on the premises otherwise than to persons taking substantial table meals and for consumption by such persons as ancillary to their meal.

8 - That a dispersal policy will be implemented and maintained to assist with patrons leaving the premises in an orderly and safe manner and all staff will be trained in the contents of this policy and made aware of any changes. A copy of the dispersal policy

	<p>shall be made available to the licensing officer and the police on request.</p> <p>9 - That 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 trainees name (in block capitals), the trainers 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. Such training shall be updated every four months.</p> <p>10 - That the premises licence holder shall visibly display signage stating that entry will not be permitted to patrons who use Sylvan Road to either park, drop off or collect by private or hackney carriage vehicles.</p> <p>11 - That the maximum number of persons permitted to be on the premises is 100.</p> <p>12 - That a sound limiting device shall be installed and be set at an appropriate level by a professionally certified acoustic engineer.</p> <p>13 - That a permanent sound limiting device (or other similar sound limiting equipment) shall be installed at the premises and shall be in use at all times that amplified sound is provided at the premises. The sound limiting device (or other similar sound limiting equipment) shall be calibrated by a professionally certified sound / acoustic engineer so that amplified sound at the premises does not give rise to public or statutory nuisance at any time. Any temporary or permanent amplification system(s), amplified instrument(s) and microphone(s) in use at the premises shall be routed through the sound limiting device (or other similar sound limiting equipment) at all times.</p> <p>14 – That on Bank Holidays the permitted hours in respect of licensable activities are 11:00 to 02:00 and the permitted opening hours are 11:00 to 02:30.</p>
--	---

b) the prevention of crime and disorder

	See part a)
--	-------------

c) public safety

	See part a)
--	-------------

d) the prevention of public nuisance

	See part a)
--	-------------

e) the protection of children from harm

	See part a)
--	-------------

Guidance note 10

Please list here steps you will take to promote all four licensing objectives together.

Please upload a plan of the premises

	plan-inc.-cctv-fire-kit.pdf
--	-----------------------------

Please upload any additional information i.e. risk assessments

	[REDACTED]
--	------------

Checklist

	I have enclosed the plan of the premises. I understand that if I do not comply with the above requirements my application will be rejected. I understand that I must now advertise my application (In the local paper within 14 days of applying)
--	---

Home Office Declaration

Please tick to indicate agreement

	<input type="checkbox"/> I am a company or limited liability partnership
--	--

Declaration

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK.

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work.

I/We hereby declare the information provided is true and accurate.

I agree to the above statement

	Yes
PaymentDescription	[REDACTED]
PaymentAmountInMinorUnits	[REDACTED]
AuthCode	[REDACTED]
LicenceReference	[REDACTED]
PaymentContactEmail	[REDACTED]

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If completing on behalf of the applicant, please state in what capacity.

Full name	[REDACTED]
Date (DD/MM/YYYY)	21/09/2021
Capacity	Solicitor/partner

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 13). If completing on behalf of the applicant state in what capacity

Full name	
Date (DD/MM/YYYY)	17/09/2021
Capacity	

Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 14)

Contact name and address for correspondence	[REDACTED]
Telephone No.	[REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	

GUIDANCE NOTES

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

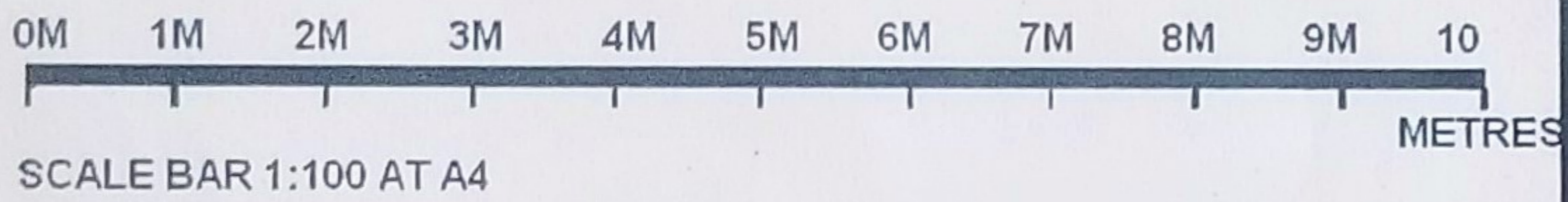
14. This is the address which we shall use to correspond with you about this application.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.


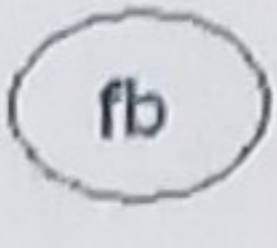
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

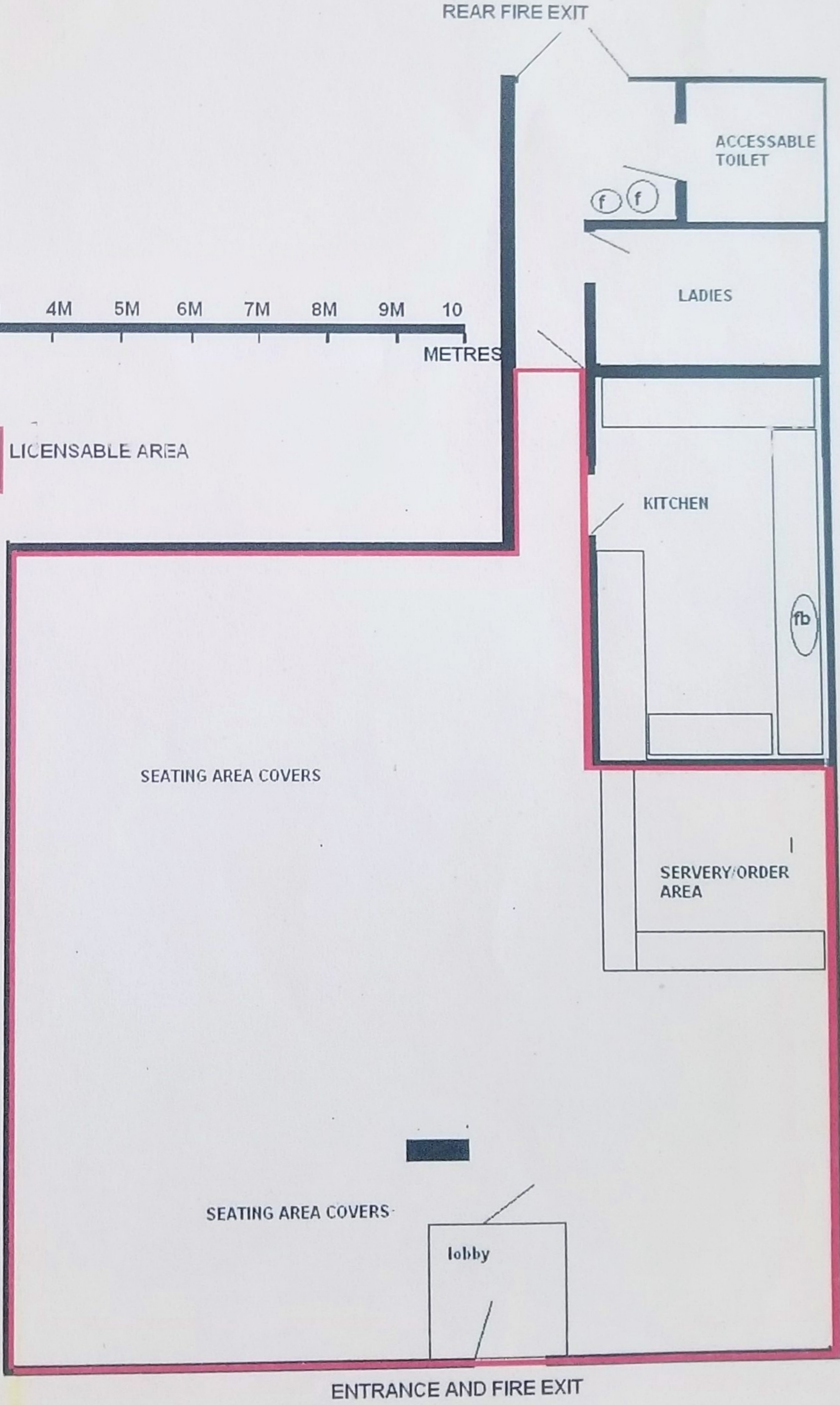
The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

PREMISES-777 OLD KENT ROAD,LONDON, SE15 1NZ



LICENSABLE AREA

-  probable position of 1 2kg co2 and 1 x 6ltr foam fire extinguisher
-  probable position of fire blanket



From: Earis, Richard <Richard.Earis@southwark.gov.uk>

Sent: Tuesday, October 19, 2021 2:58 PM

To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>

Cc: office@dadds.co.uk

Subject: Representation to New Premises License application 1736779 (The Executive Lounge 777 Old Kent Road)

RE: New Premises License Application 875588 - The Executive Lounge, Unit 1, 777 Old Kent Road, London, SE15 1NZ

I have considered this application on behalf of EPT (Prevention of Public Nuisance Responsible Authority).

I object to the application on the following grounds:

- The proposed operating hours are inappropriate for the area and significantly exceed the Licensing Policy hours for this area, which require that restaurant premises close at 23:00 daily
- The area is residential and particularly sensitive, as indicated by the significant history of complaint from surrounding residents relating to the directly adjacent unit. Operation outside recommended Policy hours is likely to lead to Public Nuisance in this location
- The proposed hours are more akin to drinking establishment hours and the site plan is more indicative of a bar than the stated restaurant (with few seats, a small kitchen and a large bar and what appears to be large vertical drinking areas). The premises capacity is stated to be limited to 100 people but only 24 seats are shown on the plan. The remaining 76 patrons would be unable to consume a substantial table meal with alcohol as required by the suggested condition
- The premises appears to have an internal door directly into another Licensed Premises (the adjacent 'Empire Lounge') and it is unclear how this can operate as an independent premises or allow enforceability of conditions
- The listed controls \ conditions in Part M of the application are insufficient to ensure the Prevention of Public Nuisance Licensing Objective
- The unit is converted from a shop (as allowed without consent by the new Planning Use Class 'E') however no detail has been provided of any suitable kitchen extraction system to prevent public nuisance from odours and fume as a result of commercial cooking activities. The kitchen is located internally with no ductwork shown. For a restaurant of this size operating to these hours we would expect kitchen extract discharge at 1m above building eaves level with substantial smoke and odour abatement plant in line with EMAQ guidance. This does not appear to be in place and leads to high risk of smoke\odour nuisance and potentially health and safety issues inside the premises

Kind Regards,

Richard

Richard Earis
Principal Environmental Protection Officer
Environmental Protection Team

020 7525 2469



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
ian.clements@met.police.uk

Our
reference:
Date:

MD/21/229/21

20th October 2021

Dear Sir/Madam

Re: Speedlink Services Ltd The Executive Lounge Unit 1 777 Old Kent Road SE151NZ

Police are in receipt of an application from the above for a new premises licence. The premises is described as a restaurant with the opening hours as licensable activities as follows.

Late Night Refreshment
 Sun-Thu 2300 to 0000
 Fri-Sat 2300 to 0100

Sale of Alcohol
 Sun-Thu 1100 to 0000
 Fri-Sat 1100 to 0130

The premises being open to the public 30 minutes after the cessation of licensable activities.

The application is in the name of Speedlink Services Ltd, as per the information shown on Companies House. One of the two directors shown is a Mr George Nwachukwa. Mr Nwachukwa also holds a premises licence for Unit 2 777 Old Kent Road as is the adjoining unit.

It should be noted that unit one is accessed via a doorway that has been created between the two venues. This was evident during licensing visits conducted by Police on the 28th May 2021 and 11th July 2021. During these visits the premises was found to be operating in contravention of the then coronavirus regulations relating to the service of food and drink to patrons whilst sat at tables only.

On the first visit on the 28th May Mr Nwachukwa was given advice on the then Corona Virus regulations and the breach was dealt with by way of a verbal warning. On the second visit on the 11th July 2021 the premises were again found in breach of the regulations. Patrons seen at the bar purchasing drinks, groups of people were standing around and some dancing. No Face coverings being worn. Mr Nwachukwa was issued with a £1000 fixed penalty notice for this offence. Legal proceedings are currently underway, so at this stage no further comment will be made on the matter.

This is of importance due to this essentially being the same applicant for a new premises licence with adjoining access to his current premises licence. This is not the behavior I would expect of a responsible licence holder and one that claims within the application to be a responsible operator. To operate a premises in contravention of the then Corona virus regulations potentially undermines all four of the licensing objectives.

The application describes the premises as a restaurant, within the operating schedule it also states that the capacity of the premises is 100 persons. The applicant has also offered a number of control measures, one of which restricts the service and consumption of alcohol to those seated having a table meal.

7 - That alcohol shall not be sold or supplied for consumption on the premises otherwise than to persons taking substantial table meals and for consumption by such persons as ancillary to their meal.

The plan submitted with this application shows a total of 24 seated covers, this potentially leaves 76 patrons with no way of being seated to consume a table meal. Further clarification on this matter is needed before I can fully assess the potential impact this premises could have on the four licensing objectives, in particular the prevention of crime and disorder. A restaurant style venue where all patrons are seated and consuming table meals is far less likely to impact on the licensing objectives than one that allows its patrons to drink vertically only without the consumption of a table meal. The intended operation as a restaurant does not fit with the plans submitted with this application.

This premises sits within a residential area as detailed within Southwark's Statement of licensing policy. The Policy looks at the potential impact certain types of premises are likely to have of the licensing objectives. The recommended closing times for Restaurants in a residential area is 2300. The hours applied for are substantially greater than those recommended. Having looked at Google maps it is clear to see there are a number of residential premises within very close proximity to this premises. The applicant should consider the details contained within the Policy and reduce the hours to those recommended.

I have concerns that the director of the company applying for this licence has previously shown a complete disregard for the licensing objectives whilst operating his current premises which adjoins this new one. His suitability as a responsible operator has been called into question. Taking all the above into consideration I have to recommend that this application is refused on the grounds that if granted it would undermine the licensing objectives.

Respectfully submitted for consideration

PC Ian Clements 2362 AS

MEMO: Licensing Unit

To Licensing Unit **Date** 20 October 2021

From Jayne Tear

Email jayne.tear@southwark.gov.uk

Subject Re: The Executive Lounge, Unit 1, 777 Old Kent Road, London, SE15 1NZ

- Application for a premises licence

I write with regards to the above application for a premises licence submitted by Speedlink Services Limited under the Licensing Act 2003 which seeks the following licensable activities:

- Provision of late night refreshment (indoors) on Sunday to Thursday from 23:00 to 00:00 and on Friday and Saturday from 23:00 to 01:00 the following day
- The supply of alcohol (on and off the premises) on Sunday to Thursday from 11:00 to 00:00 and on Friday and Saturday from 11:00 to 01:00 the following day
- Overall opening times shall be from on Sunday to Thursday from 11:00 to 00:30 and on Friday and Saturday from 11:00 to 01:30 the following day
- Non Standard Timings:
On Bank Holidays the permitted hours in respect of licensable activities are 11:00 to 02:00 and the permitted opening times are 11:00 to 02:30

The premises within the application as a '*Restaurant*'.

My representation is based on the Southwark Statement of Licensing Policy 2021 – 2026 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

The premises is situated in a residential area and under the Southwark Statement of Licensing Policy 2021 – 2026 the appropriate closing times for restaurants, public houses, wine bars or other drinking establishments in this area is 23:00 daily. Night Clubs (with sui generis planning classification) are not considered appropriate for this area.

To promote the licensing objectives I ask the applicant to consider bringing the opening times in line with that recommended as appropriate within this residential area as follows:

- Late night refreshment (indoors) to remove the activity as not required up to 23:00.
- Supply of alcohol (on the premises) on Monday to Sunday shall to cease at 22:30
- Supply of alcohol (off the premises) on Monday to Sunday shall to cease at 23:00
- Overall opening times shall cease on Monday to Sunday at 23:00

There is a premises next door to the applicant premises known as Empire Lounge, Unit 2, 777 Old Kent Road, London, SE15 1NZ, which also holds a premises licence no 859547, the licensee and DPS is George Nwachukwu. Mr George Nwachukwu is also a company director of Speedlink Services Limited the applicant company for this application although the DPS for this application is Temple Ubazue.

During recent enforcements visits licensing officers have noted that there is an interlinking door for Unit 1 and Unit 2 and initially Unit 1 was being used for licensable activities without a licence first being obtained. A warning letter was sent to Mr George Nwachukwu and advice given.

On the plans submitted with this application the interlinking door is not showing and I seek more information from the applicant as to whether the interlinking door is still in situ and if so why it is not showing on the premises plan for this application.

Furthermore on the plans provided with the application there are places for 24 covers. The accommodation limit offered with this application is 100. The restaurant condition has been offered within the operating schedule. Will the other 76 possible persons be seated with a table meal, I ask the applicant to confirm.

I may submit further comments once this information is provided and further supporting information before any LSC Hearing.

I therefore submit this representation and welcome any discussion with the applicant.

Southward's Statement of Licensing Policy 2021 – 2026 can be found on the following link:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Jayne Tear
Principal Licensing officer
In the capacity of Licensing Authority as a Responsible Authority

Party 1

On 6 Oct 2021, at 21:12,

> wrote:

Hi,

I live in _____, the above establishment have applied for extension of hours which I as a neighbour I am opposing.

The opening of that fake restaurant aka night club has brought misery to our life with loud music and rowdy customers spilling on the street. They are already operating on the extended restaurant area as a night club and in spite of being already caught no fine have been issued.

On top of that I would like to complaint about the total lack of enforcement of the double yellow line on the road (supposedly no parking on the road should allowed). This is making things worse as people use the road to park near the club and then go back to the cars completely drank.

We haven't seen any traffic warden on our street for years now, if you really need some money as a council send some warden here on Friday night, you ll solve your financial issues.

Regards

From:

Sent: Wednesday, October 6, 2021 9:44 PM

To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>; Complaints <complaints@southwark.gov.uk>

Subject: Re: 777 Old Kent Road Empire lounge Club extension of opening hours

With picture of the road on a Friday night



PARTY 2

Wednesday, 20 October 2021

To: licensing@southwark.gov.uk

Dear Sir/Madam Southwark Council Licensing Team

Licence number: 875588**Trading name and address:** The Executive Lounge**Ward:** Old Kent Road**Applicant Name:** Speedlink Services Ltd**Application:** Premises licence be granted under the Licensing Act 2003 for premises Unit 1 777 Old Kent Road, London SE15 1NZ.

Please maintain the privacy of this representation so my details are not divulged in accordance to Data Protection Act 1998.

Representation objecting to the Application : Licence number: 875588

As the owner of _____, I am submitting this representation **objecting** to the 22 September 2021 application, referenced under Licence number: 875588, by Mr George Nwachukwu, Director of Speedlink Services Ltd.

I make this representation following the Licensing Objectives, 1) The prevention of crime and disorder 2) Public safety 3) The prevention of public nuisance and 4) protection of children from harm.

Residential Area

The premises on the application, noted as the former Carphone warehouse shop site, is situated in a residential area with the rear of the building being only 7 meters from the nearest residential building at ground level and there also appears to be residents housed above the unit. In respect of Southwark Statement of Licensing Policy 2019 – 2021, the application to allow for the sale and supply of alcohol beyond 23:00 would therefore not be appropriate.

This application can be seen as the extension to the applicants' current operational activities of the restaurant and nightclub, Empire Lounge. Both myself and residents on Sylvan Grove have continued to experience over the last 3-4 years the negative impact of loud music, noise, anti-social behaviour and violent crimes emanating from that operation.

Crime and Disorder

The residents experience of the applicants, Empire Lounge can be seen as more than a general nuisance to the surrounding area. The effects of which has not abated after several complaints from local residents regarding breach of planning rules, loud music and disorderly behaviour of its patrons over several years.

If this application is approved it will encourage further anti-social behaviour, disorder and violent crime. To underscore this point, I cite the following quote from a prior representation which still describes the current circumstances:

1. Appendix C: Representations from responsible authorities from in respect of Empire Lounge, 777 Old Kent Road, London SE15 1NZ from Mr George Nwachukwu prior licensing application dated 6 April 2020 Sub -committee review:

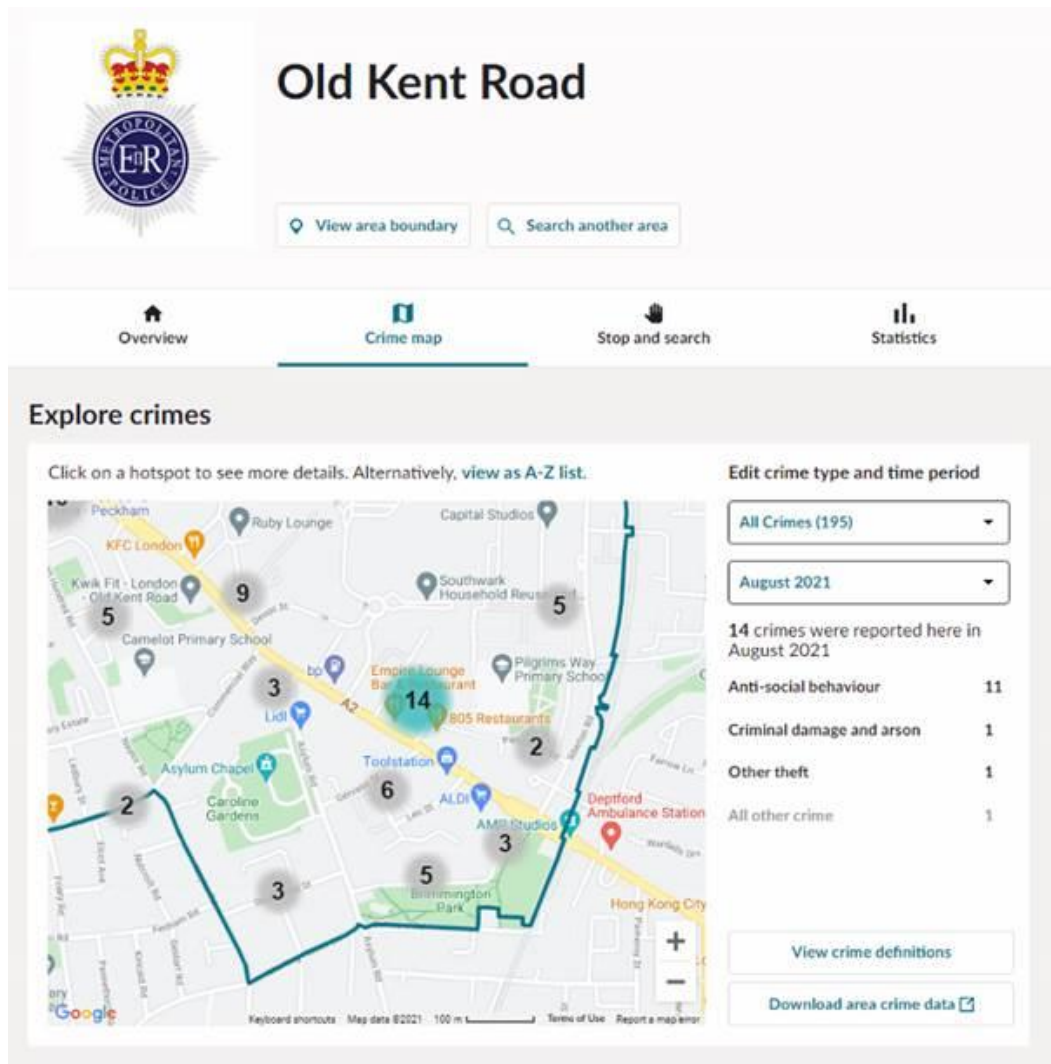
<https://moderngov.southwark.gov.uk/documents/s88989/Appendix%20C%20Representations%20from%20responsible%20authorities.pdf>

“The applicant has operated the same premises for a number of years and during this period there have been many complaints from nearby residents in relation to noise and disturbance from the use of the venue. In addition to noise from amplified music, in particular low frequencies (bass notes), the complaints have also related to noisy patrons in the street, vehicle movements & parking, urination in the street, waste deposition and grease from the kitchen extraction. The complaints were more prevalent in 2017, 2018 & early 2019, but there has been a more recent complaint in February of this year about loud music. When questioned the applicant stated that someone had left the rear door open (an infringement of an existing premises licence condition).”

2. Metropolitan Police Crime Statistics for the **August 2021** in specific area 777 Old Kent Road, London SE15 1NZ recorded 14 crimes:

<https://www.police.uk/pu/your-area/metropolitan-police-service/old-kent-road/?tab=CrimeMap>

The following Police Crime Map, illustrates the highest concentration of crimes recorded by the Police in the local vicinity specifically centres around the applicants Empire Lounge.



If the application is approved and the Empire Lounge expands into the former Carphone Warehouse site, Unit 1 777 Old Kent Road, London SE15 1NZ, crime and disorder will increase, not decrease, based history of the applicants Empire lounge operational breaches and on the trends of crimes emanating from that operation and its patrons.

I look forward to your acknowledgement by email

Regards

Party 3**From:****Sent:** Wednesday, October 20, 2021 5:10 PM**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Cc:** Kalu, Richard <Richard.Kalu@southwark.gov.uk>**Subject:** Empire Lounge Unit 1, 777 Old Kent Road, SE15 1NZ licensing extension hours

Afternoon,

I came across an empire lounge request to extend their closing hours and as an interested party I would like to notify opposition to the application.

I live on _____ and have continued to suffer from the empire lounge antisocial behaviour.

The situation did get worse with the expansion to Unit 1, 777 Old Kent Road, Loud music and customers' behaviour has increased. In some situations we had to call the police as we were threatened by their customers.

This has had an impact on *my mental health*, lack of sleep affected my exams and work performance. I can't sleep and I always feel anxious before the weekend as we never know if we will be able to sleep. The situation isn't better during weekdays. For example, last Monday Empire lounge customers we're fighting on Sylvan Grove till 1:30 am (by our window).

I am surprised to know that Empire lounge didn't have the approval to use the extension as they have started using it since July 2021 and that Empire lounge operates as a nightclub.

I made formal complaints/calls to the Southwark noise team and they came around as I could hear the music and feel music resonating in my bedroom all night.

I cannot stress enough how intolerable it has become to live next door and honestly feel even more anxious as the owner has never respected his opening hours.

Kind Regards,

Licensing Act 2003 Premises Licence



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

Premises licence number

859547

Part 1 - Premises details

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

Empire Lounge
Unit 2
777 Old Kent Road

Ordnance survey map reference (if applicable): 177480534968

Post town

London

Post code

SE15 1NZ

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises
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	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 01:00
Saturday	11:00 - 01:00
Sunday	11:00 - 00:00

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

Sale by retail of alcohol to be consumed on premises
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

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

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

Sale by retail of alcohol to be consumed off premises

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

Part 2

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

George Nwachukwu

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

George Nwachukwu

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.:

Authority:

Licence Issue date 02/10/2017

Head of Regulatory Services
 Hub 1, 3rd Floor
 PO Box 64529
 London, SE1P 5LX
 020 7525 5748
 h.r.s@seattle.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.

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.

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.

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

288 (a) That a CCTV system shall be installed at the premises and maintained in full working order at all times that the premises are in use. Any recordings made by the CCTV system shall be retained for a minimum of 31 days and shall be made immediately available to officers of the council or police on request. The CCTV system shall record at a minimum of 6 frames per second (FPS).

(b) That at all times that the premises are in operation there shall be a member of staff will be on duty who is capable of downloading recordings within a reasonable time should the police or council officers request a copy of any recordings.

(c) That should the system break down then the police will be informed immediately and the system shall be repaired within two working days, or sooner if the police request.

(d) That the system shall record inside and outside the entrance to the premises and the rear fire exit.

(e) That the system shall be able to record clear images in all lighting conditions.

340 That members of staff shall receive first aid training and an appropriate number of persons trained in first aid shall be on the premises at all times the premises are in operation.

341 That a comprehensive fire risk assessment (FRA) shall be devised in respect of the premises. All management and supervisory staff shall be conversant with the FRA. A copy of the FRA shall be kept at / be accessible at the premises at all times the premises are in operation and shall be made immediately available to officers of the council, fire brigade or police on request. The FRA shall be reviewed annually, or when there is any substantive change to the operation or layout of the premises. Details of any review of the FRA shall be kept in the FRA and shall include the date of the review and who undertook the review.

342 That any emergency lighting and / or fire detection / alarm systems at the premises shall be inspected at least annually by a person qualified to do so to ensure that such systems are maintained in full working order. Certificates in regards to such testing shall be kept / be accessible at the premises at all times that the premise are in operation and shall be made immediately available to officers of the council or police on request.

343 That all interior and exterior areas of the premises shall be regularly inspected by staff.

344 That all staff will be trained to ensure that patrons leave the premises in a quiet and orderly manner.

345 That on each day of the week members of staff shall clear away any litter arising from the operation of the premises, left in the immediate vicinity of the premises, when the premises closes.

346 That the sound level of music played at the premises shall be monitored regularly to prevent music played at the premises causing noise nuisance.

347 That the sound level of music played at the premises shall be controlled at all times solely by the, manager, DPS or other person nominated by the manage or DPS.

348 That all exterior doors at the premises shall be kept closed during the provision of any regulated entertainment except for the purposes of immediate / emergency access and egress to and from the premises.

349 That all windows at the premises shall be kept closed during the provision of any regulated entertainment.

350 That when taxis are ordered for customers for the collection of customers from the premises staff members shall instruct the taxi service to instruct the taxi service's drivers not to sound the driver's car horns outside the premises, but to approach the premises in person and verbally (without raised voices) alert staff that the driver's are at the premises to collect customers.

351 That the details of local taxi firms will be displayed and kept at the premises and provided to customers on request.

352 That a minimum of 2 SIA registered door supervisors shall be on duty from 22:00 until the premises are shut on Friday and Saturday.

353 That there shall be no admittance to the premises after 01:15 when the premises are in operation past this time.

354 An incident book / incident recording system shall be kept at the premises to record details of any of the following occurrences at the premises:

- Instances of anti-social or disorderly behaviour
- Violence
- Calls to the police or fire brigade
- Abuse of staff and / or customers
- Ejections of people from the premises
- Visits to the premises by the local authority, police or fire brigade
- Refused sales of alcohol
- Any malfunction in respect of the CCTV system
- Any other relevant incidents

The incident book / incident recording system shall record the time, date, location and description of each incident, the printed and signed name of the person reporting the incident and any action taken in respect of the incident. The incident book / incident recording system shall be available / be accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available to officers of the council, police or fire brigade on request. A record of the preceding 12 months incidents shall be available at the premises at any time.

355 (a) That a zero tolerance drugs and weapons policy shall be undertaken at the premises.

(b) Anybody found with / using drugs and / or weapons will be ejected from the premises and not shall not be admitted to the premises again.

(c) The details of any person found dealing drugs or using weapons will be taken (if possible) and given to the police.

(d) Any person who is suspected of having drugs on their person will be asked to consent to a search, and should they refuse the search that person shall be ejected from the premises.

356 That the licensee shall sign up to any local licensee radio scheme or pub watch scheme if such schemes exist in the local area.

4AA 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.

4AI That 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. The register shall be made immediately available for inspection at the premises to council or police officers on request. A record of the preceding 12 months refusals shall be available at the premises at any time.

293 That all staff shall be trained in their responsibilities under the Licensing Act 2003 and in regards to the terms and conditions of this licence. Records pertaining to such training shall be kept / be accessible at the premises at all times, shall be updated every 6 months and shall be made immediately available for inspection at the premises to council or police officers on request.

305 That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises, requesting to the effect that customers leave the premises and area in a quiet and orderly manner. Such signs shall be maintained free from obstruction when the premises are in use in accordance with this licence.

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

840 That alcohol shall not be sold or supplied for consumption on the premises otherwise than to persons taking substantial table meals and for consumption by such persons as ancillary to their meal.

841 That a dispersal policy will be implemented and maintained to assist with patrons leaving the premises in an orderly and safe manner and all staff will be trained in the contents of this policy and made aware of any changes. A copy of the dispersal policy shall be made available to the licensing officer and the police on request.

842 That 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. Such training shall be updated every four months.

843 That the premises licence holder shall visibly display signage stating that entry will not be permitted to patrons who use Sylvan Road to either park, drop off or collect by private or hackney carriage vehicles.

844 That suitably qualified SIA persons shall be employed at all times where the premises is operating beyond 23:00 hours and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises.

845 That there shall be no entry or re-entry permitted after 00:00 hours.

846 That there shall be no sales for consumption of food off the premises after 23:00 hours.

847 That there shall be no off sales of alcohol after 23:00 hours.

848 That the maximum number of persons permitted to be on the premises is 90.

849 That a sound limiting device shall be installed and be set at an appropriate level by a professionally certified acoustic engineer.

850 That a permanent sound limiting device (or other similar sound limiting equipment) shall be installed at the premises and shall be in use at all times that amplified sound is provided at the premises. The sound limiting device (or other similar sound limiting equipment) shall be calibrated by a professionally certified sound / acoustic engineer so that amplified sound at the premises does not give rise to public or statutory nuisance at any time. Any temporary or permanent amplification system(s), amplified instrument(s) and microphone(s) in use at the premises shall be routed through the sound limiting device (or other similar sound limiting equipment) at all times.

851 That on Bank Holidays the permitted hours in respect of licensable activities are 11:00 to 00:30 and the permitted opening hours are 11:00 to 01:00.

852 That a written dispersal policy be devised in respect of the premises. A copy of the policy shall be kept at / be accessible at the premises at all times that the premises are in use and shall be made available to council or police officers immediately on request. The policy must include (but not necessarily be limited to)

the following:

- The full name and address of the premises
- The name(s) of the licensee and premises' designated premises supervisor
- Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance
- Details of public transport in the vicinity and how customers will be advised in respect of it
- Details of the management of taxis to and from the premises
- Details of the management of any 'winding down' period at the premises
- Details of the use of security and stewarding in respect of managing customer dispersal from the premises
- Details of any cloakroom facility at the premises and how it is managed
- Details of road safety in respect of customers leaving the premises
- Details of the management of ejections from the premises
- Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up)
- Details of any other premises licence conditions relating to dispersal / the management of patrons arriving at / leaving the premises
- Details as to the management (if any) of parking in regards to customer's vehicles.

All relevant staff (e.g. SIA staff, managers / supervisors, stewards, bar staff or any other relevant staff) should be trained in respect of the policy. A record of the training, including the trainee's name (in capital letters) & signature, date that each member of staff is trained and declaration that the dispersal policy has been read and understood shall be kept at the premises and be made immediately available for inspection by officers of the council or police on request.

Annex 4 - Plans - Attached

Licence No. 859547

Plan No. N/A

Plan Date N/A

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 6 SEPTEMBER 2017

LICENSING ACT 2003: LICENSING ACT 2003: UNIT 2, 777 OLD KENT ROAD, LONDON, SE15 1NZ

1. Decision

That the application by George Nwachukwu for a variation of a premises licence issued under the Licensing Act 2003 in respect of the premises known as **UNIT 2, 777 OLD KENT ROAD, LONDON, SE15 1NZ** is granted as follows:

Licensable Activities	Days	Hours
Sale of alcohol	Sunday to Thursday	11:00 – 23:30
	Friday, Saturday & Bank Holidays	11:00 - 00:30
Late night refreshment	Sunday to Thursday	11:00 - 23:30
	Friday, Saturday & Bank Holidays	11:00 - 00:30
Opening	Sunday to Thursday	11:00 - 00:00
	Friday, Saturday & Bank Holidays	11:00 - 01:00

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the application for and the following conditions imposed by the licensing sub-committee:

1. That the premises licence holder shall visibly display signage stating that entry will not be permitted to patrons who use Sylvan Road to either park, drop off or collect by private or hackney carriage vehicles.
2. That suitably qualified SIA persons shall be employed at all times where the premises is operating beyond 23:00 hours and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises.
3. That there shall be no entry or re entry permitted after 00:00 hours.
4. That there shall be no sales for consumption of food off the premises after 23:00 hours.
5. That there shall be no off sales of alcohol after 23:00 hours.
6. That the maximum number of persons permitted to be on the premises is 90.
7. That a sound limiting device shall be installed and be set at an appropriate level by a professionally certified acoustic engineer.

8. That a permanent sound limiting device⁶³ (or other similar sound limiting equipment) shall be installed at the premises and shall be in use at all times that amplified sound is provided at the premises. The sound limiting device (or other similar sound limiting equipment) shall be calibrated by a professionally certified sound / acoustic engineer so that amplified sound at the premises does not give rise to public or statutory nuisance at any time. Any temporary or permanent amplification system(s), amplified instrument(s) and microphone(s) in use at the premises shall be routed through the sound limiting device (or other similar sound limiting equipment) at all times.”

3. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant's representative who advised that the premises operate as a restaurant. They further stated that the extended hours were required to cater for the clientele who prefer to eat later in the evening than the current hours permit.

The applicant's representative submitted that, although Southwark Council's statement of licensing policy defines the area that the premises are located in as a residential area, in the applicant's opinion the area that the premises are located is a mixed use area.

Reference was made to a previous planning appeal decision which referred to the area as small scale residential.

The applicant's representative stated that they believed at least one of representations from other persons to be vexatious.

The applicant's representative advised the sub committee that the premises has operated 12 TENS and only one complaint appears to be have been made as a direct result of a TEN following the event in December 2016.

The applicant's representative advised that they are prepared to work with residents to minimise risk of nuisance and they would be willing to ensure that the refuse bin remains locked and is emptied on a regular basis. They also advised that customers disperse on a gradual basis reducing the risk of nuisance.

The applicant's representative also stated that they would ensure on SIA doorman monitored the use of Sylvan road by the premises patron's and will inform patrons that they will not be permitted to enter the premises if they choose to use Sylvan road for parking, dropping off or picking up patrons of the premises. Thereby minimising the risk of nuisance to local residents.

With a view to assist in reducing any potential noise nuisance the applicant is also strongly advised by the sub committee to encourage patrons to use public transport where possible.

The applicant's representative agreed to adopt additional conditions in order to reduce the risk on nuisance in the area and stated that they would be submitting a further application to the Planning department addressing the issues raised and believe that this application will be successful.

The licensing sub-committee heard from the council's planning department who submitted a representation in respect of the prevention of public nuisance. They advised that previous events which have taken place at the premises have resulted in complaints of noise nuisance from local residents.

The planning department also stated that a temporary stop notice was served to ensure that the premises adhered to a closing time of 23:00 hours as per planning permission in respect of the premises. They further stated that 2 planning applications to extend the hours of operation in respect of the premises have been refused on the grounds of potential harm to residential amenity by the proposed extended hours of operation and further pointed out that there has been no change of circumstance to lead to a different conclusion in respect of the potential impact of extending the operating hours.

They further stated that they had concerns that the premises operated as a late night drinking venue rather than a restaurant. One of the reasons for this being the fact that the filter in the extraction system had not been changed, indicating that the kitchen was not being used as much as they would expect.

The applicant stated that the kitchen was not being used as often as they would like due to the reduced demand as a result of the restricted hours. In addition the extraction system was new and was not therefore required to be changed yet.

The licensing sub-committee considered the representation from the council's Director of Public Health in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The representation stated that research shows increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol related injuries and increased alcohol related harm. In addition reference was made to the Southwark's statement of licensing policy which recommends that restaurants in the premises location should close at 23:00.

The sub committee noted that whilst a representative from the public health authority did not attend the hearing, the sub committee took into account the written representation. It noted that more weight could have been attached had a representative attended the sub-committee but nonetheless the representation carried weight.

The licensing sub-committee heard from the council's licensing responsible authority who submitted representations under the prevention of crime and disorder and the prevention of public nuisance licensing objective. The officer advised that Southwark's statement of licensing policy recommends that in the premises' location restaurants should close at 23:00.

The representation also notes that current planning permission in regards to the premises stipulates that the premises close at 23:00.

The officer also referred to the complaints received by three local residents and whilst stating that there was no issued with the current operation of the premises within the current permitted hours, she expressed concern that later hours as requested could result in increased crime and disorder in the area.

The licensing sub-committee heard from the Metropolitan Police Service who also advised that the current planning permission stipulates that the premises close at 23:00. The police also highlighted that previous events at the premises have resulted in complaints from local residents of public nuisance and noise nuisance caused by customers. The police also stated that the hours applied for exceed those recommended in Southwark's statement of licensing policy.

The police stated that they had concerns the extended hours applied for may lead to an increase in public nuisance and crime and disorder in the area.

The licensing sub-committee heard from the council's environmental protection team who submitted a representation in respect of the prevention of public nuisance licensing objective. The officer advised that previous events at the premises have resulted in complaints of noise nuisance from local residents.

The officer also referred to the current planning permission which requires the premises to close at 23:00 and the fact that applications to extend the premises' hours have been refused.

The licensing sub-committee considered four representations from other persons who stated that the existing operation of the premises causes noise nuisance and anti social behaviour including littering, public urination and fights and sounding their car horns.

The representations from the residents also highlighted that the planning applications to extend the hours have been refused.

The residents stated that the premises operated as a nightclub and not a restaurant and that the residents felt intimidated by the patrons of the premises.

The residents express concern that all of the existing problems would be exacerbated and crime and disorder will increase if the hours of operation are extended.

The sub committee noted that whilst the residents did not attend the hearing, the sub committee took into account the written representations.

It noted that more weight could have been attached had a representative attended the sub-committee but nonetheless the representation carried weight.

The licensing sub-committee considered all of the oral and written representations before it and considered Southwark's Statement of Licensing Policy 2016 which sets out recommended hours of operation and requires the sub committee to give consideration to the premises' location and its likelihood to impact on the licensing objectives.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and on balance considered that this decision was appropriate and proportionate.

4. Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

May appeal against the decision.

Any appeal must be made to the magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 6 September 2017



NOTICE OF DECISION

LICENSING SUB-COMMITTEE - 2 OCTOBER 2017

LICENSING ACT 2003: UNIT 2, 777 OLD KENT ROAD, LONDON SE15 1NZ

1. Decision

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by an 'other person' for the review of the premises licence issued in respect of the premises known as Empire, Unit 2, 777 Old Kent Road, London, SE15 1NZ and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to modify the conditions of the licence by adding the following conditions:

1. That a written dispersal policy be devised in respect of the premises. A copy of the policy shall be kept at / be accessible at the premises at all times that the premises are in use and shall be made available to council or police officers immediately on request. The policy must include (but not necessarily be limited to) the following:
 - The full name and address of the premises
 - The name(s) of the licensee and premises' designated premises supervisor
 - Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance
 - Details of public transport in the vicinity and how customers will be advised in respect of it
 - Details of the management of taxis to and from the premises
 - Details of the management of any 'winding down' period at the premises
 - Details of the use of security and stewarding in respect of managing customer dispersal from the premises
 - Details of any cloakroom facility at the premises and how it is managed
 - Details of road safety in respect of customers leaving the premises
 - Details of the management of ejections from the premises
 - Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up)
 - Details of any other premises licence conditions relating to dispersal / the management of patrons arriving at / leaving the premises
 - Details as to the management (if any) of parking in regards to customer's vehicles.
2. All relevant staff (e.g. SIA staff, managers / supervisors, stewards, bar staff or any other relevant staff) should be trained in respect of the policy. A record of the training, including the trainee's name (in capital letters) & signature, date that each member of staff is trained and declaration that the dispersal policy has been read and understood shall be kept at the premises and be made immediately available for inspection by officers of the council or police on request.

2 Reasons

The reasons for this decision are as follows:

The licensing sub-committee received written representations from the applicant for the review, namely that the licence should be reviewed on the grounds of the prevention of crime and disorder, and prevention of public nuisance. It also received written representations from another interested party on the grounds of prevention of public nuisance. It was noted that neither the applicant for the review nor the other interested party were in attendance.

The licensing sub-committee heard oral representations from the public health officer, representing the director of public health, supporting the decision to review the licence on the grounds of prevention of public nuisance. The effects of persistent disturbance to sleep on an individual's health were explained. In view of these effects on an individual and the fact that a number of complaints had been received by the council, on behalf of the director, the sub-committee was invited to reduce the premises licence hours of operation to align with the council's policy.

The licensing sub-committee heard from the representative on behalf of the premises licence holder who explained that the application was made by a vexatious resident. It was further alleged that the applicant, and another, had actively sort to extort money from the licence holder. The representative went on to argue that because the applicant for the review or the other person supporting the review had attended the hearing to give live evidence, little or no weight should be attached to the representations that had been made by them, and that the representations made on behalf of the director public heath should attract little weight because they were based on the same flawed representations.

The sub-committee reminded itself that it must promote the licensing objectives and have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the council's statement of licensing policy.

The sub-committee having considered all the evidence and have decided to take no action on this occasion save to add conditions concerning the dispersal policy of the premises.

The sub-committee noted that on 6 September 2017, the licensing sub-committee considered the representations from a number of interested parties and responsible authorities, and a number of the issues were ventilated on this occasion. In reaching its decision today, the sub-committee looked for new evidence that had not been previously considered or for any new evidence that had become available since the last hearing. The sub-committee was of the view that there was no new evidence since it made its decision on 6 September 2017 and noted that many of the issues raised by the interested parties and the responsible authority, in relation to this review hearing, had been dealt with by the addition of conditions added to the licence on 6 September 2017.

The sub-committee reminded itself that the issue of dispersal was raised at the hearing on 6 September 2017 and noted that the licence holder was unable to provide a copy of the dispersal policy today, and it would seem from the notes of the previous meeting, that one was not provided on the last occasion. In the circumstances, the sub-committee has concluded that it is therefore appropriate to amend the licence by adding conditions concerning the provision of a dispersal policy.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3 **Appeal Rights**

This decision is open to appeal by either:

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

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

This decision does not have effect until either

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

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 2 October 2017

RESTRICTED (when complete)

MG11C

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Sebastian ROOKE

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature:

[Redacted Signature]

3203T

Date: 31/01/18

On SATURDAY 27th JANUARY 2018 I was in in full uniform with A/Ps STEPHENS 2694T from RTPC and Pc DUCKER 494MD from the night time economy team tasked to attend THE EMPIRE 777 OLD KENT ROAD as part of a licencing visit. At approximately 0007hrs we entered the venue and spoke to George NWACHUKWU who verbally identified himself to us as the DPS and his identity was confirmed using his DPS personal licence. NWACHUKWU was informed that the venue's licence would be inspected and a form 695 would be completed. NWACHUKWU was complaint with this and cooperated to show me around the venue including areas behind the bar, the toilets, the separate seating area and the main bar and seating area in order to be inspected in his presence. While I was inspecting the premises with A/Ps STEPHENS, Pc DUCKER examined the venue's licence. While examining the licence, PC DUCKER noticed a number of breaches to the licence and he conveyed these breaches to NWACHUKWU. Condition 352 was identified as being in breach as it stated that a minimum of two SIA registered door staff should be on duty from 2200hrs until the premise shuts on FRIDAY and SATURDAY. However as we had entered the venue, we did not see any SIA registered door staff present. When this information was conveyed to NWACHUKWU, he stated that the door staff had left because they finished at midnight as alcohol is no longer served after midnight. NWACHUKWU could not provide a record of the door staff that had been working in order to indicate that they had worked that night so there was no evidence to establish if any SIA registered door staff had been present. This was identified as a direct breach of licence condition 352. Pc DUCKER asked to review the CCTV in accordance with condition 288 that states the CCTV should record for 31 days and should be available within a reasonable time at the request of the police. NWACHUKWU was unable to operate the CCTV personally but said that his friend who also work at THE EMPIRE is able to do so. When asked where this friend was, NWACHUKWU did not know and was unsure how long it would take in order to contact his friend and get him to operate the CCTV. Condition 288 was therefore in breach as we could not confirm whether the CCTV had a 31 day playback and the CCTV was not accessible at our request. Pc DUCKER requested that NWACHUKWU provided the training records of the staff in accordance with condition 293 that states all staff training should be recorded and updated every six months. NWACHUKWU provided us with a book labelled staff training however it was incomplete and outdated therefore breaching condition 293. Finally NWACHUKWU breached condition 843 of the licence that states the venue must display signage dictating that no patrons will be admitted into the venue if they park, are dropped off or picked up in private or hackney carriage vehicles from SYLVAN ROAD. No signage following this requirement was visible and herefore NWACHUKWU was in breach of the licence. Pc

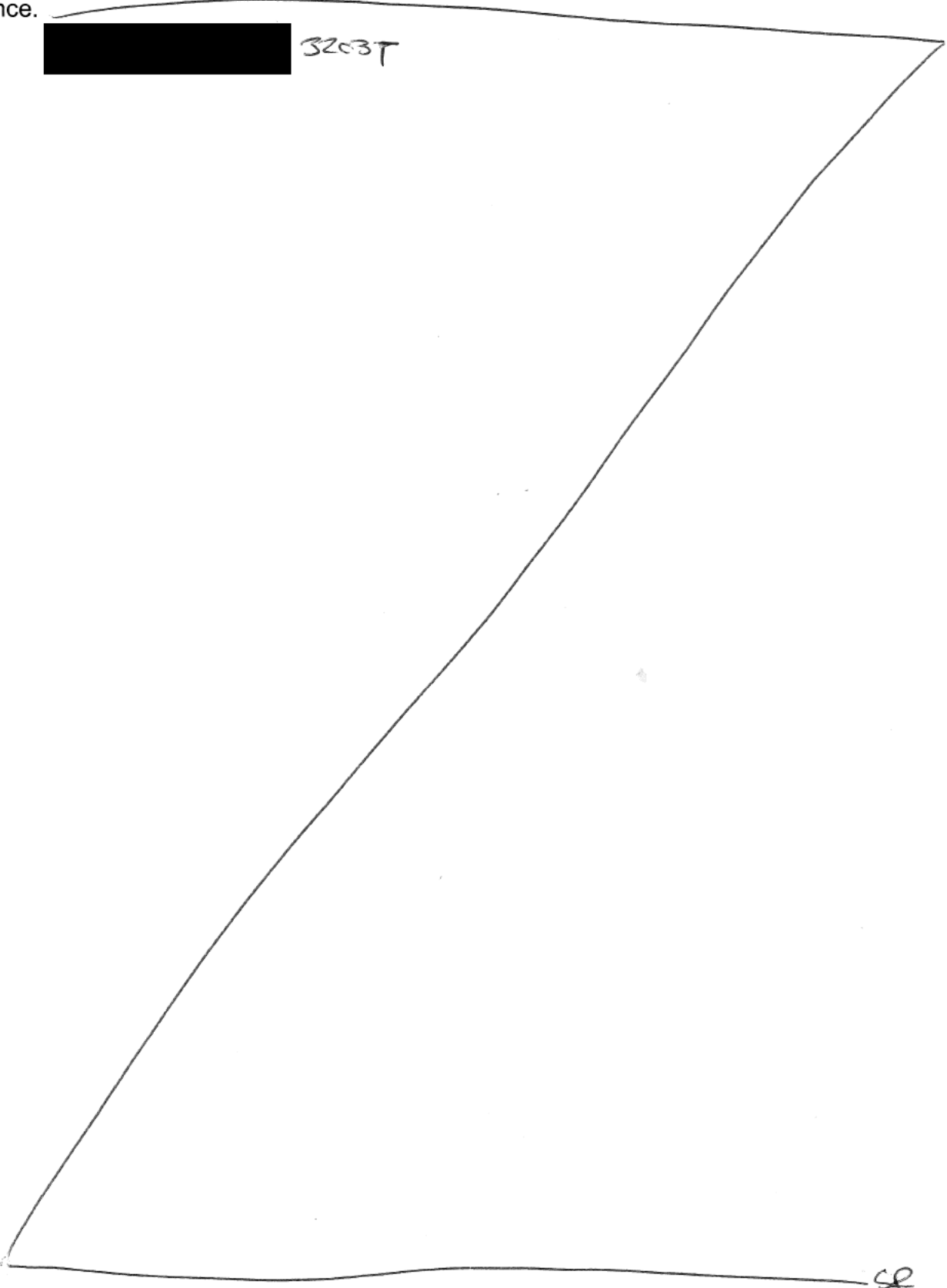
Witness Signature: .

3203T

Signature Witnessed by Signature:.....

Continuation of Statement of:

DUCKER completed a section 19 closure order which was signed and endorsed by NWACHUKWU who was informed of and accepted the need to amend the breaches to the licence.



Witness Signature:



3203T

Signature Witnessed by Signature:.....

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

[Empty boxes for URN]

Statement of: Jonathan Ducker Pc 494MD

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: [Redacted] Date:

On Saturday 27th January 2018 I was on duty in full uniform as part of the night time economy team when at shortly after midnight I attended The Empire 777 Old Kent Road with A/PS 2694T Stephens and Pc 3203T Rooke to conduct a licensing inspection of the venue. Once inside I met the DPS George Nwachukwu and we explained what we were going to do and began running through the conditions. As I checked the license I got to condition 352 which stated that a minimum of 2 SIA registered door staff shall be on duty from 2200hrs until the premises are shut on Friday and Saturday. There were no SIA at the premises and when I pointed that out to Mr Nwachukwu he told me that they'd finished at midnight once alcohol had stopped being sold. I read the condition to him which clearly stated 'until the premises are shut' which is a breach of the licence. I asked if he had any records of which door staff had been working and he did not (which would at least have suggested they had worked). Condition 288 refers to CCTV and that it records for 31 days and is viewable upon request of officers within a reasonable time. Mr Nwachukwu could not work the system and informed me that his friend who could work it was gone. I tried to ascertain how quickly he could be at the premises and the answer I eventually received was that his friends whereabouts were not known. That condition was therefore breached and we have no idea whether the CCTV is working or not. Condition 293 states that all staff shall be trained in their responsibilities under the licensing act 2003 and records of that training kept and updated every 6 months and immediately available for inspection. There were training records for the venue but all over 6 months old and some pertaining to staff who no longer work at the venue, again in breach of the licence. Finally condition 843 states that the premises licence holder shall visibly display signage stating that entry will not be permitted to patrons who use Sylvan Road to either park, drop off or collect by private hackney carriage vehicles. There was no signage and therefore this was a breach too. I completed a section 19 closure notice with all the breaches listed above and Mr Nwachukwu signed the paperwork advising him of how all of the breaches can be remedied. The entire visit was filmed using BWV.

Witness Signature: [Redacted]

Signature Witnessed by Signature: [Redacted]

STATEMENT OF WITNESS**Criminal Procedure Rules, r 27.1(1)****Criminal Justice Act 1967, s. 9****Magistrates' Courts Act 1980, s.5B**

Full Name: Richard Kalu**Occupation of witness: Licensing Enforcement Officer**

Professional Address: Hub 3, Floor 3
160 Tooley Street
London
SE1 2QH

Telephone No : 020 7525 4642**Age (if over 18, write over 18)** Over 18

I am a Licensing Enforcement Officer in the Licensing Service of the London Borough of Southwark's Environmental Health and Trading Standards Department. I hold a LLB Law Degree and have worked within an Environmental Health / Licensing setting for over 17 Years. I am authorised by the Council to enforce the provisions of the Licensing Act 2003, dealing with the licensing of premises, herein after referred to as the "Act".

On the 6 April 2018 at 23:18hrs, I visited the premises known as Empire Lounge, Unit 2, 777 Old Kent Road, London, SE15 1NZ with Farhad Chowdhury who for the purpose of this witness statement shall be referred to as (FC). The weather was clear and dry with a still wind with a slight background noise from traffic travelling along the old Kent Road.

We parked the vehicle we were travelling in across the road from the premises in the Toys R Us car park on Old Kent Road. At 23:20hrs we left the car we were sat in and crossed the road and stood at the front of the premises to take some observational notes.

I noted that I could hear very loud amplified bass music and song lyrics emanating from the premises known as Empire Lounge. I could not hear song lyrics however the song lyrics were being distorted by the high level of the amplified bass from within the premises.

At 23:26hrs myself and (FC) entered into the premises and I noted X6 patrons stood at the bar. X2 patrons were being passed a bottle of beer and I observed another patron ordering drinks.

I looked around the main room and counted X35 patrons sat at tables eating food and drinking. Alcoholic drinks were on most of the tables which customers were sat at eating food.

In a corner of the room was a DJ playing music with headphones on. It appeared that as he had his headphones on he was not really conscious possibly of just how loud the music he was playing was.

To the rear of the premises was another room with sliding glazed doors which were open. From my vantage point I could see approximately X10 patrons in this room dancing. From the position I was standing in positioned in the centre of the premises I was acutely aware that the sound levels were very high and I could feel the vibration of the bass through the fabric of the floor I was standing on.

The premises licence holder and designated premises supervisor Mr George Nwachukwu who I recognised from previous visits approached me and I asked if I could speak to him. Mr Nwachukwu could not hear my request to speak somewhere more quiet as the amplified bass of the recorded music was at such a high level within the premises. I had to shout and ask Mr Nwachukwu if we could go somewhere else so he could hear me. Mr Nwachukwu led myself and (FC) to the back of the premises to a corridor. I asked Mr Nwachukwu why he was still operational in light of the fact that he had received and been served a planning enforcement notice. Mr Nwachukwu stated that he did not know what I was talking about. I asked again if he was not aware that he had been served a planning enforcement notice which required him to cease trading at 23:00hrs.

Mr Nwachukwu stated again that he did not know what I was talking about again. I then asked him if he had spoken to Gavin Blackburn or had any correspondence from Planning in relation to his trading hours. Mr Nwachukwu stated "yes" and I then asked had Gavin or Planning either by letter or email or via direct conversation discussed an enforcement notice or that the premises needed to close at 23:00hrs. Mr Nwachukwu stated that he vaguely remembered a conversation but did not know anything about the hours he was meant to close at.

I then proceeded to ask Mr Nwachukwu if he was in management control of the premises to which he replied "yes". I asked why the music was so loud and he stated that it was a private party. I asked Mr Mr Nwachukwu to look at his watch and confirm what time it stated on his watch. Mr Nwachukwu stated that it was 23:35hrs then said "oh no, I was not aware that it was so late". I asked why does it matter and he retorted "oh I should be closed now". I asked him why should you be closed and he responded by saying " I should be closed".

Mr Nwachukwu then walked away from myself and (FC) and walked up to the DJ and spoke to him which then led to the amplified music being turned off. Myself and (FC) sat down at a table near the entrance doors to observe and take observational notes. Mr Nwachukwu then approached us and began to close the front electronic shutters of his premises. I spoke to Mr Nwachukwu and said I understand your closing the shutters but all your patrons are still within your premises and you are still operational. People are still buying alcohol and drinking alcohol and it appears that people are still eating and maybe ordering food. Mr Nwachukwu looked at me with a slightly confused look then sat down at the table with myself and (FC).

It was at this point that Police Night Time Economy Officers walked into the premises. Mr Nwachukwu then began to plead innocence that he was not aware of a planning enforcement notice. I then spoke to Mr Nwachukwu to clarify the situation in regard to the planning enforcement notice and Mr Nwachukwu stated "yes I know I am meant to close at eleven O'clock". I advised Mr Nwachukwu that I would need to refer my observations of what I had witnessed to planning enforcement and that someone would be in touch to discuss the breach of the planning enforcement notice.

Myself (FC) and the two officers from the Police NTE team left the premises at 23:46hrs. When we left the premises and returned to our vehicle I again observed the premise and observed patrons from the premises leaving and that amplified music was no longer audible from outside the premises.

Signed ...



.....

Date



George Nwachukwu

Chief executive's department
 Planning division
 Development Management (5th floor – hub2)
 PO Box 64529, London SE1P 5LX
 Contact: Gavin Blackburn
 Direct Line: 020 7525 7007
 E-mail: gavin.blackburn@southwark.gov.uk
 Web Site: <http://www.southwark.gov.uk>

Dear Mr Nwachukwu,

Our ref: 17EN 0447
 Your ref:
 Date: 9 April 2018

**Re: Planning Enforcement Notice, 26 October 2017
 at Unit 2, 777 Old Kent Road, London SE15 1NZ**

I write in relation to an Enforcement Notice served on 26 October 2017 (see attached) in relation to the above land, which requires the following:

- 5.1 Comply with condition 6 of planning permission granted under reference 3 February 2015 14/AP/2547 by carrying on the the permitted use only during the permitted hours of use.

OR

- 5.2 Cease the use of the Premises as a restaurant and hot food takeaway (Class A3 and A5)

The Enforcement Notice was not appealed and took effect on 30^h November 2017. That meant the one week compliance period expired on 7th December 2017. After that date an offence under section 179 Town & Country Planning Act 1990 was committed if the notice was not complied with.

I have recently received a complaint that the permitted hours of use under the planning permission were exceeded over the Easter weekend. I have asked colleagues in other sections of the Council to check their records and they have advised that complaints were made the weekend before Easter as well. On 6th April a colleague from the Council's licensing department entered the premises at 23:26hrs and found it open and serving customers, as well as playing music very loudly.

The requirements of the planning enforcement notice have not been complied with.

Failure to comply with the steps required in the Notice is a breach of section 179 of the Town and Country Planning Act 1990 (as amended) (see attached).

You appear to the Council to be the person in control of and with an interest in the land to which the Notice relates, by not taking the steps required by the Notice you have committed the offence set out in section 179(5) .

The Council is considering prosecuting you for this offence. The Council will delay making a decision on prosecution for 21 days from the date of this letter to allow you to respond to the nine questions set out below. You should consider those responses to be made under the Caution; **“You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.”**

This caution means that you do not have to answer any of our questions. You can, if you wish, remain silent or say ‘no comment’. However if the matter went to Court and you give an answer at Court that you could have given at the interview then the Court will wonder why. The Court will draw its own conclusions as to why you did not answer the question when you had the opportunity to. The final part of the caution means that anything you do say can be repeated.

You are asked to respond to the following questions in writing by 2nd May 2018. . You may well wish to take independent legal advice before submitting any response. Your response to this letter will be considered to have been made under Caution.

Questions

- 1) Describe in detail and provide copies of any lease or tenancy that you have entered into in respect of the Land that is the subject of the enforcement notice.
- 2) Please describe, in detail, your connection or business relationship with Fort Properties Limited
- 3) Please confirm the current rent payable for Unit 2, ground floor of the building known as Empire lounge; Please provide the date on which that rent was set.
- 4) Please confirm if at any stage you have paid any premium in respect of any lease or tenancy and describe in detail to what tenancy or lease such a premium relates?
- 5) Please set out if there has been any underletting of the premises.
- 6) Please confirm whether George Nwakchwu is the designated premises supervisor under the premises licence for this site.
- 7) If you do not consider yourself to be the person in control of the premises please state who you believe to control them and why.
- 8) What steps if any have you taken to achieve compliance with the notice?
- 9) Is there any reason why you consider you should not be prosecuted for the offence described in this letter?

If you wish to submit a statement you may do so.

If you would like me to arrange an interview under caution at the Council offices I will be happy to do so. Please give me notice as to when you and your legal advisor could attend such an interview.

Yours sincerely,

Gavin Blackburn
Planning Officer

TPI 2168-777


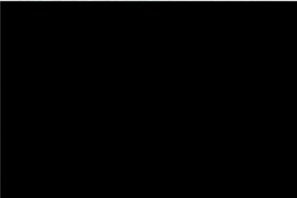
Ref: LEG/PL/AG/RR080/94 17/EN/0447

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE: BREACH OF PLANNING CONDITION**ISSUED BY: THE LONDON BOROUGH OF SOUTHWARK****TO:**

FREEHOLDER The Company Secretary, Fort Properties Limited (Incorporated in the Isle of Man) of 2a Lord Street, Douglas, Isle of Man IM1 2BD.	MORGAGEE The Company Secretary, Sanne Fiduciary Services Limited (Incorporated in Jersey) of 13 Castle Street, St. Helier, Jersey, JE4 5UT.	Mr George Nwachukwu, The Empire Lounge, Unit 2, 777 Old Kent Road, London, SE15 1NZ.
Mr George Nwachukwu, 	Mr George Nwachukwu, C/O R Jordan 	
THE OWNER The Owner Unit 2, 777 Old Kent Road, London SE15 1NZ.	THE OCCUPIER The Occupier Unit 2, 777 Old Kent Road, London SE15 1NZ.	

Address LCC1

- THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (b) of Section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of this Notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THIS NOTICE RELATES

Unit 2, Ground floor, 777 Old Kent Road, London, SE15 1NZ. as shown edged red for identification purposes only on the attached plan ('the Premises').

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Non compliance with hours of use in relation to planning permission granted under reference 3 February 2015 14/AP/2547 for the change of use of vacant retail unit (Class A1) to hot food takeaway (Class A3 and A5) with cooking facilities and ventilation ducts with alterations to front elevation. In particular a breach of Condition 6 which reads:-

"The use hereby permitted for A3 to A5 purposes shall not be carried on outside of the hours 0700 to 2300 on Monday to Saturday or 0800 to 2200 on Sundays/Bank Holidays."

Reason:

"To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007."

4. REASONS FOR ISSUING THIS NOTICE

4.1 It appears to the Council that the above breach of planning control has occurred within the last 10 years.

4.2 It is expedient to take enforcement action because:-

4.2.1 As a result of the use of the restaurant beyond the hours permitted by Condition 6 significant harm has been caused to the amenity of neighbouring residents in Sylvan Grove flanking the rear yard of the Premises due to regular disturbance from noise during frequent late night operation after midnight.

4.2.2 The Council does not consider that planning permission should be given, because planning conditions could not overcome all of these objections.

5. WHAT YOU ARE REQUIRED TO DO

5.1 Comply with Condition 6 of planning permission granted under reference 3 February 2015 14/AP/2547 by carrying on the permitted use only during the permitted hours of use.

OR:

5.2 Cease the use of the Premises as a restaurant and hot food takeaway (Class A3 and A5)

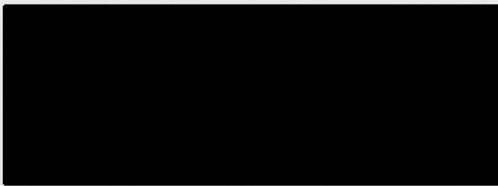
6. **TIME FOR COMPLIANCE**

One calendar week after this Notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **30 November 2017** unless an appeal is made against it beforehand.

Dated: 26 October 2017



Director of Law and Democracy, 2nd Floor, PO BOX 64529, London SE1P 5LX
(160 Tooley Street, London SE1 2TZ)

EXPLANATORY NOTE

YOUR RIGHT OF APPEAL

You can appeal against this Notice but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the Notice.

The enclosed Planning Inspectorate Information Sheet provides further information about your right of appeal against this Enforcement Notice.

If you are appealing under Ground (a), that you believe planning permission should be granted for what is alleged in the Notice, you are required to pay a fee of £390. This should be paid to the London Borough of Southwark by way of a cheque sent to the Planning Department at PO BOX 64529 London SE1P 5LX (160 Tooley Street, London SE1 2TZ) together with a copy of your appeal form.

You must submit with your Appeal Form, or within 14 days from the date the Planning Inspectorate notifies you, a statement in writing specifying the grounds of the appeal and state briefly the facts on which you are relying in support of those grounds.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you not do appeal against this Notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it are taken within the period(s) specified in paragraph 6 of this Notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.



777-778 Old Kent Road,
SE16 1NZ

OS MasterMap 1250/2500/10000 scale
16 July 2014, ID: CM-00343999
www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 534968 E, 177480 N

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100019980



RESTRICTED (when complete)

11(1)

WITNESS STATEMENT

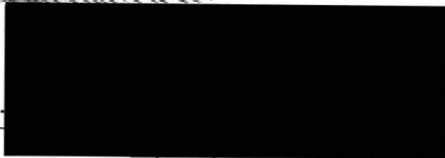
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Mark Lynch Pc 246MD URN:

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Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer


This statement (consisting of: 2..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 22nd August 2018

Tick if witness evidence is visually recorded (supply witness details on rear,

On Saturday 11th August 2018 I was on duty in full uniform, I was attached to Southwark Night time Economy Team. My duties include visiting various licensed premises on the borough to carry out licence inspections and respond to disorder. On this occasion at 0125hrs I was driving along the Old Kent Road when I saw that the shutters and doors were open of the venue Empire Lounge 777 Old Kent Road SE15 1NZ, I also noticed there were people inside the venue. I parked my vehicle in a nearby street and walked to the entrance of the Empire Lounge where the door was still open and there were no SIA present there was also no sign indicating the bar was closed, I then opened the inner door and was greeted by loud music which I saw was being played by a DJ positioned in the corner, the volume of the music exceeded that of background music. I walked to the bar area where I saw a female member of bar staff hand over the counter a glass bottle of beer to a male who then handed something to the member of staff, the male then walked to the rear of the premises. There were three members of staff behind the counter one of whom I recognised as the owner/dps George Nwachukwu who approached me, I asked Mr Nwachukwu why was he still open and why there were customers in the restaurant to which he stated that he was closed and everyone present were staff, I asked about the people at the rear of the property and he confirmed they were also staff, we then walked through the restaurant to the rear of the property where a female informed me that the four persons present were staff and they were clearing up after an event, I then turned around and saw a male who was drinking from a spirit glass his eyes were glazed and he mumbled something towards me, in my opinion this male was drunk, I counted about 11 people inside the bar all of which Mr Nwachukwu said were staff. I returned to the bar area where Mr Nwachukwu insisted the bar was closed, I asked to see a copy of his licence to which he produced and I pointed out that he does not have regulated entertainment on his licence and as such music should cease at 1100hrs. I informed Mr Nwachukwu that I would be completing a statement of my findings which I would pass to South Council.

The bar was clearly in breach of its licence in that it was open to the public after its licensed closing time, there were no SIA on duty at the time, the venue does not have regulated entertainment on its licence and they were

Signature:  signature witnessed by:

Continuation of Statement of

playing loud music by a DJ, and the volume level was not consistent with background music. I observed the supply of alcohol by a member of staff to a person inside the venue. The venue is of average size and in my opinion as a licensing officer cannot see how it employs eleven members of staff as stated by Mr Nwachukwu all persons in the venue were staff.



246 MD

Signature:



Signature witnessed by:



Licensing Authority Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: 16 Mansfield Street REF: (CAD/CRIS etc.)

Address: 16 Mansfield Street, London W1G 9LQ

Date: 10/07/11 Time: 7:30pm

Details of person in charge at the relevant time: Oliver Thomas

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

Offence 1: Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.

Offence 2: Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.

Offence 3: Exposing alcohol for retail without an authorisation.

Issuing officer: L. NORTON Print: L. NORTON

I acknowledge receipt of this form: (venue) [Redacted]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001



Licensing Authority Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: 16 PENNINGTON STREET REF: (CAD/CRIS etc.)

Address: 16 PENNINGTON STREET, LONDON, E1 1 2AD

Date: 10/07/11 Time: 2:30

Details of person in charge at the relevant time: OKEN, TONY

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

Offence under section 136(1) Licensing Act 2003. The licensee, Tony Oken, was found to be carrying on a licensable activity on the premises without an authorisation. This was observed by the police on 10/07/11 at 2:30pm. The licensee was interviewed and a notice was served under section 136(1) of the Licensing Act 2003. A copy of the notice was provided to the licensee. The licensee was advised that failure to comply with the notice may result in criminal proceedings being taken against him.

Issuing officer: L NICHOLSON Print: L NICHOLSON

I acknowledge receipt of this form: (venue)

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 4 JUNE 2020

SECTION 17 LICENSING ACT 2003: EMPIRE LOUNGE, UNIT 2, 777 OLD KENT ROAD, LONDON SE15 1NZ

1. Decision

That the application made by George Nwachukwu for a premises licence to be granted under Section 17 Licensing Act 2003 in respect of the premises known as the Empire Lounge, Unit 2, 777 Old Kent Road, London SE15 1NZ be refused.

2. Reasons

The licensing sub-committee heard from the applicant's representative who advised that the application was essentially to extend hours. The applicant had been very seriously financially affected by the mandatory closure of The Empire Lounge and as a result of the implementation of The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020; it would be necessary to extend the premises operating hours to aid the recovery of the business.

The applicant's representative expressed his surprised by the number of representations received opposing the application. They advised that they felt that there was no rational explanation as to how the applicant was being treated. No residents had submitted representations and historically, it was the residents that made complaints of noise nuisance. The very small number of noise complaints could now only be treated as private nuisance complaints and therefore did not undermine the prevention of public nuisance licensing objective. The noise complaints that resulted in the review of the licence in 2017 were vexatious. This was proved by the fact that the licensing sub-committee took no action other than to require the applicant to implement a dispersal policy.

The applicant's representative further stated that since the review application in October 2017 there had been only three complaints of noise nuisance which, the representative said was de minimus.

Concerning the objection made by the planning service, the sub-committee were reminded by the applicant's representative that planning was a separate regime to licensing and was therefore an irrelevant consideration.

The representative stated that the police had failed to establish that the premises had accounted for any crime and disorder and therefore their representation could be dismissed.

The applicant's representative also contended that the area was now largely an industrial area and that there were premises in the area and across the road that had operating hours of up to 03:00.

The licensing sub-committee heard from the council's planning enforcement officer who objected to the application on the grounds of prevention of crime and disorder. They advised that the premises are subject to a planning condition restricting in its hours of

operation to 23:00. The hours are restricted to protect the amenity of adjoining residents. The officer advised that this planning condition had not been adhered to and a planning enforcement notice was in place to ensure compliance. Breaching the requirements of the planning enforcement notice is a criminal offence under Section 179 of the Town & Country Planning Act 1990.

The planning enforcement officer informed the sub-committee that the applicant applied to alter the terms of the planning condition to extend operating hours and was refused on by the Planning Inspector on 15 December 2016. A further application was made to change the operating hour to 01:00, but this was refused by the council. The refusal was then appealed and on 22 May 2019 and the Planning Inspector upheld the council's decision to refuse planning permission. A similar decision had been made by an independent planning inspector on 15 December 2016. An extension of the operating hours was considered to harm residential amenity. The sub-committee were also advised that the planning status of the premises is now well settled and there was no prospect of there being any change to the planning position.

The licensing sub-committee then heard from the environmental protection officer who objected to the application on the grounds of prevention of public nuisance. They advised that complaints of noise nuisance have been made in respect of the premises since it has operated as Empire Lounge. Numerous breaches of licence conditions have been also been witnessed by council officers. In addition, the premises has been observed operating outside of the hours permitted by the premises licence issued in respect of the premises. They were of the opinion that opening until 02:30 hours on Friday and Saturday evenings and playing recorded music until 02:00 on those nights would almost definitely lead to further public nuisance and other disturbance to local residents.

The officer from the Metropolitan Police Service objected to the application and referred to the applicant's planning applications to extend the premises' hours of operation, which had been refused. The extension to licensing hours would be in conflict with planning permission and could result in the applicant being prosecuted for breach of planning legislation, thus undermining the prevention of crime and disorder licensing objective. The officer also referred to the premises operating in breach of its licence conditions on numerous occasions, in addition to complaints of noise nuisance made by local residents caused by the premises' patrons. A grant of the application would have a negative impact on local residents and also lead to an increase in public nuisance and crime and disorder in the area.

The officer representing licensing as a responsible authority informed the sub-committee that, in accordance with Southwark's statement of licensing policy, the premises are located in a residential area and the recommended closing time for the sale of alcohol is 23:00 daily. They further added that the licensing policy also recommends that nightclubs are not suitable in such residential areas. They advised that the premises already holds a premises licence (number 859547), where the closing times are already in excess of those considered appropriate for the area. The premises has also operated in breach of its licence conditions and complaints have been received from local residents in the past concerning the premises operation. A further extension of operating hours would impact negatively on local residents.

A local ward councillor also made representations objecting to the application and referred to the prior operation of the premises which has led to alleged noise nuisance, crime and disorder and anti-social behaviour in the local area.

Concern was raised about the style of questioning of one of the members of the sub-committee. The councillor made a point of personal explanation and explained that they had attended the premises as a customer on approximately two occasions, but did not have a personal relationship with the applicant in any way. They further added that they would consider everything in a fair and unbiased way, as they had done with every other application that they had previously deliberated on, in their role as a member of the

licensing sub-committee. All parties accepted the councillor's representations and everyone, including the applicant and their representative had no objection to the councillor remaining on the licensing sub-committee panel of members for the hearing.

This matter last came before the licensing sub-committee in 2017, firstly on 6 September 2017 in respect of a variation application and again on 2 October 2017 in respect of a review application. The variation application essentially sought to amend the premises' terminal hour(s) from Sunday to Friday 23:30 and Saturday 00:30 (the following day) to Sunday to Thursday 01:00 hours (the following day) and Friday, Saturday and Bank Holidays 03:30 hours (the following day). That application was granted, albeit with reduced terminal hour(s) of Sunday to Thursday 00:00 and Friday, Saturdays and bank holidays to 01:00. The sub-committee granted these reduced hours due to the complaints of noise nuisance in addition to the planning permission and planning enforcement notice stipulating a terminal hour of 23:00. The sub-committee modified the premises licence at the review hearing on 2 October 2017 by adding the condition requiring the premises to have an agreed dispersal policy.

Since this time, the licensing sub-committee noted complaints of noise nuisance and that the premises were in breach of licensing conditions on numerous occasions times including:

- 27 January 2018: Condition 352 (minimum 2-SIA registered door supervisors shall be on duty from 22:00 until the premises are shut on Friday and Saturday); condition 843 (visibly display that entry not be permitted to patrons who use Sylvan Road to either park, drop off or collect by private or hackney carriage vehicles); condition 288 (CCTV) and condition 293 (training records). As a result of the licence breaches a Section 19 Closure Notice was issued.
- 16 February 2018: Condition 352 (SIA door supervisors). A Section 19 Closure Notice was issued as a result.
- 11 August 2018: The premises was found to be operating beyond its terminal hour, alcohol was being served, a DJ was playing loud recorded music contrary to there being no recorded music on the licence.
- 14 December 2019: The premises was operating beyond its terminal hour and serving alcohol.
- 8 March 2020: Condition 288 (CCTV).

This licensing application was submitted on 6 April 2020 and this sub-committee would expect in the lead up to such an application, it would have operated impeccably. That is not the case here. Due to the location of the premises, the sub-committee felt that additional evidence that they could manage later opening in this location such as with temporary event notices would have been useful. Again, this has not happened. This application sought extended hours with no additional control measures from those already in existence. The applicant has therefore failed to demonstrate how they could provide licensable activities outside the recommended hours in the Southwark statement of licensing policy, while mitigating against any additional crime, disorder and public nuisance that the hours may attract, as highlighted in paragraph 165 (of the policy).

The applicant's contention that the premises were located in an industrial area was dismissed. The other premises with operating hours until 03:00 were historical, prior to the Southwark statement of licensing policy being amended to include recommended opening hours. Furthermore, the map included in the agenda papers (page 174) was out of date as a new residential development had now been erected. In addition, a council housing estate (the Tustin Estate) was in the vicinity and would likely be affected by the applicant's operation. The sub-committee concluded that the applicant had failed to address how

patrons could disperse at a later hour without disturbing residents, particularly if they came by car, as the only place to park is close by on Sylvan Grove.

The licensing sub-committee recognised that licensing and planning are two separate regimes. There is also no legal basis for this sub-committee to refuse this application solely because the applicant does not have planning permission. Allowing a limited extension to the operating hours in the variation application of 6 September 2017 has demonstrated that licensing considerations have not been bound by planning considerations or the planning permission currently in place. The planning permission has been revisited by the applicant and it noted that Planning Inspector refused to extend the operating hours beyond the 23:00 hours sought due to the loss of residential amenity.

The applicant already has operating hours beyond those recommended in the Southwark statement of licensing policy. It now seeks a further extension until 00:00 (Sunday to Thursday) and 02:30 Friday, Saturday and bank holidays). This is a significant extension. Any grant of the extended hours would result in a Section 179 Town and Country Planning Act 1990 prosecution, if the applicant operated with these extended hours, which in turn would undermine the prevention of crime and disorder licensing objective. In the circumstances, the licensing sub-committee expects the applicant to obtain planning permission in advance of this licensing application and rely on paragraph 105, Southwark statement of licensing policy in support of this.

On this basis, this application is refused.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3. Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 4 June 2020



George Nwachukwu
The Empire
Unit 2
777 Old Kent Road
London
SE15 1NZ

Licensing Unit
Direct Dial – 020 75255718
Facsimile – 020 7525 5705
Email: Licensing@southwark.gov.uk

Ref: M/859547

17 August 2021

Dear Sir/Madam,

RE: THE LICENSING ACT 2003 – The Empire, Unit 2, 777 Old Kent Road, London, SE15 1NZ

I write to inform you that it has been brought to my attention that the above premises have been operating beyond the hours stated in your licence.

This potentially constitutes a contravention of either the licences issued under the Licensing Act 2003 by this Council in respect of the premises operation; or of other related legislation.

In particular, I would advise you that Section 136 (1)(a) of the Licensing Act 2003 states that:

A person commits an offence if -

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or
- (b) Knowingly allows a licensable activity to be so carried on.

This Service warns you that should any further breach be reported to us we will give consideration to the appropriate legal action to be taken. You should understand that this could lead to legal proceedings being taken.

I would also like to bring to your attention that a visit was made by the Licensing Team and Night Time Economy Police Team on the 06 August 2021, this was in relation to the recent extended area within the old carphone warehouse. During that visit the acting manager was informed that the new area was not able to be used until an application for a

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Strategic Director of Environment and Leisure- Caroline Bruce

new premises licence is submitted, which includes this new space. The acting manager was also warned, that should the area be witnessed in use without the relevant licence in place, enforcement action will be taken against the applicant.

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

You should also understand that where other Services have interest in the matters noted we will be notifying them of this recent visit. You may receive follow-up visits from them.

Information and online applications can be found using the following link:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing>

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

Yours faithfully,

Charlie Jerrom

Licensing Enforcement Officer

Charlie.jerrom@southwark.gov.uk





George Nwachukwu
The Empire
Unit 2
777 Old Kent Road
London
SE15 1NZ

Licensing Unit
Direct Line: 020 7525 4642
Direct Fax: 020 7525 5705
Our ref: L1U 859547

25 November 2021

Dear Mr Nwachukwu,

LICENSING ACT 2003 – WARNING LETTER

Re: The Empire Lounge, Unit 2, 777 Old Kent Road, London, SE15 1NZ

Licensing officers visited your premises on 6 August 2021 and 22 October 2021. During their visits they noted that the layout of the premises had changed in that a new doorway, leading to Unit 1, 777 Old Kent Road, London, SE15 1NZ, had been installed at the premises. The existing floor plan of the premises, which forms annex 4 of the premises licence issued in respect of the premises, does not show the new doorway. A copy of the existing plan is attached.

Section 136 (1) (a) of the Licensing Act 2003 states that:

“A person commits an offence if -

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or*
- (b) knowingly allows a licensable activity to be so carried on.*

A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.”

If the premises' floor plan has changed, and the existing licence floor plan has not been amended to reflect this change, then the premises is being operated otherwise than under and in accordance with an authorisation.

Our records show that since August, no application to amend the licence floor plan has been submitted.

You are advised to submit an application to vary the premises licence issued in respect of the premises to include an up to date and accurate floor plan. You must not provide any licensable activities at the premises until a new floor plan has been appended to the premises licence. Until a new plan has been appended to the premises licence you may wish to submit temporary event notices (TENs) to allow for the provision of licensable activities at the premises.

Guidance to the premises licence variation application procedure is available via:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/alcohol-late-night-refreshment-and-entertainment-licences/variation-transfer-and-dps-for-the-licensing-act-2003>

Guidance to the TENs procedure is available via:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/alcohol-late-night-refreshment-and-entertainment-licences/temporary-events-notices-ten>

It is the practice of the Licensing Unit to send officers to visit premises to ascertain if unauthorised activities are being provided. Licensing officers may gain admission to the premises in the same way as ordinary members of the public and will not necessarily make themselves known to staff at the time of the visit.

Your premises will now be regularly monitored by council officers. Should any breach of the Licensing Act 2003 be substantiated, consideration will be given to legal action.

Any other authorities that have an interest in any matters noted during any visits will be notified of these matters and you may receive follow-up visits from them.

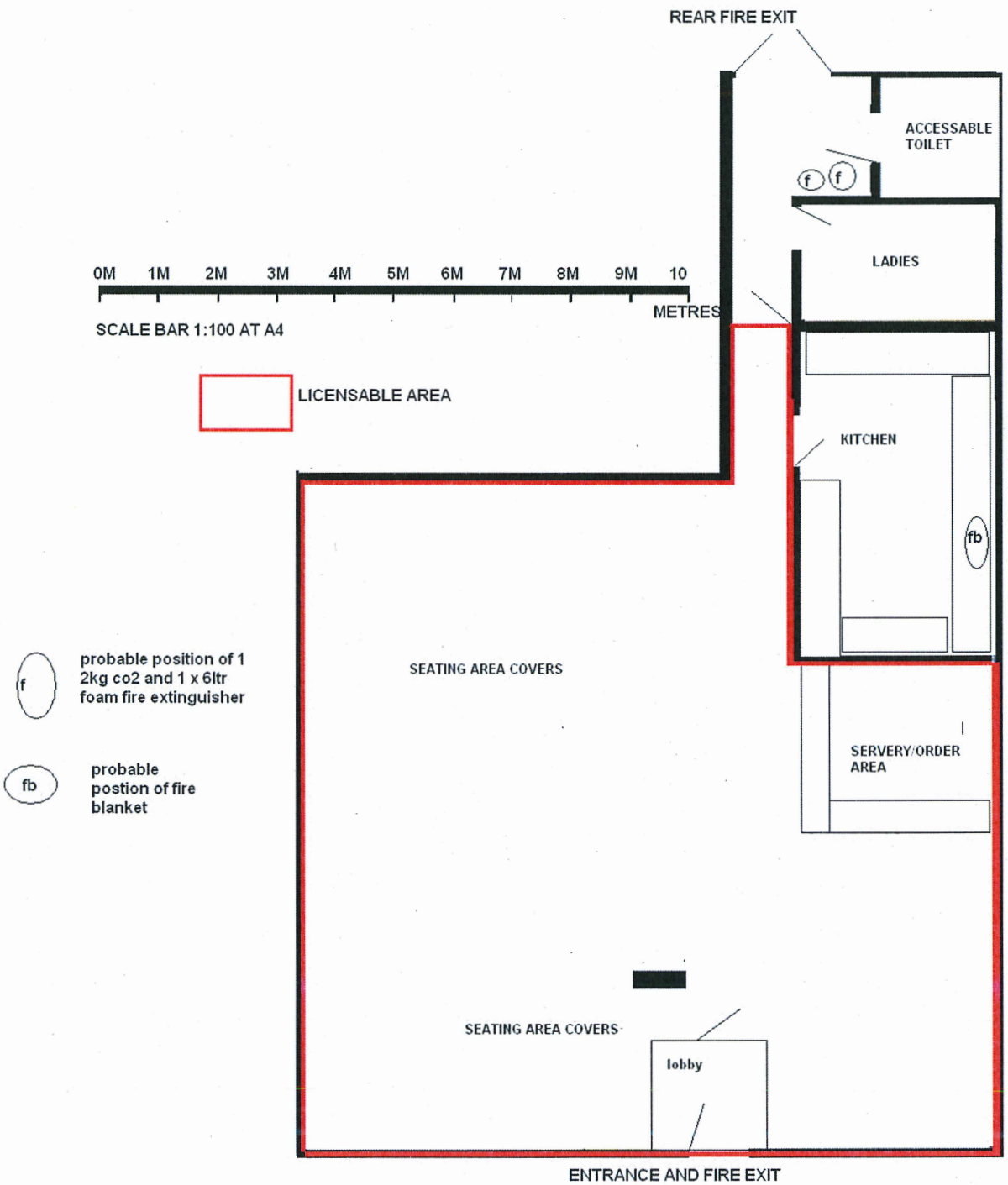
Please ensure you act promptly on this letter. If you require further clarification please contact me.

Yours sincerely,

R. Kalu

Richard Kalu
Licensing Enforcement Officer
richard.kalu@southwark.gov.uk

PREMISES-777 OLD KENT ROAD,LONDON, SE15 1NZ



APPENDIX O

Date	Time	Officer	Notes
18/11/2016	23:20	Mark Orton	Premises was closed ATOV, appears to be undergoing refurb as stickers on the windows still refer to the previous business at the premises as a grocery shop. Photos attached.
18/12/2016	02:21	Alexander Lisowski	Venue visited at 02.21am, Sunday, 18th December, 2016, with Farhad Choudhry (Health and Safety). Approximately 8 people outside smoking and talking. Returned to venue at 02.58am. Venue in process of closing. Venue had a TEN until 3am that night.
23/12/2016	02:35	Farhad Chowdhury	All quiet still people inside, it was raining outside nobody was outside.
23/12/2016	20:40	Farhad Chowdhury	Open all quiet at present seen few people inside, looks like setting up, will visit later with the NTE police.
23/12/2016	21:40	Farhad Chowdhury	Called NTE police no answer on their phones this is the second time.
23/12/2016	23:10	Farhad Chowdhury	Called NTE police still no answer on their phones.
23/12/2016	23:42	Farhad Chowdhury	Called NTE police no answer decided to visit alone without Police. It was very busy now lots of cars on Hillbeck Close, and lots of cars parked on Sylvan Grove some blocked the road. Seen people were going into Empire lounge from their cars. I went with John Uzodinma as we approached the door; I introduced ourselves to the SIA staff. The licensee then came out Mr George Nwachukwu; he told us that he employed SIA door staff and stewards to direct the customers into the Toys R Us Car Park. He said that the cars on the road were not all his customers they were the two churches above 777 Old Kent Road SE1. I asked for a dispersal policy, he said that they have a dispersal policy but it is not a written policy he could not show me anything. He said that stewards were positioned on the alleyway at the rear and on the roads to prevent people urinating and causing noise disturbance. They have TENS till 3am tonight, they have less than 60 people inside which is about right I did a rough head count. They have 3 WC's and were mixed use. I seen food and drinks on the tables there was loud amplified music being played but nobody was dancing at the time of our visit. I advised the licensee to keep the noise down and not to disturb the local residents and I shall be monitoring them tonight, and the Police also may visit them and we left.
06/01/2017	21:23	Richard Kalu	Visit to premises with Sue Hunter. Arrived at the premises which was operating as a restaurant ATOV. Spoke to operator of the premises and his wife and was advised that there had been an issue earlier in the day which had occurred with a resident that lived at the rear of the premises. Operator alleged that the resident that lived at the rear of the premises had been extorting cash from him. Advised that the resident had been paid £100.00 previously for not making complaints to the council and the police. The operator alleges that no payment was made today and the resident was unhappy. I was advised that the resident then alleges that he was going to make a complaint to the police. I have advised the operator that if he felt that money was being extorted from him that he should inform the police. I also enquired as why if this had happened why this was the first time that he had mentioned this to anyone. No response was provided and I was advised by the operator that he would discuss this issue with the police and send an email to the council. Discussed the operation of TENS at the premises. Was advised that he had a party booked for his premises and that he did not envisage that numbers would be above 50. I was advised that he would employ extra security for the event to make sure that no issues

			occurred at the premises. Left premises at 22:22hrs after a very long and lengthy discussion with the operator of the premises and his wife who I have been advised will acting as the manager of the premises. COMMENTS BY ENFORCEMENT OFFICER LISOWSKI. I visited the venue on 5/1/2017 to do an "induction", going over the conditions of the licence. I spoke to the PLH / DPS, Mr Nwachukwu. I also discussed the complaints that had been registered against The Empire. Mr Nwachukwu didn't make any mention of anyone exhorted money from him under the threat of making complaints about The Empire.
13/01/2017	23:11	Mark Orton	Monitoring premises. 23:18 Shutters being lowered halfway and two persons leave and walk away, 2 females stood o/s. Two persons return and enter premises. 23:34 One male enters premises. 23:36 Male enters premises. 23:39 shutters fully down, lights still on and approx. 10 persons inside. Left at 23:44. On Fridays the premises licence allows the sale of alcohol until 23.00pm. Closing time is 23.30pm.
15/01/2017	00:55	Mark Orton	Monitoring for activity beyond permitted hours. Lights on, shutters down, persons visible inside, unsure of numbers. Drove past at 01:06, estimate at least 10 persons inside, lights on and shutters down. On Saturdays the licence allows for the sale of alcohol until midnight. Closing time is 00.30am on Sunday.
20/01/2017	23:00	Alexander Lisowski	Working with Ken Andrews (EPT) on Friday, 20th January, 2017. At 23.10pm parked in Toys R Us car park to watch venue. Checking on behalf on Planning Dept. who had severed a temporary stop notice on the venue to cease activities after 23.00pm. Shutters were down but the lights were on. 23.15pm walked past the venue. Front door was closed and locked. Looking through the window I could see 3 people clearing up. There was no one at or behind the bar. I couldn't see any people in the restaurant part. However there was one part of the restaurant that I couldn't see through the window. I had arranged to meet NTE Police at 23.30pm. They arrived at 23.45pm and we went into the restaurant via the rear door. 2 of the 3 people clearing up were Mr Nwachukwu and his wife. No customers at the venue. I gave Mr Nwachukwu a copy of the letter I had sent on 19th January, 2017. Whilst talking to him he began to complain about how much rent he had to pay and that he had ploughed his life's savings into the restaurant. His voice rose in volume until he was shouting. He accused Southwark Council of singling him out because other venues nearby were allowed to stay open later than him. He then began sobbing and threatening to kill himself. His wife tried to calm him down. I believed that the presence of Council and Police officers was aggravating the situation, so we left.
22/01/2017	00:02	Alexander Lisowski	Visited venue at 00.02am, Sunday, 22nd January, 2017, with Roy Fielding (Housing). Venue closed.
28/01/2017	03:19	Richard Kalu	Visit to premises with Matt Bourne. Premises closed ATOV.
03/02/2017	23:36	Mark Orton	Shutters down, some lights on inside, no persons seen inside, appears closed.
11/02/2017	01:33	Richard Kalu	Visit to premises with Farhad Chowdhury. Premises closed and non –operational ATOV. Walk around the immediate vicinity of premises and no activity.
12/02/2017	00:25	Farhad Chowdhury	Shutters closed lights on inside cannot see any activities.
25/02/2017	00:15	Farhad Chowdhury	Closed all shut.
26/02/2017	01:20	Mark Orton	Premises closed ATOV.
18/03/2017	23:30	Farhad Chowdhury	Open all quiet no door staff seen.
25/03/2017	00:20	Farhad Chowdhury	CLOSED.

08/04/2017	00:02	Mark Orton	Premises appears closed with shutters down. Some lights on inside, one person behind the bar, appears as if they're cleaning up, no other persons visible inside the premises, no music noise audible, no issues.
14/07/2017	21:00	Richard Kalu	Compliance check of premises with Farhad Chowdhury. / Full inspection completed with the premises licence holder and DPS Mr George Nwachukwu (XXXXXXXXXXXX) Premises was found to be compliant. No issues noted ATOV. X4 patrons in the premises ATOV. No amplified recorded music or live music taking place ATOV.
15/07/2017	20:00	Farhad Chowdhury	I met Mr George Nwachukwu manager in charge showed his refusal book and incident book he now has both in place. I advised him to use them from now on and record incidents in the incident book and refusal of sales in the refusals book.
22/07/2017	00:44	Farhad Chowdhury	Closing and people leaving now shutters coming down.
28/07/2017	21:47	Richard Kalu	Visit to premises with John Uzodinma Okeke to complete a compliance check. ATOV no patrons located within the premises. No recorded music or live music audible from outside the premises. No patrons located within the premises. X2 staff within the premises cleaning tables. A general walk of the immediate perimeter of the premises did not detect any ASB activity.
18/08/2017	19:30	Richard Kalu	Compliance check of premises. No patrons located within the premises and no recorded or acoustic music being played within the premises.
24/12/2017	00:01	Farhad Chowdhury	Open and people inside seen a lady outside the premises on her phone.
24/12/2017	02:05	Farhad Chowdhury	Closed.
02/02/2018	21:07	Wesley McArthur	I undertook an induction with the licensee.
09/02/2018	00:28	Richard Kalu	Visit to premises with Farhad Chowdhury. Premises closed and non-operational ATOV.
03/03/2018	22:10	Farhad Chowdhury	Open all quiet.
06/04/2018	23:18	Richard Kalu	Visit to premises with Farhad Chowdhury. Arrived at the premises at 23:18hrs the weather was clear and dry with a still wind. We parked the vehicle we were travelling in across the road from the premises in the Toys R Us car park on Old Kent Road. At 23:20hrs we left the car we were sat in and crossed the road and stood at the front of the premises to take some observational notes. I noted that I could hear very loud amplified bass music and song lyrics coming emanating from Empire Lounge. I could not hear song lyrics however this was being distorted by the high levels of the bass being amplified from the premises. At 23:26hrs myself and Farhad Chowdhury entered into the premises and I noted X6 patrons stood at the bar. X2 patrons were being passed a bottle of beer and I observed another patron ordering drinks. I looked around the main room and counted X35 patrons sat at table seating food and drinking. Alcoholic drinks were on most of the tables which customers were sat at eating food. In a corner of a room was a DJ playing music with headphones on. It appeared that as he had his headphones on he was not really conscious possibly just how loud the music he was playing was. To the rear of the premises was another room with sliding glazed doors which were open. From my vantage point I could see approximately X10 patrons in this room dancing. From the position I was standing in positioned in the centre of the premises I was acutely aware that the sound levels were very high and I could feel the vibration of the bass through the fabric of the floor I was standing on. The premises licence holder and designated premises supervisor Mr George Nwachukwu (XXXXXXXXXXXX) who I recognised from previous

			<p>visits approached me and I asked if I could speak to him. Mr Nwachukwu could not hear my request to speak somewhere more quiet as the amplified bass of the recorded music was at such a high level within the premises. I had to shout and ask Mr Nwachukwu if we could go somewhere else so he could hear me. Mr Nwachukwu led myself and Farhad Chowdhury to the back of the premises to a corridor. I asked Mr Nwachukwu why he was still operational in light of the fact that he had received and been served a planning enforcement notice. Mr Nwachukwu stated that he did not know what I was talking about. I asked again if he was not aware that he had been served a planning enforcement notice which required him to cease trading at 23:00hrs. Mr Nwachukwu stated again that he did not know what I was talking about again. I then asked him if he had spoken to Gavin Blackburn or had any correspondence from Planning in relation to his trading hours. Mr Nwachukwu stated "yes" and I then asked had Gavin or Planning either by letter or email or via direct conversation discussed an enforcement notice or that the premises needed to close at 23:00hrs. Mr Nwachukwu stated that he vaguely remembered a conversation but did not know anything about the hours he was meant to close at. I then proceeded to ask Mr Nwachukwu if he was in management control of the premises to which he replied "yes". I asked why the music was so loud and he stated that it was a private party. I asked Mr Nwachukwu to look at his watch and confirm what time it stated on his watch. Mr Nwachukwu stated that it was 23:35hrs then said "oh no, I was not aware that it was so late". I asked why does it matter and he retorted "oh I should be closed now". I asked him why should you be closed and he responded by saying "I should be closed". Mr Nwachukwu then walked away from myself and Farhad Chowdhury and walked up to the DJ and spoke to him which then led to the amplified music being turned off. Myself and (FC) sat down at a table near the entrance doors to observe and take observational notes. Mr Nwachukwu then approached us and begun to close the front electronic shutters of his premises. I spoke to Mr Nwachukwu and said I understand your closing the shutters but all your patrons are still within your premises and you are still operational. People are still buying alcohol and drinking alcohol and it appears that people are still eating and maybe ordering food. Mr Nwachukwu looked at me with a slightly confused look then sat down at the table with myself and Farhad Chowdhury. It was at this point that Police Night Time Economy Officers walked into the premises. Mr Nwachukwu then began to plead innocence that he was not aware of a planning enforcement notice. I then spoke to Mr Nwachukwu to clarify the situation in regard to the planning enforcement notice and Mr Nwachukwu stated "yes I know I am meant to close at eleven o'clock". I advised Mr Nwachukwu that I would need to refer my observations of what I had witnessed to planning enforcement and that someone would be in touch to discuss the breach of the planning enforcement notice. Myself Farhad Chowdhury and the two officers from the Police NTE team left the premises at 23:46hrs. When we left the premises and returned to our vehicle I again observed the premise and noted that patrons from the premises were now leaving and that amplified music was no longer audible from outside the premises.</p>
07/04/2018	23:15	Farhad Chowdhury	<p>Premises appears to be open I observed from the Toys R Us Car park directly opposite from our car I was working with Clarissa O'Toole. The premises had shutters down half way now at 23:17hrs. Seen a man enter the premises under the shutters looks like a customer. At 23:18 four customers went inside two ladies and two men all climbed under the shutters, now shutters have been pulled down to make it look like they are closed. At 23:20hrs another lady customer entered the premises and at 23:22 another two ladies went inside and followed by another man at 23:27hrs. Then the owner Mr Nwachukwu came outside to check the area outside and to talk to cars which had driven into Sylvan Grove, he was directing them into the Toys R Us Car Park</p>

			<p>opposite side of the road. He was pointing to Toys R Us Car Park at 23:32 four customers went inside than another man went inside. I went inside to speak to the owner with the NTE Police PC Mark Lynch and PC Jonathon Ducker and Clarissa O'Toole from the Anti Social Behaviour Unit. We spoke to Mr Nwachukwu the owner he started to argue with us saying it was a private party and he is closed no public allowed in. He had a piece of paper in his hands with a list of names of people who were inside. He thinks that he is allowed to open past 23:00hrs as long as it is a private party. Police told him that there is no such thing as a private party there were lot of people inside and music was being played loud. I counted 38 people inside the premises; I could hear the music blaring from the street outside. I said to Mr Nwachukwu that he was breaking the Law by opening past 23:00hrs and I was shocked that I was in last night and warned him about it and despite warning he has opened past 23:00hrs again today. I said to him we witnessed 15 people enter the premises past 23:00hrs he argued that nobody came inside his premises. At that point some of his customers got involved and tried to argue with us, we then decided to leave telling him he is in breach of the Planning Enforcement Notice. I told him to turn off the music which he did, and I told him to contact the Planning Department on Monday and we left. Mr Nwachukwu then followed us across the road and argued with us saying that the complainant is lying there is no noise nuisance and this man has double glazing in his house, and that he will now put the music up loud, I warned him not to do that as he is already in breach and he may face further action and we left.</p>
13/04/2018	22:10	Richard Kalu	<p>Visit to premises to complete full licensing inspection with Farhad Chowdhury. Arrived at the premises and parked across the road in the now closed Toys R Us car Park across the road from the premises. The weather was dry and fine with a very light breeze. Myself and Farhad Chowdhury crossed the road and we stood outside the premises. From outside the premises I could see that the lights were on and it appeared that there was some activity within the premises. I note that no music or bass was audible from the front of the premises. Myself and Farhad Chowdhury entered the premises at 22:15hrs and when we walked in I note that there were approximately X7 patrons sat at tables eating. I looked on the tables and no alcohol was visible on any of the tables that patrons were sat at. I identified myself to a member of staff who then called the operator Mr George Nwachukwu. I advised Mr Nwachukwu that it was my intention to carry out a full inspection. In the course of the inspection I requested to see CCTV footage from within the premises. Although Mr Nwachukwu attempted to use the CCTV system he could not access the CCTV system as he did not know the password for the CCTV system. I also enquired about the sound limiter device in the premises and requested to see evidence any music being played within the premises was being done through the sound limiter device. Mr Nwachukwu advised me that the sound limiter was not in place and that he needed to get someone to come to the premises and install a new sound limiter. I advised Nwachukwu that any sound limiter device installed as per premises licence needed to be installed by a professionally certified acoustic engineer. I discussed the planning enforcement notice with Mr Nwachukwu. Then advised him that I had identified various breaches of his premises licence in the course of carrying out the inspection with him namely; 288 (a) That a CCTV system shall be installed at the premises and maintained in full working order at all times that the premises are in use. Any recordings made by the CCTV system shall be retained for a minimum of 31 days and shall be made immediately available to officers of the council or police on request. The CCTV system shall record at a minimum of 6 frames per second (FPS).(b) That at all times that the premises are in operation there shall be a member of staff will be on duty who is capable of downloading recordings within a reasonable time should the police or council officers request</p>

			a copy of any recordings. (c) That should the system break down then the police will be informed immediately and the system shall be repaired within two working days, or sooner if the police request. (d) That the system shall record inside and outside the entrance to the premises and the rear fire exit. (e) That the system shall be able to record clear images in all lighting conditions. 341 That a comprehensive fire risk assessment (FRA) shall be devised in respect of the premises. All management and supervisory staff shall be conversant with the FRA. A copy of the FRA shall be kept at / be accessible at the premises at all times the premises are in operation and shall be made immediately available to officers of the council, fire brigade or police on request. The FRA shall be reviewed annually, or when there is any substantive change to the operation or layout of the premises. Details of any review of the FRA shall be kept in the FRA and shall include the date of the review and who undertook there view. 849 That a sound limiting device shall be installed and be set at inappropriate level by a professionally certified acoustic engineer. 850 That a permanent sound limiting device (or other similar sound limiting equipment) shall be installed at the premises and shall be in use at all times that amplified sound is provided at the premises. The sound limiting device (or other similar sound limiting equipment) shall be calibrated by a professionally certified sound / acoustic engineer so that amplified sound at the premises does not give rise to public or statutory nuisance at any time. Any temporary or permanent amplification system(s), amplified instrument(s) and microphone(s) in use at the premises shall be routed through the sound limiting device (or other similar sound limiting equipment) at all times. At 23:00hrs whilst talking to Mr Nwachukwu I could hear staff advising customers that they were now closed and that patrons needed to leave the premises. Myself and Fahad Chowdhury left the premises at 23:10hrs.
15/04/2018	00:24	Farhad Chowdhury	All closed.
21/04/2018	00:46	Richard Kalu	Visit to premises with Farhad Chowdhury and NTE Police Officer John Ducker. Premises closed and non – operational ATOV.
27/04/2018	23:34	Richard Kalu	Visit to premises with John Uzodinma Okeke. Premises closed and compliant.
15/05/2018	23:15	Andrew Heron	NTE Visit with Clarissa. Arrived at prem - George Nulachukuru (Manager) at door, says that he is closing up and bringing in barriers. X17 patrons inside, many with full drinks on table, music playing. Says that he is closing and the shutters are going down. ADV: This will become a 'lock in', which he denied. ADV: Will come back every Friday and Saturday to check.
18/05/2018	23:30	Richard Kalu	Visit to premises with Clarissa O'Toole to carry out observations of premises. The premises was closed and non-operational ATOV.
19/05/2018	02:10	Richard Kalu	Visit to premises with Clarissa O'Toole to carry out observations of premises. The premises was closed and non-operational ATOV.
19/05/2018	21:52	Farhad Chowdhury	Open and seen people inside.
19/05/2018	23:11	Farhad Chowdhury	Open seen two customers enter shutters half down, at 23:12 seen four customers leave the premises. At 23:14 seen the inside of premises full of customers approx. 20 plus customers inside can see their heads through the windows.
20/05/2018	00:45	Farhad Chowdhury	Shutters down, appears to be closing.
26/05/2018	23:00	Andrew Heron	Shutters down, lights off, no activities.

02/06/2018	00:00	Richard Kalu	Visit to premises with Adam Burchett and John Ducker from Police NTE Team. Premises closed and compliant ATOV.
03/11/2018	00:05	Richard Kalu	Compliance check at the premises with Clarissa O'Toole. Premises compliant and no issues noted. No audible amplified music could be heard from outside the premises.
04/11/2018	01:11	Farhad Chowdhury	Closed no activity.
17/11/2018	01:18	Richard Kalu	Visit to premises with Farhad to complete a compliance check. Premises closed and non – operational ATOV.
24/11/2018	01:30	Richard Kalu	Visit to premises with Ken Dale to complete a full licensing inspection. Premises closed ATOV.
16/02/2019	01:00	Richard Kalu	Visit to premises with Clarissa O'Toole (ASB Officer). Premises operational some slight amplified music could be heard from the premises. X 15 patrons inside dining. No patrons located at the front of the premises or to the rear of the premises.
17/02/2019	00:05	Farhad Chowdhury	Open very busy full of customers.
23/02/2019	02:19	Richard Kalu	Visit to premises with Ken Andrews (Principal EPT Officer).Premises closed and compliant ATOV.
14/02/2020	23:20	Farhad Chowdhury	Spoke to George about noise complaints from local resident about the bass, I went to the rear of the premises could hear bass. Asked George to turn it down, he said he will and he had a valentines party tonight very busy premises. Said someone left rear door open last weekend and will ensure it does not happen again.
08/03/2020	00:10	Charlie Jerrom	Visit to the premises with Ketchi, a full licensing inspection was completed. Condition 288 was found to be in breach as the licence holder could not show me 31 days footage from the CCTV. I explained a warning letter will be sent in regards to the breach witnessed. Action: Append to APP.
01/05/2020	19:42	Richard Kalu	Premises closed ATOV.
07/05/2020	14:05	Charlie Jerrom	Premises closed.
31/07/2021	23:15	Farhad Chowdhury	Visit to premises to carry out observations following amendment to Government Covid-19 restrictions. Premises open very busy inside loads of cars parked all over pavement busy area needs parking attendants to come out a night.
06/08/2021	??:??	Charlie Jerrom	Visit to premises, they have knocked through to the old Carphone Warehouse, ATM its still being decorated however tables and chairs are inside, I have informed them that the area cannot be used until a licence is applied for, if they are found to be using the area enforcement action will be taken.
20/08/2021	23:20	Farhad Chowdhury	Visit to premises to carry out observations following amendment to Government Covid-19 restrictions. Open very busy inside.
01/10/2021	23:05	Farhad Chowdhury	Visit to premises to carry out observations following amendment to Government Covid-19 restrictions. Open very busy inside.
09/10/2021	22:15	Farhad Chowdhury	Visit to premises to carry out observations following amendment to Government Covid-19 restrictions. Open very busy inside.
17/10/2021	18:10	Farhad Chowdhury	Visit to premises to carry out observations following amendment to Government Covid-19 restrictions. Open. Barriers outside staff outside all quiet.
22/10/2021	21:25	Farhad Chowdhury	Visit to premises to carry out observations following amendment to Government Covid-19 restrictions. Joint visit with Gavin Blackburn and Richard Kalu met George the owner he explained he bought next door unit 1 and 2

			<p>he is the owner and he has leased the car phone warehouse and given to someone else. There was a wedding reception at time of our visit and people seen dancing and eating and drinking, we seen the new kitchen next door works not completed, there were wires hanging and no emergency lighting advised George to get new signs and fire exit signs and emergency lighting and will revisit in two weeks. Richard discussed noise complaint, then George said that the noise was from a new club open [REDACTED] in [REDACTED] which is causing the noise and parking issues.</p>
22/10/2021	20:51	Richard Kalu	<p>Visit to premises with Farhad Chowdhury (Principal Health & Safety Officer) and Gavin Blackburn (Planning Enforcement Officer).</p> <p>ATOV the premises licence holder & DPS George Nwachukwu was on site. We walked around the premises and were shown a separate entrance and exit for the premises as well as a rear fire exit.</p> <p>The premises has been extensively refurbished and now has dedicated toilets for patrons (X1 male toilet / X 1 female toilet and X1 disabled toilet). A kitchen has also be installed in the premises.</p> <p>ATOV there was a wedding party with patrons sat at tables with some dancing. Food was on display within the premises for the benefit of the wedding party. Extensive CCTV within the premises that has been specifically enabled for full facial recognition as well as CCTV covering the designated floor area of the premises as well as the external perimeter of the premises.</p> <p>Noted that there is an inter-connecting door between Unit 1 & Unit 2 which is currently being operated as Empire Lounge (Unit 2). I have been advised that Unit 1 Will be operated by a different DPs from Unit 2.</p> <p>Picture attached which shows the inter-connected door between Unit 1 & Unit 2.</p> <p>A Perimeter walk around the external part of the premises did not find any sound escape. Known residential address where complaints have been received from was used as a noise monitoring point however sound was not audible.</p> <p>Some parking congestion issues observed however we could not attribute this to the premises.</p> <p>*** [REDACTED], London SE15 1PD - File Note [REDACTED] ***</p> <p>Advised by George Nwachukwu that a premises within the [REDACTED] [REDACTED] from Empire Lounge is being used as a club. We have been advised that one of the units behind closed doors has been refurbished with a bar and dancefloor. George Nwachukwu states the club on some nights are operating to 04:00hrs and are also sometimes providing strippers within the club. I have confirmed that we will investigate the allegation.</p>
29/10/2021	23:15	Farhad Chowdhury	<p>Visit to premises to carry out observations following amendment to Government Covid-19 restrictions. Open very busy inside premises.</p>

05/11/2021	20:05	Farhad Chowdhury	Visit to premises to carry out observations following amendment to Government Covid-19 restrictions. Open very busy inside premises, people eating and dancing.
14/11/2021	23:35	Farhad Chowdhury	Visit to premises to carry out observations following amendment to Government Covid-19 restrictions. Open very busy inside premises.

APPENDIX P

Ref.	Start date	End date	Time	Max. attendees	Alcohol?	Entertainment?	Late refreshment?	Late TEN?	MPS objection?	EPT objection?	Action
856733	04/12/2016	04/12/2016	00:00 - 03:00	90	Yes	Yes	Yes	No	No	No	
856826	09/12/2016	11/12/2016	00:00 - 03:00	90	Yes	Yes	Yes	No	No	No	
857003	16/12/2016	18/12/2016	00:00 - 03:00	90	Yes	Yes	Yes	No	No	No	
857111	23/12/2016	25/12/2016	00:00 - 03:00	90	Yes	Yes	Yes	No	No	No	
857125	30/12/2016	01/01/2017	00:00 - 03:00	90	Yes	Yes	Yes	No	No	No	
857281	07/01/2017	09/01/2017	11:00 - 03:30	90	Yes	Yes	Yes	Yes	No	No	
857379	27/02/2017	28/02/2017	23:00 - 04:30	100	Yes	Yes	Yes	No	Yes	Yes	TEN with-drawn



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