

## Licensing Sub-Committee

Thursday 9 February 2023  
10.00 am

Online/Virtual: please contact [andrew.weir@southwark.gov.uk](mailto: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 Barrie Hargrove  
Councillor Kath Whittam

### Reserves

Councillor Sunny Lambe

---

### INFORMATION FOR MEMBERS OF THE PUBLIC

---

#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

#### Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: [www.southwark.gov.uk](http://www.southwark.gov.uk) or please contact the person below.

#### Contact

Andrew Weir by email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

---

Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 31 January 2023



## Licensing Sub-Committee

Thursday 9 February 2023  
10.00 am

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

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: COOL AND COZZY LOUNGE,156 WELLS WAY, LONDON SE5 7SY</b>	1 - 152
	<b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT</b>	

**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**

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 9 February 2023	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Licensing Act 2003: Cool and Cozy Lounge,156 Wells Way, London SE5 7SY	
<b>Ward(s) of group(s) affected</b>		St Giles Ward	
<b>From</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Cool and Cozy Restaurant Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Cool and Cozy Lounge (nee Flying Dutchman), 156 Wells Way, London SE5 7SY.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 11 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 12 to 21 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted responsible authorities are attached to this report in Appendix B. The representations against the application are in Appendix C. The representations supporting the application are in Appendix D. A map showing the location of the premises is attached to this report as Appendix F.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 provides a 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 16 December 2022 Cool & Cozy Restaurant Limited applied to this council for the grant of a premises licence in respect of Cool and Cozy Lounge (nee Flying Dutchman) – 156 Wells Way, London, SE5 7SY. The premises are described in the application simply as being:
  - “Bar/nightclub.”.
9. The application and is summarised as follows:
  - The sale by retail of alcohol (on sales):
    - Monday to Sunday from 10:00 to 04:00
  - The provision of late night refreshment (indoors):
    - Monday to Sunday from 23:00 to 04:00
  - The provision of regulated entertainment in the form of plays, live and recorded music, films (Indoors) and performances of dance:
    - Monday to Sunday from 23:00 to 04:00

- Opening hours:
  - Monday to Sunday from 10:00 to 04:30
- Non-standard timings:
  - On Bank Holidays, opening times will be extended by one hour
  - From the end of the permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

### **Designated premises supervisor**

10. The proposed designated premises supervisor (DPS) of the premises is Francis Kpandeh who has a personal licence by London Borough of Southwark and is a director of the applicant company.
11. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, 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 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. A copy of the application and premises plan is attached to this report in Appendix A.

### **Representations from responsible authorities**

12. Representations were submitted by the Metropolitan Police Service (Licensing Division), the environmental protection team and the licensing authority, in their roles as responsible authorities.
13. The Metropolitan Police Service has made a representation which raises concerns in relation the prevention of crime and disorder in that the granting of a premises licence for a nightclub in a residential area would be both inappropriate and contrary to the Southwark statement of licensing policy. It states that the operating schedule within the application does not sufficiently address the concerns of running a nightclub in this particular locality.
14. The representation from the council's environmental protection team (EPT) is made under the licensing objective of the prevention of public nuisance. The representation points to a history of noise complaints emanating from the venue and notes that EPT supported a recent review of the previous premises licence initiated in August 2022. It raises concerns that the hours sought are significantly beyond those recommended in the Southwark statement of licensing policy, that there are concerns with the management and that there remains an issue with potential for noise egress.
15. The representation from the licensing authority states that the grant would undermine all four of the licensing objectives. It points to the review brought by local residents in August 2022 and heard by the Southwark licensing sub-committee on 13 October 2022. The licensing authority also states that the DPS for the current application is the same as the previous DPS for the licence which was revoked. Significantly, the premises is in close proximity to residential addresses and this type

of venue is therefore inappropriate for the area. Finally, the hours applied for are outside of the Southwark statement of licensing policy and essentially, the new hours applied are longer than the hours on the previously revoked licence.

16. The representations are available in Appendix B.

### **Representations from other persons**

17. There are representations from 25 other persons objecting the the application, including local residents, a community church and a residents association.
18. The concerns centre on the fact that the previous premises licence was recently revoked following a review by local residents. The premises has been run on temporary events notices since the revocation and has continued to cause antisocial behaviour in this time. There are issues with the premises being in close proximity to residential properties.
19. The representations against the application are available in Appendix C.
20. There are two representations in favour of the application, stating that the applicant will support the licensing objectives.
21. The representations supporting the application are available in Appendix D.

### **Conciliation**

22. The applicant's legal representative has been sent copies of all the submitted representations. At the point that this report was composed, the representations had not been addressed.
23. The licensing sub-committee will be apprised as to any conciliation, whether partial or full, of any of the other persons, or responsible authorities, who submitted representations.

### **Premises history**

24. The premises has operated as a drinking establishment since 1878 and operated under prior licensing legislation until 2005 when the Justices Licence held under the Licensing Act 1964 was converted into a premises licence held under the Licensing Act 2003.
25. On 13 February 2015 the licence was transferred to FDL Arts Ltd. The company directors were Antonio Mori and Manuela Codo.
26. On 25 February 2015 the licence was transferred to FDL Arts and Events Limited. The company directors were Antonio Mori and Manuela Codo.
27. On 18 March 2015 an application to vary the premises licence was submitted. The application sought to extend the premises operating hours. The application was granted and allowed for the current operating hours.
28. On 4 September 2019 Francis Kpandeh was specified as the designated premises supervisor in respect of the premises.

29. On 3 October 2020 an application to review the premises licence issued in respect of the premises was submitted by a local resident (other person 3). They withdrew their review on 6 October 2020 as they wished to preserve their anonymity.
30. On 4 September 2021 the licence was transferred to FDN Arts and Events Limited. The company director is Manuela Codo. A copy of this licence is available for Members' information in Appendix E.
31. On 24 July 2022, an application was submitted by an other person, under Section 51 of the Licensing Act 2003, for the review of the premises known as Cool & Cozy Lounge, The Flying Dutchman, 156 Wells Way, London SE5 7SY.
32. The matter was considered by the licensing sub-committee on 13 October 2022 and the sub-committee saw fit to revoke the premises licence. A copy of the notice of decision from that hearing is available in Appendix F.

### Temporary events notices

33. Below is a list of temporary events notices:

<b>Date of Application</b>	<b>Date of Event</b>	<b>Applicant</b>	<b>Licensable Activities</b>	<b>Counter notice?</b>
08/12/2022	16/12/2022 to 18/12/2022 from 12:00 to 04:00	Francis Kpandeh	Sale by retail of alcohol (on sales), regulated entertainment and late night refreshment for 300 persons	No
13/12/2022	30/12/2022 to 01/01/2023 from 12:00 to 04:00	Francis Kpandeh	Sale by retail of alcohol (on sales), regulated entertainment and late night refreshment for 300 persons	No
13/12/2022	23/12/2022 to 26/12/2022 from 12:00 to 04:00	Francis Kpandeh	Sale by retail of alcohol (on sales), regulated entertainment and late night refreshment for 300 persons	No
29/12/2022	06/01/2023 to 08/01/2023 from 12:00 to 04:00	Francis Kpandeh	Sale by retail of alcohol (on sales), regulated entertainment and late night refreshment for 300 persons	No
29/12/2022	13/01/2023 to 15/01/2023 from 12:00 to 04:00	Francis Kpandeh	Sale by retail of alcohol (on sales), regulated entertainment and late night refreshment for 300 persons	No
12/01/2023	20/01/2023 to 22/01/2023 from 12:00 to 04:00	Francis Kpandeh	Sale by retail of alcohol (on sales), regulated entertainment and late night refreshment for 300 persons	No

<b>Date of Application</b>	<b>Date of Event</b>	<b>Applicant</b>	<b>Licensable Activities</b>	<b>Counter notice?</b>
19/01/2023	27/01/2023 to 29/01/2023 from 12:00 to 04:00	Francis Kpandeh	Sale by retail of alcohol (on sales), regulated entertainment and late night refreshment for 300 persons	No

## Map

34. A map showing the location of the premises is attached as Appendix G. The following licensed premises are within the locality of the premises (100 metres):

**Happy Valley, 160 Southampton Way, London SE5 7EW** licenced for:

- The provision of late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 02:00

**Cool and Cozy Restaurant, Ground floor and basement, 101 Southampton Way, London SE5 7SX** licensed for:

- The sale by retail of alcohol to be consumed on the premises:
  - Monday to Thursday: 10:00 to 23:00
  - Friday and Saturday: 10:00 to 00:00 (midnight)
  - Sunday: 11:00 to 23:00
- The provision of late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 00:00

**N.B.** The licence holder is Cool and Cozy Restaurant Limited and Francis Kpanideh is the DPS. The premises licence issued in respect of this premises is currently suspended due to non-payment of annual licence fees.

## Southwark council statement of licensing policy

35. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and it came into effect on 1 January 2021.

36. 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.
37. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
38. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions. Links are below:

Southwark policy:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Section 182 Guidance:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

### **Cumulative impact area (CIA)**

39. The premises are not situated in a cumulative impact area.
40. According to this council's statement of licensing policy 2021 - 2026 the premises are situated in a residential area.
41. Under this council's statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within residential areas for the categories of premises stated:

- Restaurants and cafes, public houses, wine bars, other drinking establishments, bars in other types of premises, event premises / spaces where the sale of alcohol is included in, and ancillary to, a range of activities including meals:
  - Monday to Sunday: 23:00.
- Nightclubs are not considered appropriate for residential areas.

### **Climate change implications**

42. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
43. 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.
44. Examples of such agreements may be:
  - Not 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.
45. 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**

46. 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**

47. 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.
48. 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 who have 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.

49. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing policy 2021 – 2026 at:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>.

50. The equalities impact assessment is available at:

<https://moderngov.southwark.gov.uk/documents/s92016/Appendix%20F%20-%20Equalities%20Impact%20Assessment.pdf>

### **Health impact statement**

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

### **Resource implications**

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

### **Consultation**

53. 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.

### **Community impact statement**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Governance**

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

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

57. 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.

58. 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.

59. 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

60. 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.

61. The four licensing objectives are:

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

62. 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.

63. 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.

64. 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

65. 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

66. 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.

67. 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

68. 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.

69. 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.
70. 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.
71. 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.
72. 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.
73. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.
74. 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.
75. 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**

76. 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

77. 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	Application for a premises licence
Appendix B	Representations submitted by responsible authorities
Appendix C	Representations from other persons objecting
Appendix D	Representations from other persons supporting
Appendix E	Copy of the most recent premises licence
Appendix F	Notice of decision from October 2022
Appendix G	Map of the local area

## AUDIT TRAIL

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Barry O'Callaghan, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	25 January 2023	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		30 January 2023

16/12/2022

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

Ref No. 1941821

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

Cool & Cozy Restaurant Limited
--------------------------------

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)

£	8,200
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises

#### Premises trading name

	Cool & Cozy Lounge
--	--------------------

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

Do you have a Southwark postcode?	Yes
Address Line 1	[REDACTED]
Address Line 2	[REDACTED]
Town	LONDON
Post code	[REDACTED]
Ordnance survey map reference	
Description of the location	Bar/ Nightclub
Telephone number	[REDACTED]

## 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

	Cool & Cozy Restaurant Limited
--	--------------------------------

Address - First Entry

Street number or building name	101
Street Description	Southampton Way
Town	London
County	
Post code	SE5 7SX
Registered number ( where applicable )	09607267

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

Contact Details - First Entry

Telephone number	[REDACTED]
Email address	[REDACTED]

Operating Schedule

When do you want the premises licence to start?

	14/01/2023
--	------------

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 )

	Bar/ Nightclub
--	----------------

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)

	a) plays
	e) live music
	f) recorded music
	g) performance of dance

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.

A - Plays

Will the performance of a play take place indoors or outdoors or both? (Please read guidance note 3)

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

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

	-
--	---

Standard days and timings for Plays (Please read guidance note 7)

Day	Start	Finish
Mon	23:00	
	00:00	04:00
Tues	23:00	
	00:00	04:00
Wed	23:00	
	00:00	04:00
Thur	23:00	
	00:00	04:00
Fri	23:00	
	00:00	04:00
Sat	23:00	

	00:00	04:00
Sun	23:00	
	00:00	04:00

State any seasonal variations for performing plays ( Please read guidance note 5 )

--	--

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

	On Bank Holidays, licensable activities will be extended by 1 hour.  From the end of the permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
--	---

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.

E - Live Music

Will the performance of live music take place indoors or outdoors or both? ( Please read guidance note 3)

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

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

	-
--	---

Standard days and timings for Live Music ( Please read guidance note 7)

Day	Start	Finish
Mon	23:00	
	00:00	04:00
Tues	23:00	
	00:00	04:00
Wed	23:00	
	00:00	04:00

Thur	23:00	
	00:00	04:00
Fri	23:00	
	00:00	04:00
Sat	23:00	
	00:00	04:00
Sun	23:00	
	00:00	04:00

State any seasonal variations for the performance of live music ( Please read guidance note 5 )

--	--

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed. ( Please read guidance note 6 )

	On Bank Holidays, licensable activities will be extended by 1 hour. From the end of the permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
--	---

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.
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.

F - Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? ( Please read guidance note 3 )

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

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

	-
--	---

Standard days and timings for Recorded Music ( Please read guidance note 7 )

Day	Start	Finish
Mon	23:00	
	00:00	04:00

Tues	23:00	
	00:00	04:00
Wed	23:00	
	00:00	04:00
Thur	23:00	
	00:00	04:00
Fri	23:00	
	00:00	04:00
Sat	23:00	
	00:00	04:00
Sun	23:00	
	00:00	04:00

State any seasonal variations for playing recorded music ( Please read guidance note 5)

--	--

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. ( Please read guidance note 6 )

	<p>On Bank Holidays, licensable activities will be extended by 1 hour.</p> <p>From the end of the permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
--	--

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.

G - Performances of Dance

Will the performances of dance take place indoors or outdoors or both? ( Please read guidance note 3 )

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

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

	-
--	---

Standard days and timings for Performance of dance ( Please read guidance note 7 )

Day	Start	Finish
Mon	23:00	
	00:00	04:00
Tues	23:00	
	00:00	04:00
Wed	23:00	
	00:00	04:00
Thur	23:00	
	00:00	04:00
Fri	23:00	
	00:00	04:00
Sat	23:00	
	00:00	04:00
Sun	23:00	
	00:00	04:00

State any seasonal variations for the performance of dance ( Please read guidance note 5 )

--	--

Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed. ( Please read guidance note 6)

	<p>On Bank Holidays, licensable activities will be extended by 1 hour.</p> <p>From the end of the permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
--	--

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.

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 )

	-
--	---

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	04:00
Tues	23:00	
	00:00	04:00
Wed	23:00	
	00:00	04:00
Thur	23:00	
	00:00	04:00
Fri	23:00	
	00:00	04:00
Sat	23:00	
	00:00	04:00
Sun	23:00	
	00:00	04:00

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 )

	<p>On Bank Holidays, licensable activities will be extended by 1 hour.</p> <p>From the end of the permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
--	--

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	10:00	
	00:00	04:00
Tues	10:00	
	00:00	04:00
Wed	10:00	
	00:00	04:00
Thur	10:00	
	00:00	04:00
Fri	10:00	
	00:00	04:00
Sat	10:00	
	00:00	04:00
Sun	10:00	
	00:00	04:00

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 )

	<p>On Bank Holidays, licensable activities will be extended by 1 hour.</p> <p>From the end of the permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
--	--

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

	<a href="#">DPS-Consent-CC.pdf</a>
--	------------------------------------

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	Francis
Surname	Kpandeh

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 )	London Borough of Southwark

K

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)

	N/A
--	-----

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	10:00	
	00:00	04:30
Tues	10:00	
	00:00	04:30
Wed	10:00	
	00:00	04:30
Thur	10:00	
	00:00	04:30
Fri	10:00	
	00:00	04:30
Sat	10:00	
	00:00	04:30
Sun	10:00	
	00:00	04:30

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 )

	<p>On Bank Holidays, opening times will be extended by 1 hour.</p> <p>From the end of the permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
--	--

M - Steps to promote four licencing objectives

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

	<p>1. Training in relation to the promotion of the licensing objectives must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale or supply of alcohol and at least every six months thereafter.</p> <p>2. Documented training records must be kept at the premises and made available to an officer of a responsible authority on request.</p>
--	---

	<p>3. No persons carrying open, or sealed, vessels containing alcohol must be admitted to the premises at any time.</p> <p>4. No persons must be permitted to remove open vessels containing alcohol from the premises.</p>
--	---

b) the prevention of crime and disorder

	<ol style="list-style-type: none"> <li>1. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.</li> <li>2. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.</li> <li>3. The system will record and retain CCTV footage for a minimum of 28 days</li> <li>4. The system will record at all times when the premises are open.</li> <li>5. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.</li> <li>6. CCTV footage must be made available to be viewed by an officer of a responsible authority during an inspection of or visit to the Premises.</li> <li>7. Upon receipt of a request for a copy of CCTV footage from any officer of a responsible authority, the premises will produce that footage within 24 hours.</li> <li>8. CCTV system to be checked daily prior to the commencement of licensable activity. This check to be documented and signed by the person checking. This documentation to be made immediately available to any of the responsible authorities on request.</li> <li>9. If the CCTV hard drive needs to be replaced then the old / previous hard drive will be kept on the premises for a minimum of 28 days and made immediately available to any of the responsible authorities on request.</li> <li>10. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:             <ol style="list-style-type: none"> <li>11. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour</li> <li>12. All crimes reported to the venue.</li> <li>13. Any faults in the CCTV system, searching equipment or scanning equipment</li> <li>14. Any visit by a responsible authority or emergency service</li> <li>15. The incident book must be made available to officers of a responsible authority upon request or during an inspection</li> </ol> </li> <li>16. A refusals register must be kept at the Premises and maintained up to date at all times recording the date and time, type of product refused, reasons for every refusal to sell alcohol to a customer and the name and signature of member of staff refusing the sale. The refusals record must be made available to an officer of a responsible authority upon request.</li> </ol>
--	--

c) public safety

	<ol style="list-style-type: none"> <li>1. Premises to supply a risk assessment for all events held at premises. 28 days notice is required, unless otherwise agreed with Birmingham Central Licensing Team (West Midlands Police).</li> <li>2. The Licence Holder must identify the requirement for Door Staff at all times by way of a written risk assessment. The written risk assessment must remain on the premises for a minimum of twelve months and be produced to any responsible authority on</li> </ol>
--	--

	<p>immediate request.</p> <p>3. The Licence Holder shall ensure that any door staff employed at the premises wear and clearly display their SIA registration badge at all times whilst on duty. A record shall be maintained containing the names, addresses, dates of birth and registration numbers of door supervisors. The record shall be made available for inspection upon request by the Police and/or officers of the responsible authorities.</p> <p>4. The Licence Holder shall ensure that all emergency lighting is checked on a weekly basis. Entrances, exits and passageways shall be kept clear. The premises' Fire Risk Assessment will be made available to any officer of a responsible authority upon request.</p> <p>5. The Licence Holder shall ensure that the maximum number of persons on the premises at any one time shall not exceed the number agreed with West Midlands Fire Service.</p>
--	--

d) the prevention of public nuisance

	<p>1. Refuse shall not be collected from any external bins between 11pm and 7am.</p> <p>2. Signs shall be placed at all exits asking customers to respect the needs of local residents and requesting that they leave the premises quietly.</p> <p>3. The premises shall have an operational dispersals policy and noise management plan.</p> <p>4. On closing the venue staff will encourage customers to move away and disperse.</p> <p>5. A contact number will be provided for local residents to call if they have an issue with any noise levels.</p> <p>6. A maximum of 6 people outside after 01:00 hour.</p> <p>7. The Premises Licence Holder and Designated Premises Supervisor must ensure that noise levels from music (live or pre-recorded) do not give cause for annoyance to persons in the vicinity of the licensed premises.</p> <p>8. Clear notices must be prominently displayed at all exits requesting customers to leave the premises and the area in a quiet and orderly manner.</p>
--	---

e) the protection of children from harm

	<p>1. The premises will adopt the Challenge 25 scheme with appropriate signage to be placed at the entrance to the premises and adjacent to the counter area.</p> <p>2. Children under the age of 18 years old must not be permitted on the premises after 23:00 hours.</p>
--	---

Guidance note 10

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

Please upload a plan of the premises

--	--

Please upload any additional information i.e. risk assessments

--	--

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	██████████
PaymentAmountInMinorUnits	██████
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	

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	██████████
Date (DD/MM/YYYY)	16/12/2022
Capacity	Barrister and Duly Authorised Agent

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)	16/12/2022
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	██████████
Telephone No.	██████████
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.**

Once you complete form you will be redirected to payments and won't be able to return back.

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.

## APPENDIX B



## POLICE

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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/304

**Date:** 30/12/2022

Dear Sir/Madam

**Re:-Cool and Cozy Lounge The Flying Dutchman 156 Wells Way SE5 7SY**

Police are in possession of an application from the above for A New Premises Licence for the Supply of Alcohol on/off, Late Night Refreshment, Regulated Entertainment .The venues application describes itself as a Bar/Nightclub and requests the following operating times

Opening to the Public  
 Mon-Sun- 1000hrs-0430hrs

Supply of alcohol on/off sales  
 Mon-Sun- 1000hrs-0400hrs

Late Night Refreshment  
 Mon-Sun- 2300hrs-0400hrs

Regulated Entertainment  
 Mon-Sun-2300hrs-0400hrs

The venue is situated in a residential area under the Southwark statement of licensing policy 2021-2026, the hours requested are that attributed to a nightclub and such venues are not considered appropriate.

The applicant has not provided suitable enforceable control measures to address the licensing objectives in particular the prevention of crime and disorder. The conditions proposed make reference to Birmingham council and West Midlands police and do not represent the conditions we would expect as a minimum for such an application this is without taking into consideration that the venue had is licence recently reviewed and revoked whilst being under the control of the same applicant.

It should be noted that The Home office guidance issued under Sec 182 of the licensing Act 2003 'General principles' state that it is important in setting the parameters within which the premises may operate. Conditions precise and enforceable.

The metropolitan police object to the granting of this licence. The venue is to operate as a nightclub and bar to which the Southwark statement of licensing policy states such a venue is not considered appropriate and that within a residential area the latest closing time for other types of licensed venues is 2300hrs. The applicant has not provided any conditions at this time that sufficiently address the licensing objectives, primarily crime and disorder.

Submitted for your consideration.  
Yours Sincerely

PC Mark Lynch 2246AS

Licensing Officer  
Southwark Police Licensing  
SouthwarkLicensing@met.police.uk

**ENVIRONMENTAL  
PROTECTION TEAM**

**From:** Binya, Raymond <[Raymond.Binya@southwark.gov.uk](mailto:Raymond.Binya@southwark.gov.uk)>

**Sent:** Friday, January 13, 2023 2:12 PM

**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>

**Cc:** [REDACTED]

**Subject:** Application for new licence to be granted under the Licensing Act 2003 for Cool and Cozy Lounge 156 Wells Way SE5 7SY our ref 990963

Dear Licensing Team,

Application for a provisional statement to be granted under the Licensing Act 2003.

**Premise Licence:** 879187

**Address:** Cool and Cozy Lounge  
The Flying Dutchman  
156 Wells Way  
SE5 7SY

Application is for:

1. Provision of regulated entertainment
  - a) plays
  - e) live music
  - f) recorded music
  - g) performance of dance
2. Provision of late night refreshment and
3. Supply of alcohol

Opening hours for applied licensable activities are listed as: Monday to Sunday 2300-04:00

I wish to make a representation on behalf of Southwark Environmental Protection Team (EPT) in our capacity as Environmental Health Responsible on the above new premises Licence under the Licensing Act 2003 about the likely effect of the existing licence on the promotion of the 'prevention of public nuisance' licensing objective.

In 08/08/2022 our team supported a review that was submitted against the premises. Review was mainly based review on the impact caused by early morning activities (Fridays and Saturdays), as a result of loud music and patron noise. During this review, we provided evidence of a record of 39 complaints that were received through Southwark Council's through Noise and Nuisance Team (NT). Since the review, further complaints were received

Date of complaint	Details of complaint	Action Taken
**20/ 8/2022	Loud music and people noise from the pub	On 24/08/2022 an advisory letter was sent

		to the DPS by Noise Team.
<b>20/ 8/2020 0.44am</b>	Loud music and screaming in Courtyard	Voicemail was left on resident phone to call back if noise was still ongoing
<b>**21/ 9/2020</b>	Loud music and shouting	Message was left for noise issues to be reported the Noise Team (NT)
<b>**22/9/2020</b>	Loud music and noise from patrons	Message was left for noise issues to be reported the Noise Team (NT) on time of occurrence

*\*\* NTT a service request that is logged when either the team is not in operation at the time of the reporting or the disturbance being reported is not occurring at that time. Noise Team have two types of codes for service requests*

At the time of review we raised our concerns that some of the conditions were not being complied.

It is also my opinion that the premises may be in breach of the following conditions which were designed specifically for promotion of the 'prevention of public nuisance' licensing objective:

Therefore, our representation is based on the fact that:

- a) The licensing hours are outside those recommended by the current Southwark Licensing Policy
- b) We have serious concerns on the confidence on management to properly manage the premises without any further issues.
- c) We have concerns with the structural ability this premises to contain noise and the management ability to manage patrons.
- d) The two proposed steps given on Part M to ensure effective management control of any potential public nuisance (noise, odour) is inadequate
- e) There are residential properties above and on either side of this premises who are likely to continue to be affected by activities from this premises if licence is granted.

Kind Regards

**Raymond Binya**  
**Principal Environmental Protection Officer**  
Environmental Protection Team  
Tel: 020 7525 4809

<b>To:</b> Licensing Unit	<b>From:</b> Wesley McArthur <a href="mailto:wesley.mcarthur@southwark.gov.uk">wesley.mcarthur@southwark.gov.uk</a> 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	<b>Date:</b> 13 January 2023
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	Cool & Cozy Lounge, The Flying Dutchman, 156 Wells Way, London, SE5 7SY	
<b>Ref:</b>	<b>879187</b>	

We object to the grant of a premises licence application, submitted by Cool & Cozy Restaurant Limited, under The Licensing Act 2003 (the Act), in respect of the premises known as Cool & Cozy Lounge, The Flying Dutchman, 156 Wells Way, London, SE5 7SY.

The application is to allow for:

**The sale of alcohol to be consumed on and off the premises:**

**Monday – Sunday: 10:00 hours – 04:00 hours**

**The provision of plays, live music, recorded music, performances of dance and late night refreshment (all indoors):**

**Monday – Sunday: 23:00 hours – 04:00 hours**

**It is proposed that on Bank Holidays, licensable activities will be extended by 1 hour, and also that licensable activities will be permitted from the end of the permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.**

**The proposed opening hours of the premises are:**

**Monday – Sunday: 10:00 hours – 23:00 hours**

**It is proposed that on Bank Holidays, the opening hours will be extended by 1 hour, and also that the opening hours will be permitted from the end of the permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.**

**The premises, and its intended operation, are described as - “Bar/ Nightclub.”**

According to section 7 of this council’s statement of licensing policy 2021 – 2026 (hereafter referred to as **the SoLP**), the premises are located within a residential area.

The local area is highly residential area with residential dwellings in very close proximity to the premises.

A copy of the SoLP is available via:

<https://www.southwark.gov.uk/assets/attach/7473/Statement-of-Licensing-Policy-2021-2026-final.pdf>

My objection is based on the following criteria:

That the grant of this application will undermine the licensing objectives.

1. A premises licence (number 875973) was previously held in respect of the premises and was revoked by this council's licensing sub-committee at a licensing hearing on 13 October 2022.

The designated premises supervisor (DPS) and manager at the time of the revocation was Mr Francis Kpandeh. The sub-committee indicated that had the licence not been revoked then they would have removed Mr Kpandeh as the DPS of the premises. In the Notice of Decision regarding the hearing of 13 October 2022 the licensing sub-committee stated:

*"In hearing the evidence from the local residents, the members were initially of the view that the most appropriate course of action may have been to remove the DPS."*

It is clear the licensing sub-committee felt that allowing Mr Kpandeh to remain as the premises DPS' would undermine the promotion of the licensing objectives.

Mr Kpandeh is one of the directors of Cool and Cozy Limited. We say that Mr Kpandeh will be the controlling interest regarding the operation of the premises if this application is granted, and that this would completely undermine the promotion of the licensing objectives given the decision of the licensing sub-committee to revoke the previous premises licence issued in respect of the premises of 13 October 2022.

Further to the above, we seek clarification as to the relationship between Mr Kpandeh and the other director of Cool and Cozy Limited, Nimata Kamara.

A copy of the Notice of Decision pertaining to the licensing sub-committee hearing of 13 October 2022 is attached to this representation as appendix (i).

2. The premises are located in a residential area. There are residential dwellings in close proximity to the premises. The following closing times are recommended for the listed types of licensed premises located in the residential areas in Southwark:

Public houses, wine bars, or other drinking establishments and bars in other types of premises

23:00 hours daily

Night clubs (with 'sui generis' planning classification)

Not considered appropriate

It has been stated that the premises are to be operated as a bar / nightclub. We say that this is an entirely inappropriate use of the premises given its sensitive location. The intended operation of the premises is highly likely to undermine the prevention of public nuisance licensing objective.

A local resident submitted a review application that led to the revocation of the previous premises licence issued in respect of the premises. Numerous local residents supported the review application. We contend that if this licence is granted then local residents will suffer severe disturbance, which will have a significant negative impact on the residents' quality of life.

The prior operation of the premises (under Mr Kpandeh's management) has led to numerous complaints regarding nuisance, crime and disorder and anti-social behaviour arising because of the operation of the premises.

As an officer who is very familiar with the area I advise that it is worth noting that the premises are generally quiet in the late afternoon / evening onwards with low levels of traffic and ambient noise.

In addition to the above, we note that the application seeks longer operating hours than were permitted under the previous licence. **The hours previously permitted regarding the premises were granted prior to recommended closing times being included in the SoLP.**

An aerial photo showing the location of the premises and its proximity to local residential dwellings is attached to this representation as appendix (ii).

A list of complaints made to the Licensing Unit regarding the operation of the premises is attached to this representation as appendix (iii)

A partial list of complaints made to the council's Noise and Nuisance Team is attached to this representation as appendix (iv)

### **Conclusion**

Taking into account the above, we object to this application, recommend that the application be rejected in its entirety and refer the application to the licensing sub-committee for determination accordingly.

Notwithstanding the above, we note that the applicant has offered various control measures in the operating schedule of the application that would form the basis of enforceable licence conditions (should a premise licence be issued subsequent to this application).

We contend that the control measures do not sufficiently address the licence objectives. If the licensing sub-committee is minded to grant this application (which we do not recommend), we would seek preferred wording for the proposed conditions to ensure that they are practicable and enforceable, and also the imposition of additional proposed conditions. We will be happy to provide the licensing sub-committee with a schedule of suitably worded conditions at the hearing to determine the application.

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer

**NOTICE OF DECISION****LICENSING SUB-COMMITTEE – 13 OCTOBER 2022****SECTION 51 LICENSING ACT 2003: COOL & COZZY LOUNGE, THE FLYING DUTCHMAN, 156 WELLS WAY, LONDON SE5 7SY****1. Decision**

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 submitted by an other person for the review of the premises licence issued in respect of Cool & Cozzy Lounge, The Flying Dutchman, 156 Wells Way, London SE5 7SY and having had regard to all relevant representations has decided to revoke the premises licence.

**2. Reasons**

This was an application made by an other under Section 51 Licensing Act 2003 for the review of the premises licence in respect of Cool & Cozzy Lounge, The Flying Dutchman, 156 Wells Way, London SE5 7SY.

The representative for the premises noted that the sole director for the premises licence holder and company was present at the sub-committee meeting. All dealings that the representative had were with the designated premises supervisor (DPS) and it was his understanding that the DPS and director were one and the same and sought confirmation from the director that they were content to be represented by him. This was confirmed.

The applicant for the review advised the sub-committee that the premises was located on Wells Way, Camberwell which was in a very residential area. The applicant's family had moved there three years previously. Prior to that, the applicant had lived on Electric Avenue, Brixton and despite this, had not experienced anything like the anti-social behaviour and licensing breaches that they had with Cool and Cozzy.

They advised that the problems with the premises had resulted in sleep disruption which was worst between 02:00 to 07:00 hours at the weekends. The incidents occurred primarily at weekends and that it was unusual to occur during the week. The problems had intensified since 2019.

The applicant stated that there had been extensive criminal and licensing violations all of which had been reported to the responsible authorities. The applicant's family had experienced drink driving, physical fights and illegal parking outside their home. There had also been public intoxication, extreme levels of noise, especially outside but also coming from inside the premises after closing hours. The Applicant had witnessed people urinating and vomiting outside of their home. There had also been reoccurring

pest infestations as a result of food being left out outside of the premises and the premises dustbins overflowing. Patrons were regularly in the premises garden, screaming and engaging in verbal and physical fights.

Large amounts of broken glass were regularly left by the premises on the pavement which had caused injuries to the family dog, requiring veterinary treatment. The applicant was also threatened by a patron of the premises who came to the applicant's front door screaming, with a knife. The individual kicked the applicant's front door so badly, it had to be replaced.

The applicant informed the sub-committee that the regular disturbances were extremely stressful. Reference was also made to the premises operating throughout the pandemic. The DPS, had been spoken to and was apologetic, but the problems always continued. The DPS had shown that he either had a lack of capacity or sound judgment to manage the premises. The DPS arranged a meet to discuss the noise level, but it felt that this was little too little, too late. The applicant requested that members revoke the premises licence.

The Chair of the licensing sub-committee noted that the premises had been transferred to an arts company, but the Applicant stated they had seen no evidence of this. The premises only appeared to operate as a nightclub.

The applicant advised that they had a Ring camera at their front door and all incidents had been captured on it, which were then duly sent to the police and the council. It was explained to the applicant that only trading standards had submitted a representation from all the responsible authorities. It was also advised that unless the applicant had submitted the evidence as part of their review application in advance of the hearing, the sub-committee would not be able to take the evidence into account.

The licensing sub-committee then heard from the trading Standards officer who stated that the ownership of the business was FDN Arts and Events Limited, who was the landlord to the premises and that DPS had been running the business before 2019. FDN Arts and Events maintained their position as premises licence holder, meaning they specified who could run the own business. The premises licence holder (director) interrupted and stated that they were not responsible for how the DPS ran the business.

The representative for trading standards advised that during the COVID pandemic, he had attended the premises with the police on numerous occasions during the lockdown and the premises was always locked and in darkness. It was compliant with the restrictions and closures imposed by the Coronavirus Regulations. Any suggestion that the premises were open, was untrue. Trading standards had been directed to attend the premises due to the extent of complaints received by the council. When the restrictions were being lifted, the premises were open and the DPS had demonstrated compliance with the COVID regulations and guidance.

When the review application had been submitted, the officer stated he had attended the premises and whilst initially there were a number of conditions not complied with, this had vastly improved. The officer confirmed that he had not witnessed any of the things being complained about, nor had the police raised any concerns to him. Other

venues in the area, had caught the officer's attention more than the Cool & Cozy Lounge. The officer had witnessed patrons using the external area/garden but the SIA security appeared strict on patron order/disorder.

The licensing sub-committee heard from other person 9. Concerning the queues into the premises, they had witnessed up to 30 to 40 people queuing to get in and called the noise team five or six times. Patrons drinking in the queue/outside the premises was not a problem nor did they feel the glass issue raised by the applicant was a problem.

The primary problem was the external noise particularly from patrons. The premises was generally well soundproofed; there was some noise, but not an amount that justified a complaint. The SIA security were able to control the door and the immediate area, but it was areas beyond the immediate vicinity that was the main problem which the DPS had not satisfactorily addressed.

The problems were at their worst between 02:30-05:30 hours. Curbing the last entry to 00:00 hours would assist the local residents. Other person 9 also referred to Southwark's statement of licensing policy and highlighted that the premises was located in a residential area and the recommended closing time was 23:00 hours and that nightclubs were not considered appropriate for residential areas. Local residents had attempted to deal with the matter amicably with the DPS, but there had been no improvements, hence the review application. It was felt that no additional conditions would alleviate situation.

It was pointed out that the recommended closing hours were introduced by council assembly after the variation of the premises licence in 2015.

The licensing sub-committee then heard from other persons 11 and 12. Other person 11 stated that FDL Arts and Events Limited was the premises licence holder and that they were the sole director of it. Person 11 was previously the DPS and ran the premises, before the current DPS. The premises was previously an arts venue between Monday and Friday, renting space to local students to show/perform their arts. At weekends, there were DJs playing until 06:00 hours. There were stringent rules as to how the premises operated at the weekends, which caused the least amount of nuisance to the neighbourhood. A lease had been signed with the DPS application. The rules as to how the premises ran (including at the weekends) were then passed to the DPS.

Since the DPS variation in 2019, there had been regular complaints of loud music and patrons not being managed well. Other person 11 stated they personally felt very disappointed with how the venue had been run and the amount of complaints that they had received from the local community. Other person 11 stated that they regretted appointing the DPS. Measures could have been put in place by the DPS to minimize any disturbance to the neighbours, but not implemented.

Person 11 stated they had no faith in the DPS. The DPS would neither implement nor comply with any conditions that the sub-committee imposed. They deeply regret appointing the DPS and being the premises license holder, were "absolutely not against the licence being revoked".

The representative for the DPS interjected and advised the sub-committee that he was likely to be conflicted in representing both the DPS and person 11 (as the premises licence holder) and requested a break to take instructions.

Following the brief adjournment the legal representative informed the sub-committee that it was not unusual in reviews applications to represent both the premises licence holder and a DPS. On this occasion however, there had been nothing in the agenda papers to indicate that other person 11 was in fact, the premises licence holder (or sole director of the company that was the premises licence holder).

The legal representative stated that due to a conflict, he was unable to assist the sub-committee. Further, because the DPS had not submitted a representation during the consultation period, he was not permitted to make verbal submissions in his own right to the sub-committee in respect of the review application. Regardless of Section 52(7) and Section 52(8) Licensing Act 2003, it was unclear why the premises licence holder failed to apply for a DPS variation.

The legal advisor to the sub-committee then asked the other person 11/premises licence holder to clarify that they were content for the premises licence to be revoked. This was confirmed. Other person 11/premises licence holder stated that the reason they had not removed the DPS was because they had a real fear of retaliation and wanted to go through the review process to ensure sure that the licence was revoked by the licensing sub-committee. To this, the legal advisor requested that the matter should go into a closed session to liaise with the members.

In hearing the evidence from the local residents, the members were initially of the view that the most appropriate course of action may have been to remove the DPS. However, in view of the other person/premises licence holder informing that sub-committee that they were content for the premises licence to be revoked, members concluded little would be gained in hearing any further action, particularly in light of the conflicting evidence from the applicant, trading standards and other person 9. However, the Chair of the sub-committee expressed extreme dissatisfaction with how the meeting had progressed.

Other person 11 was not just a resident, but the owner of the premises and the premises licence holder. Their representation made no reference to this at all. The representation was submitted in the name of EP, rather than their full legal name (held at Companies House).

The premises licence holder had the power to appoint and remove a DPS. Rather than administer the DPS' removal, they had allowed the local residents to endure the significant disturbance from the premises. The members did not accept other person 11/premises licence holder's belief that the removal of the DPS would result attract retaliation, given that they submitted a written representation and was happy to speak at a public sub-committee meeting.

It was apparent that the licensing review process was being exploited as a cheap alternative to terminating the business relationship and commercial lease through the civil courts. The licensing sub-committee unanimously felt that the matter should be

investigated further for potential criminal offences of Making a False Statement (Section 158 Licensing Act 2003) and/or Failing to Disclose Information (Section 3 Fraud Act 2006).

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

Dated 21 October 2022

**Appendix (ii)**



Date	Complainant number	Complaint sent to / referred from	Details
26/09/2019	1	SASBU referral	<p>SASBU (ASB): My family lives at XXX Wells Way in Camberwell.</p> <p>On the corner of our road, about 25 meters from our front door, is an establishment called the flying Dutchman, although it recently appears to have been rebranded as Cool Cozzy.</p> <p>As the Flying Dutchman, on average about once every 3 months, there would be a late night event at a weekend that went on until the very early hours of the morning (5am ish). When it's that infrequently we just used to Put up with it. The venue has a new sign outside now saying Cool Cozzy and it's been loud enough to stop my family from sleeping for the last two weekends.</p> <p>From reading on the internet it seems the premises has a permanent licence until 6am at the weekend. How can this possibly be appropriate in a residential area where it's stopping families from sleeping? It stops my family sleeping and there's at least half a dozen houses closer to the venue than mine. Plus there's flats under construction closer than our house.</p> <p>Can you please have a look at this as soon as possible?</p> <p>It's can't be appropriate to give this venue a 6am licence in a residential area where it's adversely impacting the lives of families.</p> <p>The venue has very few customers and it's just not right.</p>

23/04/2021	2	Licensing	<p>Hello Southwark Council,</p> <p>I'm the neighbour XXXXXXXXXXXXXXXXX to the pub.</p> <p>I'm deeply concerned about developments.</p> <p>I have a small X year old son and our front door opens straight onto the street where XXXXXXXX intends to start hosting outdoor parties.</p> <p>I've also seen the extra seating he has put in the smoking area directly outside my back garden. It will be noisy and judging by past events likely very drunken and potentially violent. I've had people fighting literally on my doorstep on at least 5 occasions since he took over, sometimes very late at night. The fact that the partying is now moving to the street is very worrying.</p> <p>Last summer the place was operated like a nightclub with no social distancing measures.</p> <p>Please take this matter seriously, we have tried every way possible to reason with this man but he nods along then does what he pleases.</p>
21/06/2021	3	Licensing	<p>Hello, we are neighbours to the <del>Club</del> The Flying Dutchman, aka Cool and Cozy Lounge at 156 Wells Way, London SE5 7SY.</p> <p>Over the last months, every Friday and Saturday, the venue has been playing extremely loud music and have had their garden filled with drunk and aggressive guests that have been shouting and fighting until 7 in the morning. We have experienced fights outside our</p>

			<p>doorstep and the police have been called out on numerous occasions.</p> <p>We fear our safety and a lot of guests drive drunk or under the influence so we fear the safety for the community too.</p> <p>This behaviour is also happening many Thursdays and Sundays with loud people being aggressive and shouting in the garden of above mentioned venue but also in the restaurant on 101 Southampton Way, Cool and Cozy. The premises on 101 Southampton Way are cooking food in the garden for the Flying Dutchman until 4 in the morning and have guests in their garden screaming and shouting until 1 in the morning most days.</p> <p>We can't sleep obviously and are also having our mental well-being seriously affected by the behaviour of this venue. How can we stop the manager of these two establishments to ruin our lives?</p> <p>We keep calling noise complaint but nothing happens.</p> <p>What actions do we have to take to work towards getting their licences revoked?</p>
08/08/2021	2	Licensing	<p>Dear Southwark licencing,</p> <p>We are at our wits end.</p> <p>We've been calling noise control almost every weekend regarding the noise, fights and antisocial behaviour at the Flying Dutchman / Cool and Cozy.</p>

			<p>It's got to the point where we expect to have a terrible sleep (or no sleep at all) every weekend.</p> <p>Nothing seems to be done and the business continues to operate on breach of the conditions of the licence.</p> <p>Please can you tell us what routes we have to get the licence revoked.</p> <p>Every attempt to get XXXXXXXX to comply has failed.</p> <p>Yours sincerely,</p>
17/08/2021	4 (lives at the same address as complainant 3)	Local residents group, copied to Licensing for information	<p>Hi all,</p> <p>I can confirm as well that the noise was once again excruciating on both Friday and Saturday. And that the noise keeper on until past 5 am in the morning. It can only be described as torture, since it was impossible to sleep or feel safe. It was as if there was a club venue both in the garden and out on the street. Being XXXXX it did not feel safe to ask highly intoxicated guests to lower the music or their voices. The security at the venue did nothing.</p> <p>The council was called several times but no one came to check the noise level.</p> <p>I am more than happy to leave a formal statement if needed. I've also contacted the council and asked that they share all of my filed complaints. So that they can be shared with you. This might be helpful as it will show the consistency of the ongoing noise level.</p>

All the best,

06/09/2021	2	Licensing	<p>The Flying Dutchman is, as every weekend playing extremely loud music and allow guests to shout scream and argue in the garden. His guests are also parked all over Southampton Way on double yellow and a lot of people are having small pre parties in their cars drinking, smoking weed, and shouting while littering and urinating on our houses. Southwark Council should be ashamed of themselves to let this bully XXXXXXXX continue behaving like this.</p>
06/092021	4	SASBU referral	<p>Several men are screaming aggressively at a women in at the Cool Cozzy Lounge. Loud music is being played. Their own security is not intervening. We are worried about our own safety and others. This type of behaviour happens every weekend.</p>
18/09/2021	2	Licensing	<p>Hi all,</p> <p>Last night was just awful. Loud music and partying noise woke me from my sleep at 3.30am. Then there was a girl screaming outside. Later on around 6am a girl was knocking on doors with a knife and had to be tasered by the police that the neighbors phoned to come help. The drink driving is blatant also.</p> <p>We never had to once complain before Francis took over. We are beside ourselves. It's utterly exhausting having to phone up and wait for a call back for an hour or more when you want to be asleep. It doesn't seem to make a difference. The situation is almost lawless.</p> <p>How much longer will it go on before we can put a stop to this?</p>

			Sincerely,
20/09/2021	3	SASBU referral	<p>The Flying Dutchman is every weekend playing extremely loud music and allow guests to shout scream and argue in the garden. His guests are also parked all over Southampton Way on double yellow and a lot of people are having small pre parties in their cars drinking, smoking weed, and shouting while littering and urinating on our houses. Southwark Council should be ashamed of themselves to let this bully XXXXXXXX continue behaving like this.</p> <p>We are suffering psychologically since we can't sleep and XXXXXXXX is threatening us.</p>
20/09/2021	4	SASBU referral	<p>There is screaming and fighting in the background at Cool and Cozy lounge, also known as The Flying Dutchman. People are highly intoxicated. This will go on until 06:00 since the owner keeps violating his licensing rights and it has been like this every weekend and some weekdays for the last 1 1/2 years (closer to 2 years). It always follows the same pattern and usually ends with a physical fight among guests in the early hours of the morning. That is when we are forced to call the police. It is having a serious impact on our day-to-day life. The lack of sleep effect our work and personal life.</p>
27/09/2021	2	SASBU referral	<p>Loud music, shouting, people all over the road, loud arguments in the beer garden of the pub. We couldn't sleep and were very distressed.</p>

28/09/2021	2	Noise Team referral	Last night from around midnight until past 5am there was loud music coming from the Cool Cozy Pub at 156 Wells Way. There were also loud people outside on the street fighting and causing disturbance. I have a small child and this ongoing issue with noise is causing much distress.
28/09/2021	3	Noise Team referral	The Flying Dutchman is, as every weekend playing extremely loud music and allow guests to shout scream and argue in the garden. His guests are also parked all over Southampton Way on double yellow and a lot of people are having small pre parties in their cars drinking, smoking weed, and shouting while littering and urinating on our houses. Southwark Council should be ashamed of themselves to let this bully XXXXXXXX continue behaving like this.  My number is XXXXXXXXXXXXX.
11/10/2021	3	SASBU referral	The Flying Dutchman are playing loud music and there are fights and screams in their beer garden. Cars are parked all over Southampton Way and people are littering using drugs and driving under the influence. ON A SUNDAY NIGHT (and Monday morning). How can the council allow this to happen??? It's 2 o'clock in the morning on a Monday.  We are scared someone will get hurt and that our property will be destroyed.
17/10/2021	3	SASBU referral	Women being shouted at and threatened by several men. Fighting.  Drunk driving. Loud music. Street littering. Community unsafe.

17/01/2022	4	Licensing	<p>The venue was closed down last week due to pest issues.</p> <p>We saw rats running around the area just this evening and it has reopened even if the pest issue has not been resolved.</p> <p>People are (once again) arguing in the garden. There is loud music being played and the street has been closed off with traffic cones. People have been seen loudly arguing in the street. This is an absolute outrage and frankly disgusting considering the amount of rats. We are extremely worried about our family's health and safety. We have a new born and now have to worry about both intoxicated people, unacceptable noise volumes (at 05:30 in the morning) and unsanitary conditions.</p> <p>Please action this issue ASAP.</p>
22/02/2022	5	Environmental Customer Services, copied to Licensing	<p>Thank you for your email.</p> <p>I just received a very unsatisfactory call from one of your colleagues. The noise problem I was reporting is consistent and unrelenting.</p> <p>It is centred around the premises of 156 wells way, aka the 'cool and cosy lounge' aka the 'Flying Dutchman'.</p> <p>Every single weekend there is considerable noise between the hours of 3-4am and 5.30-6am. While the noise does not come directly from the premises it is entirely caused by its 6am licence.</p> <p>I was advised by your colleague that as this was the case and it had not been witnessed there was to be no further action at this time.</p>

			<p>I was also advised to call when the disturbance was happening. I have done this many times, having called the noise team when the number was operational at around 3am. Generally I would receive a call back at 4, and someone would attend just after then, when everyone was in the club and there was no disturbance outside.</p> <p>Subsequently, as always, just after 5am everyone would start to leave and the considerable disturbance would resume.</p> <p>I understand this is predominately a licensing issue but the problem is the noise and the antisocial behaviour from the guests, hence I have started the process of resolving it with yourselves.</p> <p>I believe I have cc'd this to the relevant department if, as I was advised by your colleague, as there was nothing you can do.</p> <p>Myself and my wife have to get up at 9-10am every Saturday and Sunday for work and this consistent disruption to our sleep, on a residential road is both unacceptable and incredibly distressing.</p> <p>We're not the only one to be affected!</p> <p>Yours sincerely</p>
23/06/2022	1	Complaint to local MP referred to Licensing	<p>Dear Harriet,</p> <p>I'm sad to be writing to you again on the same topic over 2 years since the last time. A lot has changed over that time but there are also things that have not.</p> <p>The issues we were having with the</p>

			<p>Flying Dutchman / Cool &amp; Cozy across the road from our house really improved after your help back in 2019 and then lay dormant through the pandemic but are unfortunately now back and as bad as ever.</p> <p>To recap I live at XXX XXX which is a lovely residential street in Camberwell. I now have X children (XXX XXXX) which is one more than I had last time we exchanged emails. The older X go to XXXXXXXX XXXXXXXX school at the other side of the XXXX.</p> <p>The reason for my emails is that the Flying Dutchman or Cool &amp; Cozy as it has now been branded has somehow over the years obtained a completely inappropriate alcohol licence that is totally at odds with its completely residential location. I believe it's the only standing 6am licence in the whole of Southwark and it's a venue which is totally surrounded by houses full of young families. In its previous guise of the Flying Dutchman pre-2018, the venue was used as an events venue and would cause a disturbance once every couple of months. Nobody really minded that and we all got on with it. Now their patrons wake up everybody this end of the street from 3-6am every Friday and Saturday night. They routinely park all the way along the double yellow lines near the venue and shout, fight, and slam car doors every Friday and Saturday.</p> <p>The long and short of it is that this venue has somehow been given the wrong alcohol licence and it's negatively impacting a significant number of local residents. This is totally not the right location for Southwark's only 6am nightclub.</p>
--	--	--	--

			<p>Could you look into this again for us and help us please? Somehow we need this licence to be reviewed and changed to 11pm as would be appropriate for its location.</p> <p>Now it's time for me to get ready to take my [REDACTED] to football training after the standard 3-6am wake up this morning.</p> <p>Anything you could do to help would be very much appreciated as your help was back in 2019.</p> <p>Regards,</p>
20/09/2022	4	Licensing	<p>SASBU (ASB): Large verbal fight in the venues garden that has been going on for hours. Extremely loud music and litter all over the street. No indication that this will stop.</p>
22/09/2022	6	Police referral	<p>Good Afternoon,</p> <p>I am writing to complain about the poor running of Cool &amp; Cozy Lounge, 156 Wells Way, SE5 7SY. This ineffective management has resulted in a customer suffering a GBH assault on 18th September 2022 where he was hit by a bottle of drink causing a gash to the head.</p> <p>This customer had been out drinking with a female friend elsewhere &amp; they then came to Cool &amp; Cozy. When they were about to leave at 05:00, an argument over the ownership of jacket ignited between the victim &amp; his female friend. This female struck the victim over the head with a bottle, causing a deep gash to his head around 2 inches long that required hospital treatment. The victim called 999. Police &amp; LAS attended. Crime report XXXXXXXX/XX &amp; CAD XXXX refer.</p>

			<p>DPS Francis Kpandeh told police that the victim was drunk when he arrived &amp; been trying to eat food off other people's tables when he stepped in to try &amp; give him some water to sober him up. Despite this, the victim &amp; his friend were allowed to continue dancing &amp; drinking. The crime report states "Staff were disgruntled that the victim called police, so when police were on scene staff were reluctant to give their details as well as incident information."</p> <p>The area where the assault took place was covered bottles, glass, liquid &amp; tissues, so no opportunity for any forensic evidence to be secured.</p> <p>According to the victim, his friend he arrived with is called "XXXX" &amp; she has been she is a regular at the this venue for a long time.</p> <p>Staff were also asked for further details on RUGI. They confirmed she was a regular but they would not provide any details. She left immediately after assault.</p> <p>CCTV was checked. It was found not to cover the location where the assault happened &amp; was of poor quality.</p> <p>In summary, this venue has completely failed to meet the licensing objectives of prevention of Prevention Of Crime &amp; Disorder and Public Safety for the following reasons –</p> <ul style="list-style-type: none"> <li>• They permitted drunk victim &amp; suspect into the venue.</li> <li>• They served alcohol to the drunk victim &amp; suspect.</li> </ul>
--	--	--	--

			<ul style="list-style-type: none"><li>• Once the assault took place, they did not attempt detain the suspect &amp; she was permitted to leave (despite having SIA door staff).</li><li>• They did not provide any first aid to the victim.</li><li>• They did not contact police or ambulance after the assault.</li><li>• Further to this, the victim informed police that staff were actually telling him &amp; putting him under pressure not to contact police.</li><li>• Staff were unhelpful &amp; obstructive towards police. Despite the fact that suspect XXXX is a regular there, they were not willing provide any details for her, plus the SIA door staff initially refused to provide his details to police until he was reminded that he is obliged to share these details with us.</li><li>• The CCTV at the venue, which is a requirement on their license is of poor quality.</li><li>• By permitting entry &amp; serving alcohol to two drunk people, they have created the situation for violence to occur. Once the assault happened, DPS Francis &amp; other staff there have shown no regard for the welfare of the victim, placed the victim under duress to not contact police &amp; been obstructive towards police. Their only concern was for the potential implications the GBH may have on their license.</li></ul> <p>Very poor indeed.</p>
--	--	--	--

			Regards, PC Ross Kennedy 2222AS Night Time Economy Team
--	--	--	---

Appendix (iv)

## London Borough of Southwark

CMU V8.9.x.0

REPORT PREPARED ON 20/ 9/21 AT 09:39

Complaint reference number: 954313

DATES

DATE RECEIVED: 19/06/2021 TIME: 21.11  
 DATE OF FIRST RESPONSE: 19/06/2021 TIME: 21.45  
 DATE CLOSED: 19/06/2021  
 TARGET RESPONSE DATE: 19/06/2021 TIME: 22.11

DETAILS OF COMPLAINT

People Noise (Footsteps, Talking) - RR

COMPLAINT CATEGORY: NR4 - People Noise - Inadequate Sound Insulation - RR  
 UNIT: NRR - Noise Rapid Response  
 INVESTIGATING OFFICER: NIB - Niall Boyce  
 RECEIVING OFFICER: CSR - SAP CRM USER

NAME OF PERSON COMPLAINED AGAINST

PREMISES REF: [REDACTED]  
 UPRN/USRN: [REDACTED]  
 EASTING: [REDACTED]  
 NORTHING: [REDACTED]

ADDRESS COMPLAINED AGAINST

The Flying Dutchman  
 156 Wells Way  
 London

SE5 7SY

AREA: Camberwell  
 WARD: St Giles

UPRN/USRN: [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]FULL DETAILS OF COMPLAINANT

[REDACTED]  
 LPIKEY: [REDACTED]  
 UPRN/USRN: [REDACTED]  
 EASTING: [REDACTED]  
 NORTHING: [REDACTED]

WARD: [REDACTED] STW - St Giles  
 [REDACTED] TEL - Telephone

People Noise (Footsteps, Talking) - RR: people noise

DATES

DATE RECEIVED:	19/06/2021	TIME: 21.11
DATE OF FIRST RESPONSE:	19/06/2021	TIME: 21.45
DATE CLOSED:	19/06/2021	
TARGET RESPONSE DATE:	19/06/2021	TIME: 22.11

CMU V8.9.x.0

REPORT PREPARED ON 20/ 9/21 AT 09:39

Complaint reference number: 954326

DATES

DATE RECEIVED: 19/06/2021 TIME: 23.22  
DATE OF FIRST RESPONSE: 19/06/2021 TIME: 23.38  
DATE CLOSED: 19/06/2021  
TARGET RESPONSE DATE: 20/06/2021 TIME: 0.22

DETAILS OF COMPLAINT

Music - RR

COMPLAINT CATEGORY: NR1 - Loud Music - RR  
UNIT: NRR - Noise Rapid Response  
INVESTIGATING OFFICER: NIB - Niall Boyce  
RECEIVING OFFICER: CSR - SAP CRM USER

NAME OF PERSON COMPLAINED AGAINST

PREMISES REF: [REDACTED] TRADER: THE STREET  
LA REF: [REDACTED] TRADER:  
UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]  
PREMISES ALARM STATUS: N

ADDRESS COMPLAINED AGAINST

Street Blpu  
Southampton Way  
London

AREA: Walworth  
WARD: Brunswick Park Old Ward

UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]

FULL DETAILS OF COMPLAINANT

[REDACTED]

TELNO: [REDACTED]  
LPIKEY: [REDACTED]  
UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]  
WARD: STW - St Giles  
HOW RECEIVED: TEL - Telephone

Music - RR: Tenant states loud music from the Flying Dutch man Pubon  
SOUTHAMPTON WAY

DATES

DATE RECEIVED:	19/06/2021	TIME:	23.22
DATE OF FIRST RESPONSE:	19/06/2021	TIME:	23.38
DATE CLOSED:	19/06/2021		
TARGET RESPONSE DATE:	20/06/2021	TIME:	0.22

CMU V8.9.x.0

REPORT PREPARED ON 20/ 9/21 AT 09:40

Complaint reference number: 954421

DATES

DATE RECEIVED: 20/06/2021 TIME: 22.11  
DATE OF FIRST RESPONSE: 20/06/2021 TIME: 22.24  
DATE CLOSED: 20/06/2021  
TARGET RESPONSE DATE: 20/06/2021 TIME: 23.11

DETAILS OF COMPLAINT

People Noise (Footsteps, Talking) - RR

COMPLAINT CATEGORY: NR4 - People Noise - Inadequate Sound Insulation - RR  
UNIT: NRR - Noise Rapid Response  
INVESTIGATING OFFICER: AXQ - Alex Quaye  
RECEIVING OFFICER: CSR - SAP CRM USER

NAME OF PERSON COMPLAINED AGAINST

PREMISES REF: [REDACTED] TRADER: THE STREET  
LA REF: [REDACTED] TRADER:  
UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]  
PREMISES ALARM: [REDACTED]

ADDRESS COMPLAINED AGAINST

Street Blpu  
Wells Way  
London

AREA: Walworth  
WARD: Faraday Old Ward

UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]

FULL DETAILS OF COMPLAINANT

[REDACTED]

LPIKEY: [REDACTED]  
UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]

WARD: STW - St Giles  
HOW RECEIVED: TEL - Telephone

People Noise (Footsteps, Talking) - RR: Screaming from back garden  
from Cool and Cozy 156 Wells Way

DATES

DATE RECEIVED:	20/06/2021	TIME:	22.11
DATE OF FIRST RESPONSE:	20/06/2021	TIME:	22.24
DATE CLOSED:	20/06/2021		
TARGET RESPONSE DATE:	20/06/2021	TIME:	23.11

CMU V8.9.x.0

REPORT PREPARED ON 20/ 9/21 AT 09:40

Complaint reference number: 954833

DATES

DATE RECEIVED: 25/06/2021 TIME: 23.55  
DATE OF FIRST RESPONSE: 26/06/2021 TIME: 0.04  
DATE CLOSED: 26/06/2021  
TARGET RESPONSE DATE: 26/06/2021 TIME: 0.55

DETAILS OF COMPLAINT

People Noise (Footsteps, Talking) - RR

COMPLAINT CATEGORY: NR4 - People Noise - Inadequate Sound Insulation - RR  
UNIT: NRR - Noise Rapid Response  
INVESTIGATING OFFICER: OA2 - Omomayowa Alabi  
RECEIVING OFFICER: CSR - SAP CRM USER

NAME OF PERSON COMPLAINED AGAINST

PREMISES REF: [REDACTED] TRADER:  
UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]

ADDRESS COMPLAINED AGAINST

The Flying Dutchman  
156 Wells Way  
London

AREA: Camberwell  
WARD: St Giles

SE5 7SY

UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]  
LPIKEY: [REDACTED]

FULL DETAILS OF COMPLAINANT

[REDACTED]

LPIKEY: [REDACTED]  
UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]  
WARD: STW - St Giles  
HOW RECEIVED: TEL - Telephone

People Noise (Footsteps, Talking) - RR: Screaming and shouting from the premises sounds like party has been moved outside. Every Friday Saturday and sometimes Thursday and Sunday as well as loud music.

DATES

DATE RECEIVED:	25/06/2021	TIME:	23.55
DATE OF FIRST RESPONSE:	26/06/2021	TIME:	0.04
DATE CLOSED:	26/06/2021		
TARGET RESPONSE DATE:	26/06/2021	TIME:	0.55

CMU V8.9.x.0

REPORT PREPARED ON 20/ 9/21 AT 09:40

Complaint reference number: 954959

DATES

DATE RECEIVED: 27/06/2021 TIME: 4.40  
DATE OF FIRST RESPONSE: 27/06/2021 TIME: 5.28  
DATE CLOSED: 27/06/2021  
TARGET RESPONSE DATE: 27/06/2021 TIME: 5.40

DETAILS OF COMPLAINT

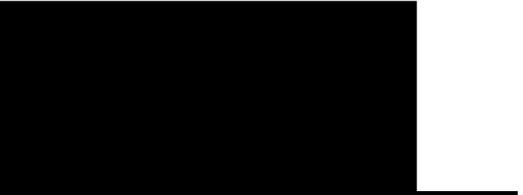
People Noise (Footsteps, Talking) - RR

COMPLAINT CATEGORY: NR4 - People Noise - Inadequate Sound Insulation - RR  
UNIT: NRR - Noise Rapid Response  
INVESTIGATING OFFICER: 6GA - Daniel Turner  
RECEIVING OFFICER: CSR - SAP CRM USER

NAME OF PERSON COMPLAINED AGAINST

ADDRESS COMPLAINED AGAINST

FULL DETAILS OF COMPLAINANT



LPIKEY: [REDACTED]  
UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]

WARD: STW - St Giles  
HOW RECEIVED: TEL - Telephone

People Noise (Footsteps, Talking) - RR: Resident reporting loud shouting coming from 156 Golf road fying dutch man

DATES

DATE RECEIVED: 27/06/2021 TIME: 4.40  
DATE OF FIRST RESPONSE: 27/06/2021 TIME: 5.28  
DATE CLOSED: 27/06/2021  
TARGET RESPONSE DATE: 27/06/2021 TIME: 5.40

CMU V8.9.x.0

REPORT PREPARED ON 20/ 9/21 AT 09:40

Complaint reference number: 959229

DATES

DATE RECEIVED: 14/08/2021 TIME: 23.56  
DATE OF FIRST RESPONSE: 15/08/2021 TIME: 0.53  
DATE CLOSED: 15/08/2021  
TARGET RESPONSE DATE: 15/08/2021 TIME: 0.56

DETAILS OF COMPLAINT

People Noise (Footsteps, Talking) - RR

COMPLAINT CATEGORY: NR4 - People Noise - Inadequate Sound Insulation - RR  
UNIT: NRR - Noise Rapid Response  
INVESTIGATING OFFICER: 6GA - Daniel Turner  
RECEIVING OFFICER: CSR - SAP CRM USER

NAME OF PERSON COMPLAINED AGAINST

PREMISES REF: [REDACTED] TRADER: THE STREET  
LA REF: [REDACTED] TRADER:  
UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]  
PREMISES ALARM [REDACTED]

ADDRESS COMPLAINED AGAINST

Street Blpu  
Wells Way  
London

AREA: Walworth  
WARD: Faraday Old Ward

UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]

FULL DETAILS OF COMPLAINANT

[REDACTED]

LPIKEY: [REDACTED]  
UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]  
WARD: STW - St Giles  
HOW RECEIVED: TEL - Telephone

People Noise (Footsteps, Talking) - RR: Screaming and shouting from  
Cool and cozy Lounge.156 Wells Way

DATES

DATE RECEIVED:	14/08/2021	TIME:	23.56
DATE OF FIRST RESPONSE:	15/08/2021	TIME:	0.53
DATE CLOSED:	15/08/2021		
TARGET RESPONSE DATE:	15/08/2021	TIME:	0.56

CMU V8.9.x.0

REPORT PREPARED ON 20/ 9/21 AT 09:40

Complaint reference number: 959246

DATES

DATE RECEIVED: 15/08/2021 TIME: 2.22  
DATE OF FIRST RESPONSE: 15/08/2021 TIME: 3.50  
TARGET RESPONSE DATE: 15/08/2021 TIME: 3.22

DETAILS OF COMPLAINT

People Noise (Footsteps, Talking) - RR

COMPLAINT CATEGORY: NR4 - People Noise - Inadequate Sound Insulation - RR  
UNIT: NRR - Noise Rapid Response  
INVESTIGATING OFFICER: PYM - Peter Magbadelo  
RECEIVING OFFICER: CSR - SAP CRM USER

NAME OF PERSON COMPLAINED AGAINST

PREMISES REF: [REDACTED] TRADER: THE STREET  
LA REF: [REDACTED] TRADER:  
UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]  
PREMISES ALARM: [REDACTED]

ADDRESS COMPLAINED AGAINST

Street Blpu  
Wells Way  
London

AREA: Walworth  
WARD: Faraday Old Ward

UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]

FULL DETAILS OF COMPLAINANT

[REDACTED]

LPIKEY: [REDACTED]  
UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]

WARD: STW - St Giles  
HOW RECEIVED: TEL - Telephone

People Noise (Footsteps, Talking) - RR: Screaming and shouting from  
Cool and cozy Lounge.156 Wells Way

DATES

DATE RECEIVED:	15/08/2021	TIME:	2.22
DATE OF FIRST RESPONSE:	15/08/2021	TIME:	3.50
TARGET RESPONSE DATE:	15/08/2021	TIME:	3.22

CMU V8.9.x.0

REPORT PREPARED ON 20/ 9/21 AT 09:41

Complaint reference number: 960448

DATES

DATE RECEIVED: 29/08/2021 TIME: 23.10  
DATE OF FIRST RESPONSE: 29/08/2021 TIME: 23.33  
DATE CLOSED: 30/08/2021  
TARGET RESPONSE DATE: 30/08/2021 TIME: 0.10

DETAILS OF COMPLAINT

Music - RR

COMPLAINT CATEGORY: NR1 - Loud Music - RR  
UNIT: NRR - Noise Rapid Response  
INVESTIGATING OFFICER: SAL - Samuel Lam  
RECEIVING OFFICER: CSR - SAP CRM USER

NAME OF PERSON COMPLAINED AGAINST

PREMISES REF: [REDACTED] TRADER: THE STREET  
LA REF: [REDACTED] TRADER:  
UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]  
PREMISES ALARM STATUS: N

ADDRESS COMPLAINED AGAINST

Street Blpu  
Wells Way  
London

AREA: Walworth  
WARD: Faraday Old Ward

UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]

FULL DETAILS OF COMPLAINANT

[REDACTED]

LPIKEY: [REDACTED]  
UPRN/USRN: [REDACTED]  
EASTING: [REDACTED]  
NORTHING: [REDACTED]

WARD: STW - St Giles  
HOW RECEIVED: TEL - Telephone

Music - RR: Loud music, yelling and screaming from The Flying Dutchman/Cool and cozy lounge

DATES

DATE RECEIVED:	29/08/2021	TIME:	23.10
DATE OF FIRST RESPONSE:	29/08/2021	TIME:	23.33
DATE CLOSED:	30/08/2021		
TARGET RESPONSE DATE:	30/08/2021	TIME:	0.10

**From:** [REDACTED]  
**Sent:** Wednesday, January 4, 2023 3:49 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** FW: Licence Number: 879187

I have redrafted a more specific objection:

Such late hours do not seem appropriate 7 days a week as it's a residential area and is likely to cause public nuisance and crime.

In fact, I understand the previous licence was revoked for exactly that reason.

The licensing unit has received complaints from six separate complainants (numbered 1 to 6 in the table below) some of whom are other persons who have submitted representations in support of the review application. If a complainant is also an other person who submitted a representation regarding the review application it is indicated so in the table.

5

Date Complainant  
number

Complaint sent  
to / referred  
from

Details

26/09/2019 1 (other  
person 8)

SASBU referral SASBU (ASB): My family lives at  
XXX Wells Way in Camberwell.

On the corner of our road, about [REDACTED]  
meters from our front door, is an  
establishment called the flying  
Dutchman, although it recently  
appears to have been rebranded as  
Cool Cozy.

As the Flying Dutchman, on  
average about once every 3  
months, there would be a late night  
event at a weekend that went on  
until the very early hours of the  
morning (5am ish). When it's that  
infrequently we just used to Put up  
with it. The venue has a new sign  
outside now saying Cool Cozy and  
it's been loud enough to stop my  
family from sleeping for the last two  
weekends.

From reading on the internet it seems the premises has a permanent licence until 6am at the weekend. How can this possibly be appropriate in a residential area where it's stopping families from sleeping? It stops my family sleeping and there's at least half a dozen houses closer to the venue than mine. Plus there's flats under construction closer than our house. Can you please have a look at this as soon as possible?

It's can't be appropriate to give this venue a 6am licence in a residential area where it's adversely impacting the lives of families.

The venue has very few customers and it's just not right.

23/04/2021 2 (other person 3)

Licensing Hello Southwark Council,

██████████

████████████████████

6

I'm deeply concerned about developments.

I have a small ██████████ ██████ and our front door opens straight onto the street where XXXXXXXX intends to start hosting outdoor parties.

I've also seen the extra seating he has put in the smoking area directly outside my back garden. It will be noisy and judging by past events likely very drunken and potentially violent. I've had people fighting literally on my doorstep on at least 5 occasions since he took over, sometimes very late at night. The fact that the partying is now moving to the street is very worrying.

Last summer the place was operated like a nightclub with no social distancing measures.

Please take this matter seriously, we have tried every way possible to reason with this man but he nods along then does what he pleases.

21/06/2021

3 Licensing Hello, we are neighbours to the 'club' The Flying Dutchman, aka Cool and Cozzy Lounge at 156 Wells Way, London SE5 7SY.

Over the last months, every Friday and Saturday, the venue has been playing extremely loud music and have had their garden filled with drunk and aggressive guests that have been shouting and fighting until 7 in the morning. We have experienced fights outside our doorstep and the police have been called out on numerous occasions. We fear our safety and a lot of guests drive drunk or under the influence so we fear the safety for the community too.

This behaviour is also happening many Thursdays and Sundays with 7

loud people being aggressive and shouting in the garden of above mentioned venue but also in the restaurant on 101 Southampton Way, Cool and Cozzy. The premises on 101 Southampton Way are cooking food in the garden for the Flying Dutchman until 4 in the morning and have guests in their garden screaming and shouting until 1 in the morning most days.

We can't sleep obviously and are also having our mental well-being seriously affected by the behaviour of this venue.

How can we stop the manager of these two establishments to ruin our lives?

We keep calling noise complaint

but nothing happens.

What actions do we have to take to work towards getting their licences revoked?

08/08/2021 2 Licensing Dear Southwark licencing,  
We are at our wits end.

We've been calling noise control almost every weekend regarding the noise, fights and antisocial behaviour at the Flying Dutchman / Cool and Cozzy.

It's got to the point where we expect to have a terrible sleep (or no sleep at all) every weekend.

Nothing seems to be done and the business continues to operate on breach of the conditions of the licence.

Please can you tell us what routes we have to get the licence revoked. Every attempt to get XXXXXXXX to comply has failed.

8

17/08/2021 4 ( [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Local residents group, copied to Licensing for information

Hi all,

I can confirm as well that the noise was once again excruciating on both Friday and Saturday. And that the noise keeper on until past 5 am in the morning. It can only be described as torture, since it was impossible to sleep or feel safe. It was as if there was a club venue both in the garden and out on the street. Being [REDACTED] it did not feel safe to ask highly

intoxicated guests to lower the music or their voices. The security at the venue did nothing.

The council was called several times but no one came to check the noise level.

I am more than happy to leave a formal statement if needed. I've also contacted the council and asked that they share all of my filed complaints. So that they can be shared with you. This might be helpful as it will show the consistency of the ongoing noise level.

06/09/2021 2 Licensing The Flying Dutchman is, as every weekend playing extremely loud music and allow guests to shout scream and argue in the garden.

His guests are also parked all over Southampton Way on double yellow and a lot of people are having small pre parties in their cars drinking, smoking weed, and shouting while littering and urinating on our houses. Southwark Council should be ashamed of themselves to let this bully XXXXXXX continue behaving like this.

06/092021 4 SASBU referral Several men are screaming aggressively at a women in at the Cool Cozzy Lounge. Loud music is being played. Their own security is not intervening. We are worried about our own safety and others.

9

This type of behaviour happens every weekend.

18/09/2021 2 Licensing Hi all,  
Last night was just awful. Loud music and partying noise woke me from my sleep at 3.30am. Then there was a girl screaming outside. Later on around 6am a girl was knocking on doors with a knife and

had to be tasered by the police that the neighbors phoned to come help. The drink driving is blatant also.

We never had to once complain before Francis took over. We are beside ourselves. It's utterly exhausting having to phone up and wait for a call back for an hour or more when you want to be asleep. It doesn't seem to make a difference. The situation is almost lawless.

How much longer will it go on before we can put a stop to this?

20/09/2021 3 SASBU referral The Flying Dutchman is every weekend playing extremely loud music and allow guests to shout scream and argue in the garden. His guests are also parked all over Southampton Way on double yellow and a lot of people are having small pre parties in their cars drinking, smoking weed, and shouting while littering and urinating on our houses. Southwark Council should be ashamed of themselves to let this bully XXXXXXX continue behaving like this.

We are suffering psychologically since we can't sleep and XXXXXXX is threatening us.

20/09/2021 4 SASBU referral There is screaming and fighting in the background at Cool and Cozzy lounge, also known as The Flying Dutchman. People are highly intoxicated. This will go on until 10

06:00 since the owner keeps violating his licensing rights and it has been like this every weekend and some weekdays for the last 1 1/2 years (closer to 2 years). It always follows the same pattern and usually ends with a physical

fight among guests in the early hours of the morning. That is when we are forced to call the police. It is having a serious impact on our day[1]to-day life. The lack of sleep effect our work and personal life.

27/09/2021 2 SASBU referral Loud music, shouting, people all over the road, loud arguments in the beer garden of the pub. We couldn't sleep and were very distressed.

28/09/2021 2 Noise Team referral

Last night from around midnight until past 5am there was loud music coming from the Cool Cozy Pub at 156 Wells Way. There were also loud people outside on the street fighting and causing disturbance. I have a small child and this ongoing issue with noise is causing much distress.

28/09/2021 3 Noise Team referral

The Flying Dutchman is, as every weekend playing extremely loud music and allow guests to shout scream and argue in the garden. His guests are also parked all over Southampton Way on double yellow and a lot of people are having small pre parties in their cars drinking, smoking weed, and shouting while littering and urinating on our houses. Southwark Council should be ashamed of themselves to let this bully XXXXXXX continue behaving like this.

11/10/2021 3 SASBU referral The Flying Dutchman are playing loud music and there are fights and screams in their beer garden. Cars are parked all over Southampton Way and people are littering using drugs and driving under the

11

influence. ON A SUNDAY NIGHT

(and Monday morning). How can the council allow this to happen???

It's 2 o'clock in the morning on a Monday.

We are scared someone will get hurt and that our property will be destroyed.

17/10/2021 3 SASBU referral Women being shouted at and threatened by several men.

Fighting.

Drunk driving. Loud music. Street littering. Community unsafe.

17/01/2022 4 Licensing The venue was closed down last week due to pest issues.

We saw rats running around the area just this evening and it has reopened even if the pest issue has not been resolved.

People are (once again) arguing in the garden. There is loud music being played and the street has been closed off with traffic cones.

People have been seen loudly arguing in the street. This is an absolute outrage and frankly disgusting considering the amount of rats. We are extremely worried about our family's health and safety. We have a [REDACTED] and now have to worry about both intoxicated people, unacceptable noise volumes (at 05:30 in the morning) and unsanitary conditions.

Please action this issue ASAP.

22/02/2022 5 (other person 9)

Environmental

Customer

Services, copied

to Licensing

Thank you for your email.

I just received a very unsatisfactory call from one of your colleagues.

The noise problem I was reporting is consistent and unrelenting.

It is centred around the premises of 156 wells way, aka the 'cool and cosy lounge' aka the 'Flying Dutchman'.

12

Every single weekend there is considerable noise between the hours of 3-4am and 5.30-6am.

While the noise does not come directly from the premises it is entirely caused by its 6am licence.

I was advised by your colleague that as this was the case and it had not been witnessed there was to be no further action at this time.

I was also advised to call when the disturbance was happening. I have done this many times, having called the noise team when the number was operational at around 3am.

Generally I would receive a call back at 4, and someone would attend just after then, when everyone was in the club and there was no disturbance outside.

Subsequently, as always, just after 5am everyone would start to leave and the considerable disturbance would resume.

I understand this is predominately a licensing issue but the problem is the noise and the antisocial behaviour from the guests, hence I have started the process of resolving it with yourselves.

I believe I have cc'd this to the relevant department if, as I was advised by your colleague, as there was nothing you can do.

Myself and my wife have to get up at 9-10am every Saturday and Sunday for work and this consistent disruption to our sleep, on a residential road is both unacceptable and incredibly distressing.

We're not the only one to be affected!

Yours sincerely

13

23/06/2022 1 Complaint to

local MP

referred to

Licensing

Dear Harriet,

I'm sad to be writing to you again on the same topic over 2 years since the last time. A lot has changed over that time but there are also things that have not.

The issues we were having with the Flying Dutchman / Cool & Cozy across the road from our house really improved after your help back in 2019 and then lay dormant through the pandemic but are unfortunately now back and as bad as ever.

To recap I live at which is a lovely residential street in Camberwell.

The reason for my emails is that the Flying Dutchman or Cool & Cozy as it has now been branded has somehow over the years obtained a completely inappropriate alcohol licence that is totally at odds with it's completely residential location. I believe it's the only standing 6am licence in the whole of Southwark and it's a venue which is totally surrounded by houses full of young families. In it's previous guise of the Flying Dutchman pre-2018, the venue was used as an events venue and would cause a disturbance once every couple of months. Nobody really minded that and we all got on with it. Now their patrons wake up everybody this end of the street from 3-6am every Friday and Saturday night. They

routinely park all the way along the double yellow lines near the venue and shout, fight, and slam car doors every Friday and Saturday.

The long and short of it is that this venue has somehow been given  
14

the wrong alcohol licence and it's negatively impacting a significant number of local residents. This is totally not the right location for Southwark's only 6am nightclub. Could you look into this again for us and help us please? Somehow we need this licence to be reviewed and changed to 11pm as would be appropriate for its location.

Now it's time for me to get ready to take my [REDACTED] to football training after the standard 3-6am wake up this morning.

Anything you could do to help would be very much appreciated as your help was back in 2019.

20/09/2022 4 Licensing SASBU (ASB): Large verbal fight in the venues garden that has been going on for hours. Extremely loud music and litter all over the street. No indication that this will stop.

22/09/2022 6 Police referral Good Afternoon,

I am writing to complain about the poor running of Cool & Cozy Lounge, 156 Wells Way, SE5 7SY.

This ineffective management has resulted in a customer suffering a GBH assault on 18th September 2022 where he was hit by a bottle of drink causing a gash to the head.

This customer had been out drinking with a female friend elsewhere & they then came to Cool & Cozy. When they were about to leave at 05:00, an argument over the ownership of jacket ignited between the victim & his female friend. This female

struck the victim over the head with a bottle, causing a deep gash to his head around 2 inches long that required hospital treatment. The victim called 999. Police & LAS attended. Crime report XXXXXXXX/XX & CAD XXXX refer.

15

DPS Francis Kpandeh told police that the victim was drunk when he arrived & been trying to eat food off other people's tables when he stepped in to try & give him some water to sober him up. Despite this, the victim & his friend were allowed to continue dancing & drinking. The crime report states "Staff were disgruntled that the victim called police, so when police were on scene staff were reluctant to give their details as well as incident information."

The area where the assault took place was covered bottles, glass, liquid & tissues, so no opportunity for any forensic evidence to be secured.

According to the victim, his friend he arrived with is called "XXXX" & she has been she is a regular at the this venue for a long time.

Staff were also asked for further details on RUGI. They confirmed she was a regular but they would not provide any details. She left immediately after assault.

CCTV was checked. It was found not to cover the location where the assault happened & was of poor quality.

In summary, this venue has completely failed to meet the licensing objectives of prevention of Prevention Of Crime & Disorder and Public Safety for the following reasons –

? They permitted drunk victim & suspect into the venue.

? They served alcohol to the drunk victim & suspect.

? Once the assault took place, they did not attempt detain the suspect & she was permitted to leave (despite having SIA door staff).

16

? They did not provide any first aid to the victim.

? They did not contact police or ambulance after the assault.

? Further to this, the victim informed police that staff were actually telling him & putting him under pressure not to contact police.

? Staff were unhelpful & obstructive towards police.

Despite the fact that suspect XXXX is a regular there, they were not willing provide any details for her, plus the SIA door staff initially refused to provide his details to police until he was reminded that he is obliged to share these details with us.

? The CCTV at the venue, which is a requirement on their license is of poor quality.

? By permitting entry & serving alcohol to two drunk people, they have created the situation for violence to occur.

Once the assault happened, DPS Francis & other staff there have shown no regard for the welfare of the victim, placed the victim under duress to not contact police & been obstructive towards police. Their only concern was for the potential

implications the GBH may  
have on their license.  
Very poor indeed.  
Regards,  
PC Ross Kennedy 2222AS  
Night Time Economy Team

**From:** [REDACTED]  
**Sent:** 04 January 2023 15:21  
**To:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)  
**Subject:** Licence Number: 879187

Such late hours do not seem appropriate 7 days a week as it's a residential area and is likely to cause nuisance. In fact, I understand the existing licence was revoked for exactly that reason.

The email you received and any files transmitted with it are confidential, may be covered by legal and/or professional privilege and are intended solely for the use of the individual or entity to whom they are addressed.

If you have received this in error please notify us immediately.

If you are not the intended recipient of the email or the person responsible for delivering it to them you may not copy it, forward it or otherwise use it for any purpose or disclose its contents to any other person. To do so may be unlawful.

Where opinions are expressed in the email they are not necessarily those of Southwark Council and Southwark Council is not responsible for any changes made to the message after it has been sent.

**From:** [REDACTED]  
**Sent:** Thursday, January 12, 2023 11:34 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Objection ref 879187

Dear Sir / Madam,

12/01/23

I, [REDACTED] am writing to lodge my objection to the licence application for the 'Cool and Cozy Lounge' 156 The Flying Dutchman, Wells Way. SE5 7SY application number 879187.

I am objecting to the licence based on the following issues:

Prevention of Crime and Disorder, during the time we have lived near the Cool and Cozy Lounge my husband and I have had to call the police several times due to fights and violent arguments taking place along Wells Way (where many customers park) this is additionally distressing at 4, 5 and 6am. Police have also been in attendance many other times when called by other residents.

Prevention of Public Nuisance, Cool and Cozy Lounge only operates on Friday nights to Saturday Mornings and Saturday Nights to Sunday Morning, on these nights a large number of customers begin arriving at approximately midnight with most of them entering the premises at approximately 2am. They then leave between 4am to 6am causing a lot of noise between shouting & arguing, revving cars, and honking horns – this happens on about 90% of the nights the venue is open, it prevents us sleeping and is incredibly stressful.

Protection of Children from Harm, there are several families with young children that live on Wells Way that are subjected to the constant noise of customers leaving the venue.

These are just some of the reasons that the Cool and Cozy Lounge originally lost their Licence and not one of them has been addressed or rectified in the time since then as they are currently operation on Temporary Event Licences over the weekends. It is my understanding that the currant application was filed by the acting manager of the business, not the building owner or business owner, the manager is on site most weekends and is either unable or unwilling to stop the customers congregating and causing noise on Wells Way before and after visiting the venue, it is under this manger and because of these actions the previous licence was revoked.

Wells Way is a residential area, with a small number of businesses, a late licence in any form is unsuitable for the venue, a standard residential 11pm licence would, I believe, alleviate many of the issues above.

Please do not hesitate to contact me should you require anything further,  
Kind regards,

[REDACTED]  
[REDACTED]

OTHER PERSON C

**From:** [REDACTED]  
**Sent:** Monday, January 2, 2023 7:38 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Licensing Register - Applications for Premises Licences, Club Registrations, and Reviews Details for Licence Number: 879187

To Whom It May Concern,

I am a concerned local and would like to object to the Premises License Application 879187 on the following grounds:

The prevention of crime, disorder and public safety - This application would jeopardise the quiet and residential aspect of the immediate vicinity and the area, which is a residential and family neighborhood, with the predominance of houses with children and elderly people. This issue is quite sensitive and, based on the associated businesses owned by the applicant around the area, which were reported by a food hygiene report earlier this year, the likely poor management will not be able to ensure a safe operation.

The prevention of public nuisance – The typical activities surrounding the use of alcohol, unless carefully and responsibly controlled, pose a risk to the surrounding community of Southampton Way and Wells Way. The likely high levels of noise past the respectable hours of 10pm would hinder the health of the working people of the houses nearby, their children and elderly relatives. This predicament would be aggravated by the fair flow of bicycles on the cycle route adjacent to the venue. This, given the nature of the premise, could increase the risk of accidents and collisions on the road. It is possible to find hundreds of complaints on SpareRoom, AirBnb and other websites, with accounts of guests and residents badly affected by the already extreme levels of noise and antisocial behavior from this venue. Granting a long license to this business would be a complete disregard of the suffering of these individuals and our community.

The protection of children from harm – The applicant establishment is located opposite a school, Spa School Camberwell, where small children pass daily. The proposed times of early and late licenses are a real threat to the safety and wellbeing of them. This is because of the direct risks of intoxicated people in the proximity, but also the common mishaps of broken glasses, rubbish, and urine, associated with this sort of business.

I hope you please consider the points outlined above.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

OTHER PERSON D

**From:** [REDACTED]  
**Sent:** Saturday, January 7, 2023 8:19 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>; McArthur, Wesley <[Wesley.McArthur@southwark.gov.uk](mailto:Wesley.McArthur@southwark.gov.uk)>  
**Subject:** Fw: Objection to license application number 879197 - Cool & Cozy lounge

Apologies, with corrected email address...

Please find below my representation objecting to application ref 879187  
For Cool & Cozy lounge at the Flying dutchman, 156 wells way, SE5 7SY  
Loc ID 196753  
Date: 6th January 2023

My name is [REDACTED]

The reasons I remain stoutly opposed to the application for a new license for Cool & Cozy are the exact same reasons that the license was revoked from the same location and management a matter of short weeks ago. I documented my personal experience in a representation for the recent license review ref 878054 that led to the revocation of the licence being re-applied for.

Fundamentally, I think the crux of this issue was covered very clearly in the licensing sun-committees material for the review hearing that took place on 13th October 2022. I refer to points 45 and 46 of the supporting material which stated

45. According to the councils statement of licensing policy 2021-2026 the premises are situated in a residential area

46. Under the councils statement of licensing policy 2021-2026 the following closing times are recommended as appropriate within residential areas for the category of premises stated:

- restaurants and cafes, public houses, wine bars, other drinking establishments, bars in other types of premises, event premises / spaces where the sale of alcohol is included in, and ancillary to, a range of activities including meals - Monday to Sunday : 23:00
- nightclubs are not considered appropriate for residential areas.

This is absolutely spot on and I'm glad the council recognises this. The disruption to local families and the community from this establishment having an inappropriate late night license in a residential area is documented in the license review material heard by the licensing sub-committee back in October.

For completeness, please find below a copy of my representation for the license review at the same venue last October. Please ensure that all personal details are comprehensively removed if this representation is included in any non-confidential communication or hearing.

If you could respond to this objection with confirmation that it's been received and will be considered with the license application, that would be much appreciated.

.....

Please find below my representation for the licence review ref 878054  
 For Cool & Cozy lounge at the Flying dutchman, 156 wells way, SE5 7SY  
Loc ID 196753  
 Date: 17th August 2022

Dear Southwark Licensing Sub-Committee,

My name is [REDACTED] [REDACTED] with my wife [REDACTED] and our three children [REDACTED] [REDACTED] and [REDACTED] who are aged [REDACTED]

My [REDACTED] and I have lived in our house since [REDACTED] and [REDACTED] and [REDACTED] were born in the house. [REDACTED] was born at [REDACTED] [REDACTED] also works as a nurse in the [REDACTED]  
 [REDACTED] We have been part of the camberwell community for some time.

When we first moved into our home, the Flying Dutchman was an events venue and there were parties held there once every 6-8 weeks and we never had a problem with anti-social behaviour of violence on the street. That changed when the license changed hands and the venue was rebranded as 'Cool and Cozy lounge'. I think the crux of the issue here is that this is not the right location for a 6am alcohol license. It's not Camberwell high street where a late night license might be more understandable. Cool & Cozy lounge is surrounded by local residents such as myself and my family and opposite Spa School for children with Autism. There are no other pubs or bars nearby, people drive over at 2am on Friday and Saturday nights to what has effectively become an after party venue. I am writing to you to represent my family and stand up for us and our community.

This late night license clearly contravenes each and all of the councils licensing objectives and I will illustrate how below:

1. the prevention of crime and disorder

There is regularly crime and disorder immediately outside of the venue. This usually begins with patrons either leaving the venue or being refused entry after the 2.30am cut-off. It starts with shouting, aggression and disorder and frequently ends up in violence with groups of people shouting and fighting in the street. I'm aware of at least 3 occasions this year that the police have been called and been required to intervene. One of my neighbours also informed me that they witnessed the use of a taser by police in one of the incidents. Although it might only be a handful of instances that the police have attended, the occurrence of crime and disorder immediately outside the venue which are directly linked to this alcohol license is regular and almost routine. [REDACTED] are woken up and kept awake for an extended period between 2.30am and 5am nearly every Friday and Saturday night. Cars are also routinely illegally parked on the double yellow lines both sides of wells way by the venue with many patrons of the venue showing no regard for the parking restrictions. As they come back to their cars between 2-5am after

frequenting the venue they get in their cars and slam their doors waking up those in the houses the yellow lines are supposed to serve. I've contacted the parking enforcement team, they said they only operate until 11pm which is before the infringements begin. Restricting this venues license to operating hours which are more suitable for its local community will directly reduce the crime and disorder that occurs outside what is effectively run as an after party venue.

## 2. Public safety

In the fracas outside the venue glass is often smashed and there is always broken glass on our streets. It is not safe for children like mine to live on streets covered in broken glass

It is also not safe for any residents in our community to return home whilst the venue is open because from 2am-5am on Fridays and Saturdays there is the threat of fighting amongst groups of people outside the venue which is frightening and dangerous.

## 3. The prevention of public nuisance

Every Friday and Saturday night [REDACTED] in our own home knowing that we will be starkly awoken by shouting, aggression, illegally parked car doors slamming and occasionally violence. That is a growing mental strain for us before we go to sleep and a horrible way to be woken up. I know this is the same for a significant number of my fellow residents and I hope you hear their representations also.

My wife works [REDACTED] and one weekend day a month in [REDACTED] at [REDACTED]. Her shifts on the unit start at 7.30am and end at 8pm although she rarely leaves anywhere near that time. Almost every time she does a shift on a weekend day she is woken up by shouting and aggression that can run between 2am-5am. I'm very proud of my wife's contribution to those in our community that need it the most. It upsets me that she has to do it without being able to sleep in our own home over the weekend immediately before her weekend shifts with the effects obviously running over affecting the Monday and Tuesday shifts

## 4. The protection of children from harm

The disruption of the peace in our home stems from the fact that this late licence is in the middle of a completely residential area. There are no other bars or nightlife in the back out. Cool & Cozy is only serving as an after party venue and only does business 1-5am on Fridays and Saturdays with people descending after an evening of drinking only once everywhere else is shut. Not being able to sleep in our bedroom in the early hours of the morning over the weekend greatly impacts my wife and I and therefore also has an impact on our [REDACTED] children. We already have challengers sleeping having a [REDACTED] but this disruption to the little peace we have is incredibly upsetting. An hour or two after the disruption stops at 5 or 6am on a Saturday morning my children wake up and I begin getting them ready for their [REDACTED] class that starts at 11am on [REDACTED]. [REDACTED] are routinely tired after having our sleep disrupted and although we do our utmost to try

to ensure that doesn't impact our children obviously compounded sleep deprivation does impact my wife and I which subsequently impacts our children. Caring for ■ children is tiring and being prevented from sleeping by this incarnation of the cool & cozy is impacting my family and our children as well as other children in the immediate vicinity. There's also frequently glass in the street and it's only since the current incarnation of the venue that aggression, violence and crime and disorder have been introduced into an otherwise healthy family community. That is not good for any of the many children in the area attending ■ ■ ■ ■ ■ which are all a stones throw from the venue. Because of the situation, on Friday and Saturday nights there is regularly shouting and fighting of drunk adults a matter of metres from my children's bedroom which was never the case for the first 7 or 8 yrs we lived here and is not right.

I'm glad that this license review has been requested and I've written this representation in support of a change to the license. I'm confident that this review will bring change for the better because I'm certain it's in the interest of the local community and in line with all of the councils licensing objectives. Please feel free to reach out to me if you'd like to discuss any of the details further

**OTHER PERSON E**

From: [REDACTED]  
Sent: Thursday, January 12, 2023 3:36 AM  
To: Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
Subject: License #879187 Cool & Cozy Lounge/The Flying Dutchman 156 Wells Way, London SE5 7SY

To the Southwark Council Licensing Subcommittee:

I am against the granting of this license because it causes a public nuisance and increases the risk of crime to have a license until the early hours of the morning in a residential area.

When in London, I often stay with a friend who lives nearby and have seen the negative impact firsthand, including loud music and aggressive individuals.

Thank you for your consideration.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**OTHER PERSON F**

**From:** [REDACTED]  
**Sent:** Tuesday, January 3, 2023 4:32 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Objection to license application 879187 for Cool and Cozy Lounge

**Trading Name: Cool and Cozy Lounge**

**Licence Number: 879187**

URL:

<https://app.southwark.gov.uk/licensing/LicPremisesAppliedDetails.asp?systemkey=879187>

Reasons for opposing:

- I'm opposing the application in its entirety as I do not believe it meets the licensing objectives under the Licensing Act 2003 of prevention of crime and disorder, prevention of public nuisance, and public safety.
- My understanding is that the council's licensing sub-committee revoked the previous licence for this venue on or around 13 October 2022 following an application by local residents.
- The new application appears to be ostensibly from the same management team. Accordingly I can see no evidence or reason as to why the premises should be granted a new licence.
- TENs have been granted for the premises in recent weeks and it is alleged these have resulted in similar issues to those which led the licence to be revoked.

Regards,

[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]

Date: 3 January, 2023

**OTHER PERSON G**

**From:** [REDACTED]  
**Sent:** Thursday, January 5, 2023 4:18 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Representation Against the Granting of License 879187

Dear Southwark Council,

I am writing to kindly ask you not to grant License 879187 (Cool and Cozy Lounge / The Flying Dutchman 156 Wells Way, London SE5 7SY). I wrote to you previously in connection with the review of the previous license for the same venue and management. I understand that you correctly decided to revoke the license. Now the same operator for the same venue has applied for a license until 4.30am every day. I used to live at 156 Wells Wal London SE5 7SY for years and I know the operator Francis Kpandeh/Cool & Cozy. He is unfit to run a public venue without causing public nuisance, the venue is in a residential area and Francis Kpandeh attracts an unruly crowd that causes public nuisance and disorderly behaviour. I moved out of 156 Wells Way because of the nuisance and lack of safety that the venue created and still creates as I understand that it is still operating with TENs. It felt unsafe especially for my wife and my baby. Please do not grant a new license to this venue and operator.

Please note that even though I moved out of the local area I am still very often in the area as I have strong connections with the area and I spend a considerable amount of time in the area including at night. I have first hand experience of the public nuisance continuously caused by this venue/operator even after I moved out of the local area.

Best regards,

[REDACTED]  
[REDACTED]  
[REDACTED]

**OTHER PERSON H**

**From:** [REDACTED]  
**Sent:** Wednesday, January 4, 2023 3:41 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** license number 879187 Cool & Cozzy Lounge/The Flying Dutchman

Dear Sir/Madame,

I am writing to express my opposition to granting a license 879187 for Cool & Cozzy Lounge/The Flying Dutchmanfor.

The reasons for my opposition are as follows:

1. A license for the same venue has recently been revoked. The applicant for the current license is the same individual and venue who had the previous license revoked.
2. Granting a license until 4:30am in a residential area is not in the interest of preventing public nuisance. Late-night noise and disturbance can have a negative impact on the quality of life of local residents.

I urge you to reconsider the granting of this license and to prioritise the well-being of the community.

Sincerely, [REDACTED]

## OTHER PERSON I

**From:** [REDACTED]  
**Sent:** Monday, January 2, 2023 5:43 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Objection to licence application: 879187 Cool and Cozy Lounge at the Flying Dutchman

From:

[REDACTED]

Written Monday 2<sup>nd</sup> January 2023

Relating to Licence application:

<b>Licence number:</b>	879187
<b>Trading name and address:</b>	Cool and Cozy Lounge 156 The Flying Dutchman Wells Way SE5 7SY

- This application should be rejected in its entirety on the basis that nothing has changed since the licence was recently revoked following an application by local residents.
- The revocation came into effect in December 2022 – Late night / early morning noise and local inconvenience has continued as a result of the granting of several TEN's notices since then.
- the business is still under the same management team.

The objection is on the basis of:

- prevention of crime and disorder,
- prevention of public nuisance,
- public safety (based on experience of previous and ongoing operation).

*Regards*

[REDACTED]

## OTHER PERSON J

**From:** [REDACTED]  
**Sent:** Thursday, January 12, 2023 11:32 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** OBJECTION to licence number: 879187

Dated: 12.01.2023

To whom it may concern,

I am writing to register my **objection** in the strongest terms to the application for license number: 879187.

Since 156 Wells Way has operated under a late-night alcohol license, the neighbours have suffered a considerable increase in noise, anti-social behaviour, and crime, including damage to property.

We live in the near vicinity to Cool and Cozy Lounge and have been subject to a torrent of antisocial behaviour and criminal damage caused by drunken clients leaving the club in the early hours of the morning. Club-goers often arrive by car and park in the surrounding residential streets. In the early hours, pre or post-club, customers will sit in their cars with engines running and music blaring with no regard for residents.

We often have people urinating on our property after leaving the club. Last Autumn, our brick wall and gate post was pulled over in the middle of the night, costing us over £700 in reparations. These are not isolated incidents and have become commonplace, especially on weekends.

The application seeks a license to sell alcohol and remain open until 4.30am, 7 days per week. This is outrageous, and in itself displays the total disregard, the management has for the local community. The location is not Leicester Square, and I could not support any license which extended past 11pm on any given day of the week.

Since their license was revoked in December things have improved a lot and I pray that the license is not renewed at all. This business contributes nothing at all to the community in which it exists. The late-night license reduces public safety, results in anti-social behaviour, and has resulted in a tangible rise in crime and disorder in the neighbourhood.

Please do not issue a new license and uphold the complaints which resulted in the license being withdrawn.

Many thanks, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## OTHER PERSON K

**From:** [REDACTED]  
**Sent:** Wednesday, January 4, 2023 4:41 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>; [johan.raak@gmail.com](mailto:johan.raak@gmail.com)  
**Subject:** Objection to license application 879187 for Cool and Cozy Lounge

Trading Name: Cool and Cozy Lounge

Licence Number: 879187

URL:

<https://app.southwark.gov.uk/licensing/LicPremisesAppliedDetails.asp?systemkey=879187>

Reasons for opposing:

I'm opposing the application in its entirety as it does not meet the licensing objectives under the Licensing Act 2003 of prevention of crime and disorder, prevention of public nuisance, and public safety.

The council's licensing sub-committee recently revoked the license for this venue on **October 13th 2022** following an application by local residents. It remains under the same management and there has been no evidence or reason as to why the premises should reopen in any way.

The venue is located on an entirely residential street corner.

TENs have been granted for the premises in recent weeks, which has resulted in similar noise and anti-social behavior issues as before.

We can provide further photos and videos of continued anti-social behavior from the venue during the granted TENS. Please let us know how you would like us to provide this information and who we should send it to.

Current behavior has made us extremely worried for our child's, and our own, safety.

Regards,

[REDACTED]  
[REDACTED]

Date: 4th January, 2023

## OTHER PERSON L

**From:** [REDACTED]  
**Sent:** Tuesday, January 3, 2023 3:40 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Opposed application: Licence Number: 879187 - Cool and Cozy Lounge

Date sent: 03/01/2022

To whom it may concern

My name is [REDACTED] I live at the below address:

[REDACTED]  
[REDACTED]  
[REDACTED]

I am writing regarding my opposition to the application for licensing at Cool and Cozy Lounge

Licence Number: 879187

<https://app.southwark.gov.uk/Licensing/LicPremisesAppliedDetails.asp?systemkey=879187>

**Reson for objection:** prevention of crime and disorder, prevention of public nuisance, and public safety (based on the experience of previous operation).

I strongly believe this application should be rejected in its entirety on the basis that nothing has changed since the licence was recently revoked following the application by local residents and the business is still under the same management team. This business is responsible for excessive noise and antisocial behaviour late at night which is extremely disruptive in a quiet residential area.

Kind regards,

[REDACTED]

## OTHER PERSON M

**From:** [REDACTED]  
**Sent:** Thursday, January 12, 2023 3:51 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** license number 879187

To whom it may concern,

As the landlord of [REDACTED] and former occupier, I am against the granting of the license on the basis that a license for the same venue has just been revoked, the applicant is the same that had the license revoked and a new license until 4.30am in a residential area is not in the interest of the prevention of public nuisance.

Having lived directly next door to the venue for [REDACTED] I am very concerned about future tenants and the impact on their wellbeing.

Kind regards,

**From:** [REDACTED]  
**Sent:** Monday, January 2, 2023 12:45 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Objection to licence 879187

Hello, I'd like to object to the application to reopen the cool and cozy lounge in the wells way, se5.

Nothing has been done to address the serious ASB problems that arose from that premises being shut down previously. There are already drug and gang problems in the street and this reopening will make the police's job harder. I live less than 2 minutes from the venue and am frightened to walk past it.

Name: [REDACTED]

Address: [REDACTED]

Email address: [REDACTED]

Thanks for noting my objection

[REDACTED]

## OTHER PERSON O

**From:** [REDACTED]  
**Sent:** Friday, January 13, 2023 1:47 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Objection to license application 879187 for Cool and Cozy Lounge

**Trading Name: Cool and Cozy Lounge**

**Licence Number: 879187**

URL:

<https://app.southwark.gov.uk/licensing/LicPremisesAppliedDetails.asp?systemkey=879187>

In general, I'm opposing the application in its entirety as I do not believe it meets the licensing objectives under the Licensing Act 2003 of prevention of crime and disorder, prevention of public nuisance, and public safety.

Reasons for opposing:

- The Council's licensing sub-committee has previously revoked the licence for this venue under this management team on or around 13 October 2022 following an application by the local community.
- The new application is from the same management team and as not steps I believe that no steps or changes have been implemented to address the issues leading to the license's being revoked. As nothing has been changed by the current management team I can see no evidence or reason as to why a new licence be granted.
- TENs have been granted for the premises in recent weeks and it is alleged these have resulted in similar issues to those which led the licence to be revoked.

Regards,

Name: [REDACTED]

Address: [REDACTED]

E-mail: [REDACTED]

Date: 13th January 2023

**OTHER PERSON P**

**From:** [REDACTED]  
**Sent:** Tuesday, January 3, 2023 1:08 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Objection to Licence Number: 879187

Good morning,

I wish to object to the application for licence number 879187 for the Flying Dutchman on Wells Way, trading name Cool and Cozy lounge. I am objecting on the grounds that the application does not meet the licencing act 2003 objectives regarding prevention of public nuisance, and constitutes a clear risk of failing to meet the objectives of prevention of crime and disorder.

I am a local resident, living at [REDACTED]

The licence for this premises has previously been revoked due to the negative impact of the operation of the premises by the DPS on the local community. If approved the new license would clearly have the effect of undoing the recent revocation of the premises licence (the applicant Cool and Cozy Restaurant Limited is well known to be connected to the DPS operating the Flying Dutchman premises over the last few years). If this licence is granted, all of the issues experienced under the previous license, which led to that licence being revoked, appear very likely to reoccur. These issues clearly breach the license act objective of prevention of public nuisance, and constitutes a clear risk of failing to meet the objectives of prevention of crime and disorder.

Many thanks,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

3rd January 2023

## OTHER PERSON Q

**From:** [REDACTED]  
**Sent:** Friday, January 13, 2023 12:20 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Fwd: Representation re: License Application 879187 Cool & Cozy Lounge,  
The Flying Dutchman 156 Wells Way SE5 7SY

Dear Southwark Council,

Please find attached my representation with attachments. Your decision to revoke the previous license and the Wells Way Triangle TRA email are attachments to my representation.

Kind regards,

[REDACTED]  
[REDACTED]  
[REDACTED]

Representation re: License Application 879187, Cool and Cozzy Lounge, The Flying Dutchman, 156 Wells Way, London SE5 7SY.

Dear Southwark Council,

I am writing this representation to kindly ask you not to grant the license or alternatively to apply your policy and limit the hours of operations to those of a drinking establishment with a terminal hour of 23:00 (Southwark SLP, pars 169 – 183, see table 2).

I am writing to you in my capacity as a local resident and the Cool & Cozzy's nearest residential neighbour – [REDACTED] the Flying Dutchman. I am also [REDACTED]. I own the property from which Cool & Cozzy operate the Flying Dutchman having granted a commercial lease for Cool & Cozzy to operate as a drinking establishment (bar, wine bar, cocktail lounge etc.). It is a matter of public record that the applicant has in recent time under a now revoked premises licence operated the premises as a late-night club – I attach a copy of the decision notice to revoke the previous premises licence. The current application does not provide details of the proposed nature of the operation. Given the hours it is likely that the applicant is looking to re-establish club operations – these operations are entirely unsuited to the particular locality (see below).

I have taken specialist advice, from Leo Charalambides (Counsel, Francis Taylor Building), in the preparation of this representation to ensure that my representations to you are within the concern and scope of the Licensing Act 2003. As a local resident [REDACTED] I want to see the premises operated so as to promote the four licensing objectives. As I landlord I want to see that the premises is operated to promote the four licensing objectives in the interests of the wider community. I understand that the licensing objectives are common goals for all and that a premises licence has benefits for the operator, the visitors but also the local community. Even though I derive an income from the premises (via rents) I accept that the interests of the wider local community are paramount, and decisions are rightly weighed in favour of the wider public interest (see s 182 Guidance, paras 1.5, 9.38 and 11.26).

As the licensing committee will be aware licensing determinations involve an evaluative judgment as to what is to be regarded as reasonably acceptable in a particular location (*Hope & Glory* (CA) [42]). In the present circumstances the particular location of Cool & Cozzy is predominately residential with what was once a small local public house on the corner.

The s 182 Guidance highlights the very clear and comprehensive duty upon an applicant for a new premises licence to conduct a thorough risk assessment of the proposed application (see s 182 Guidance, paras 8.41 – 8.49). This risk assessment includes an appreciation and understanding of local policy. In present circumstances the most relevant policy is that of hours. The appropriate closing time for drinking establishments in residential areas is 23:00 (Southwark SLP, para 176: table

2) which suggests that licensable activities ought to cease at 22:30 to allow for ‘drinking-up’ time and an orderly dispersal from the premises. It is unclear from the application and operating schedule what risk assessment has been undertaken by the applicant – it is evident that no consideration is given to the clear hours policy adopted by the Council.

A fresh risk assessment is of vital importance given the recent history of operations by Cool & Cozzy and Francis Kpandeh. Under Francis Kpandeh’s management, the venue caused significant nuisance to the local area and to myself as its most immediate neighbor. I will happily expand on these complaints at the full hearing of the application if required to do so. I was contacted repeatedly by neighbors complaining about the operations of the premises. A review of the former premises licence, made by local residents, found the premises to be so poorly managed and the impact so severe that the only option was to take the most draconian decision to revoke the licence!

As a local resident, neighbour (to Cool & Cozzy and other residents) [REDACTED]  
[REDACTED] I felt compelled to take legal advice and provide a considered representation to this application.

The historic concerns in respect of noise, ASB, unauthorized cooking facilities, and vermin infestation are a matter of public record, I will not set these out here but will expand upon and elaborate at the hearing if required to do so. I will highlight that a WhatsApp group was set up with Francis and the immediate neighbors so he could be notified of disorder, noise, antisocial behaviour and other concerns. It must be acknowledged that Francis attends meetings with myself and others, he listens, makes promises of remedial measures but ultimately fails to deliver on them. This is both disappointing and of particular concern. For this reason it is hard to place reliance on the proposed operating schedule given the history of operating in a manner that undermines the licensing objectives.

I am an active member of the Wells Way Tenants and Residents Association (the “TRA”) for over ten years. Aside from my direct experience, I was also made aware of the nuisance caused by the venue as managed by Francis Kpandeh at meetings of the TRA. On the 2nd of January 2023 the TRA sent an email to the local residents stating its view that the Council should not grant the requested license, see attached extract from the email by the TRA – this also prompted me to carefully consider and respond to this application.

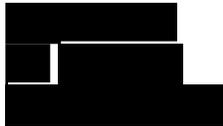
It has been amply demonstrated that Francis Kpandeh is unable to manage a late-night venue and promote the licensing objectives. Under his operation both myself and the local community have suffered adverse consequences from the operation of the Flying Dutchman by Cool & Cozzy.

I am aware that this is not a review of a premises licence. A new application needs to consider the likely effects of the grant of a premises licence in this particular location by this particular applicant. This location is unsuited to a late-night operation, at best it can accommodate a modest drinking

establishment. Cool & Cozzy and its director Francis Kpandeh have been operating at this location since 2019 with well documented adverse consequences to the local community. There is no indication that the premises will be operated any differently. On balance it seems more than likely that a grant of the application will lead to the undermining of the licensing objectives and adversely impact on the wider public interest. Accordingly, I kindly ask you not to grant the license or alternatively to apply your policy and limit the hours of operations to those of a drinking establishment with a terminal hour of 23:00 and licensable activities to end at 22.30.

I look forward to hearing from you with confirmation of a hearing date. I plan to attend with my legal representative.

Kindest regards,

A redacted signature block consisting of several black rectangular boxes of varying sizes, completely obscuring the name and any handwritten notes or dates.

## Attachment

Relevant extract from the e-mail sent 2 January 2023 from the Wells Way Triangle Tenants and Residents association to local residents on the mailing list.



- WWTRA's stance is set out below

We've consulted with various stakeholders, and are now sharing WWTRA's official stance about each of the applications. However, it is important for local residents to express their own views on each application.

You are entitled to make whatever representations you choose, within the licensing guidelines (see Southwark Council's guidance on [How to lodge a representation](#)). **Whether you have concerns about the applications, or support them, please submit comments using the links we've provided.** But if you agree with the WWTRA approach, you are welcome to echo our concerns.

### **Cool & Cozy Lounge at the Flying Dutchman**

**Deadline for comments is 13 January**

<https://app.southwark.gov.uk/Licensing/LicPremisesAppliedDetails.asp?systemkey=879187>

*Specific licencing criteria for making an objection: prevention of crime and disorder, prevention of public nuisance, public safety (based on experience of previous operation).*

- This application should be rejected in its entirety on the basis that nothing has changed since the licence was recently revoked following an application by local residents.
- the business is still under the same management team.

## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 13 OCTOBER 2022

#### **SECTION 51 LICENSING ACT 2003: COOL & COZZY LOUNGE, THE FLYING DUTCHMAN, 156 WELLS WAY, LONDON SE5 7SY**

##### **1. Decision**

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 submitted by an other person for the review of the premises licence issued in respect of Cool & Cozzy Lounge, The Flying Dutchman, 156 Wells Way, London SE5 7SY and having had regard to all relevant representations has decided to revoke the premises licence.

##### **2. Reasons**

This was an application made by an other under Section 51 Licensing Act 2003 for the review of the premises licence in respect of Cool & Cozzy Lounge, The Flying Dutchman, 156 Wells Way, London SE5 7SY.

The representative for the premises noted that the sole director for the premises licence holder and company was present at the sub-committee meeting. All dealings that the representative had were with the designated premises supervisor (DPS) and it was his understanding that the DPS and director were one and the same and sought confirmation from the director that they were content to be represented by him. This was confirmed.

The applicant for the review advised the sub-committee that the premises was located on Wells Way, Camberwell which was in a very residential area. The applicant's family had moved there three years previously. Prior to that, the applicant had lived on Electric Avenue, Brixton and despite this, had not experienced anything like the anti-social behaviour and licensing breaches that they had with Cool and Cozzy.

They advised that the problems with the premises had resulted in sleep disruption which was worst between 02:00 to 07:00 hours at the weekends. The incidents occurred primarily at weekends and that it was unusual to occur during the week. The problems had intensified since 2019.

The applicant stated that there had been extensive criminal and licensing violations all of which had been reported to the responsible authorities. The applicant's family had experienced drink driving, physical fights and illegal parking outside their home. There had also been public intoxication, extreme levels of noise, especially outside but also coming from inside the premises after closing hours. The Applicant had witnessed people urinating and vomiting outside of their home. There had also been reoccurring

pest infestations as a result of food being left out outside of the premises and the premises dustbins overflowing. Patrons were regularly in the premises garden, screaming and engaging in verbal and physical fights.

Large amounts of broken glass were regularly left by the premises on the pavement which had caused injuries to the family dog, requiring veterinary treatment. The applicant was also threatened by a patron of the premises who came to the applicant's front door screaming, with a knife. The individual kicked the applicant's front door so badly, it had to be replaced.

The applicant informed the sub-committee that the regular disturbances were extremely stressful. Reference was also made to the premises operating throughout the pandemic. The DPS, had been spoken to and was apologetic, but the problems always continued. The DPS had shown that he either had a lack of capacity or sound judgment to manage the premises. The DPS arranged a meet to discuss the noise level, but it felt that this was little too little, too late. The applicant requested that members revoke the premises licence.

The Chair of the licensing sub-committee noted that the premises had been transferred to an arts company, but the Applicant stated they had seen no evidence of this. The premises only appeared to operate as a nightclub.

The applicant advised that they had a Ring camera at their front door and all incidents had been captured on it, which were then duly sent to the police and the council. It was explained to the applicant that only trading standards had submitted a representation from all the responsible authorities. It was also advised that unless the applicant had submitted the evidence as part of their review application in advance of the hearing, the sub-committee would not be able to take the evidence into account.

The licensing sub-committee then heard from the trading Standards officer who stated that the ownership of the business was FDN Arts and Events Limited, who was the landlord to the premises and that DPS had been running the business before 2019. FDN Arts and Events maintained their position as premises licence holder, meaning they specified who could run the own business. The premises licence holder (director) interrupted and stated that they were not responsible for how the DPS ran the business.

The representative for trading standards advised that during the COVID pandemic, he had attended the premises with the police on numerous occasions during the lockdown and the premises was always locked and in darkness. It was compliant with the restrictions and closures imposed by the Coronavirus Regulations. Any suggestion that the premises were open, was untrue. Trading standards had been directed to attend the premises due to the extent of complaints received by the council. When the restrictions were being lifted, the premises were open and the DPS had demonstrated compliance with the COVID regulations and guidance.

When the review application had been submitted, the officer stated he had attended the premises and whilst initially there were a number of conditions not complied with, this had vastly improved. The officer confirmed that he had not witnessed any of the things being complained about, nor had the police raised any concerns to him. Other

venues in the area, had caught the officer's attention more than the Cool & Cozy Lounge. The officer had witnessed patrons using the external area/garden but the SIA security appeared strict on patron order/disorder.

The licensing sub-committee heard from other person 9. Concerning the queues into the premises, they had witnessed up to 30 to 40 people queuing to get in and called the noise team five or six times. Patrons drinking in the queue/outside the premises was not a problem nor did they feel the glass issue raised by the applicant was a problem.

The primary problem was the external noise particularly from patrons. The premises was generally well soundproofed; there was some noise, but not an amount that justified a complaint. The SIA security were able to control the door and the immediate area, but it was areas beyond the immediate vicinity that was the main problem which the DPS had not satisfactorily addressed.

The problems were at their worst between 02:30-05:30 hours. Curbing the last entry to 00:00 hours would assist the local residents. Other person 9 also referred to Southwark's statement of licensing policy and highlighted that the premises was located in a residential area and the recommended closing time was 23:00 hours and that nightclubs were not considered appropriate for residential areas. Local residents had attempted to deal with the matter amicably with the DPS, but there had been no improvements, hence the review application. It was felt that no additional conditions would alleviate situation.

It was pointed out that the recommended closing hours were introduced by council assembly after the variation of the premises licence in 2015.

The licensing sub-committee then heard from other persons 11 and 12. Other person 11 stated that FDL Arts and Events Limited was the premises licence holder and that they were the sole director of it. Person 11 was previously the DPS and ran the premises, before the current DPS. The premises was previously an arts venue between Monday and Friday, renting space to local students to show/perform their arts. At weekends, there were DJs playing until 06:00 hours. There were stringent rules as to how the premises operated at the weekends, which caused the least amount of nuisance to the neighbourhood. A lease had been signed with the DPS application. The rules as to how the premises ran (including at the weekends) were then passed to the DPS.

Since the DPS variation in 2019, there had been regular complaints of loud music and patrons not being managed well. Other person 11 stated they personally felt very disappointed with how the venue had been run and the amount of complaints that they had received from the local community. Other person 11 stated that they regretted appointing the DPS. Measures could have been put in place by the DPS to minimize any disturbance to the neighbours, but not implemented.

Person 11 stated they had no faith in the DPS. The DPS would neither implement nor comply with any conditions that the sub-committee imposed. They deeply regret appointing the DPS and being the premises license holder, were "absolutely not against the licence being revoked".

The representative for the DPS interjected and advised the sub-committee that he was likely to be conflicted in representing both the DPS and person 11 (as the premises licence holder) and requested a break to take instructions.

Following the brief adjournment the legal representative informed the sub-committee that it was not unusual in reviews applications to represent both the premises licence holder and a DPS. On this occasion however, there had been nothing in the agenda papers to indicate that other person 11 was in fact, the premises licence holder (or sole director of the company that was the premises licence holder).

The legal representative stated that due to a conflict, he was unable to assist the sub-committee. Further, because the DPS had not submitted a representation during the consultation period, he was not permitted to make verbal submissions in his own right to the sub-committee in respect of the review application. Regardless of Section 52(7) and Section 52(8) Licensing Act 2003, it was unclear why the premises licence holder failed to apply for a DPS variation.

The legal advisor to the sub-committee then asked the other person 11/premises licence holder to clarify that they were content for the premises licence to be revoked. This was confirmed. Other person 11/premises licence holder stated that the reason they had not removed the DPS was because they had a real fear of retaliation and wanted to go through the review process to ensure sure that the licence was revoked by the licensing sub-committee. To this, the legal advisor requested that the matter should go into a closed session to liaise with the members.

In hearing the evidence from the local residents, the members were initially of the view that the most appropriate course of action may have been to remove the DPS. However, in view of the other person/premises licence holder informing that sub-committee that they were content for the premises licence to be revoked, members concluded little would be gained in hearing any further action, particularly in light of the conflicting evidence from the applicant, trading standards and other person 9. However, the Chair of the sub-committee expressed extreme dissatisfaction with how the meeting had progressed.

Other person 11 was not just a resident, but the owner of the premises and the premises licence holder. Their representation made no reference to this at all. The representation was submitted in the name of EP, rather than their full legal name (held at Companies House).

The premises licence holder had the power to appoint and remove a DPS. Rather than administer the DPS' removal, they had allowed the local residents to endure the significant disturbance from the premises. The members did not accept other person 11/premises licence holder's belief that the removal of the DPS would result attract retaliation, given that they submitted a written representation and was happy to speak at a public sub-committee meeting.

It was apparent that the licensing review process was being exploited as a cheap alternative to terminating the business relationship and commercial lease through the civil courts. The licensing sub-committee unanimously felt that the matter should be

investigated further for potential criminal offences of Making a False Statement (Section 158 Licensing Act 2003) and/or Failing to Disclose Information (Section 3 Fraud Act 2006).

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

Dated 21 October 2022

## OTHER PERSON R

**From:** [REDACTED]  
**Sent:** Wednesday, January 4, 2023 8:55 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Objection to license application 879187 for Cool and Cozy Lounge

Trading Name: Cool and Cozy Lounge

Licence Number: 879187

URL:

<https://app.southwark.gov.uk/licensing/LicPremisesAppliedDetails.asp?systemkey=879187>

Reasons for opposing:

I'm opposing the application in its entirety as it does not meet the licensing objectives under the Licensing Act 2003 of prevention of crime and disorder, prevention of public nuisance, and public safety.

The council's licensing sub-committee recently revoked the license for this venue on **October 13th 2022** following an application by local residents. It remains under the same management and there has been no evidence or reason as to why the premises should reopen in any way.

The venue is located on an entirely residential street corner with a school opposite the road.

TENs have been granted for the premises in recent weeks, which has resulted in similar noise and anti-social behavior issues as before.

We can provide further photos and videos of continued anti-social behavior from the venue during the granted TENS, one example being a patron urinating on our door (which our Ring Doorbell camera caught on video). Please let us know how you would like us to provide this information and who we should send it to.

Current behavior has made us extremely worried for our [REDACTED] year old child's, and our own, safety.

Regards,

Name: [REDACTED]

[REDACTED]  
Date: 4th January, 2023

## OTHER PERSON S

**From:** [REDACTED]  
**Sent:** Thursday, January 12, 2023 11:39 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** OBJECTION to license application 879187

Dated: 12.01.2023

I wish to register my **objection** to the application for license number: 879187.

Since 156 Wells Way has operated under a late-night alcohol license, the neighbours have suffered a considerable increase in noise, anti-social behaviour, and crime, including damage to property.

We live in the near vicinity to Cool and Cozy Lounge and have been subject to a torrent of antisocial behaviour and criminal damage caused by drunken clients leaving the club in the early hours of the morning. Club-goers often arrive by car and park outside and in the surrounding residential streets. In the early hours, pre or post-club, customers will often sit in their cars with engines running and music blaring with no regard for residents.

We often have people urinating on our property after leaving the club. Last Autumn, our brick wall and gate post was pulled over in the middle of the night, costing us over £700 in reparations. These are not isolated incidents and have become commonplace, especially on weekends.

The application seeks a license to sell alcohol and remain open until 4.30am, 7 days per week. I am astonished at this and just goes to show the total disregard the management has for the local community. I could not support any license which extended past 11pm on any given day of the week.

Things have improved a lot since their license was revoked in December 2022, and I pray that the license is not renewed at all. The business contributes nothing at all to the community in which it exists. The late-night license reduces public safety, results in anti-social behaviour, and has resulted in a tangible rise in crime and disorder in the neighbourhood.

Please do not issue a new license and uphold the complaints which resulted in the license being withdrawn.

Many thanks, [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## OTHER PERSON T

**From:** [REDACTED]  
**Sent:** Friday, January 13, 2023 9:49 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Re: Objection to Licence 879187, Cool & Cozy Lounge

Hi there,

Thank you for your email.

My address is

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

All the best,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Friday, January 13, 2023 12:05 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Objection to Licence 879187, Cool & Cozy Lounge

Hi there,

I'm writing to strongly object to the renewal of a licence to the Cool & Cozy Lounge. The organiser who's applied for this licence has just had it revoked because of public nuisance.

They do not have the right soundproofing to play music until 4:30am without seriously disturbing the residents that live in the building and in the surroundings.

I live just two stories on top of the premises and I can't bear more sleepless nights because of their negligence. Please do not grant them a licence.

Many thanks,

[REDACTED]

**OTHER PERSON U**

**From:** [REDACTED]  
**Sent:** Thursday, January 12, 2023 10:17 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Licence application 879187

Hello, I am writing to express my strong opposition to this licence application. A 4 am licence in a quiet residential area to a business that has had endless complaints about noise and other anti social behaviour (not to mention having its licence recently revoked!) is completely unjustifiable.

The residents have already complained about their misery and inability to sleep on weekends- to inflict this upon them during the week would be unbearable. This is a historically quiet area, not Soho.

My friends who live in the area have suffered greatly from the noise, had their sleep interrupted and the stress of aggressive drunks on their doorstep. And just when they thought they might get some reprieve- Francis wants to make it party central every day of the week?!

The smoking area backs onto neighbours' bedroom windows and then when people leave they are shouting at the front of the street disturbing those on that side as well. It's impossible to cajole drunk people into being respectful and quiet. There have even been several hostile altercations where police have been called.

Please consider the mental health and well-being of people who work 9-5, who have children and deserve a peaceful life in their homes when reviewing this.

Thank you,

[REDACTED]

[REDACTED]

[REDACTED]

6 January 2023

Southwark Council  
Regulatory Services  
3rd Floor Hub 1  
PO Box 64529  
London SE1P 5LX

**Licence application 879187**

Cool & Cozy Lounge at the Flying Dutchman, 156 Wells Way, SE5 7SY

I object to this licence application on a number of grounds: prevention of crime and disorder, prevention of public nuisance, and public safety

The licence for these premises was revoked as recently as December 2022. I believe the licence review was triggered by local residents, who reported long-standing and varied complaints about issues such as noise, anti-social behaviour, fighting outside the premises.

Although their complaints had been raised with the DPS many times, nothing changed. I think this demonstrates his inability to run the premises in a way that complies with the terms of the licence or respects the local community.

The terms of the current licence application are very similar to the previous licence – this is a proposal for a late night club, and it's crucial that these premises are managed extremely well to avoid noise and disturbance. Although I think the new licence application has been submitted by a different person, the team running the Cool and Cozy Lounge has not changed, nor has the DPS. To me, that's the most relevant point. I do not think you should grant a licence to a management team that has such a bad track record.

I understand that since the licence was revoked, Cool and Cozy Lounge has been using TENS licences for ad hoc late night events. Unless local residents feel that there has been a noticeable improvement, I do not think the current management team and DPS should be allowed to continue operating a late night club.


## OTHER PERSON W

**From:** [REDACTED]  
**Sent:** Thursday, January 5, 2023 12:39 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** licence no 879187

Email sent:5.1.22

Dear Southwark Licensing,

The Well Community Church would like to raise a representation about the application:  
 879187

<b>Trading name and address:</b>	Cool and Cozzy Lounge 156 The Flying Dutchman Wells Way SE5 7SY
----------------------------------	---

We object to the lateness of the hours of business/ music/ and alcohol license on the grounds of prevention of public nuisance, we have seen that a large number of people gather outside, and bins and dirt is building up on the pavement. As an occasional venue ourselves, we always make sure that music is ended and activities finish by 11pm, as we are mindful that we will cause a disturbance to our many near residential neighbours. This application will only increase the noise, mess and disturbance to the many close residents who live nearby.

Public safety: we believe (based on experience of previous operation) that the large numbers of people driving and parking in the area is uncontrolled and often a significant disturbance to residents

Prevention of crime and disorder: the lateness of the application means that the police would have to significantly increase their presence, and church members feel at risk if we have late night services.

Yours faithfully,

[REDACTED]  
 Administrator

[REDACTED]  
 [REDACTED]  
 The Well Community Church

[REDACTED]  
 [REDACTED]  
 [REDACTED]

OTHER PERSON X

**From:** [REDACTED]  
**Sent:** Monday, January 2, 2023 9:00 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Objection to license application 879187 for Cool and Cozy Lounge

To: Southwark Licensing Team - [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

Subject: **Objection to license application 879187 for Cool and Cozy Lounge**

Trading Name: Cool and Cozy Lounge

Licence Number: 879187

URL:

<https://app.southwark.gov.uk/licensing/LicPremisesAppliedDetails.asp?systemkey=879187>

Reasons for opposing:

- 
- 
- I'm opposing the application in its entirety as I do not believe it meets the licensing objectives
  - under the Licensing Act 2003 of prevention of crime and disorder, prevention of public nuisance, and public safety.
- 
- 
- 
- The council's licensing sub-committee recently revoked the licence for this venue on October 13th
  - 2022 following an application by local residents. It remains under the same management and there has been no evidence or reason as to why the premises
- 
- 
- 
- TENs have been granted for the premises in recent weeks which I believe has resulted in similar
  - noise and anti-social behaviour issues as before.
- 

Regards,

Name: [REDACTED]

Address: [REDACTED]

E-mail: [REDACTED]

Date: 2nd January, 2023



4 January 2023

Southwark Council  
Regulatory Services  
3rd Floor Hub 1  
PO Box 64529  
London SE1P 5LX

**Licence application 879187**

Cool & Cozy Lounge at the Flying Dutchman, 156 Wells Way, SE5 7SY

The committee of the Wells Way Triangle Tenants and Residents Association objects to this application, for reasons of prevention of crime and disorder, prevention of public nuisance, and public safety (based on experience of previous operation).

We discussed the revocation of the previous licence at our committee meeting on 13 December (and were present at the licence review). We discussed the new application in a number of follow-up emails.

We feel that the application should be rejected in its entirety.

The licence was revoked in December 2022 following an application by local residents. They reported many and ongoing licensing violations including public intoxication, extreme levels of noise (especially outside but also from inside the premises after closing hours), and physical fights. These problems had been raised with the DPS many times but were never resolved.

The business is still under the same management team. We have every reason to believe that the problems will recur if the new licence is granted.

Yours faithfully

  
on behalf of the WWTRA committee

OTHER PERSON  
SUPPORTING A

**From:** [REDACTED]  
**Sent:** Friday, January 13, 2023 10:24 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Support of cool and cozy Liu ge licensing

To Southwark Council

Ref. Cool and Cozy lounge  
156 Wells Way Se5 7sy London

I live at [REDACTED]

I have been living here before the previous licence for Cool&Cozy Lounge was granted and I have seen the changes it has brought to the community.

It has been a safe place for us [REDACTED] to go to for quality time with family/friends. It has made the community more inclusive and Francis has always managed the premises exceptionally.

As it has in the past, I believe Cool & Cozy Lounge will uphold 4 licensing objectives. Francis has always been around asking if there are any issues with the premises and the clients and he has set up meetings for members of the community to come discuss anything about the premises. He is always listening to us. In fact, I know some neighbours said customers began parking their cars outside residential houses, Francis spoke to the neighbours personally and he put orange cones out to protect the spaces outside residential homes. He has made sure that the business does not prosper at the detriment of the community.

It will not only be a nightclub, it will be part of our community. It has been open through TENS in December and January and I make it a point to say that we did not have any issues with it, especially given our close proximity to the place. There were no noise issues and no incidents.

I hope that this application is granted and look forward to enjoying Cool and Cozy Lounge.

Thank you.

[REDACTED]

[REDACTED]

**OTHER PERSON  
SUPPORTING B**

**From:** [REDACTED]  
**Sent:** Monday, January 16, 2023 9:52 AM  
**To:** [REDACTED]  
**Subject:** Re: Reference: Cool and Cozy lounge license application

Hi,

My address is :

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Apologies for not including this in my original email.

Thanks [REDACTED]

Dear Sir/Madam,

I am writing to you to support the license application for:

Cool and Cozy Lounge,  
156 Wells Way,  
SE5 7SY

I am a local resident and music promoter and have run events at Cool and Cozy Lounge since 2019 and visited as a customer many times.

Whenever I have held events at Cool and Cozy, Francis and his staff have been professional and efficient. Noise pollution was kept to a minimum, crowds were handled respectfully and dispersed quickly.

It is clear from visiting Cool and Cozy that it is an important venue for the local African and Caribbean diaspora as well as being a hugely welcoming space for the wider local community.

A close friend of mine runs a fabrication business out of a large shared workshop, minutes from the venue, and has hosted shared Xmas parties at Cool and Cozy in the past, due to their close relationship with Francis. To me this shows the extent of Francis' engagement with, and commitment to, the local community.

Venues like this are rare in London and I believe it vital that it continue to function.

Best,

[REDACTED]

# Licensing Act 2003

## Premises Licence



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

Premises licence number

875973

### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Cool and Cozy Lounge The Flying Dutchman 156 Wells Way Ordnance survey map reference (if applicable): 533046177249	
<b>Post town:</b> London	<b>Post code:</b> SE5 7SY
<b>Telephone number</b>	

### Licensable activities authorised by the licence

Films - Indoors  
Indoor Sporting Event  
Live Music - Indoors  
Recorded Music - Indoors  
Late Night Refreshment - Indoors  
Sale by retail of alcohol to be consumed on premises  
Sale by retail of alcohol to be consumed off premises

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

Monday	10:00 - 00:30
Tuesday	10:00 - 00:30
Wednesday	10:00 - 00:30
Thursday	10:00 - 00:30
Friday	10:00 - 06:30
Saturday	10:00 - 06:30
Sunday	11:00 - 01:30

### 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

#### Films - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 06:00
Saturday	10:00 - 06:00
Sunday	11:00 - 01:00

**Indoor Sporting Event**

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 06:00
Saturday	10:00 - 06:00
Sunday	11:00 - 01:00

**Live Music - Indoors**

Monday	10:00 - 23:30
Tuesday	10:00 - 23:30
Wednesday	10:00 - 23:30
Thursday	10:00 - 23:30
Friday	10:00 - 06:00
Saturday	10:00 - 06:00
Sunday	11:00 - 01:00

**Recorded Music - Indoors**

Monday	10:00 - 23:30
Tuesday	10:00 - 23:30
Wednesday	10:00 - 23:30
Thursday	10:00 - 23:30
Friday	10:00 - 06:00
Saturday	10:00 - 06:00
Sunday	11:00 - 01:00

**Late Night Refreshment - Indoors**

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 05:00
Saturday	23:00 - 05:00
Sunday	23:00 - 01:00

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

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 06:00
Saturday	10:00 - 06:00
Sunday	11:00 - 01:00

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

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 06:00
Saturday	10:00 - 06:00
Sunday	11:00 - 01:00

## Part 2

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

EDN Arts & Events Limited  
[REDACTED]

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

13723920

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

Francis Kpandeh  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

Licence No.: [REDACTED]

Authority.: LB Southwark

Licence Issue date: 11/11/2021

[REDACTED]  
Head of Regulatory Services  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
licensing@southwark.gov.uk

### **Annex 1 - Mandatory conditions**

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

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

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

**102** The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself.

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

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

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

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

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

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

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

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

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

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

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

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

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or

such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

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

**489** The responsible person shall ensure that -

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

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

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

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

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

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

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

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

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day

("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

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

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

**109** Alcohol shall not be sold or supplied except during permitted hours: as stated elsewhere on this licence and on

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

The above restrictions do not prohibit;

i) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

ii) The sale of alcohol to a trader or club for the purposes of the trade or club;

iii) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

iv) The taking of alcohol from the premises by a person residing there; or

v) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or

vi) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises

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

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

**112** This licence allows for the premises to remain open for non standard timings as stated on the days and hours stated below. 10:00 to 01:30 the following day on Christmas Eve, Christmas Day, Boxing Day, 27 December and 31 December 10.00 - 2 Jan 01.30

**113** This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below. 10:00 to 01:00 the following day on Christmas Eve, Christmas Day, Boxing Day, 27 December and 31 December 10.00 - 2 Jan 01.00

**114** This licence allows for the premises to extend the following licensable activities for non standard timings as stated below on the following days: Provision of regulated entertainment Films, Indoor Sporting Events, Live Music, Recorded Music, Provision of Entertainment Facilities, Making Music, Dancing and Late Night Refreshment 10:00 to 01:00 the following day on Christmas Eve, Christmas Day, Boxing Day, 27 December and 31 December 10.00 - 2 Jan 01.00

**180 a.** The premises shall be effectively ventilated to prevent public nuisance

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

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

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

**288** That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.

**289** That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council

**293** All staff shall be trained to observe the measures necessary to promote the crime and disorder objective and a record of the dates and names of the staff trained kept

**296** Only responsible drinks promotions will be allowed at the premises.

**298** That suitable notices shall be displayed stating "No Drugs". A zero tolerance policy towards illegal drugs will operate at all times.

**302** The premises will operate in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and club and operate in accordance with all relevant legislation i.e the S.182 Guidance regarding the aims and objectives of the licensing laws

**308** There shall be no new entry or re-entry to the premises after 02.30hrs

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

**316** That all collections, deliveries, waste handling and cleaning of external areas shall take place between the hours of 08.00hrs and 20.00hrs

**323** That the management make regular checks to ensure that any noise from the licensable activities provided do not cause nuisance to the local neighbourhood

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

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

**336** That a Personal Licence holder is on the premises and on duty at all times after 20.00hrs that intoxicating liquor is supplied when the terminal hour of the premises is after 01.00hrs.

**340** The premises will liaise and cooperate with the police and participate in any Pub Watch or other equivalent scheme

**341** No person under 18 shall be admitted to any part of the premises where adult entertainment is provided

**342** Any restrictions on the admission of children will be displayed outside the premises or relevant part thereof

**343** That staff will be trained to observe the measures necessary to promote the public nuisance

**344** That licensed entertainment, both amplified and acoustic, shall only take place inside the premises. No parts of the exterior shall be used for the purposes of entertainment.

**345** That loud instruments (for example brass, drums, etc.) are required to be muted or muffled when being played.

**346** That before the premises license can take effect with regard to amplified music, all speakers used within the premises shall be isolated from the structure of the building by either rubber matting or anti - vibration hangers.

**347** That before the premises license can take effect with regard to amplified music, a working compressor type sound limiting device, or speaker protection system that will permit maximum volume and bass levels to be set, shall be fitted to the in-house sound amplification equipment. The maximum bass and volume levels shall be set by the applicant's sound engineer in conjunction with EP Team officers

**348** That the sound limiter installation and its maximum volumes/set levels shall be maintained thereafter.

**349** That every solo performer or the leader of every band or ensemble performing at the venue shall provide written guarantee that they and their musicians will obey instructions from the Designated Premises Supervisor regarding the overall volume level and the volume level of individual instruments. The same guarantee shall be provided by any sound engineer working at the venue. All documentation pertaining to this condition shall be kept on the premises and available to Officers of the Council or the Police to inspect on request.

**350** That all openings in the building fabric such as doors, windows and vents shall be closed during licensed entertainment except for access and egress.

**351** That before the premises license can take effect with regard to amplified music details of an internal ventilation/cooling system for the premises shall be submitted for approval by the EP Team. The licensee shall then undertake the approved works within 6 months of the commencement of the license. (note - free standing air conditioning units will be acceptable whilst the license is only for 2 days a week - if the premises wished to go to a 7 day a week license then a permanent ventilation system would be required).

**352** Arrangements will be made for the storage and disposal of refuse which do not cause a nuisance and removals of waste shall not take place between the hours of 0000 and 0700 hours

**353** That there shall be no movement of musical or performance equipment, other than those that are had held and easily managed by one person, to or from the premises between the hours of midnight and 8am.

**354** That all exit doors for patrons will be fitted with clearly legible, noticeable signs requesting that patrons leave quietly and be aware the nature of the area is residential.

**355** That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council

**356** That suitable notices shall be displayed requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents

**357** Customers shall not use any area at the front of the premises after 22.30.

**358** A minimum of 1 SIA door supervisor shall be employed at the premises, or such other number as may be specified by an authorised officer of the Metropolitan Police, Friday and Saturday after 22.00hrs until the Terminal hour when the premises are in use under the licence.

**359** When no SIA door supervisors are employed after 22.00hrs on Friday and Saturday at the premises members of the public shall not be permitted on the premises for the purpose of licensable activities after 01:00.

**360** That there shall be no movement of musical or amplification equipment from the premises between the hours of 12.00 midnight and 8.00 am.

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

**Annex 4 - Plans - Attached**

Licence No. 875973

Plan No. 071

Plan Date May 2005



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 13 OCTOBER 2022

#### **SECTION 51 LICENSING ACT 2003: COOL & COZZY LOUNGE, THE FLYING DUTCHMAN, 156 WELLS WAY, LONDON SE5 7SY**

##### **1. Decision**

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 submitted by an other person for the review of the premises licence issued in respect of Cool & Cozzy Lounge, The Flying Dutchman, 156 Wells Way, London SE5 7SY and having had regard to all relevant representations has decided to revoke the premises licence.

##### **2. Reasons**

This was an application made by an other under Section 51 Licensing Act 2003 for the review of the premises licence in respect of Cool & Cozzy Lounge, The Flying Dutchman, 156 Wells Way, London SE5 7SY.

The representative for the premises noted that the sole director for the premises licence holder and company was present at the sub-committee meeting. All dealings that the representative had were with the designated premises supervisor (DPS) and it was his understanding that the DPS and director were one and the same and sought confirmation from the director that they were content to be represented by him. This was confirmed.

The applicant for the review advised the sub-committee that the premises was located on Wells Way, Camberwell which was in a very residential area. The applicant's family had moved there three years previously. Prior to that, the applicant had lived on Electric Avenue, Brixton and despite this, had not experienced anything like the anti-social behaviour and licensing breaches that they had with Cool and Cozzy.

They advised that the problems with the premises had resulted in sleep disruption which was worst between 02:00 to 07:00 hours at the weekends. The incidents occurred primarily at weekends and that it was unusual to occur during the week. The problems had intensified since 2019.

The applicant stated that there had been extensive criminal and licensing violations all of which had been reported to the responsible authorities. The applicant's family had experienced drink driving, physical fights and illegal parking outside their home. There had also been public intoxication, extreme levels of noise, especially outside but also coming from inside the premises after closing hours. The Applicant had witnessed people urinating and vomiting outside of their home. There had also been reoccurring

pest infestations as a result of food being left out outside of the premises and the premises dustbins overflowing. Patrons were regularly in the premises garden, screaming and engaging in verbal and physical fights.

Large amounts of broken glass were regularly left by the premises on the pavement which had caused injuries to the family dog, requiring veterinary treatment. The applicant was also threatened by a patron of the premises who came to the applicant's front door screaming, with a knife. The individual kicked the applicant's front door so badly, it had to be replaced.

The applicant informed the sub-committee that the regular disturbances were extremely stressful. Reference was also made to the premises operating throughout the pandemic. The DPS, had been spoken to and was apologetic, but the problems always continued. The DPS had shown that he either had a lack of capacity or sound judgment to manage the premises. The DPS arranged a meet to discuss the noise level, but it felt that this was little too little, too late. The applicant requested that members revoke the premises licence.

The Chair of the licensing sub-committee noted that the premises had been transferred to an arts company, but the Applicant stated they had seen no evidence of this. The premises only appeared to operate as a nightclub.

The applicant advised that they had a Ring camera at their front door and all incidents had been captured on it, which were then duly sent to the police and the council. It was explained to the applicant that only trading standards had submitted a representation from all the responsible authorities. It was also advised that unless the applicant had submitted the evidence as part of their review application in advance of the hearing, the sub-committee would not be able to take the evidence into account.

The licensing sub-committee then heard from the trading Standards officer who stated that the ownership of the business was FDN Arts and Events Limited, who was the landlord to the premises and that DPS had been running the business before 2019. FDN Arts and Events maintained their position as premises licence holder, meaning they specified who could run the own business. The premises licence holder (director) interrupted and stated that they were not responsible for how the DPS ran the business.

The representative for trading standards advised that during the COVID pandemic, he had attended the premises with the police on numerous occasions during the lockdown and the premises was always locked and in darkness. It was compliant with the restrictions and closures imposed by the Coronavirus Regulations. Any suggestion that the premises were open, was untrue. Trading standards had been directed to attend the premises due to the extent of complaints received by the council. When the restrictions were being lifted, the premises were open and the DPS had demonstrated compliance with the COVID regulations and guidance.

When the review application had been submitted, the officer stated he had attended the premises and whilst initially there were a number of conditions not complied with, this had vastly improved. The officer confirmed that he had not witnessed any of the things being complained about, nor had the police raised any concerns to him. Other

venues in the area, had caught the officer's attention more than the Cool & Cozy Lounge. The officer had witnessed patrons using the external area/garden but the SIA security appeared strict on patron order/disorder.

The licensing sub-committee heard from other person 9. Concerning the queues into the premises, they had witnessed up to 30 to 40 people queuing to get in and called the noise team five or six times. Patrons drinking in the queue/outside the premises was not a problem nor did they feel the glass issue raised by the applicant was a problem.

The primary problem was the external noise particularly from patrons. The premises was generally well soundproofed; there was some noise, but not an amount that justified a complaint. The SIA security were able to control the door and the immediate area, but it was areas beyond the immediate vicinity that was the main problem which the DPS had not satisfactorily addressed.

The problems were at their worst between 02:30-05:30 hours. Curbing the last entry to 00:00 hours would assist the local residents. Other person 9 also referred to Southwark's statement of licensing policy and highlighted that the premises was located in a residential area and the recommended closing time was 23:00 hours and that nightclubs were not considered appropriate for residential areas. Local residents had attempted to deal with the matter amicably with the DPS, but there had been no improvements, hence the review application. It was felt that no additional conditions would alleviate situation.

It was pointed out that the recommended closing hours were introduced by council assembly after the variation of the premises licence in 2015.

The licensing sub-committee then heard from other persons 11 and 12. Other person 11 stated that FDL Arts and Events Limited was the premises licence holder and that they were the sole director of it. Person 11 was previously the DPS and ran the premises, before the current DPS. The premises was previously an arts venue between Monday and Friday, renting space to local students to show/perform their arts. At weekends, there were DJs playing until 06:00 hours. There were stringent rules as to how the premises operated at the weekends, which caused the least amount of nuisance to the neighbourhood. A lease had been signed with the DPS application. The rules as to how the premises ran (including at the weekends) were then passed to the DPS.

Since the DPS variation in 2019, there had been regular complaints of loud music and patrons not being managed well. Other person 11 stated they personally felt very disappointed with how the venue had been run and the amount of complaints that they had received from the local community. Other person 11 stated that they regretted appointing the DPS. Measures could have been put in place by the DPS to minimize any disturbance to the neighbours, but not implemented.

Person 11 stated they had no faith in the DPS. The DPS would neither implement nor comply with any conditions that the sub-committee imposed. They deeply regret appointing the DPS and being the premises license holder, were "absolutely not against the licence being revoked".

The representative for the DPS interjected and advised the sub-committee that he was likely to be conflicted in representing both the DPS and person 11 (as the premises licence holder) and requested a break to take instructions.

Following the brief adjournment the legal representative informed the sub-committee that it was not unusual in reviews applications to represent both the premises licence holder and a DPS. On this occasion however, there had been nothing in the agenda papers to indicate that other person 11 was in fact, the premises licence holder (or sole director of the company that was the premises licence holder).

The legal representative stated that due to a conflict, he was unable to assist the sub-committee. Further, because the DPS had not submitted a representation during the consultation period, he was not permitted to make verbal submissions in his own right to the sub-committee in respect of the review application. Regardless of Section 52(7) and Section 52(8) Licensing Act 2003, it was unclear why the premises licence holder failed to apply for a DPS variation.

The legal advisor to the sub-committee then asked the other person 11/premises licence holder to clarify that they were content for the premises licence to be revoked. This was confirmed. Other person 11/premises licence holder stated that the reason they had not removed the DPS was because they had a real fear of retaliation and wanted to go through the review process to ensure sure that the licence was revoked by the licensing sub-committee. To this, the legal advisor requested that the matter should go into a closed session to liaise with the members.

In hearing the evidence from the local residents, the members were initially of the view that the most appropriate course of action may have been to remove the DPS. However, in view of the other person/premises licence holder informing that sub-committee that they were content for the premises licence to be revoked, members concluded little would be gained in hearing any further action, particularly in light of the conflicting evidence from the applicant, trading standards and other person 9. However, the Chair of the sub-committee expressed extreme dissatisfaction with how the meeting had progressed.

Other person 11 was not just a resident, but the owner of the premises and the premises licence holder. Their representation made no reference to this at all. The representation was submitted in the name of EP, rather than their full legal name (held at Companies House).

The premises licence holder had the power to appoint and remove a DPS. Rather than administer the DPS' removal, they had allowed the local residents to endure the significant disturbance from the premises. The members did not accept other person 11/premises licence holder's belief that the removal of the DPS would result attract retaliation, given that they submitted a written representation and was happy to speak at a public sub-committee meeting.

It was apparent that the licensing review process was being exploited as a cheap alternative to terminating the business relationship and commercial lease through the civil courts. The licensing sub-committee unanimously felt that the matter should be

investigated further for potential criminal offences of Making a False Statement (Section 158 Licensing Act 2003) and/or Failing to Disclose Information (Section 3 Fraud Act 2006).

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.

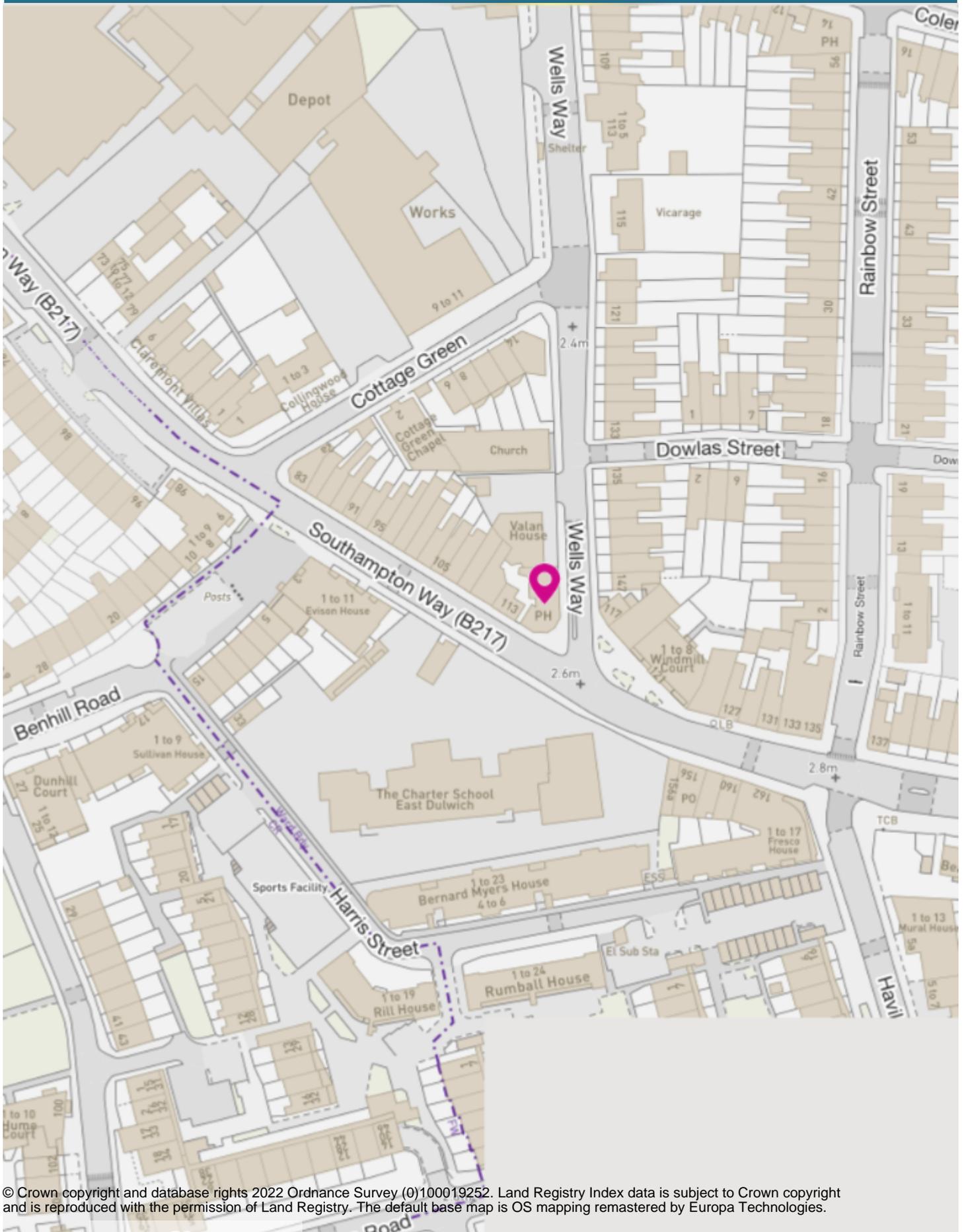
Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

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

Dated 21 October 2022



© Crown copyright and database rights 2022 Ordnance Survey (0)100019252. Land Registry Index data is subject to Crown copyright and is reproduced with the permission of Land Registry. The default base map is OS mapping remastered by Europa Technologies.



50 m

**LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2022-23**

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

Name	No of copies	Name	No of copies
<b>Members</b>		<b>Officers (by email only)</b>	
Councillor Renata Hamvas (Chair)	1	Debra Allday, legal team	
Councillor Barrie Hargrove	1	Toyin Calfos, legal team	
Councillor Kath Whittam	1	Charlotte Precious, legal team	
<b>Reserve</b>		Wesley McArthur, licensing team	
Councillor Sunny Lambe	1	Andrew Heron, licensing team	
		Barry O'Callaghan, licensing team	
		Raymond Binya, environmental protection team	
		P.C. Ian Clements, Metropolitan Police Service	
		P.C. Mark Lynch, Metropolitan Police Service	
		Andrew Weir, constitutional team	
		<b>Total printed copies: 4</b>	
		<b>Dated: 31 January 2023</b>	