

Licensing Sub-Committee

Thursday 9 May 2024

10.00 am

Online/Virtual

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Margy Newens

Reserves

Councillor Jane Salmon

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

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

Members of the committee are summoned to attend this meeting

Althea Loderick

Chief Executive

Date: 30 April 2024



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Licensing Sub-Committee

Thursday 9 May 2024
10.00 am
Online/Virtual

Order of Business

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

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

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

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

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

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

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

5. LICENSING ACT 2003: TROPICAL, 186-188 OLD KENT ROAD, LONDON SE1 5TY 1 - 79

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

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Date: 30 April 2024

Meeting Name:	Licensing Sub-Committee
Date:	9 May 2024
Report title:	Licensing Act 2003: Tropical, 186-188 Old Kent Road, London SE1 5TY
Ward(s) or groups affected:	Faraday Ward
Classification:	Open
Reason for lateness (if applicable):	N/a

RECOMMENDATION

1. That the licensing sub-committee considers an application made Carlos Fernando Delgado Armijos to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Tropical, 186-188 Old Kent Road, London SE1 5TY.
2. Notes:
 - a) The application seeks to vary the premises licence held in respect of the premises known as Tropical, 186-188 Old Kent Road, London SE1 5TY of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to representations submitted by responsible authorities and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application. A copy of the application submitted with the application are attached to this report as Appendix A.
 - c) Paragraphs 16 to 21 of this report deal with the representations submitted in respect of the application. A copy of the representations from the responsible authorities are available in Appendix B. A map showing the location of the premises is attached to this report as Appendix E.
 - 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 current premises licence

8. The current premises licence was issued on 21 April 2016.
9. The hours on the current licence are:
 - The sale by retail of alcohol (on sales only):
 - Monday to Sunday: 11:00 to 00:00

- The provision of late night refreshment (indoors):
 - Monday to Sunday: 23:00 to 00:00
 - The provision of regulated entertainment in the form of recorded music, performances of dance and anything similar (indoors):
 - Monday to Sunday: 20:00 to 00:00
 - Opening hours:
 - Monday to Sunday: 20:00 to 00:30.
10. The designated premises supervisor (DPS) is Carlos Fernando Delgado Armijos, the premises licence holder.
11. A copy of the current premises licence is attached as Appendix A.

The variation application

12. On 11 February 2024 Carlos Fernando Delgado Armijos applied to this Council to vary the premises licence under the Licensing Act 2003 in respect of the premises known as Tropical, 186-188 Old Kent Road, London SE1 5TY.
13. The hours applied for are summarised as follows:
- The sale by retail of alcohol (on sales only):
 - Sunday to Thursday: 11:00 to 02:00
 - Friday and Saturday: 11:00 to 04:0
 - The provision of late night refreshment (indoors):
 - Sunday to Thursday: 23:00 to 02:00
 - Friday and Saturday: 23:00 to 04:00
 - The provision of regulated entertainment in the form of recorded music and performances of dance (indoors):
 - Sunday to Thursday: 20:00 to 02:00
 - Friday and Saturday: 20:00 to 04:00
 - Opening hours:
 - Sunday to Thursday: 10:00 to 02:30
 - Friday and Saturday: 0:00 to 04:30.
14. The premises, and the intended operation of the premises, are described in the application as follows:
- “To extend the trading hours”.

15. A copy of the application is attached to this report as Appendix B.

Representations from responsible authorities

16. There are three representations from responsible authorities, namely the Metropolitan Police Service (Licensing Division), the council's trading standards team and the council's licensing authority.
17. The representation from the police points to the premises being morphing from a restaurant into a nightclub, with the hours applied far exceeding those recommended in the Southwark statement of licensing policy. The objection is made under the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.
18. The representation from trading standards makes representation under the licensing objective of the prevention of crime and disorder and asks for two conditions in relation the sale of alcohol, namely:
- That no spirits (liquids containing more than 20% ABV) are to be sold by the bottle or half bottle.
 - That all spirits (liquids containing more than 20% ABV) should be sold in measures of 25ml or 35ml to a maximum of two measures per container / glass.
19. The representation from licensing is made under the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. It notes that the hours applied are outside of the Southwark statement of licensing policy. There is concern of the locality to local residents and points to a previous application that applied for similar late hours and was refused by the licensing sub-committee in October 2018 due to a history of noncompliance.
20. The representations are available in Appendix C.

Representations from other persons

21. There are no representations from other persons.

Conciliation

22. At the time of composing this report, none of the representations had been conciliated. Copies have been sent to the applicant

Premises history

23. The first premises licence was issued on 12 March 2007 and has been through a number of DPS variations and transfers, up to the present licence which came to Carlos Fernando Delgado Armijos on 21 April 2016.

24. An application to vary the premises licence was previously made by Carlos Fernando Delgado Armijos in October 2016 to also extend the hours, but was withdrawn by the applicant.
25. On 29 August 2018 Carlos Fernando Delgado Armijos applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as Tropical, 186-188 Old Kent Road, London SE1 5TY. The application was considered by the licensing sub-committee and subsequently refused. A copy of the notice of decision from October that year is available in Appendix D.
26. The applicant has submitted temporary event notices (TENs), see list below from the last 12 months:

Applicant	Dates	Activities	Counter Notice
Carlos Fernando Delgado Armijos	06/05/2023 to 07/05/2023 from 23:00 to 05:00	Sale be retail of alcohol (on sales) and late night refreshment	No
Carlos Fernando Delgado Armijos	29/04/2023 to 30/04/2023 from 23:00 to 05:00	Sale be retail of alcohol (on sales) and late night refreshment	No
Carlos Fernando Delgado Armijos	27/05/2023 to 28/05/2023 from 23:00 to 05:00	Late TEN: Sale be retail of alcohol (on sales) and late night refreshment	No
Carlos Fernando Delgado Armijos	17/06/2023 to 18/06/2023 from 23:00 to 06:00	Late TEN: Sale be retail of alcohol (on sales) and late night refreshment	No
Carlos Fernando Delgado Armijos	08/07/2023 to 09/07/2023 from 23:00 to 04:00	Late TEN: Sale be retail of alcohol (on sales) and late night refreshment	No
Carlos Fernando Delgado Armijos	29/07/2023 to 30/07/2023 from 23:00 to 04:00	Sale be retail of alcohol (on sales) and late night refreshment	No
Carlos Fernando Delgado Armijos	12/08/2023 to 13/08/2023 from 23:00 to 04:00	Sale be retail of alcohol (on sales) and late night refreshment	No
Carlos Fernando Delgado Armijos	30/09/2023 to 01/10/2023 from 23:00 to 04:00	Sale be retail of alcohol (on sales) and late night refreshment	No
Carlos Fernando Delgado Armijos	01/01/2024 to 01/01/2024 from 12:30 to 05:30	Sale be retail of alcohol (on sales) and late night refreshment	No
Carlos Fernando Delgado Armijos	18/02/2024 to 18/02/2024 from 00:30 to 05:30	Late TEN: Sale be retail of alcohol (on sales) and late night refreshment	No
Carlos Fernando Delgado Armijos	03/03/2024 to 03/03/2024 from 00:30 to 05:30	Late TEN: Sale be retail of alcohol (on sales) and late night refreshment	No
Carlos Fernando Delgado Armijos	31/03/2024 to 31/03/2024 from 00:30 to 05:30	Late TEN: Sale be retail of alcohol (on sales) and late night refreshment	No

27. There are no recent complaints (12 months) in relation to the premises.

Map

28. A map showing the location of the premises is attached to this report as Appendix E. The following are a list of similarly licensed premises are in the immediate vicinity of the premises application:

Le Joint Wine and Snacks Bar, 193 Old Kent Road, SE1 5NA

- The sale of alcohol (both on and off sales):
 - Monday to Sunday: 10:00 to 02:30
- The provision of late night refreshment (indoors):
 - Monday to Sunday: 23:00 to 02:30

La Cantaleta, 176-178 Old Kent Road, London SE1 5TY:

- The sale of alcohol (on sales):
 - Monday to Thursday: 12:00 to 22:30
 - Friday and Saturday: 12:00 to 02:00
- The provision of late night refreshment (indoors):
 - Friday and Saturday: 23:00 to 02:00
- The provision of regulated entertainment in the form of recorded music and performance of dance (indoors):
 - Friday and Saturday: 12:00 to 02:00

Mambo 190 Bar and Lounge, 190-192 Old Kent Road, London SE1 5TY:

- The sale of alcohol (on sales):
 - Monday to Wednesday: 11:00 to 00:00
 - Thursday: 11:00 to 01:00
 - Friday and Saturday: 11:00 to 04:00
 - Sunday: 11:00 to 01:00
- The provision of late night refreshment (indoors):
 - Monday to Wednesday: 23:00 to 00:00
 - Thursday: 23:00 to 01:00
 - Friday and Saturday: 23:00 to 04:00
 - Sunday: 23:00 to 01:00

- The provision of regulated entertainment in the form of live and recorded music, performance of dance and anything similar (indoors):
 - Monday to Wednesday: 23:00 to 00:00
 - Thursday: 23:00 to 01:00
 - Friday and Saturday: 23:00 to 04:00
 - Sunday: 23:00 to 01:00

Bubble Bubble and Bar, 194 Old Kent Road, London SE1 5TY:

- The sale of alcohol (on sales):
 - Monday to Thursday: 10:00 to 01:00
 - Friday and Saturday: 10:00 to 03:00
- The sale of alcohol (off sales):
 - Monday to Thursday: 10:00 to 23:00
 - Friday and Saturday: 10:00 to 00:00
- The provision of regulated entertainment in the form of recorded and live music (indoors):
 - Monday to Thursday: 10:00 to 01:00
 - Friday and Saturday: 10:00 to 03:00

Options, 207 Old Kent Road, London SE1 5NA:

- The sale of alcohol (on sales):
 - Monday to Saturday: 11:00 to 00:00
 - Sunday: 12:00 to 23:30
- The provision of late night refreshment (indoors):
 - Monday to Saturday: 23:00 to 00:30
 - Sunday: 23:00 to 00:00

New Wing Fu, 227 Old Kent Road, London SE1 5LU:

- The sale of alcohol (off sales):
 - Monday to Sunday: 12:00 to 00:00 (midnight)
- The provision of late night refreshment (indoors):
 - Monday to Sunday: 23:00 to 00:00 (midnight)

Eurotraveller Hotel, 194-202 Old Kent Road, London SE1 5TY:

- The sale of alcohol (on sales):
 - Monday to Sunday: 24 hours
- The provision of regulated entertainment in the form of live and recorded music and performances of dance (indoors):
 - Monday to Saturday: 11:00 to 23:00
 - Sunday: 11:00 to 22:00
 - Sunday: 11:00 to 22:00

Policy framework implications - Southwark Council statement of licensing policy

29. 25 November 2020 and it came into effect on 1 January 2021.

30. 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.

31. 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.
32. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions. The links for these are below:

Southwark Policy:

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

Section 182 Guidance:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Cumulative impact area (CIA)

33. The premises lies outside of a cumulative impact policy area. The area is considered to be residential. The recommended closing hours for premises are as follows:
- Restaurants: 23:00 daily
 - Nightclubs: nightclubs are not considered appropriate for this area.

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

Community impact statement

34. 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

35. 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.
36. 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.

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

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

38. The equalities impact assessment is available at:

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

Health impact statement

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

General guidance

40. Members should take into consideration both the Southwark Statement of Licensing Policy and the Section 182 Guidance when making decisions.

https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf

41. 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.

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>

Resource implications

46. 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 B.

Consultation

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive - Governance and Assurance

48. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.

49. The principles which sub-committee members must apply are set out below.

Principles for making the determination

50. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.

51. The principles which sub-committee members must apply are set out below.

52. 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.

53. 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.

54. 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

55. 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.

56. The four licensing objectives are:

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

57. 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.

58. 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.

59. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section

Reasons

60. 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

61. 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.
62. 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

63. 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.
64. 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.

65. 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.
66. 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.
67. 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.
68. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
69. 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.
70. 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.

Strategic Director of Finance

71. 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 Regulatory Services, 160 Tooley Street, London SE1 2QH	Mrs Kirty Read Tel: 020 7525 55748

APPENDICES

No.	Title
Appendix A	Current premises licence
Appendix B	Copy of the application
Appendix C	Representations from Responsible Authorities
Appendix D	Notice of Decision from 18 October 2022
Appendix E	Map of locality

AUDIT TRAIL

Lead Officer	Toni Ainge, Strategic Director of Environment Neighbourhoods and Growth	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	26 April 2024	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive - Governance and Assurance	Yes	Yes
Strategic Director of Finance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	26 April 2024	

Licensing Act 2003 Premises Licence



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

Premises licence number

851458

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Tropical 186-188 Old Kent Road London SE1 5TY	
Ordnance survey map reference (if applicable), 533318178567	
Post town London	Post code SE1 5TY
Telephone number	

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

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 - 00:30
Saturday 10:00 - 00:30
Sunday 10:00 - 00:30

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

The times the licence authorises the carrying out of licensable activities

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

Recorded Music - Indoors

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

Performance of Dance - Indoors

Monday	20:00 - 00:00
Tuesday	20:00 - 00:00
Wednesday	20:00 - 00:00
Thursday	20:00 - 00:00
Friday	20:00 - 00:00
Saturday	20:00 - 00:00
Sunday	20:00 - 00:00

Entertainment Similar to live/recorded music - Indoors

Monday	20:00 - 00:00
Tuesday	20:00 - 00:00
Wednesday	20:00 - 00:00
Thursday	20:00 - 00:00
Friday	20:00 - 00:00
Saturday	20:00 - 00:00
Sunday	20:00 - 00:00

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 - 00:00
Saturday	23:00 - 00:00
Sunday	23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

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

Part 2

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

Carlos Fernando Delgado Armijos

[Redacted]

[Redacted]

[Redacted]

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

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

Carlos Fernando Delgado Armijos

[Redacted]

[Redacted]

[Redacted]

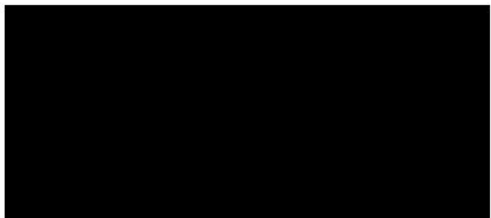
[Redacted]

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. L.B Southwark

Licence Issue date 21/04/2016



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

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).

486 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a 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

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

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

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.

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

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

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

298 That suitable notices shall be displayed stating "No Drugs".

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

312 That no parts of the outside curtilage, including the patio area, shall be used for the purpose of entertainment; either live performance or recorded performance provided via speaker.

332 All children on the premises under 18 will be accompanied by a parent or responsible adult at all times

340 No entertainment will be allowed in the exterior patio area by way of either live performance; or recorded performance provided via speakers.

112 Non standard timing on New Years Eve to finish at 06:00 for permitted licensable activities.

113 Non standard timing on New Years Eve to finish at 07:00 for operating hours.

288 The premises will install a CCTV system and maintain this system in good working order, the system will be of evidential quality and should be able to capture a clear facial image of all persons that enter the venue.

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

341 There shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage and able to download the footage to a removal device on request of the Police or other authorised officer.

326 That all staff concerned in the sale or supply of intoxicating liquor undergoes a recognised training scheme for such duties. Records of such training should be kept and made available for inspection, on request by Police or other authorised officer.

342 On each night the premises are in operation under the premises licence, there will be no new entry or re-entry to the premises one hour prior to the terminal hour for the provision of licensable activities, save for those that leave the premises for the purpose of smoking.

343 Premises management shall regularly monitor outside the premises to ensure that the volume and bass levels of any licensed entertainment is kept at a level that does not cause disturbance at the closest or most exposed noise-sensitive facade to ensure compliance with the licensing objective regarding the prevention of public nuisance.

4AG The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.

4AB All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

4AC Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.

4AI Condition 4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, The Designated Premises Supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

344 There shall be no children on the premises after 10pm on Sundays to Thursdays

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

841 That the rear door to the premises is to be kept closed after 20:00 Hours.

842 That Stock and Refuse are not to be moved at the rear of permises after 20:00 Hours.

Annex 4 - Plans - Attached

Licence No. 851458

Plan No. N/A

Plan Date N/A

11/02/2024

Business - Application to vary a premises licence under the Licensing Act 2003

Ref No. 2176178

Please enter the name(s) of the premises licence holders who is applying to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

	Carlos Fernando Delgado Armijos
Premises licence number	851458

Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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.
3. 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. 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.
9. 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'.
10. 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.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

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

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

£	26,250
---	--------

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

Address Line 1	186-188 OLD KENT ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE1 5TY
Ordnance survey map reference	
Description of the location	Restaurant
Telephone number	██████████

Part 2 - Applicant details

Daytime contact telephone number	██████████
Email address	████████████████████
Postal Address if different from premises address	████████████████
Town / City	██████████
Postcode	██████

Do you want the premises licence to have effect as soon as possible?

Please tick	<input checked="" type="checkbox"/> Yes
-------------	---

If not from what date do you want the variation to take effect?

(DD/MM/YYYY)	
--------------	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)

	<input type="checkbox"/> No
--	-----------------------------

Please describe briefly the nature of the proposed variation (see guidance note 2)

	TO EXTEND THE TRADING HOURS
--	-----------------------------

If your proposed variation would mean that 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

Please select number from range	Less than 5000
---------------------------------	----------------

Notes

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy

2. 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.

IN ALL CASES COMPLETE BOXES K, L AND M

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

	f) Recorded music (If ticking, fill in box F)
	g) Performance of dance (If ticking, fill in box G)

Provision of late night refreshment (if ticking fill in box I)

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

Supply of alcohol (if ticking fill in box J)

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

In all cases complete boxes K, L and M

Will the playing of recorded music take place indoors or outdoors or both? (Please read guidance note 4)

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

Please give further details here (Please read guidance note 5)

	AS EXISTING DJ AMPLIFIED
--	--------------------------

Standard days and timings for Recorded Music (Please read guidance note 8)

Day	Start	Finish
Mon	20:00	02:00
Tues	20:00	02:00
Wed	20:00	02:00
Thur	20:00	02:00
Fri	20:00	04:00
Sat	20:00	04:00
Sun	20:00	00:00

State any seasonal variations for playing recorded music (Please read guidance note 6)

--	--

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 7)

--	--

4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. 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.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week you intend the premises to be used for the activity.

Will the performances of dance take place indoors or outdoors or both? (Please read guidance note 4)

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

Please give further details here (Please read guidance note 5)

	AS ALREADY AUTHORISED
--	-----------------------

Standard days and timings for Performance of dance (Please read guidance note 8)

Day	Start	Finish
-----	-------	--------

Mon	20:00	02:00
Tues	20:00	02:00
Wed	20:00	02:00
Thur	20:00	02:00
Fri	20:00	04:00
Sat	20:00	04:00
Sun	20:00	02:00

State any seasonal variations for the performance of dance (Please read guidance note 6)

--	--

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 7)

--	--

4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. 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.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week you intend the premises to be used for the activity.

Will the provision of late night refreshment take place indoors or outdoors or both? (Please read guidance note 4)

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

Please give further details here (Please read guidance note 5)

	FOOD TO BE AVAILABLE AFTER 23:00 UNTIL END OF LICENSABLE ACTIVITY
--	---

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 8)

Day	Start	Finish
Mon	23:00	02:00
Tues	23:00	02:00
Wed	23:00	02:00
Thur	23:00	02:00
Fri	23:00	04:00

Sat	23:00	04:00
Sun	23:00	02:00

State any seasonal variations for the provision of late night refreshment (Please read guidance note 6)

--	--

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 7)

--	--

4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. 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.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week you intend the premises to be used for the activity.

Will the supply of alcohol be for consumption (Please read guidance note 9)

	On the premises
--	-----------------

Standard days and timings for Supply of alcohol (Please read guidance note 8)

Day	Start	Finish
Mon	11:00	02:00
Tues	11:00	02:00
Wed	11:00	02:00
Thur	11:00	02:00
Fri	11:00	04:00
Sat	11:00	04:00
Sun	11:00	02:00

State any seasonal variations for the supply of alcohol (Please read guidance 6)

--	--

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 7)

--	--

- 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 8. 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.
- 9. 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'.

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 10)

	NONE
--	------

Guidance Notes

10. 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.

Hours premises are open to the public (standard timings Please read guidance note 8)

Day	Start	Finish
Mon	10:00	02:30
Tues	10:00	02:30
Wed	10:00	02:30
Thur	10:00	02:30
Fri	10:00	04:30
Sat	10:00	04:30
Sun	10:00	02:30

State any seasonal variations (Please read guidance note 6)

--	--

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 7)

--	--

- 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

8. 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.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

--	--

I have uploaded relevant part of the previous premises licence (Please send a hard copy in the post)

	██████████

Reason for not uploading the premises licence

--	--

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 11)

	PLEASE SEE OPERATING SCHEDULE
--	-------------------------------

b) the prevention of crime and disorder

	PLEASE SEE OPERATING SCHEDULE
--	-------------------------------

c) public safety

	PLEASE SEE OPERATING SCHEDULE
--	-------------------------------

d) the prevention of public nuisance

	PLEASE SEE OPERATING SCHEDULE
--	-------------------------------

e) the protection of children from harm

	PLEASE SEE OPERATING SCHEDULE
--	-------------------------------

Guidance note 11

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

If the plan of the premises are varying please upload a plan of the premises,

Upload proposed plans	
Upload existing plans	

Checklist

	I understand that I must now advertise my application. I understand that if I do not comply with the above requirements my application will be rejected.
--	---

I/We Hereby declare the Information we have provided is true and Accurate.

I agree to the above statement

	I agree
PaymentDescription	██████████
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 13). If completing on behalf of the applicant, please state in what capacity.

Full name	████████████████████
Date (DD/MM/YYYY)	11/02/2024
Capacity	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 14). If completing on behalf of the applicant state in what capacity

Full name	
Date (DD/MM/YYYY)	
Capacity	

Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 15)

Contact name and address for correspondence	
---	--

Telephone No.	
If you prefer us to correspond with you by e-mail, your email address (optional)	

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 MAYBE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

GUIDANCE NOTES

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

Please tick to indicate agreement

<input type="checkbox"/>	I am not a company or limited liability partnership
--------------------------	---

Please upload proof of entitlement to work in the UK

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

[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 licesable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate.

I/We Hereby declare the Information we have provided is true and Accurate.

I agree to the above statement

<input type="checkbox"/>	Yes
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IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

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.

OPERATING SCHEDULE
Carlos Fernando Delgado Armijos T/A
TROPICAL
186-188 Old Kent Road
LONDON SE1 5TY

Proposed Opening Times:

11:00 until 02:30 Sunday to Thursday

11:00 until 04:30 Friday and Saturday

**THE RETAIL SALE OF ALCOHOL & THE PROVISION
OF REGULATED ENTERTAINMENT**

11:00 until 02:00 Sunday to Thursday

11:00 until 04:00 Friday and Saturday

Proposed times for Late Night Refreshment: 23:00

until 02:00 Sunday to Thursday

23:00 until 04:00 Friday and Saturday

General outline of the application

This premises has benefited from a premises licence LN/880458 and has operated without incident since 2020.

This is a Variation application to extend the operating hours, designed for a fully functioning Restaurant/Bar and Lounge to operate from the premises with Robust Conditions to ensure there is no negative impact on the Licensing Objectives or the Local community.

This Premises has submitted over the past 12 months many TEN applications for later hours all without incident or complaint, for a more permanent solution we have submitted this Variation.

To support this application, we have also revised the operating schedule to ensure that it is comprehensive and robust to ensure that the later hours are supported, and the licencing objectives are upheld.

1. That a digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises in all lighting conditions. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the

premises, including the frontage of the premises, and shall collect clearly defined / focused footage.

2. That all CCTV footage shall be kept for a period of thirty-one (31) days and shall, upon request, be made immediately available for inspection to officers of the police and any responsible authority officers.

3. There shall be at least one member of staff on duty at all times the premises are in operation, under its licence, trained and proficient in the operation of the CCTV system capable of operation and retrieving footage on request of the police or any responsible authority officer.

4. The venue shall nominate a member of staff to be a warden. That when licensable activities cease and at the time of the venue closing, encourage the patrons to leave the premises and the local area of the venue quietly to prevent anti-social behaviour. This duty shall be carried out in a high visibility clothing.

5. That a minimum of two (2) SIA registered door supervisors will be employed at the premises at all times after 22:00 hours on Friday, Saturday. They will be employed to control entry to the premises, to deal with any anti-social or disorderly behaviour at the premises, to de-escalate confrontations, to assist with emergency escape from the premises, to deal with the ejection of people from the premises, to assist management in liaising with the police regarding instances of crime and to assist with ensuring that the premises' dispersal policy is adhered to. When deployed, they shall remain at the premises until all patrons have vacated the premises and until at least 30 minutes after the premises close. The door supervisors shall be easily identifiable by hi-visibility garment.

6. That a minimum of one (1) SIA registered door supervisor will be employed at the premises at all times after 22:00 hours on a Sundays when the terminal hours are beyond midnight. They will be employed to control entry to the premises, to deal with the searching / scanning of customers, to deal with any anti-social or disorderly behaviour at the premises, to de-escalate confrontations, to assist with emergency escape from the premises, to deal with the ejection of people from the premises, to assist management in liaising with the police regarding instances of crime and to assist with ensuring that the premises' dispersal policy is adhered to. When deployed, they shall remain at the premises until all patrons have vacated the premises. The door supervisors shall be easily identifiable by hi-visibility garment.

7. The security personnel shall be equipped with mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

8. That a minimum of 2 SIA Security staff shall wear body worn video cameras and all footage is to be made available to police or council officers upon request.

9. Any individual carrying out security activities at the premises must be;

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

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

10. The Security personnel and the chosen warden, at the time of the venue closing, shall encourage the patrols to disperse from the local area of the venue quietly and prevent any anti-social behaviour.

11. That an entry policy will be devised and maintained at the premises. A copy of the entry policy shall be kept at the premises with the premises licence and shall be made immediately available for inspection to all responsible authority officers on request. The entry policy shall cover (but not necessarily be limited to):

- I. Safe customer entry to the premises,
- II. If / when applicable searching / scanning of attendees,
- III. The barring of customer entry to the premises for any reason,
- IV. Restricted items (e.g. weapons / drugs or any other items restricted by the licensee),
- V. Pre-opening safety checks of the premises,

12. All relevant staff shall be trained in the implementation of the latest version of the entry policy and details of such training shall be recorded in the staff training logs at the premises.

13. That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation.

14. All relevant staff employed at the premises shall be trained in the latest version of the dispersal policy. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises. If the dispersal policy is a paper document, then the signature of the trainees shall also be included. The dispersal policy shall be made immediately available to all responsible authority officers on request.

15. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises and in any external areas, requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents. The signage shall be kept free from obstructions at all times. Such signage shall be written in English and multilingual according to the client base at the venue.

16. That 'Ask for Angela' posters (or posters relating to whatever similar scheme may be recommended by the council and / or the police at any time) shall be displayed in the female toilet facilities and kept free from obstructions at all times. All staff shall be trained in the 'Ask for Angela' scheme (or similar scheme) and shall perform the appropriate course of action in the event of a customer requesting assistance. Details of such training, including the printed name of the trainee and the date of the training, shall be recorded in the staff training logs at the premises.

17. The Premises must have a welfare and vulnerability policy and all staff must receive this training. All new staff must receive this training before starting their role and all staff must have refresher training every 12 months. All training must be recorded, and these records must be available on immediate request by responsible authority officers.

18. That a zero-tolerance policy to illegal drug use will be implemented and maintained at the premises. All staff shall be trained in respect of the premises drug policy and details of training shall be kept in the staff training records and made immediately available upon request by any responsible authority officer.

19. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers in the toilets advising to the effect that the taking of illegal drugs will not be tolerated at the premises.

20. That staff shall regularly monitor the premises' toilets to ensure that they are in a clean and sanitary condition, that no prohibited and / or illegal activities are taking place in the toilets and to check customer safety.

21. That an incident log shall be kept at the premises to record details of any of the following occurrences at the premises:

- i. Instances of anti-social or disorderly behaviour
- ii. Calls to the police or other emergency services
- iii. Any complaints received.
- iv. Ejections of people from the premises
- v. Visits to the premises by the local authority or emergency services
- vi. Any malfunction in respect of the CCTV system
- vii. All crimes reported by customers, or observed by staff
- viii. Any other relevant incidents

22. The incident log shall be completed at the time of the incident or immediately after without delay and shall include the time, date, location in the premises and description of each incident, details of any action taken in respect of the incident and the printed name of the person reporting the incident. The incident log shall be kept on the premises and made immediately available to responsible authority officers on request. All relevant staff employed at the premises shall be trained in the use of the incident log and a record of this training shall be kept on the premises and include a minimum of name and date of training. These records shall be made immediately available for inspection to responsible authority officers on request.

23. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising that no alcoholic drinks are permitted outside of the premises. Such signage shall be kept free from obstructions at all times and shall be written in English and multilingual according to the client base at the venue.

24. That customers shall use no outside area other than those who temporarily leave the premises to smoke a cigarette with no more than four people permitted to smoke at one any time.

25. There shall be no new admissions or re-admissions of the public to the premises after 00.30 on Sunday to Thursday and 02:00 on Friday to Saturday.



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/24/103**Date:** 27/02/2024

Dear Sir/Madam

Re:- Tropical 186-188 Old Kent Road SE1 5TY

Police are in possession of an application from the above for full variation to their premises licence to extend their opening hours and operating times for licensable activities. The venue describes itself as fully functioning Restaurant/Bar and Lounge and has requested the following hours which are outside the hours recommended in the Southwark statement of Licensing Policy for venues in residential areas.

Open hours to public
Sun-Thurs-1100hrs-0230hrs
Fri-Sat-1100hrs-0430hrs

Supply of Alcohol on sales
Sun-Thurs-1100hrs-0200hrs
Fri-Sat-1100hrs-0400hrs

Late Night Refreshment
Sun-Thurs-2300hrs-0200hrs
Fri-Sat-2300hrs-0400hrs

Performance of Dance
Sun-Thurs-1100hrs-0200hrs
Fri-Sat-1100hrs-0400hrs

Recorded Music

Sun-Thurs-1100hrs-0200hrs
Fri-Sat-1100hrs-0400hrs

The current premises licence is very much in line with the operation of a bar/restaurant in this area. I note that the current premises licence and the new variation provide the scope for live and recorded music and for the provision of dance. This variation is very much in line with hours and licensable activities associated with a night club. If granted there would be no restrictions preventing the premises from doing so.

To have a premises operating with music and dance until the early hours of each day of the week and greater on the weekends is highly likely to impact on the lives of local residents/families, the prevention of crime and disorder and public nuisance licensing objectives.

I also note that other than the legislation provided by weights and measures, there would be no restriction on the sale of bottles or half bottles of high strength spirits. This has historically been an issue with premises that operate in this area.

I accept that a number of Temporary events have been in place or applied for recently. However these were not checked or policed by the responsible authorities or timings checked. An occasional event is far removed from that of a premises that operates until the early hours of each day of the week with recorded music and dancing.

Under the prevention of crime and disorder, public nuisance and protection of children from harm I object to the granting of this variation as applied for.

Submitted for your consideration.
Yours Sincerely

PC Ian Clements 2362AS

Licensing Officer
Southwark Police Licensing

TRADING STANDARDS

From: Moore, Ray <Ray.Moore@southwark.gov.uk>

Sent: Tuesday, February 13, 2024 4:53 PM

To: Regen, Licensing

Cc:

Subject: RE: Full variation of a premises license, Tropical, 186-188 Old Kent Road, London SE1 5TY Ref: 882 417

Trading Standards as a responsible authority are in receipt of a full variation to a premises license application from Carlos ARMIJOS, in respect of a premises at 186-188 Old Kent Road, London SE1 5TY. Trading Standards as a responsible authority are making representation in respect of this application under all the licensing objectives, but primarily the prevention of crime and disorder.

The Variation intends to extend the hours to the following:-

Day Start Finish
Mon 11:00 02:00
Tues 11:00 02:00
Wed 11:00 02:00
Thurs 11:00 02:00
Fri 11:00 04:00
Sat 11:00 04:00
Sun 11:00 02:00

There is an operating schedule of conditions. Trading Standards simply asks that the following 2 conditions be added to that operating schedule, as this is neither included in the current conditions or the additional proposed conditions...

“347 That no spirits (liquids containing more than 20% ABV) are to be sold by the bottle or half bottle.

348 That all spirits (liquids containing more than 20% ABV) should be sold in measures of 25ml or 35ml to a maximum of two measures per container / glass.”

If you are happy to accept these conditions then trading standards, as a responsible authority, will be happy to lift the representations made in respect of the application.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

To: Licensing Unit	From: Wesley McArthur wesley.mcarthur@southwark.gov.uk 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	Date: 10 March 2024
Subject:	Representation	
Act:	The Licensing Act 2003 (the Act)	
Premises:	Tropical, 186 – 188 Old Kent Road, London, SE1 5TY	
Ref:	882417	

We object to the grant of an application to vary a premises licence, submitted by Carlos Fernando Delgado Armijos under The Licensing Act 2003 (the Act), in respect of the premises known as Tropical, 186 – 188 Old Kent Road, London, SE1 5TY.

1. Application history –

A premises licence was granted to Mr Jose Guapitierra on 12 March 2007.

The licence allowed for operating hours as follows (which were the hours applied for):

The sale of alcohol to be consumed on the premises:

Friday & Saturday: 12:00 – 23:30
Sunday: 12:00 – 22:00

Live music, performances of dance and anything similar to live music & recorded:

Friday - Sunday: 16:00 – 22:00

Recorded music:

Monday – Thursday: 10:00 – 18:00
Friday - Sunday: 16:00 – 22:00

Late night refreshment:

Friday & Saturday: 23:00 – 23:30

Opening hours:

Monday – Thursday: 12:00 – 18:00
Friday - Saturday: 16:00 – 00:00 (midnight)
Sunday: 16:00 – 22:30

Extant licence conditions 172, 255, 332, 296, 311, 312 and 340 were included in this licence.

On 11 May 2015 the licence was transferred to the current licence holder, Mr Carlos Armijos. On 28 May 2015 Mr Armijos was specified as the designated premises supervisor (DPS) in respect of the premises. Mr Armijos has thus been responsible for the premises since at least 11 May 2015.

On 23 February 2016 Mr Armijos applied to extend the operating hours of the premises as follows:

- **Regulated entertainment proposed to finish at the following hours:**

Sunday – Wednesday: 00:00
 Thursday: 01:00
 Friday & Saturday: 02:30

With late night refreshment finishing half an hour later on each day.

- **The on sale of alcohol proposed to finish at the following hours:**

Sunday – Wednesday: 00:00
 Thursday: 01:00
 Friday & Saturday: 02:00

- **Licensable activities permitted until 06:00 on NYE.**

- **Closing times proposed as:**

Sunday – Wednesday: 01:00
 Thursday: 02:00
 Friday & Saturday: 03:00

- **The premises to be permitted to open until 07:00 on NYE.**

The application was subject to representations submitted by the Metropolitan Police Force, and this council's Environmental Protection Team, trading standards service and planning service.

Further to the representations, the applicant amended the application and agreed to the inclusion of extant conditions 112 – 344 in the premises licence, and extant premises licence (licence number 851458) was subsequently issued.

2. The extant premises licence

The extant premises licence (licence number 851458) allows for licensable activities and opening hours as follows –

The sale of alcohol to be consumed on the premises:

Monday - Sunday: 11:00 – 00:00

Recorded music and late night refreshment:

Monday - Sunday: 23:00 – 00:00

Performances of dance and entertainment similar to live and recorded music & opening hours:

Monday - Sunday: 20:00 – 00:00

The opening hours of the premises:

Monday - Sunday: 10:00 – 00:30

The premises are a bar / restaurant.

A copy of licence 851458 is attached as appendix 1.

On 29 August 2018 Mr Armijos applied to vary the premises licence again. The application proposed that all licensable activities be permitted until 02:00, that the premises be permitted to open until 02:30 and that the premises are permitted to operate from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day (24 hour opening on New Year's Eve).

The application was subject to representations from the Metropolitan Police Service, this council's Environmental Protection Team, this council's Licensing Unit and 1 local resident. A licensing sub-committee hearing was held on 22 October 2022 to determine the application and the licensing sub-committee refused the application.

A copy of the Notice of Decision pertaining to the licensing sub-committee hearing of 22 October 2022 is attached as appendix 2.

3. The variation application –

The purpose of the variation is described in the application as follows (verbatim) –

- *“TO EXTEND THE TRADING HOURS.”*

The application seeks to extend the premises' operation hours as follows:

The sale of alcohol to be consumed on the premises:

Sunday - Thursday: 11:00 – 02:00
Friday & Saturday: 11:00 – 04:00

Recorded music and performances of dance:

Monday - Thursday: 20:00 – 02:00
Friday & Saturday: 20:00 – 04:00
Sunday: 20:00 – 00:00

Performances of dance:

Sunday - Thursday: 20:00 – 02:00
Friday & Saturday: 20:00 – 04:00

Late night refreshment:

Sunday - Thursday: 23:00 – 02:00
Friday & Saturday: 23:00 – 04:00

The opening hours of the premises:

Sunday - Thursday: 10:00 – 02:30
Friday & Saturday: 10:00 – 04:30

4. The Locale

The premises are located on Old Kent Road near where it intersects East Street and close to Brick Layers Arms roundabout. The Old Kent Road is an extremely busy arterial road with constant traffic 24 hours a day. It also hosts many bus routes. The premises are in a parade

of shops. The area has many high-density residential housing estates / blocks in the immediate and wider vicinity of the premises, in all directions. There is also a hotel in close proximity to the premises. There are also many commercial premises (including other licensed premises) in the vicinity. A map of the local area is attached as appendix X.

Figure 1: View looking South West across Old Kent Road showing the premises shop front and residential dwellings directly above the premises, and adjacent to the premises on both sides at 1st floor level and above



Figure 2: View looking North West up Old Kent Road showing residential premises directly opposite the premises and on the same side of the premises at 1st floor level and above.



Figure 3: View looking South East down Old Kent Road showing residential premises at 1st floor level and above, a hotel and various commercial premises at ground floor level.



5. Statement of Licensing Policy (SoLP)

According to section 7 of this council's statement of licensing policy 2021 – 2026 (the SoLP), the premises fall within a residential area.

A copy of the SoLP is available via:

[Licensing and Gambling Act policy - Southwark Council](#)

The following closing times are recommended in our SoLP in respect of the type of licensed premises located residential areas as follows –

Restaurants and cafes:

Monday – Sunday: 23:00

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

Monday – Sunday: 23:00

Nightclubs (with 'sui generis' planning permission):

No considered appropriate for residential areas.

6. Our objection

Our objection relates to the promotion of the prevention of crime and disorder, public safety and the prevention of public nuisance licensing objectives.

We say that the late night / early morning sale of alcohol and provision of entertainment is likely to have a negative effect on the promotion the crime and disorder, public safety and the prevention of public nuisance licensing objectives, and be detrimental to the quality of life for local residents.

Premises selling alcohol and providing entertainment late at night, or into the early morning, have increased risk factors. We do not think it is appropriate to allow premises to sell alcohol and provide entertainment in the early morning in an area with so many residential housing blocks in close proximity. We say that granting extended operating hours is likely to have a negative effect on the amenity of local residents.

It seems that the style of operation proposed regarding the premises will be more akin to that of a late night bar / nightclub, than a restaurant, which was what the premises originally operated as. We contend that it is entirely inappropriate to situate a late night bar / nightclub in the locale.

When an application to vary the premises licence issued in respect of the premises was submitted on 23 February 2016 it was objected to. The objections were only withdrawn after the applicant agreed to a significant schedule of conditions and to amend the operating hours proposed in the application to the operating hours that exist now.

We note that premises now already benefits from a premises licence that allows closing times later than those suggested in the SoLP.

When a further application was submitted to extend the operating hours of the premises, it was objected to. Subsequently, the application was determined by the licensing sub-committee, who refused the application. We say that there is no reason for the licensing sub-committee to deviate from its prior decision, which in our opinion was the correct and right decision.

We say that allowing operating hours further extended past those recommended in the SoLP is likely to give rise to nuisance, crime and disorder and anti-social behavior in the locale, in an area that has very dense residential housing.

Allowing customers to consume alcohol, or be on the premises after having already consumed alcohol, for extended hours **every day of the week** will allow for a high level of intoxication and more chance of confrontations between customers, as often happens in late night venues.

We say that the extant licence is already generous enough, and that the licensing sub-committee should not allow for hours **so much further past** those recommended in a policy that was ratified by local ward councilors. We suggest that the licensing sub-committee adheres to this council's own policies, which have been applied for good reason. The operational hours suggested in the SoLP exist to protect residents in the borough, and other people travelling through the borough.

We further add that, full council assembly approved the current version of the SoLP, and have maintained the suggested operating hours four times in a row. This shows that there is still a need for the recommended hours to be given **considerable** weight in the determination of premises licence applications.

7. Prior operating history of the premises

On 06 December 2015 police officers visited the premises and found the premises to be being operated outside of the operating hours permitted by the premises licence issued in respect of the premises. A copy of a police witness statement pertaining to this visit is attached to this representation as appendix 3.

On 04 January 2016 licensing officers visited the premises and found the premises to be being operated outside of the operating hours permitted by the premises licence issued in

respect of the premises. A warning letter regarding the inspection was sent to the licensee. A copy of the warning letter is attached to this representation as appendix 4.

On 08 January 2016 licensing officers inspected the premises and found it to be being operated in breach of the premises licence issued in respect of the premises. A warning letter regarding the inspection was sent to the licensee. A copy of the warning letter is attached to this representation as appendix 5. A re-inspection of the premises took place on 30 January 2016 and the premises were found to be being operated compliantly.

On 19 October 2018 licensing officers inspected the premises and found it to be being operated in breach of the premises licence issued in respect of the premises. A warning letter regarding the inspection was sent to the licensee. A copy of the warning letter is attached to this representation as appendix 6. A re-inspection of the premises took place on 10 January 2019 and the premises were found to be being operated compliantly.

We say that the above instances of non-compliance do not provide any confidence that the applicant will adhere to any additional conditions, or operating hours, going forward and that these previous instances of non-compliance are reason enough in themselves to refuse this application.

8. Complaints

The council has received the following complaints regarding the premises

Table 1:

Complaint reference	Date	Source	Details
C888854	15 October 2018	Resident 1	Frequent out of hours operation often until 03:00.
C902229	03 June 2019	Resident 1	Frequent fights anti-social behavior and noise nuisance related to the operation of the premises.
C925024	14 May 2020	Police officer	The premises was observed operating in breach of COVID restrictions and a prohibition notice was issued regarding the premises.
C981561	25 July 2022	Resident 3	Frequent out of hours operation often until 06:00. Noise nuisance emanating from the premises.

Although the complaints submitted by the 3 local residents as per table 1 above are unsubstantiated, we contend that the complaints are indicative of the operation of the premises causing problems in the locale, and that the licensing sub-committee take them into consideration in determining this application.

Please note that 'unsubstantiated' simply means that we were not able to investigate the complaints at the time we received them. We received the complaints after the alleged problems had occurred. It means that we cannot verify whether the alleged incidents detailed in the complaints occurred, **not that they did not occur.**

We say that the allegations of out of hours operation should be given significant weight considering that both police and council officers have witnessed the premises operating outside of permitted hours in the past.

We say that given the history of complaints regarding the operation of the premises, extending the operating hours of the premises could lead to the alleged noise nuisance and anti-social behaviour related to the operation of the premises being carried on, and affecting local residents, later into the night.

9. Temporary Event Notices (TENs)

We note that the applicant has stated that the premises has operated with extended operating hours under TENs frequently over the past 12 months without incident or complaint.

The TENs mechanism allows premises to be used for licensable activities for up to 21 days a year. This would mean that currently the applicant could only have extended operating hours under TENs on 21 days a year via TENs.

This application to allow for extended operating hours on 365 days a year.

This is an increase of 1638% on the number of days that TENs would allow extended operating hours at the premises. We say this is a huge difference, which would lead to a high increase in the likelihood of problems being caused by the later operation of the premises.

In addition to the above, it is very important to note that the TENs mechanism **is not** intended to be used as a precursor to premises licence, or premises licence variation, applications. It is not intended in the act that an applicant should use the fact that they have operated a premises without complaint under TENs to support a permanent premises licence application or application for a permanent variation to an existing premises licence.

It is not stated or implied in the Licensing Act 2003 itself, the guidance to the act issued by the Secretary of State under section 182 of the act, or suggested in Southwark Council's own SoLP that the prior satisfactory operation of premises under TENs should, or could, be used to support a permanent premises licence application, or an application for a permanent variation to an existing premises licence.

One of the important facets of the TEN mechanism is that it limits the risk posed by the provision of licensable activities at premises compared to the grant of a permanent premises licence in respect of the same premises.

We say that the prior operation of the premises under TENs should be given **minimal** weight in the licensing sub-committee's determination of this application.

Taking into account all of the above, we recommend that this application is refused by the licensing sub-committee.

We may present further submissions prior to, or at, the hearing to determine this application.

Yours sincerely,

Wesley McArthur
Principal Enforcement Officer

Licensing Act 2003

Premises Licence



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

Premises licence number

851458

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Tropical 186-188 Old Kent Road	
Ordnance survey map reference (if applicable): 533318178567	
Post town London	Post code SE1 5TY
Telephone number	

Licensable activities authorised by the licence

Recorded Music - Indoors
Performance of Dance - Indoors
Entertainment Similar to live/recorded music - Indoors
Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises

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 - 00:30
Saturday	10:00 - 00:30
Sunday	10:00 - 00:30

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

The times the licence authorises the carrying out of licensable activities

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

Recorded Music - Indoors

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

Performance of Dance - Indoors

Monday	20:00 - 00:00
Tuesday	20:00 - 00:00
Wednesday	20:00 - 00:00
Thursday	20:00 - 00:00
Friday	20:00 - 00:00
Saturday	20:00 - 00:00
Sunday	20:00 - 00:00

Entertainment Similar to live/recorded music - Indoors

Monday	20:00 - 00:00
Tuesday	20:00 - 00:00
Wednesday	20:00 - 00:00
Thursday	20:00 - 00:00
Friday	20:00 - 00:00
Saturday	20:00 - 00:00
Sunday	20:00 - 00:00

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 - 00:00
Saturday	23:00 - 00:00
Sunday	23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

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

Part 2

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

Carlos Fernando Delgado Armijos

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

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

Carlos Fernando Delgado Armijos

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

Licence No.:

Authority:

Licence Issue date 21/04/2016

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

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).

486 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a 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

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

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

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.

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

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

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

298 That suitable notices shall be displayed stating "No Drugs".

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

312 That no parts of the outside curtilage, including the patio area, shall be used for the purpose of entertainment; either live performance or recorded performance provided via speaker.

332 All children on the premises under 18 will be accompanied by a parent or responsible adult at all times

340 No entertainment will be allowed in the exterior patio area by way of either live performance; or recorded performance provided via speakers.

112 Non standard timing on New Years Eve to finish at 06:00 for permitted licensable activities.

113 Non standard timing on New Years Eve to finish at 07:00 for operating hours.

288 The premises will install a CCTV system and maintain this system in good working order, the system will be of evidential quality and should be able to capture a clear facial image of all persons that enter the venue.

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

341 There shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage and able to download the footage to a removal device on request of the Police or other authorised officer.

326 That all staff concerned in the sale or supply of intoxicating liquor undergoes a recognised training scheme for such duties. Records of such training should be kept and made available for inspection, on request by Police or other authorised officer.

342 On each night the premises are in operation under the premises licence, there will be no new entry or re-entry to the premises one hour prior to the terminal hour for the provision of licensable activities, save for those that leave the premises for the purpose of smoking.

343 Premises management shall regularly monitor outside the premises to ensure that the volume and bass levels of any licensed entertainment is kept at a level that does not cause disturbance at the closest or most exposed noise-sensitive facade to ensure compliance with the licensing objective regarding the prevention of public nuisance.

4AG The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.

4AB All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

4AC Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.

4AI Condition 4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, The Designated Premises Supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

344 There shall be no children on the premises after 10pm on Sundays to Thursdays

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

841 That the rear door to the premises is to be kept closed after 20:00 Hours.

842 That Stock and Refuse are not to be moved at the rear of permises after 20:00 Hours.

Annex 4 - Plans - Attached

Licence No. 851458

Plan No. N/A

Plan Date N/A



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 22 OCTOBER 2018

SECTION 34 LICENSING ACT 2003: TROPICAL, 186-188 OLD KENT ROAD, LONDON SE1 5TY

1. Decision

That the application made by Carlos Fernando Delgado Armijos to vary a premises licence granted under the Licensing Act 2003 in respect of the premises known as Tropical, 186-188 Old Kent Road, London SE1 5TY be refused.

2. Reasons

The licensing sub-committee heard from the licensing officer and author of the report who advised that the only additional information to the report was that a noise complaint had been received on 15 October 2018. In response the officer had attended the premises on 19 October 2018, when an inspection was conducted and breaches were noted: no licence summary was displayed and the following breaches of licence conditions 289 (CCTV not held for 31 days), 326 (no staff training records), 4AB (no "Challenge 25" training records), 4AI (no refusals register).

The applicant failed to attend the licensing sub-committee. It was also noted that there had been no contact from the applicant since the variation application had been received on 29 August 2018, and that despite the licensing officer emailing and telephoning the applicant just before the meeting, there had been no contact by the day of the hearing.

The licensing sub-committee heard from the Metropolitan Police Service who advised that the premises was situated in a residential area and that Southwark's Statement of Licensing Policy recommended a closing time of 23:00 hours, and the applicant therefore sought excessive hours. The applicant had failed to make any contact to discuss any possible agreement. It was the police's view that the application should be refused.

The licensing sub-committee heard from licensing as a responsible authority who advised that the application to extend the hours until 02:30 hours the following day was inconsistent with a restaurant/bar which the applicant described the premises as. Because of this and because of the applicant's failure to attend the meeting or make any contact, the officer recommended that the application be refused.

The representative for public health informed the licensing sub-committee that they had concerns in relation to the extension of hours outside of the Southwark Statement of Licensing Policy. This had the potential for an increase in complaints resulting from excess noise.

The licensing sub-committee noted the representation from the environmental protection team.

The licensing sub-committee considered all the facts before it: the hours sought were far in excess of Southwark's Statement of Licensing Policy, the applicant had failed to make any contact with the responsible authority to discuss their concerns and the applicant failed to attend the sub-committee meeting. The premises had also been found to be in breach licence conditions on 19 October 2018. If the applicant is unable to comply with the licence conditions it

already has, this licensing sub-committee has no confidence that the applicant will be able to comply with any additional measures that may have been imposed as a result of this application. On this basis, the application is refused.

3. Appeal rights

The applicant may appeal against any decision:

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

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

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

may appeal against the decision.

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

Issued by the Constitutional Team on behalf of the director of law and democracy.

Date: 22 October 2018

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

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

Statement of **Stuart Wythe PC 393MD** URN:

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




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


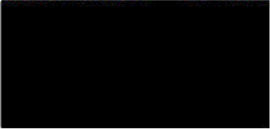
Signature:  Date: **3 January 2016**

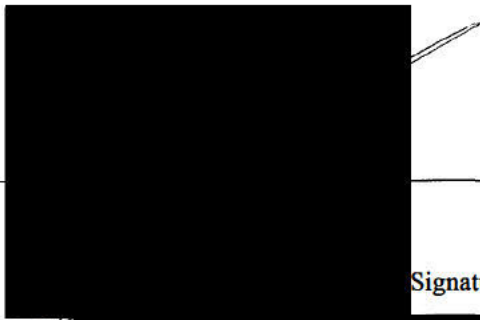
Tick if witness evidence is visually recorded (supply witness details on rear)

On Sunday 3 January 2016 I was on duty in full uniform accompanied by 246MD Lynch. At about 0315hrs we attended Tropical Restaurant, 186-188, Old Kent Road, SE15TY in order to undertake a licensing visit. The sign on the door to the premises said 'open', the door was unlocked, we were able to walk straight in. The premise was occupied by 15-20 people sat at tables drinking from beer bottles, it had significant ambient light, music was playing.

I approached a male behind the bar & asked for the person in charge, after a few minutes a female I know to be  attended the bar area. I asked to see the premises license, she could not find it, referring me to the license summary on the wall, I asked if anyone on the premises had a personal license, she said her partner, who was not present, did.

As  could not locate the premises license, I read the summary, observing that the terminal hour for the premises on a Saturday was midnight. I pointed this out to  who stated that the people present were all friends. I stated that the sign on the door said 'open', that the door was unlocked & that the place was significantly lit, indicating to a lay person that it was open. Ms  said she must have forgotten to lock the door.

I issued  with a Closure Notice - Section 19 Criminal Justice & Police Act 2001 for the alleged unauthorised use of the premises 

Signature: 

Signature witnessed by:

RESTRICTED (when complete)

Witness contact detailsHome address: **Southwark Police Station**

Postcode:

Home telephone number Work telephone number [REDACTED]

Mobile/pager number Email address: [REDACTED]

Preferred means of contact: **NTE@MD****Male** / ~~Female~~ (delete as applicable) Date and place of birth: [REDACTED]

Former name: Ethnicity Code (16+1): [REDACTED] Religion/belief: [REDACTED]

Dates of witness non-availability as per mg10**Witness care**

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 393MD Wythe** Station: **Southwark**Time and place statement taken: **0405hrs, Southwark Police Station**

Mr Carlos Fernando
Delgado Armijos
19b Peckham Park Road
London
SE15 6TR

Licensing Unit
Direct Line: 020 7525 4642
Direct Fax: 020 7525 5735

17 December 2015

Dear Carlos Fernando Delgado Armijos,

**RE: THE LICENSING ACT 2003 – WARNING LETTER
(Tropical, 186-188 Old Kent Road, London, SE1 5TY)**

On 6 December 2015 at 02:30hrs Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

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

During the inspection the officers witnessed the following:

1. Unlicensed activity at the premises in the form of;

- Recorded Music – Indoors**
- Performance of Dance – Indoors**
- Entertainment Similar to live/recorded music – Indoors**
- Facilities for Dancing – Indoors**
- Provisions Similar to making music and dancing – indoors**
- Late Night Refreshment – Indoors**
- Sale by retail of alcohol to be consumed on premises**

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

Licensable activities have been taking place at the premises beyond the permitted hours of the licence. These activities taking place at the premises were contrary to Section 136 (1) (a) and (b) of the Licensing Act 2003 which states that:

A person commits an offence if;

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

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

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

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

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

Yours sincerely,



Richard Kalu
Licensing Enforcement Officer

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

Mr Carlos Fernando
Delgado Armijos
Tropical
186-188 Old Kent Road
London
SE1 5TY

Licensing Unit
Direct Line: 020 7525 4642
Direct Fax: 020 7525 5735

17 December 2015

Dear Carlos Fernando Delgado Armijos,

**RE: THE LICENSING ACT 2003 – WARNING LETTER
(Tropical, 186-188 Old Kent Road, London, SE1 5TY)**

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

During the inspection the officers witnessed the following:

1. Unlicensed activity at the premises in the form of;

- Recorded Music – Indoors**
- Performance of Dance – Indoors**
- Entertainment Similar to live/recorded music – Indoors**
- Facilities for Dancing – Indoors**
- Provisions Similar to making music and dancing – indoors**
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A person commits an offence if;

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

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

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

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

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

Yours sincerely,



Richard Kalu
Licensing Enforcement Officer

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

Appendix 5

Mr Carlos Fernando
 Delgado Armijos
 Tropical
 186-188 Old Kent Road
 London
 SE1 5TY

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

12 January 2016

Dear Mr Armijos

**RE: THE LICENSING ACT 2003 – WARNING LETTER
 (Tropical, 186-188 Old Kent Road, London, SE1 5TY)**

On 8 January 2016 at 21:52 hours Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

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

During the inspection the officers witnessed the following:

1. Notices were not displayed stating “No Drugs”. **This is contrary to condition 298 on the premises licence.**
2. Notices were not displayed requesting customers to ‘leave the premises in a quiet and orderly manner’. **This is contrary to condition 311 on the premises licence.**

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

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

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

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

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 0396 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

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

Tropical
186-188 Old Kent Road
London
SE1 5TY

Licensing Unit
Direct Line: 020 7525 5767
Direct Fax: 020 7525 5705
INU: 082732

22 October 2018

Dear Carlos Fernando Delgado Armijos,

**RE: THE LICENSING ACT 2003 – WARNING LETTER
(Tropical, 186-188 Old Kent Road, London, SE1 5TY)**

On 19 October 2018 at 22:30 Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

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

The following breaches were noted from your premises licence:

- **326** That all staff concerned in the sale or supply of intoxicating liquor undergoes a recognised training scheme for such duties. Records of such training should be kept and made available for inspection, on request by Police or other authorised officer;

No staff training records were available.

- **4AB** All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police;

No staff training records were available.

- **4AI** Condition 4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, The

Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH

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

Strategic Director Environment & Housing - Deborah Collins

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

Designated Premises Supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police;

No refusals register was available.

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

It took some time to operate the CCTV, once we did manage to get it working, it was noted that recordings only went back to 10th October; 9 days of recordings as opposed to the required 31.

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

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

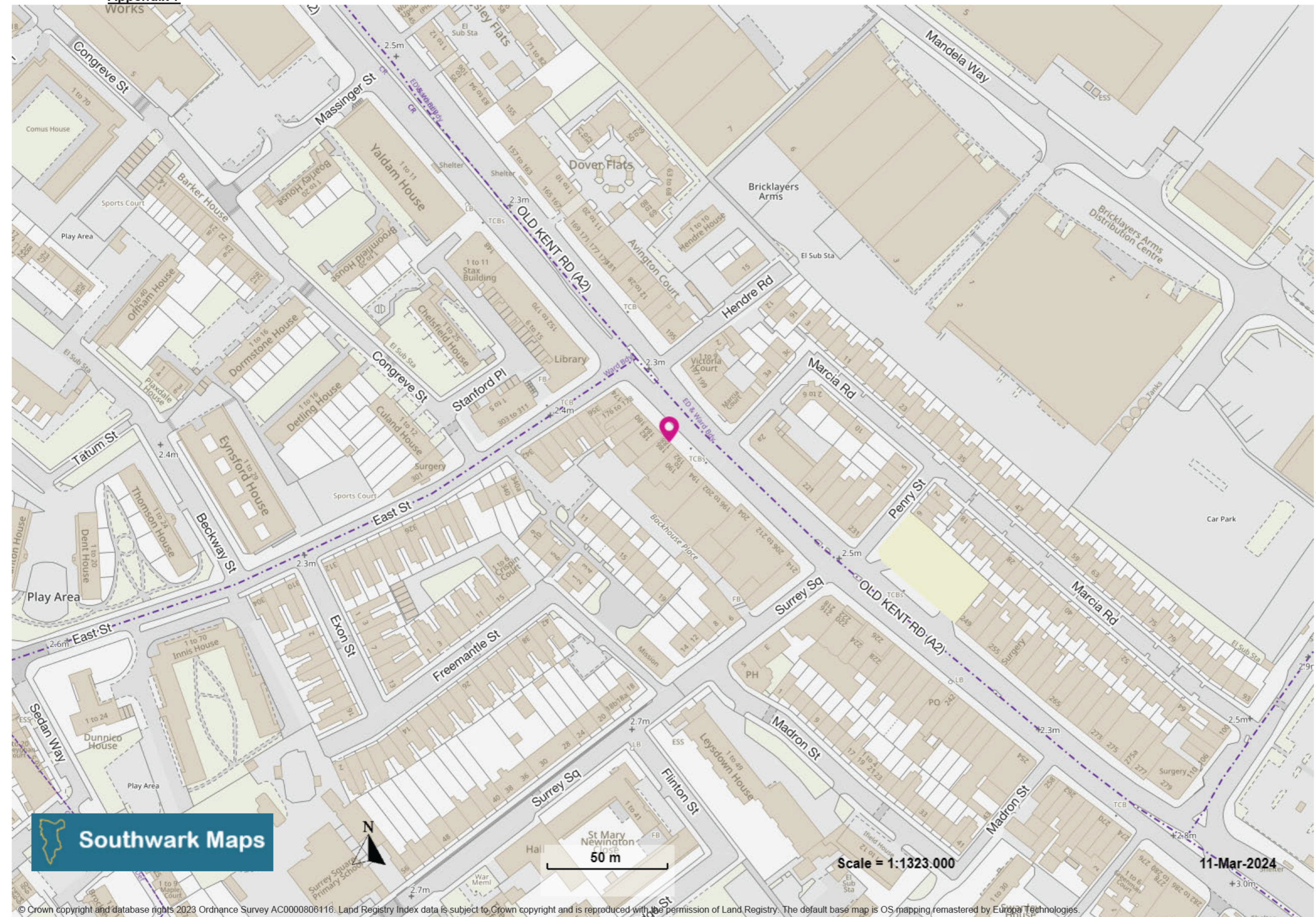
If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

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

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

Yours sincerely,

Andrew Heron
Principal Licence Officer
andrew.heron@southwark.gov.uk



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11-Mar-2024



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 22 OCTOBER 2018

SECTION 34 LICENSING ACT 2003: TROPICAL, 186-188 OLD KENT ROAD, LONDON SE1 5TY

1. Decision

That the application made by Carlos Fernando Delgado Armijos to vary a premises licence granted under the Licensing Act 2003 in respect of the premises known as Tropical, 186-188 Old Kent Road, London SE1 5TY be refused.

2. Reasons

The licensing sub-committee heard from the licensing officer and author of the report who advised that the only additional information to the report was that a noise complaint had been received on 15 October 2018. In response the officer had attended the premises on 19 October 2018, when an inspection was conducted and breaches were noted: no licence summary was displayed and the following breaches of licence conditions 289 (CCTV not held for 31 days), 326 (no staff training records), 4AB (no "Challenge 25" training records), 4AI (no refusals register).

The applicant failed to attend the licensing sub-committee. It was also noted that there had been no contact from the applicant since the variation application had been received on 29 August 2018, and that despite the licensing officer emailing and telephoning the applicant just before the meeting, there had been no contact by the day of the hearing.

The licensing sub-committee heard from the Metropolitan Police Service who advised that the premises was situated in a residential area and that Southwark's Statement of Licensing Policy recommended a closing time of 23:00 hours, and the applicant therefore sought excessive hours. The applicant had failed to make any contact to discuss any possible agreement. It was the police's view that the application should be refused.

The licensing sub-committee heard from licensing as a responsible authority who advised that the application to extend the hours until 02:30 hours the following day was inconsistent with a restaurant/bar which the applicant described the premises as. Because of this and because of the applicant's failure to attend the meeting or make any contact, the officer recommended that the application be refused.

The representative for public health informed the licensing sub-committee that they had concerns in relation to the extension of hours outside of the Southwark Statement of Licensing Policy. This had the potential for an increase in complaints resulting from excess noise.

The licensing sub-committee noted the representation from the environmental protection team.

The licensing sub-committee considered all the facts before it: the hours sought were far in excess of Southwark's Statement of Licensing Policy, the applicant had failed to make any contact with the responsible authority to discuss their concerns and the applicant failed to attend the sub-committee meeting. The premises had also been found to be in breach licence conditions on 19 October 2018. If the applicant is unable to comply with the licence conditions it

already has, this licensing sub-committee has no confidence that the applicant will be able to comply with any additional measures that may have been imposed as a result of this application. On this basis, the application is refused.

3. Appeal rights

The applicant may appeal against any decision:

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

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

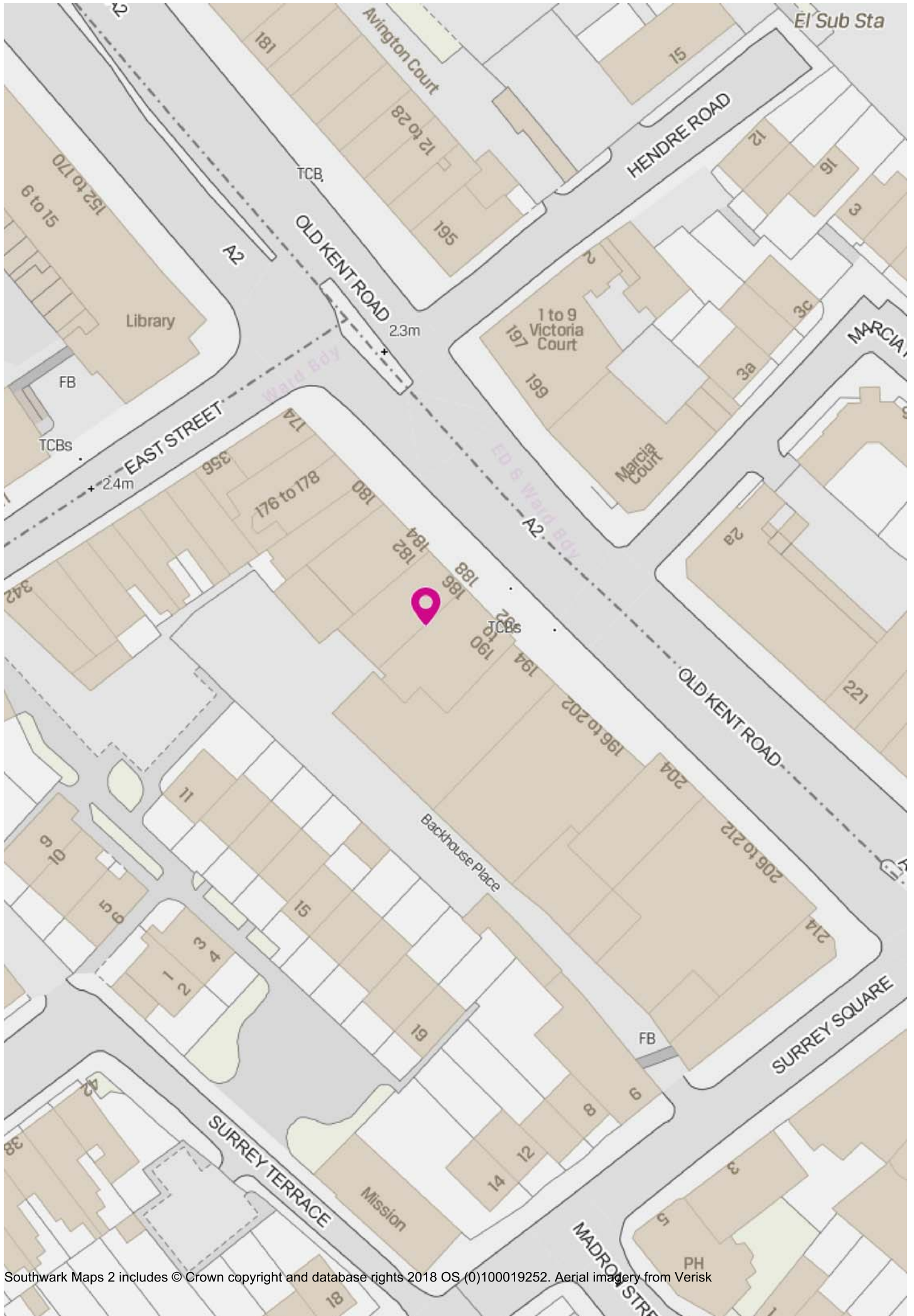
- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

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

Issued by the Constitutional Team on behalf of the director of law and democracy.

Date: 22 October 2018



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LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2023-24

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