

APPENDIX C
OTHER PERSON A

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

I have redrafted a more specific objection:

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

In fact, I understand the previous licence was revoked for exactly that reason.

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

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Date Complainant
number

Complaint sent
to / referred
from

Details

26/09/2019 1 (other
person 8)

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

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

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

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

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

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

23/04/2021 2 (other person 3)

Licensing Hello Southwark Council,

██████████

████████████████████

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I'm deeply concerned about developments.

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

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

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

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

21/06/2021

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

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

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

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

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

We keep calling noise complaint

but nothing happens.

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

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

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

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

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

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

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17/08/2021 4 ([REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Local residents group, copied to Licensing for information

Hi all,

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

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

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

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

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

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

06/09/2021 4 SASBU referral Several men are screaming aggressively at a women in at the Cool Cozy Lounge. Loud music is being played. Their own security is not intervening. We are worried about our own safety and others.

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This type of behaviour happens every weekend.

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

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

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

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

20/09/2021 3 SASBU referral The Flying Dutchman is every weekend playing extremely loud music and allow guests to shout scream and argue in the garden.

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

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

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

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

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

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

28/09/2021 2 Noise Team referral

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

28/09/2021 3 Noise Team referral

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

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

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influence. ON A SUNDAY NIGHT

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

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

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

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

Fighting.

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

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

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

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

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

Please action this issue ASAP.

22/02/2022 5 (other person 9)

Environmental

Customer

Services, copied

to Licensing

Thank you for your email.

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

The noise problem I was reporting is consistent and unrelenting.

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

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

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

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

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

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

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

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

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

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

We're not the only one to be affected!

Yours sincerely

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23/06/2022 1 Complaint to

local MP

referred to

Licensing

Dear Harriet,

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

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

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

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

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

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

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

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

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

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

22/09/2022 6 Police referral Good Afternoon,

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

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

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

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

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

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

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

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

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

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

? They permitted drunk victim & suspect into the venue.

? They served alcohol to the drunk victim & suspect.

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

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

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

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

? Staff were unhelpful & obstructive towards police.

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

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

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

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

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

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

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

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

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

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

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

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

Dear Sir / Madam,

12/01/23

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

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

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

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

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

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

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

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

[REDACTED]
[REDACTED]

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

To Whom It May Concern,

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

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

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

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

I hope you please consider the points outlined above.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

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

Apologies, with corrected email address...

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

My name is [REDACTED]

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

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

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

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

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

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

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

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

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

Dear Southwark Licensing Sub-Committee,

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

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

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

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

1. the prevention of crime and disorder

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

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

2. Public safety

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

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

3. The prevention of public nuisance

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

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

4. The protection of children from harm

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

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

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

OTHER PERSON E

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

To the Southwark Council Licensing Subcommittee:

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

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

Thank you for your consideration.

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

OTHER PERSON F

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

Trading Name: Cool and Cozy Lounge

Licence Number: 879187

URL:

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

Reasons for opposing:

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

Regards,

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

Date: 3 January, 2023

OTHER PERSON G

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

Dear Southwark Council,

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

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

Best regards,

[REDACTED]
[REDACTED]
[REDACTED]

OTHER PERSON H

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

Dear Sir/Madame,

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

The reasons for my opposition are as follows:

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

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

Sincerely, [REDACTED]

OTHER PERSON I

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

From:

[REDACTED]

Written Monday 2nd January 2023

Relating to Licence application:

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

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

The objection is on the basis of:

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

Regards

[REDACTED]

OTHER PERSON J

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

Dated: 12.01.2023

To whom it may concern,

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

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

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

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

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

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

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

Many thanks, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OTHER PERSON K

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

Trading Name: Cool and Cozy Lounge
Licence Number: 879187
URL:
<https://app.southwark.gov.uk/licensing/LicPremisesAppliedDetails.asp?systemkey=879187>

Reasons for opposing:

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

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

The venue is located on an entirely residential street corner.

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

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

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

Regards,

[REDACTED]
[REDACTED]

Date: 4th January, 2023

OTHER PERSON L

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

Date sent: 03/01/2022

To whom it may concern

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

[REDACTED]
[REDACTED]
[REDACTED]

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

Licence Number: 879187

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

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

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

Kind regards,

[REDACTED]

OTHER PERSON M

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

To whom it may concern,

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

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

Kind regards,

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

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

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

Name: [REDACTED]
Address: [REDACTED]
Email address: [REDACTED]

Thanks for noting my objection
[REDACTED]

OTHER PERSON O

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

Trading Name: Cool and Cozy Lounge

Licence Number: 879187

URL:

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

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

Reasons for opposing:

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

Regards,

Name: [REDACTED]

Address: [REDACTED]

E-mail: [REDACTED]

Date: 13th January 2023

OTHER PERSON P

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

Good morning,

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

I am a local resident, living at [REDACTED]

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

Many thanks,

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

3rd January 2023

OTHER PERSON Q

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

Dear Southwark Council,

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

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]

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

Dear Southwark Council,

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

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

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

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

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

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

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

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

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

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

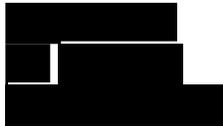
It has been amply demonstrated that Francis Kpandeh is unable to manage a late-night venue and promote the licensing objectives. Under his operation both myself and the local community have suffered adverse consequences from the operation of the Flying Dutchman by Cool & Cozzy.

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

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

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

Kindest regards,

A redacted signature block consisting of three lines of blacked-out text. The first line is a solid black rectangle. The second line is a solid black rectangle with a small white rectangular cutout on the left side. The third line is a solid black rectangle.

Attachment

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



- WWTRA's stance is set out below

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

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

Cool & Cozy Lounge at the Flying Dutchman

Deadline for comments is 13 January

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

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

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

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 13 OCTOBER 2022

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

1. Decision

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

2. Reasons

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Appeal rights

This decision is open to appeal by either:

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

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

This decision does not have effect until either

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

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

Dated 21 October 2022

OTHER PERSON R

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

Trading Name: Cool and Cozy Lounge

Licence Number: 879187

URL:

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

Reasons for opposing:

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

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

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

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

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

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

Regards,

Name: [REDACTED]

[REDACTED]
Date: 4th January, 2023

OTHER PERSON S

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

Dated: 12.01.2023

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

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

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

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

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

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

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

Many thanks, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OTHER PERSON T

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

Hi there,

Thank you for your email.

My address is

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

All the best,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

Hi there,

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

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

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

Many thanks,

[REDACTED]

OTHER PERSON U

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

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

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

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

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

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

Thank you,

[REDACTED]

[REDACTED]

[REDACTED]

6 January 2023

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

Licence application 879187

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

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

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

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

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

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

[REDACTED]

OTHER PERSON W

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

Email sent:5.1.22

Dear Southwark Licensing,

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

Trading name and address:	Cool and Cozzy Lounge 156 The Flying Dutchman Wells Way SE5 7SY
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We object to the lateness of the hours of business/ music/ and alcohol license on the grounds of prevention of public nuisance, we have seen that a large number of people gather outside, and bins and dirt is building up on the pavement. As an occasional venue ourselves, we always make sure that music is ended and activities finish by 11pm, as we are mindful that we will cause a disturbance to our many near residential neighbours. This application will only increase the noise, mess and disturbance to the many close residents who live nearby.

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

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

Yours faithfully,

[REDACTED]
Administrator

[REDACTED]
[REDACTED]
The Well Community Church

[REDACTED]
[REDACTED]
[REDACTED]

OTHER PERSON X

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

To: Southwark Licensing Team - licensing@southwark.gov.uk

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

Trading Name: Cool and Cozy Lounge

Licence Number: 879187

URL:

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

Reasons for opposing:

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

Regards,

Name: [REDACTED]

Address: [REDACTED]

E-mail: [REDACTED]

Date: 2nd January, 2023



4 January 2023

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

Licence application 879187

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

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

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

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

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

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

Yours faithfully


on behalf of the WWTRA committee