



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

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

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:**

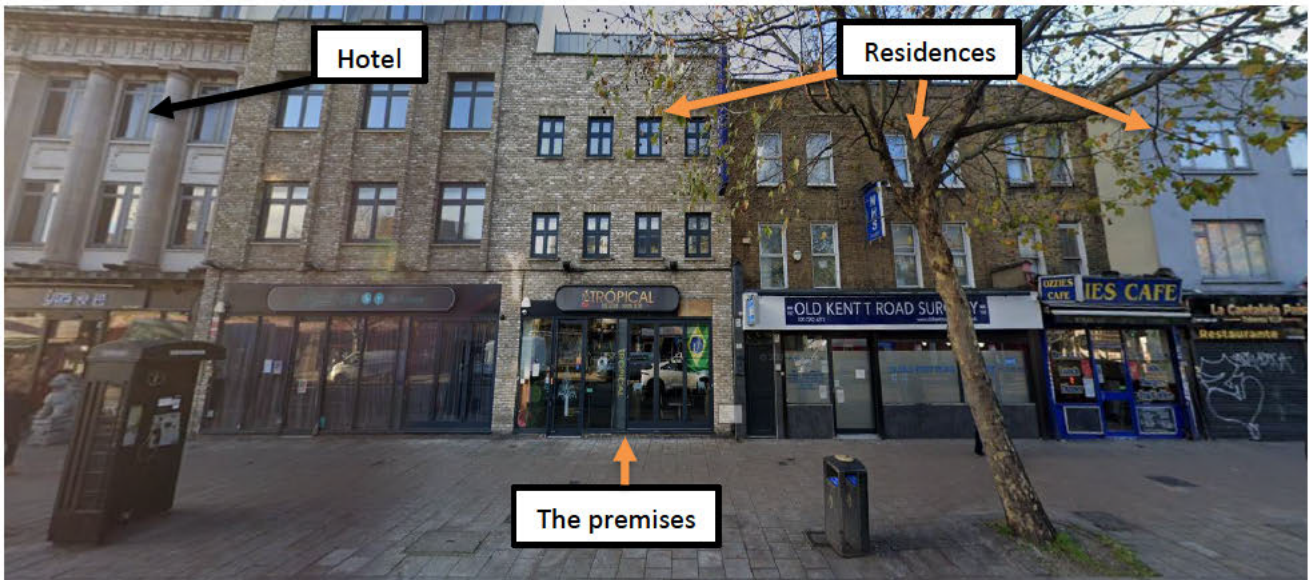
**Sunday - Thursday: 10:00 – 02:30**  
**Friday & Saturday: 10:00 – 04:30**

### **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 1<sup>st</sup> 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 1<sup>st</sup> floor level and above.



**Figure 3:** View looking South East down Old Kent Road showing residential premises at 1<sup>st</sup> 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:**

<b>Complaint reference</b>	<b>Date</b>	<b>Source</b>	<b>Details</b>
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**

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

<b>Licensable activities authorised by the licence</b>
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

<b>The opening hours of the premises. For any non standard timings see Annex 2</b>
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

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

<b>The times the licence authorises the carrying out of licensable activities</b> For any non standard timings see Annex 2 of the full premises licence
<b>Recorded Music - Indoors</b>
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

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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 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)**

**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.


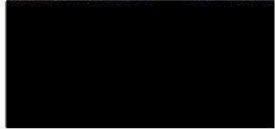
Signature: .....  ..... Date: **3 January 2016** .....

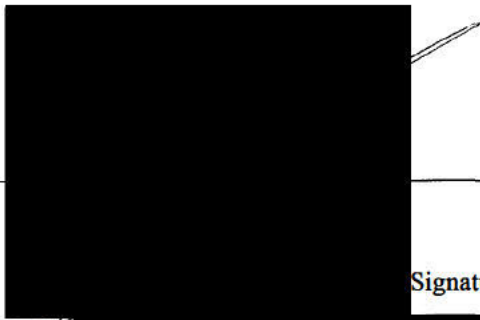
Tick if witness evidence is visually recorded  (supply witness details on rear)

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 details**

Home 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](mailto: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

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(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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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 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](mailto: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](http://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 10<sup>th</sup> 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.

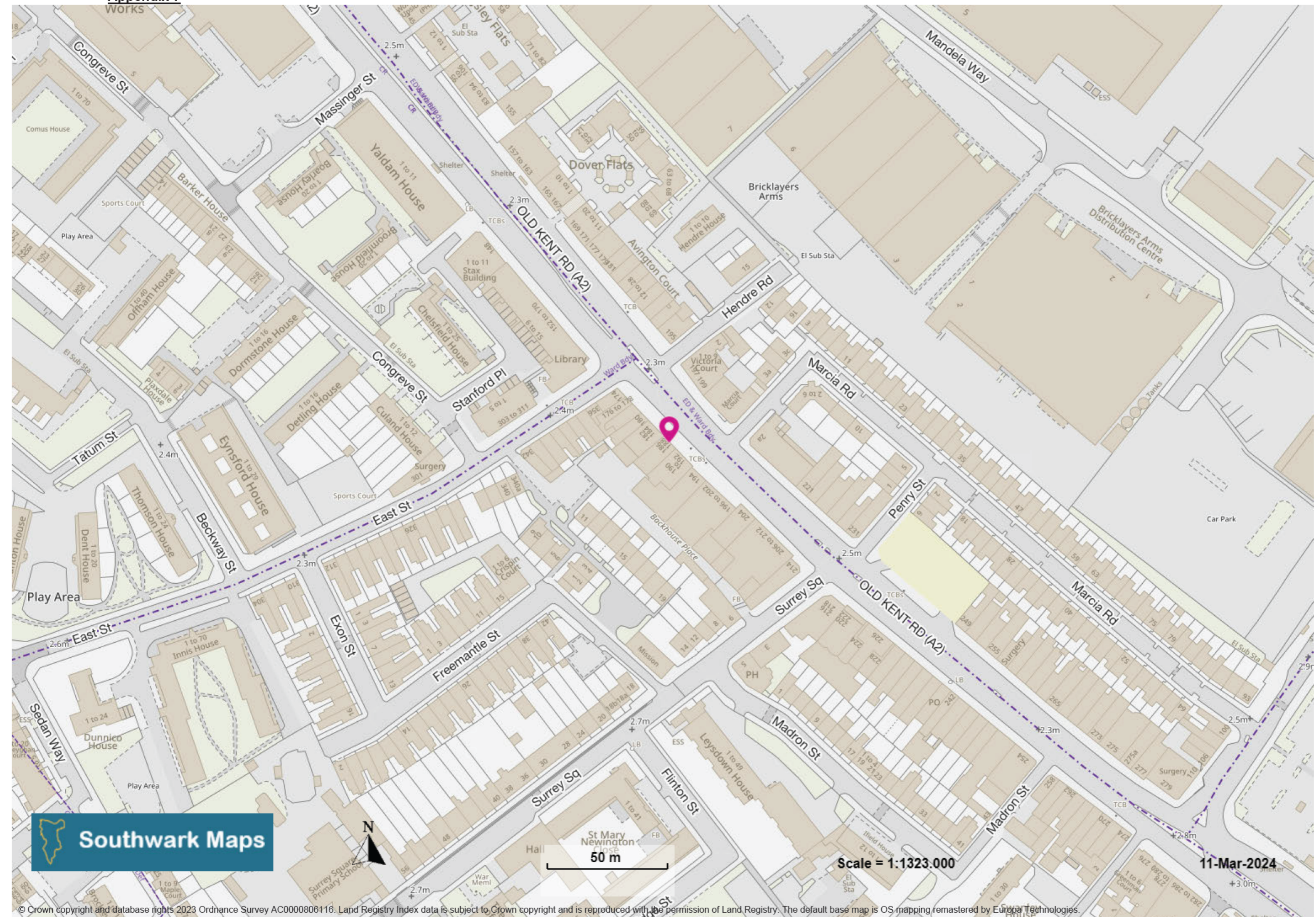
If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

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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](mailto: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](mailto:andrew.heron@southwark.gov.uk)



50 m

Scale = 1:1323,000

11-Mar-2024