

APPENDIX E

From: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Sent: Tuesday, September 5, 2023 1:16 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc: Tucker, Matt <Matt.Tucker@southwark.gov.uk>
Subject: Application for the review of a premises licence: Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF (our ref': 880862) - Loc ID: 193298

Hi All,

I've made a small correction to my representation.

In the second paragraph of section 4 I originally stated –

“...In addition to this, the premises' leaseholders have submitted a complaint regarding noise nuisance emanating from the premises, and disorder caused by the premises' customers.”

The above is incorrect and should read as follows (amendment in bold) –

“...In addition to this, **the leaseholders of the flats above the premises** have submitted a complaint regarding noise nuisance emanating from the premises, and disorder caused by the premises' customers.

A corrected version of the rep' is attached.

Apologies for any inconvenience caused!

Regards,

Wesley McArthur

Principal Enforcement Officer - Licensing Unit
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

From: McArthur, Wesley
Sent: Monday, September 4, 2023 12:07 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc: Tucker, Matt <Matt.Tucker@southwark.gov.uk>
Subject: URGENT: Application for the review of a premises licence: Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF (our ref': 880862) - Loc ID: 193298
Importance: High

Hi Admin'

I left a resident's address in my representation as below. I've removed the address to ensure that the representation is GDPR compliant for publication in the hearing report that will be written regarding the application.

Please replace the representation previously sent with the version attached to this email.

Regards,

Wesley McArthur

Principal Enforcement Officer - Licensing Unit

London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

From: McArthur, Wesley

Sent: Sunday, September 3, 2023 11:59 PM

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

Cc: Tucker, Matt <Matt.Tucker@southwark.gov.uk>

Subject: Application for the review of a premises licence: Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF (our ref': 880862) - Loc ID: 193298

Dear Licensing,

Please find attached a representation regarding the above application.

Regards,

Wesley McArthur

Principal Enforcement Officer - Licensing Unit

London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

To: Licensing Unit	From: Wesley McArthur wesley.mcarthur@southwark.gov.uk 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	Date: 3 September 2023
Subject:	Representation	
Act:	The Licensing Act 2003 (the Act)	
Premises:	Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF	
Ref':	880862	

We support the application for the review of the premises licence, submitted by an 'other person' (that being a local landlord) under The Licensing Act 2003 (the Act), in respect of the premises known as Wazobia Restaurant, 670 Old Kent Road, London, SE15 1JF.

1. The application

The application was submitted in respect of all of the licensing objectives and states the following grounds for the review (verbatim):

- *“Demonstrable evidence of significant social, economic, or public health impacts related to the licensing objectives.*
- *Proven instances of misconduct or malpractice by the licensee, which raise concerns about the suitability of the objectives or the licensee's adherence to them.*

We wish to bring to your attention an on-going matter with regard to the above-mentioned restaurant - situated below five residential apartments that we, Space Investments Limited, own on a long leasehold basis. We manage the properties ourselves.

The restaurant becomes a night club from Thursday night onwards, causing severe noise nuisance to our properties, the residents above and surrounding neighbour properties. Noise and vibrations are felt from the ground up with constant thuds of music and is a huge disturbance to residents in the apartments. There are often frequent gatherings outside the restaurant too, that are intimidating to our residents, who are complaining to us that they feel too unsafe to leave/enter their home. In some instances, there have been threats of violence towards our Tenants where the Police have also been contacted.

We have been in continuous contact with Southwark Noise and Nuisance/Environmental Health for over 6 years (all documented), as have the residents of the above-mentioned flats. We are aware of number of officers visits to witness the noise during the early hours, and outside of any licenced timings. A noise abatement notice has also been issued to the owner of Wazobia Restaurant, yet this had no affect and if anything matters are now worse.

We also engaged with the Superior Landlord (Freeholder) in regard to their Tenant (Wazobia); but they have shown little interest in reviewing as are more concerned with having the unit occupied and collecting rent.

The constant noise has a huge impact on our Tenants health, safety and general wellbeing. Our residents have lost hope over the poor response from Southwark Noise and Nuisance team and instead of seeking assistance from the borough, who should support them; simply opt to break their tenancy agreements early and move out.

As you can appreciate this is a tiresome and stressful process for all concerned and becoming a financial burden to us each time a Tenant seeks to want to vacate. We are concerned that the continuation of this matter is making our properties un-lettable and are likely to incur significant losses as a consequence. We are taking legal advice on the matter concerning the restaurant on the ground floor, as yet more cost, and also seeking expert witness noise and nuisance consultancy in further proving our claim.

We are writing to you for your comments and proposals in dealing with the clear and continued noise nuisance affecting our Tenants and their quiet enjoyment of their property. We hope to be able to engage with you swiftly as the problem persists and needs your support.”

2. The extant premises licence

The premises licence (number 866452) issued in respect of the premises allows for the following –

Live music & recorded music:

Sunday - Thursday: 12:00 – 00:00 (midnight)
Friday & Saturday: 12:00 – 03:00

Late night refreshment:

Sunday - Thursday: 23:00 – 00:00
Friday & Saturday: 23:00 – 03:00

The sale by retail of alcohol to be consumed on the premises:

Sunday - Thursday: 12:00 – 00:00 (midnight)
Friday & Saturday: 12:00 – 03:00

Opening hours:

Sunday - Thursday: 12:00 – 00:00

Friday & Saturday: 12:00 – 03:30

A copy of the premises licence number 866452 is attached to this representation as appendix 1.

2. The Locale

The premises are located towards the south of Old Kent Road.

Old Kent Road is a major arterial road with a high volume of traffic both day and night. Old Kent Road has many commercial premises of varying types, many licensed premises and also industrial areas just off it. The premises are in a parade of shops on Old Kent Road with residential dwellings immediately above the premises, and at 1st floor level and above along the parade of shops. Opposite the premises there is a large vacant plot of land, a building site and various commercial premises. The road behind the premises (Ethnard Road) is entirely residential.

A map of the local area is attached as appendix 2.

Photographs showing the premises and its immediate surroundings (including residential dwellings adjacent to, and in close proximity to, the premises) are attached as appendix 3.

3. This council's Statement of Licensing Policy

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:

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

The following closing times are recommended in our SoLP in respect of various types of licensed premises located in residential areas as stated –

Restaurants and cafes –

Monday to Sunday: 23:00

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

Monday to Sunday: 23:00

Event premises/ spaces where sale of alcohol is included in, and ancillary to, range of activities including meals –

Monday to Sunday: 23:00

Nightclubs (with 'sui generis' planning classification) –

Not considered appropriate for residential areas

- **NB** The premises licence issued in respect of the premises was originally issued on 23 April 2009. At that time, closing times were not recommended in our SoLP.

The reason that the current licence (number 866452) shows an issue date of 10 January 2019 is because at any time that a premises licence is amended or transferred, a new issue date is shown on the licence subsequent to the amendment or transfer of the licence. The premises licence was transferred to the current licensee on 10 January 2019.

Recommended closing times are included in the current SoLP as this council believes that the recommended closing times will help promote the licensing objectives, however all applications of any type must be judged on their own merits.

4. Our comments in support of the review application

Our comments relate to the promotion of the prevention of public nuisance and the prevention of crime and disorder licensing objectives.

The Licensing Unit has received five complaints of noise nuisance regarding the premises made by two local residents (residing at different addresses), and has been informed by the council's Noise and Nuisance Team (NaNT) that two noise abatement notices, issued under section 80 of the Environmental Protection Act 1990, have been served in respect of the premises. The noise abatement notices relate to loud amplified music emanating from the premises. In addition to this, the leaseholders of the flats above the premises have submitted a complaint regarding noise nuisance emanating from the premises, and disorder caused by the premises' customers.

Our position is that it has been substantiated twice by the council's NaNT that statutory noise nuisance has been caused by the operation of the premises. As the noise nuisance was witnessed at two separate complainant premises we also say that public nuisance has arisen due to the operation of the premises and is likely to arise again due to the operation of the premises, and further, that it is also likely that the premises' customers have caused disorder in the vicinity of the premises.

We recommend that the licensing sub-committee considers the inclusion of additional licence conditions as set out below.

Proposed additional licence conditions –

- That all relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence. Records pertaining to such training ('the staff training logs') shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to responsible authority officers on request. The training logs shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee, the signature of the trainer shall be included.
- That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises and in any external areas, requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents. Such signage shall be kept free from obstructions at all times.
- That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:
 - i. Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
 - ii. Details of public transport in the vicinity and how customers will be advised in respect of it.
 - iii. Details of the management of taxis to and from the premises.
 - iv. Details of the management of any 'winding down' period at the premises.
 - v. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
 - vi. Details of any cloakroom facility at the premises and how it is managed.
 - vii. Details of road safety in respect of customers leaving the premises.
 - viii. Details of the management of ejections from the premises.
 - I. Details as to how any physical altercations at the premises are to be managed
 - II. Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).

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

- That clearly legible signage stating a dedicated contact telephone number for the premises shall be prominently displayed where it can easily be seen read by passers-by. The signage shall state to the effect that the phone number shown can be used to contact the premises in respect of any complaints regarding the operation of the premises. Such signage shall be kept free from obstructions at all times. The telephone in respect of this number, if a mobile phone, must be on the duty manager's person at all times.
- That the premises' management shall regularly monitor any external areas of the premises, the immediate frontage of the premises and the passage way adjacent to the premises and take all necessary steps to ensure that noise from patrons, or the premises' operation, does not cause disturbance or nuisance of any kind. A log of such monitoring including the printed name of the person who undertook the monitoring, the date & time of the monitoring and any observations or actions taken subsequent to the monitoring shall be kept at the premises and be made immediately available to responsible authority officers on request.
- That a sound limiting device (or similar equipment) shall be installed at the premises, be maintained in full working order and be in use at all times that the premises are in operation under this licence. All amplification equipment, entertainment devices and amplified instruments shall be routed through the sound limiting device (or similar equipment) which shall be calibrated so that the level of amplified sound at the premises does not cause a statutory or public nuisance. Particular regard must be given to the attenuation of bass frequencies. Only management staff shall have access to the sound limiting device (or similar equipment) and shall be able to demonstrate that it is in use at the immediate request of responsible authority officers.
- That a qualified professional acoustic consultant is employed to calibrate the sound limiter at the premises and to arrange the layout, installation and orientation of the speakers at the premises so that sound transmission to adjacent buildings is minimised. A signed and dated report from the acoustic consultant shall be devised regarding the calibration of the sound limiter and any amendments to the speaker installation at the premises. A copy of the report shall be kept at the premises and provided to responsible authority officers immediately on request. Once the sound limiter has been calibrated, its control settings shall not be altered at any time, except for when altered by a qualified professional acoustic consultant or the premises' sound engineer.
- That only management staff shall have access to any amplification equipment at the premises, and only management staff shall be permitted to change any control settings on said equipment.
- That external doors at the premises shall be kept closed except to allow immediate, and emergency, access and egress to and from the premises.

- That any openable windows at the premises shall be kept closed at all times that regulated entertainment is taking place at the premises.
- That customers will not be permitted to congregate in the passage adjacent to the premises at any time. Relevant staff shall be trained to stop customers congregating in the passage and details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises and shall be made immediately available to responsible authority officers on request.
- That staff at the premises will be trained to interact with customers congregating outside of the premises to ensure that those customers do not block the roads or pavements in the immediate vicinity of the premises. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises and shall be made immediately available to responsible authority officers on request.
- That the sound level of any entertainment shall be attenuated to a quiet 'background' level at least 30 minutes prior to the premises closing on each day to create a 'winding down' period that will encourage customers to leave the premises.

In addition to the above, we recommend that the following licence conditions are amended as stated -

Condition 341 that states -

"The whole premises shall be sound insulated."

be amended to state:

- That the whole premises shall be sound insulated. Proof of the insulation installation, including all details of the installation and any reports as to effectiveness of the insulation shall be kept at the premises and be made immediately available to responsible authority officers on request.

Condition 842 that states -

"That a 696 form must be submitted for any occasion in a premises licensed under the provisions of the Licensing Act 2003, using a DJ or MC performing to recorded background music, operating any time between 10pm and 6am, that is promoted in some form by outside promoter, where entry is either free, by invitation, pay on the door or by ticket."

Be replaced by the following condition as 696 forms no longer exist:

- That any 3rd parties / members of the public using the premises for a promoted or private event must complete a venue hire agreement with the premises licence holder. The venue hire agreement shall include the full name and address of the hirer, copy of valid photo identification of the hirer (kept on file in accordance with data protection requirements), the hirer's signature and the date that the venue hire agreement has been signed. The venue hire agreement shall include all of the licensee's terms of hire. Such agreements shall be kept on file for 6 months from the date of the event and be made immediately available to responsible authority officers on request.

Condition 845 that states -

“That two SIA registered door supervisors will be engaged when the premises are in operation Friday, Saturday or when the terminal hour is after 00.30 and will be employed at all times after 22:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.”

be amended to state:

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

Condition 845 that states -

“That an incident record is maintained and signed by the designated premises supervisor (DPS) on a weekly basis and is made available to police and council officers on request.”

be amended to state:

- That an incident log shall be kept at the premises to record details of any of the following occurrences at the premises:
 - I. Instances of anti-social or disorderly behaviour
 - II. Calls to the police or other emergency services
 - III. Any complaints received
 - IV. Ejections of people from the premises

- V. Visits to the premises by the local authority or emergency services
- VI. Any malfunction in respect of the CCTV system
- VII. All crimes reported by customers, or observed by staff
- VIII. Any other relevant incidents

The incident log shall record the time, date, location in the premises and description of each incident, details of any action taken in respect of the incident and the printed name of the person reporting the incident. Details of incidents shall be recorded contemporaneously. The incident log shall be available / be accessible at the premises at all times that the premises are in use, and shall be made immediately available to responsible authority officers on request. If the incident log is a paper hardcopy then the signature of the person reporting the incident in the log shall also be included. All relevant staff employed at the premises shall be trained in the use of the incident log. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

If the licensing sub-committee doesn't think that the imposition of **all** of the above conditions is appropriate we recommend that the premises closing time on Friday and Saturday is changed from 03:00 hours to 00:00 hours (midnight)

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

866452

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Wazobia Restaurant 670 Old Kent Road	
Ordnance survey map reference (if applicable): 177695534606	
Post town London	Post code SE15 1JF
Telephone number	

Licensable activities authorised by the licence
Live Music - Indoors Recorded Music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 12:00 - 00:00
Tuesday 12:00 - 00:00
Wednesday 12:00 - 00:00
Thursday 12:00 - 00:00
Friday 12:00 - 03:30
Saturday 12:00 - 03:30
Sunday 12:00 - 00:00

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

The times the licence authorises the carrying out of licensable activities

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

Live Music - Indoors

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 03:00
Saturday	12:00 - 03:00
Sunday	12:00 - 00:00

Recorded Music - Indoors

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 03:00
Saturday	12:00 - 03:00
Sunday	12:00 - 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 - 03:00
Saturday	23:00 - 03:00
Sunday	23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 03:00
Saturday	12:00 - 03:00
Sunday	12:00 - 00:00

Part 2

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

Unique Crispens Food Limited
62 St. Fillans Road
Catford
London
SE6 1DG

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

11105296

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

Emmanuel Alex Eke

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 10/01/2019

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.

107 Any individual carrying out security activities at the premises must be. (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or (b) be entitled to carry out that activity by virtue of section 4 of that Act.

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

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

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

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

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

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

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

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

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

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

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

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

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

489 The responsible person shall ensure that -

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

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

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

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

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

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

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

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

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

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

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax; (2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

298 That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry, Management reserve the right to refuse entry'

302 That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs;

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

315 Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Those who do temporarily leave for this reason shall be the subjected to the requirement of a further search.

332 Children will not be admitted after 8pm unless accompanied by an adult

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

336 A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied

340 Bright lights shall be installed and used both inside and outside the premises

341 The whole premises shall be sound insulated

342 That the Premises Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch Scheme should there be one in existence for the area in which the premises is located.

343 The registered door staff shall urge people to leave noiselessly and attempt to move on persons loitering outside the premises.

344 There will be a designated smoking area at the rear of the premises and smokers are to be limited to 2 persons outside the rear of the premises.

345 Only customers who have ordered substantial meals will only be served alcohol.

346 There will be a suggestions box inside the entrance to the premises that will display a mobile number for complaints. The number shall be available throughout the opening hours of the premises.

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

808 That there shall be no new admission of the public to the premises after 12 midnight.

840 No open containers of alcohol to be taken outside the premises, as indicated in the floor plans.

841 That an ID scanning system to the reasonable satisfaction of police be installed and maintained. The system should be capable of sharing information about banned customers with other venues, identify the hologram of an ID and read both passports and ID cards, able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 22.00 whilst the premises are in operation under the premises licence when the terminal hour is after 00.30. All persons that enter the premises including staff, patrons, DJ's and associated staff will be scanned and have their details recorded on the system. The details shall be stored and made available on request for a period of no less than 31 days.

842 That a 696 form must be submitted for any occasion in a premises licensed under the provisions of the Licensing Act 2003, using a DJ or MC performing to recorded background music, operating any time between 10pm and 6am, that is promoted in some form by outside promoter, where entry is either free, by invitation, pay on the door or by ticket.

843 That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle unless served by a waitress in the clearly designated VIP area to groups of more than 10.

844 That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of two measures per container/glass unless served by a waitress in the VIP area to groups of more than 10.

845 That two SIA registered door supervisors will be engaged when the premises are in operation Friday, Saturday or when the terminal hour is after 00.30 and will be employed at all times after 22:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented

846 That when SIA are required they will be provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

847 That alcohol is only to be served to customers that are seated and eating a substantial table meal and ancillary to that meal except Friday and Saturday's after 22.00 and Sundays proceeding a bank holiday. After 22:00 hours only customers who have ordered a substantial meal shall be served alcohol

848 That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises. It should cover all areas within the premises including the outside area to the front in all lighting conditions. It should be designed, installed and maintained in compliance with the ICO CCTV Code of Practice.

849 That at least one member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.

850 That all empty glassware to be cleared at a frequency of 30 minutes or less.

851 That an incident record is maintained and signed by the designated premises supervisor (DPS) on a weekly basis and is made available to police and council officers on request.

852 That all staff are trained in their responsibilities under the Licensing Act 2003 and the signs of drunkenness and training records to be kept and updated every six months and shall be made immediately available to officers of the police and the council upon request.

853 That customers shall use no outside area after 22.00 other than those who temporarily leave the premises to smoke a cigarette with no more than five people permitted to smoke at one any time. The area should be clearly designated and a system in place to limit the number outside.

854 That after 00.00 anyone that leaves to smoke in the designated area should be recorded or issued a pass indicating they are a re-admission and no one without such pass will be allowed back in.

855 That a record book of banned individuals shall be kept and held by the SIA on duty at the front door and made available to police and council officers for inspection on request.

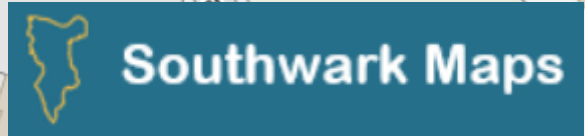
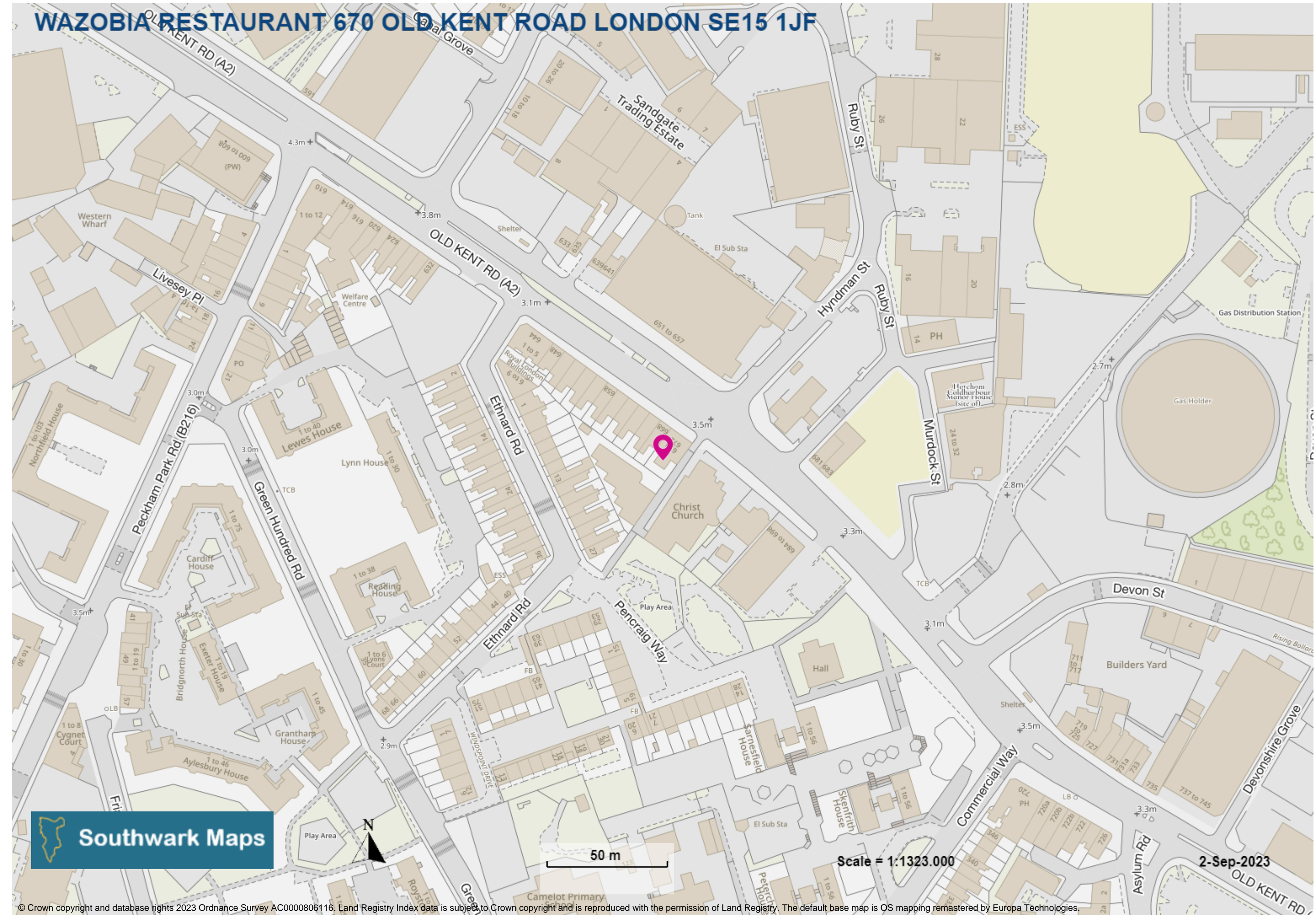
Annex 4 - Plans – Attached

Licence No. 866452

Plan No. RB/08 200

Plan Date August 2008

WAZOBIA RESTAURANT 670 OLD KENT ROAD LONDON SE15 1JF



50 m

Scale = 1:1323,000

2-Sep-2023

Appendix 3

View looking south across Old Kent Road showing the frontage of the premises and residential dwellings immediately above the premises.



View looking north-west along Old Kent Road showing vacant plot of land opposite the premises



View looking south-east along Old Kent Road showing residential dwellings being built opposite the premises



Close up view of residential dwellings above and adjacent to the premises



View of passage adjacent to the premises. The passage leads to the junction of Ethnard Road and Pencraig Way



Residential dwellings on Ethnard Road (near the Junction of Pencraig Way) behind the premises, looking north-west along Ethnard Road.



Appendix 4

Date of complaint	Complaint reference number	Complainant	Summary of complaint / allegation
07/06/2009	C/372935	Local resident 1	<p>It's 2.40AM Sunday 7 June 2009, I'm lying on my bed in flat X, XXX Old Kent Road, in the third floor of the building, with my earplugs on, and can't get to sleep.</p> <p>The boom boom and the vibrations of the loud music being played all the way down in 670 OKR Wazobia Restaurant are creeping up through the walls and ventilation / chimney ducts.</p> <p>I don't know who to call to monitor this, it is the 2nd time since the opening party, that I thought was allowed to do such a thing and ended at 2am, but this time its still going on strong.</p> <p>Does a Family Restaurant have to be allowed to play music so loud that it can disturb other neighbours sleep? I beg you to reconsider the details of its license, and if the Restaurant has been fitted with anti-noise materials, these are not sufficient to dampen the boom boom and the vibrations.</p> <p>It's 3 AM and the music still going strong. Please help.</p>
15/11/2011	C/588547	Complaint made by local resident 1 to the Noise and Nuisance Team referred to the Licensing Unit	<p>I'm writing at 2AM following my complain about noise that started today 11.11.11 at 11.30pm, in 670 Old Kent Road, SE15 1JF, a restaurant called Wazobia. I live in the third floor of XXX, Old Kent Road, and every Friday and Saturday night the people in this restaurant are playing very loud music, that creeps up and generates a constant thumping that gives me and my neighbours from the second floor, a terrible headache and stops us from resting.</p> <p>This restaurant, under the conditions of its licence, is not allowed to play loud music, let patrons mingle outside, and remain open until 3am. The premises are being used as a disco on Fridays and Saturdays, and it is</p>

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			<p>unacceptable in a space in the ground floor of a residential block. The flats above the restaurant are empty, nobody has moved in there. The closest and affected ones are the three flats in XXX, Old Kent Road.</p> <p>I have called many times the noise complain line, and only once staff came to my place to assess the nuisance. I work full time Monday to Friday, travel a lot and when I am home during the weekend I need to rest and have a good sleep. Ever since this restaurant opened, it's proven impossible. I have resorted to wear earplugs, close hermetically windows and doors, but the noise of loud music creeps up through walls and ventilation ducts and the constant boom boom is distressing.</p> <p>These people also gather in the back of the premises, talking loud, and all our bedrooms' windows are on that side.</p> <p>Needless to say, I dread Friday and Saturday night at home. Discussing with my neighbours what to do in this unbearable situation, we also feel unsafe going out or coming in after midnight, because of the groups of people outside our door.</p> <p>There have been numerous disturbances, and black cabs have not picked me up at 4am when I needed to go to the airport for an early flight, because of these intimidating gatherings. We feel we can not just go and ask them to put the music down, since they have a rather aggressive disposition. It's been already two hours with this nuisance, I am tired and need to sleep. I will put on my earplugs and wrap around my head with the pillows. This is not the solution. Something needs to be done to restore normal residential living conditions in this block.</p> <p>I would be thankful for advice, information on how to proceed or any action you can take.</p> <p>Good night</p>
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Appendix 4

13/02/2012	C/607744	Email from local resident 1 to a 3 rd party (possibly the building owner)	<p>Dear Mr. XXXXXX,</p> <p>The noise issue fridays and saturdays at the Wazobia restaurant continues.</p> <p>Apparently Mr. XXXXXXXX from the restaurant does think he can do as he pleases, and unfortunately he's getting away with it.</p> <p>I'm tired of calling the Council's Noise Department, having to wait for assessment teams late at night and letting complete strangers into my bedroom to assess the noise; writing emails, having to waste my free time with this, and even try to arrange business trips to avoid Fridays and Saturdays at home; it is just not acceptable and not nice to dread weekends at home.</p> <p>I've been writing and complaining about this ever since the restaurant opened, to the council with every license application to extend opening hours, to the Noise Department, etc.</p> <p>How Mr. XXXXXXXX managed to extend the hours of operation, from 11pm to 3am in a residential block, be allowed to play music -when he replied to a letter I sent to the Council that the establishment was a 'family restaurant' and that he had no intention to turn it into a 'club' and therefore no loud music would be played, is beyond comprehension.</p> <p>I've got plenty of images, videos and all documents (letters, emails, etc.) of all the steps I've taken so far to stop this and proof that these people do not have any consideration for their neighbours.</p> <p>I would be grateful if you could do something about this, the leasehold contract can not only apply to the residents regarding noise nuisance, the commercial tenants have to obey these rules too, in order to have a civilised and friendly life in this block.</p>
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			<p>I'm available to meet and discuss this at your earliest convenience.</p> <p>Best regards,</p>
09/07/2014	C/790942	Complaint from Local resident 1 to a ward councillor forwarded to the Licensing Unit	<p>Dear Mrs/Ms Soanes,</p> <p>Shortly after I moved in my flat in XXX Old Kent Road, Flat X, XXXX XXX, a restaurant opened in 670-672 Old Kent Road. Initially they applied for opening hours until 1am, but I complained since it is located in a residential building. However, somehow they managed to apply and get granted license of opening hours Fri-Sat until 3am!</p> <p>I complained to the council but they said they had sent the letters to the neighbours and there were no people against it. I was and certainly am against it.</p> <p>The licensing officer sent me an email where he had the business owner promising no loud music and that the establishment would be a 'family restaurant'. Ever since then they have played loud music every single weekend. I try to sleep with earplugs and windows closed, however the thumping sounds and vibrations creep up through the building and it is very distressful to get a rest.</p> <p>I have called the noise/environmental service several times, emailed them, had them at home in the early hours, but only one team agreed that the noise was a nuisance. Another team I saw from my window talking to the restaurant owner, he then lowered the music, the team rang my bell, and logically there was no nuisance. Another team asked me if my widows had double glaze (they do) and suggested to keep them closed. It is not a nice experience to let unknown people into your flat, after several calls and a certain level of anxiety.</p> <p>In my building there are three flats, but I am the only owner who lives in the premises. The couple who lived below me were afraid of</p>

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			<p>complaining in case the people gathering in the restaurant would take any action against them. Needless to say, the customers of this restaurant are rather intimidating. So I have been the only one complaining. The flats above the restaurant have been recently refurbished into 5-6 flats and people have moved in. It is however difficult to meet them since we are all young employed people with long working hours.</p> <p>I do travel for work and have always tried to prolongue my stay outside my flat during the noisy days, but this is not the solution, and financially not always doable.</p> <p>I have kept all emails/records and letters between licensing dept., noise dept., my landlord, etc.</p> <p>To make matters worse, I returned two days ago from a two week working trip abroad and from my bedroom window I see the restaurant has erected a precarious building in the back (where the customers normally go to smoke and talk loudly!). This building does not have landlord's consent and is in a place that according to the leasehold has to be kept free in case of emergency. I am scared that this irresponsible construction could originate a fire or another catastrophe. Image attached.</p> <p>I am in London until 19th July before going abroad again, and would be thankful if we can meet and discuss this matter and find a solution. I presume in these days I can ask my neighbours for their cooperation and get this restaurant's license reviewed and opening hours reduced to normal, until 11pm.</p>
11/09/2014	C/795592	Noise & Nuisance Team	A noise complaint was referred to the Licensing Unit for informational purposes. We were informed that a statutory noise nuisance was witnessed at the premises on 7 September 2014. The nuisance was caused by loud amplified music. A noise abatement notice was served

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			under section 80 of the Environmental Protection Act 1990 in respect of the nuisance witnessed.
01/07/2015	C/813527	Complaint made by local resident 2 to the Noise and Nuisance Team copied to the Licensing Unit for informational purposes	This restaurant plays music that is much too loud from 11pm to 4am. This needs to stop as it keeps happening and repeating no matter how many times I call. reference: swk594421
05/05/2022	C/976036	Noise & Nuisance Team	A noise complaint was referred to the Licensing Unit for informational purposes. We were informed that a statutory noise nuisance was witnessed at the premises. The nuisance was caused by loud amplified music. A noise abatement notice dated 02 May 2022 was served under section 80 of the Environmental Protection Act 1990 in respect of the nuisance witnessed.
12/07/2023	A/02974	Review applicant	See the grounds for review in the main body of the representation