

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

RECEIVED

07 OCT 2010

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I ROSALYNDE STONE  
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>WABI SHEBELE</u> <u>189-191 NEW KENT RD</u>	
Post town <u>LONDON</u>	Post code (if known) <u>SE1 4AG</u>

Name of premises licence holder or club holding club premises certificate (if known) <u>MUSTAFA ARIF</u>
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Number of premises licence or club premises certificate (if known) <u>9083</u>
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Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

Surname

STONE

First names

ROSALYNDE

I am 18 years old or over

Please tick yes



Current postal  
address if  
different from  
premises  
address

185 NEW KENT RD.

Post town

LONDON

Post Code

SE1 4AG

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>	→
<input checked="" type="checkbox"/>	→
<input checked="" type="checkbox"/>	→
<input type="checkbox"/>	

**Please state the ground(s) for review (please read guidance note 1)**

3. Prevention of Public Nuisance

For several nights of the week the Wabi Shebele plays loud music which renders us unable to sleep in our bedroom. Our bedroom shares a party wall with the Wabi Shebele.

Members of our household have been complaining to the council regarding noise nuisance since April 2001 and we then began to live in our flat in August 2007 and the situation has not much improved since then. Every weekend we have loud live and recorded music playing through our bedroom wall. We have complained to the Southwark Council Noise Team and a Noise Abatement Order has been issued and yet this statutory nuisance continues.

There have been promises from both the Southwark Council Noise Team and the Wabi Shebele that a music level device will be calibrated by a member of the Noise Team. This has been promised for years. Last time the device was installed and calibrated early this year, it was promptly tampered with and is currently (we believe) now broken.

The weekend for us while this situation continues is not a time of rest or recuperation as our peaceful enjoyment of a decent night's sleep is not just compromised by this but in fact completely ruined. Furthermore we cannot avoid this situation as we can neither sell nor let our home whilst the noise nuisance continues.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

## 2. Prevention of crime and disorder

The Wabi Shebele is often indifferent to their current license and frequently remains open later than 2am. We have contacted both the Noise Team and the Police about this in the past. Around the time of the last council hearing on March 1<sup>st</sup> 2010 for the restaurant to alter their opening hours, the hours the Wabi Shebele was actually keeping were

5th February 2010 - music stopped at 3.14am

12th February 2010 - music stopped at 3.15am

13th February 2010 - music stopped at 3.44am

20th March 2010 - music stopped at 3.12am

And this situation has improved with the new management but for example on Friday 11<sup>th</sup> September they were open past 2.30 am and on Saturday they were still open at 3am. We did try to call out the Noise Team on both nights and I believe the Team witnessed this on the Saturday evening.

## 3, Public Safety

Our front door is frequently used as a urinal – we have had members of the Noise team standing in our bedroom witnessing the noise barefoot as they have had to walk through a puddle of urine. It is also not unheard of for there to be vomit on the street also.

Furthermore large groups of drunk men congregate on the street which make walking down our street, if only to get to or from the car, daunting. It is not unknown either for there to be fights amongst customers as reported to the police on 29<sup>th</sup> January and 7<sup>th</sup> August this year.

With this application I enclose copies of correspondence with the Council over the past 9 years regarding the Wabi Shebele from various members of our household. We hope by this action that there will be a time when we can have the opportunity to relax at the weekends and go to sleep in our own bed at a time of our choosing.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year  

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**If you have made representations before relating to this premises please state what they were and when you made them**

- Please tick yes
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
  - I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature *Stone*

Date *6.9.2010*

Capacity .....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) <i>MRS R STONE</i> <i>185 NEW KENT RD.</i>	
Post town <i>LONDON</i>	Post Code <i>SE1 4AG</i>
Telephone number (if any) <span style="background-color: black; color: black;">[REDACTED]</span>	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**Noise Team**  
Chaplin Centre  
Thurlow Street  
London SE17 2DG

Phone 020 7525 5777  
Fax 020 7525 5768  
E-mail noise@southwark.gov.uk

185 New Kent Road  
London  
SE1 4AG

60 d  
RECEIVED  
08 OCT 2010

21 April 2001

Dear Customer

DISTURBANCE FROM NOISE: 191 New Kent Road  
Please quote your EID No. when telephoning or writing.

(EID No.43370 )

With reference to your complaint to the Noise Team on 21/4 at 2.29 hours  
The Field Team visited your neighbourhood at 2.54 hours on.  
We did witness the noise disturbance, which was considered to be a likely statutory noise nuisance.

- a Formal Warning will be issued to the persons responsible.
- Other Action Taken:- Licensing Section will be informed.

The 24-hour service operates on the basis of the customer contacting the Noise Team as and when the noise disturbance occurs, so if you are regularly bothered by noise from a specific location or address, you should contact us on 020 7525 5777. An officer will then visit you to assess the problem and discuss with you what can be done to resolve the situation.

*If you feel that our response to your complaint did not meet your needs or expectations, or you wish to comment on the service, please write to the above address and you will receive a written reply within 10 days.*

Yours faithfully



John Fisher.  
Enforcement Officer

**CAMBERWELL GREEN MAGISTRATES COURT  
SOUTH CENTRAL DIVISION**

Your Ref;  
Our Ref;

15 D'Eynsford Road  
London  
SE5 7UP

To;  
185 New Kent Road  
London  
SE5 4AG

Tel; 020 7805 9851  
Fax; 020 7805 9898  
Dx ; 35305 CAMBERWELL GREEN

Date; 14<sup>th</sup> May 2001

Dear Sir / Madam

**LICENSING ACT 1964**

I refer to your objection to the grant of a Justices Licence to;

.....**Mr A Mustafa**.....

In respect of premises situated at;

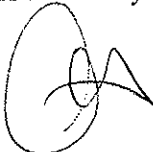
... **Nese Restaurant, 189-191 New Kent Road, SE1**.....

.....  
Please confirm that a copy of your letter has been sent to the Licensee/s.

The application will be heard at this Court on Monday, the **21<sup>st</sup>** Day of ...**May**..... **2001**....., at 10am.

You must attend then if you wish your objection to be considered, with any evidence and witnesses you may wish the Court to hear.

Yours faithfully



For the Clerk to the Licensing Justices.





**PUBLIC PROTECTION SERVICE**

*The Chaplin Centre, Thurlow St*

*London SE17 2DG*

Noise Team 0171 525  
Fax 0171 525 5768

*Please Reply To  
Officer's Direct Tel No*

Helen Masterson  
0171 525 5791  
17 October 1997

185 New Kent Road  
London  
S.E.1 4.A.G.

Dear

**Re:Nese Resytaurant 189 Old Kent Road S.E1**

An Entertainment Licence was granted to the above restaurant subject to certain conditions. One of these conditions was to install a sound limiting device with a maximum level set to the satisfaction of the Noise Team. A provisional level has been set and agreement for an Entertainment License Event to go ahead this Saturday (18/10) between 9pm -1am. I would be grateful if you could let me know if you are disturbed by music on this night. If you are disturbed it would be useful to call out our 24 Hour Rapid Response Officers from the Noise Team on 0171 525 5777 to witness any disturbance from your flat. This will help us to identify a level that does not cause disturbance. Alternatively you can discuss with Tony Garton on 0171 525 5763. thankyou for your help.

Yours sincerely

Helen Masterson  
Environmental Health Officer

185 New Kent Road  
London  
SE1 4AG

Noise & Air Quality Team  
Phone – 020 7525 5777  
Facsimile – 020 7525 5768

19 January 2007

Dear


**RE: ALLEGATION OF NOISE NUISANCE - MUSIC FROM STREET BLPU, NEW KENT ROAD, LONDON**

(EID No. 167228 - please quote this No. if contacting us about this incident).

With reference to your complaint to the Noise Team on 15 January 2007 at 00:24 hours, we visited you on 15 January 2007 at 00:40 hours and witnessed the noise about which you were complaining. I considered the noise to be a statutory nuisance.

I am next on shift on the 23<sup>rd</sup> of January, at this time I will speak to proprietor of the restaurant, and inform you of any action that I may take.

Yours sincerely,



Heather Cowley  
Enforcement Officer  
noise@southwark.gov.uk

*The 24-hour service operates on the basis of the customer contacting the Noise Team as and when the noise disturbance occurs, so if you are regularly bothered by noise from a specific location or address, you should contact us on 020 7525 5777. An Officer will then visit you to assess the problem and discuss with you what can be done to resolve the situation.*

*If you feel that our response to your complaint did not meet your needs or expectations, or you wish to comment on the service, please write to the above address and you will receive a written reply within 10 days.*



Enforcement & Creative Design  
Phone – 020 7525 2000  
Fax – 020 7525 5768

185 New Kent Road,  
LONDON,  
SE1 4AG

12th September 2007

Dear

**RE: ALLEGATION OF NOISE NUISANCE – MUSIC FROM WAB SHABELE RESTAURANT**  
(190189 - please quote this No. if contacting us about this incident).

With reference to your complaint to the Noise Team on 12th September 2007 at 00.27 hours, we visited you on 12<sup>th</sup> September 2007 at 00.52 hours and witnessed the noise that you complained about. I considered the noise to be a statutory nuisance.

It was possible to negotiate a reduction in the noise level.

A written warning has been issued to the person(s) responsible

Yours sincerely,

A handwritten signature in black ink, appearing to read "Rees Watson".

Rees Watson  
Enforcement Officer

*If you feel that our response to your complaint did not meet your needs or expectations, or you wish to comment on the service, please write to the address below and you will receive a written reply within 10 days.*



Enforcement & Creative Design  
Phone – 020 7525 5777  
Fax – 020 7525 2378

185 New Kent Road  
London  
SE1 4AG

23rd November 2009

Dear

**RE: ALLEGATION OF NOISE NUISANCE - Loud Music, 189 New Kent Road, London, SE1 4AG**  
(414862 - please quote this No. if contacting us about this incident).

With reference to your complaint to the Environmental Enforcement Team on 22nd November 2009 at 21.29 hours, we visited you on 22<sup>nd</sup> November 2009 at 22.09 hours and witnessed the noise that you complained about. I considered the noise to be a statutory nuisance.

It was possible to negotiate a reduction in the noise level.

A Noise Abatement Notice will be served on the person(s) responsible.

The licensing team will be informed about this incident and about the action taken by the Environmental Enforcement Team.

If you feel that our response to your complaint did not meet your needs or expectations, or you wish to comment on the service, please write to the address below and you will receive a written reply within 10 days.

Yours sincerely,

A handwritten signature in black ink, appearing to read "H.Lilley".

Hannah Lilley  
**Environment Enforcement Officer**  
hannah.lilley@southwark.gov.uk

Environmental Enforcement  
Phone – 020 7525 5777  
Fax – 020 7525 2378

185 New Kent Road  
London  
SE1 4AG

19 September 2010

Dear

**RE: ALLEGATION OF NOISE NUISANCE - Loud Music, 189-191 New Kent Road, London, SE1 4AG**

(486392 - please quote this No. if contacting us about this incident).

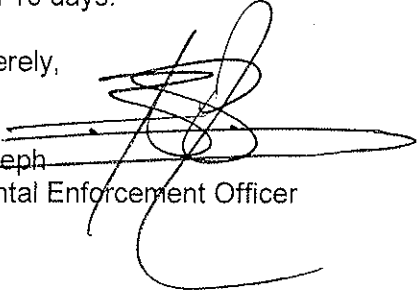
With reference to your complaint to the Environmental Enforcement Team on 19 September 2010 at 00.18 hours, we visited you on 19/9/10 at 01:00 hours and witnessed the noise that you complained about. I considered the noise to be a statutory nuisance.

It was possible to negotiate a reduction in the noise level.

A written warning will be issued to the person(s) responsible.

If you feel that our response to your complaint did not meet your needs or expectations, or you wish to comment on the service, please write to the address below and you will receive a written reply within 10 days.

Yours sincerely,

  
Barney Joseph  
Environmental Enforcement Officer