

PARTY A

RECEIVED
26 OCT 2010

The Licensing Service
c/o Southwark Environmental Health & Trading Standards
The Chaplin Centre
Thurlow Street SE17 2DG
Email; licensing@southwark.gov.uk

I have been informed of a review of licence number 833172 in the name of Mustafa Arif at the Wabi Shebele Restaurant.
189 – 191 New Kent Road, SE1 4AG.

In this matter I, _____ am lodging an objection. I live in my own family house at _____
New Kent Road. _____
I have been living here since 1996.

PREVENTION OF PUBLIC NUISANCE:

Our household has suffered noise nuisance since 2001. Ten years ago in Camberwell Magistrates Court, _____, we made a neighbourly agreement with Mr Arif to have a noise-limiting device fitted to the restaurant sound amplifier. That device was, according to Mr Arif's account, very soon deliberately disabled by the restaurant management. Several similar devices fitted since have suffered the same fate. That particular tenant was forced to leave, as she found the noise unbearable. Since then, on the open market, the _____ flat has been both unlettable and unsellable. _____ For three or more nights a week they find that sleep in the bedroom is not practicable until the music stops, often as late as four in the morning.

Mr Arif has put two layers of sound-proofing on his side of the party-wall and _____ have forfeited the chimney alcoves in their bedroom to his sound proofing attempts. None of these measures have made sufficient difference to the intolerable volume of sound that enters our house from the restaurant premises.

These buildings in New Kent Road, probably built in about 1860, are too old to be suitable for the noise levels created by the Wabi Shebele Restaurant.

PREVENTION OF CRIME AND DISORDER & ENSURING PUBLIC SAFETY:

In terms of the trouble immediately outside our house - trouble that spills out on occasions on to the pavement that we share with the restaurant premises - both ourselves and passing members of the public perceive a public threat. A car driving clientele combined with late night drinking are component parts of this public threat.

Mr Arif has never succeeded in enforcing neighbourly restraint on the part of his tenant/managers. After ten years of waiting for this to happen it has become clear to me that any such a solution is not possible. Mr Arif has breached the terms of the licence that he is granted and I now beg the Council to remove this licence altogether.

24th October 2010

New Kent Road
LONDON
SE1 4YS

RECEIVED
28 OCT 2010

@yahoo.co.uk

The Licensing Service
C/O Southwark Environmental Health and Trading Standards
The Chaplin Centre
Thurlow Street
London
SE17 2DG

20 January 2010

Proposed Extension of Licence of the WABI SHEBELE Restaurant SE1

We are Freeholders of Number () New Kent Road, the Wabi Shebele restaurant. Having let our property for six years we moved in July 2006.

Since 2006, our experience is that several, <5 of our nights' sleep has been interrupted by noise from the restaurant or more usually by the noise emanating from the pavement outside.

Additionally, on numerous occasions when we have been returning to our house in the late evening, 10-12 o'clock there have been outside the restaurant smoking and because it is immediately opposite the traffic light controlled crossing have made us uncomfortable but at no time have they ever actually threatened us.

↳ They were however noisy

What certainly is a nuisance is the detritus of their revelry left on the pavement in the mornings. This amounts to several tens or hundreds of cigarette ends and not infrequently vomitus on the pavement. I have watched the assiduous road cleaner spending much time picking up these cigarette ends and the pigeons cleaning up the vomitus.

The prospect of further extension of the licence in the morning and into the next morning fills me with great concern. Extra hours of drinking will produce even more disinhibited drunken people all more likely to transgress normal behaviour patterns and increase the likelihood of

fights, punch-ups or worse. This could occur within the confines of the restaurant or more likely on the pavement outside.

From our personal perspective, it is unlikely that our disturbance will be other than noise in the early or even later hours but there always remains the threat that trouble on the pavement outside the restaurant could spill over into our houses.

Southwark Council is committed to improve the Elephant and Castle of which we are an easterly extension with a few of the original Georgian buildings left intact. We should hope that the Wabi Shebele should look to the future and adjust their profile rather than attempt to offer alcohol for 20 hours per day at the same time that much of government and the Royal College of Physicians are hell bent on reducing alcohol abuse because of its detrimental effects.

I strongly support the pleas by the immediate neighbours of the restaurant in their reasons for the extension to be resisted as far as is possible within the law.

Yours sincerely,

PARTY C

New Kent Road London SE1 4AG

The Licensing Service
c/o Southwark Environmental Health & Trading Standards
The Chaplin Centre, Thurlow Street SE17 2DG, licensing@southwark.gov.uk

I have been informed of a review of licence number 833172 in the name of Mustafa Arif at the Wabi Shebele Restaurant, 189 – 191 New Kent Road, SE1 4AG.

Regarding this licence I am lodging an objection. I live at Wabi Shebele Restaurant. This has been my home since I moved here in 1996.

Reasons for my objection:

Prevention of crime and disorder & Ensuring public safety (reasons 1 & 2)

There have been repeated breaches of this licence in terms of the hours of closing. If the licensing hours were imposed by the Council in the interests of good order and public safety then I perceive a breach of these hours as a threat to good order and public safety.

Prevention of nuisance (reason 3)

This restaurant has caused a lot of nuisance over the years, particularly with the present style of entertainment, which is very loud music. This noise from the Restaurant is not only loud but is also continuous. It persists on most Fridays, Saturdays, Sundays and until Monday mornings (usually 3 or 4 times per week) and regularly continues until 4 am and, on occasions, even later. This has been the case for the last few years as has been reported to the Council and the Licensing authority since September 2005 or earlier. This noise also causes a nuisance to nearby residents. The Restaurant's patrons are routinely noisy on the pavement outside the Restaurant near to where their cars are parked on the New Kent Road. There have been bouts of fighting, which is disturbing in the middle of the night and adds to the nuisance. There have been repeated complaints to the Southwark Council 24-hour Noise Control Team - which involves having to wait up for an hour or more in the middle of the night for a representative to attend to "witness" the noise. This team on occasions will only respond to noise if it can be heard in the street (that is, in the New Kent Road) outside the restaurant, although the extremely loud music that causes the nuisance is transmitted through the structure of the neighbouring buildings and also airborne noise behind the Restaurant - that is the space between the backs of the buildings in County Street and the New Kent Road. When asked to control the nuisance, the Restaurant may often respond politely but in the negative, claiming that a wedding party is responsible for the noise nuisance rather than the Restaurant itself (although this music emanates from the Restaurant's sound system presumably controlled by the Restaurant rather than their patrons).

Protection of children from harm (reason 4)

Pupils from local schools gather in considerable numbers in the afternoon on the segment of the pavement that includes the shop at 179, our frontage and the entrance to the restaurant at 189. Widespread present concerns with alcohol use might support the view that a drinking shop, licensed by the Council for much of the day and night, will be giving an awkward and inappropriate message to young people.

1st November 2010

PARTY D

London
SE17

3 November 2010

Southwark Licensing Team
Chaplin Centre
Thurlion Street
London
SE17 2DG

BY E-MAIL: licensing@southwark.gov.uk

Dear Sir

Licence Number 833172

Wabe Shebele Restaurant 189 New Kent Road ("the Restaurant")
Mustafa Arif ("the Applicant")

We are writing, as interested parties, with reference to the above review of the Premises Licence at the Restaurant which we support due to concerns relating to all four licensing objectives under the Licensing Act 2003 ("the Act"). We believe the Premises Licence should be revoked.

We
SE17 2DG ("the Flat") are the owners of

This letter supporting the review of the Premises Licence at the Restaurant is therefore made by each of the following interested parties:

- The leasehold owners of the Flat;
- The freehold owner of

We purchased _____ in October 2007 and have, since that date used the Flat as our only residence.

Since the date of purchase until approximately the end of November 2009, we were, on average awoken by music emanating from the Restaurant at least 3 or 4 times per week. The music was loud, constant and ordinarily persisted until at least 4.00 a.m. causing us a nuisance. We were regularly awoken and kept awake by the loud music such that, we often had to move out of our bedroom in the middle of the night (regularly on weekdays) and sleep in the living area to avoid the noise. The Premises Licence that was granted on 18 November 2005 was therefore regularly breached without enforcement.

More recently, since the Applicant's application for an extension to the Premises Licence (which was refused), the disruption has been less regular but it still persists and continues to at least 4.00 a.m in the morning (well beyond its current license). This is particularly disappointing given the Applicant is aware of the nuisance the Restaurant's activities is causing.

Turning to the licensing objectives set out under the Licensing Act we have the following particular concerns:

- 1 **The Prevention of Crime and Disorder-** We are aware of a large number of fights, violence and criminal damage that has been caused by people attending the Restaurant and often, consuming excess quantities, of alcohol. We choose not to visit this end of New Kent Road after 10.00 p.m. due to concerns about our safety. The Restaurant appears to be completely uninterested in such criminal activity and does nothing to protect the security of neighbouring properties and passersby.
- 2 **Public Safety-** We repeat the reasons set out above. We ourselves choose not to go near the Restaurant at night time due to concerns about our safety.
- 3 **The Prevention of Nuisance-** we have already been subjected to regular and constant noise nuisance emanating from the Restaurant. The nuisance to date has regularly interrupted our sleep (during the week as well as weekends). A sound limiter which we understand was installed previously at the Restaurant was of no effect. Mr Harbigge understood from the hearing he attended earlier this year that the sound limiter appeared to have been interfered with by the Applicant although the Applicant claimed it had broken. We do not feel comfortable going round to the Restaurant at the time of the noise as we feel intimidated.
- 4 **The Protection of Children from Harm-** there are a number of families nearby with children who must, like us, be disturbed by the noise emanating from the Restaurant. Equally relevant is a desire for children not to see violent and criminal behaviour from adults frequenting the Restaurant.

We hope that the Premises Licence will be revoked accordingly.

Yours sincerely

PARTY E

New Kent Road, London, SE1 4AG

**The Licensing Service, c/o Southwark environmental health and trading standards,
The Chaplin centre, Thurlow Street, SE17 2DG.**

_____ has called for a review of licence number 9083 in the name of
Mustafa Arif at the Wabi Shebele Restaurant 189-191 New Kent Road, SE1 4AG

With regards to this licence I am also lodging an objection.

I would very much like to see any music licences both live or recorded, or as TENS events, withdrawn altogether from the Wabi Shebele, so that the premises can function again as a restaurant instead of the current reality of a nightclub. I believe that this would in turn resolve current issues related to prevention of crime & disorder, and public safety.

REASONS FOR MY OBJECTION

Prevention of crime and disorder & ensuring public safety (reasons 1 & 2)

There have been frequent fights outside the premises of the Wabi Shebele, mostly involving large groups of drunk individuals late at night. I have phoned the police several times in response to such events, as there have been people thrown and shoved against my front door and windows and I have heard bottles shattering. In the past, following a particularly vicious fight between Wabi Shebele customers which awoke me during the night, I left my house the following morning to see blood spatters on the pavement leading all the way to the corner of Harper Road, several hundred feet away.

I have never witnessed the security staff at the Wabi Shebele intervenes once a fight has been taken outside their premises and onto the public streets, nor phone for police assistance in any of these cases. I feel that it is both unacceptable to allow such dangerous and anti-social behaviour to be inflicted on a community by a local business, but more seriously that is surely only a matter of time before either a patron, employee of the Wabi Shebele or a passer by is seriously injured or killed.

Prevention of nuisance (Reason 3)

For 3 nights a week, until varying hours of the morning, my wife and I are unable to sleep in our bedroom due to the sound of the music, live & recorded, coming from the Wabi Shebele. We can also hear foot stamping and cheering when the premises are particularly busy. This level of noise has been witnessed and recorded as a statutory nuisance many times by Southwark's noise team. Several noise abatement orders have also been issued in the past. Faced with such a level of noise my wife and I find ourselves constantly tired as we both work full time during the week and occasionally also at weekends and find we

cannot rest due to the noise. We also cannot consider renting our flat as the market price has been completely ruined by the constant noise problems.

This is further aggravated by the Wabi Shebele's current management seeking to use temporary event notices to play music until even later than their normal licenced hours, despite our pleas with them not to do so. There have also been repeated breaches of the licensing hours granted to the Wabi Shebele by its various management teams, including the current one, over the years. Several Southwark sound team visits conducted outside of licenced hours have noted that the premises was still playing live/recorded music and appeared to be open for trading well past any allowed times.

There have been many attempts to resolve this problem by both parties over the years, involving relocating our bedroom, insulating both sides of a party wall, proposed mutual agreements on acceptable sound levels, and attempted calibration of sound limiter devices by Southwark officials (Deborah Lawless & Bill Legassick). None of these measures have been effectual due to the Wabi Shebele's fundamental opposition to lowering their noise levels, as they clearly believe that their business relies on creating high levels of noise.

Omojomolo, Alex

From: [redacted]@ [redacted].co.uk]
Sent: 03 November 2010 08:47
To: Regen, Licensing
Subject: Licence Review for Licence No 833172 (Mustafa Arif and Wabi Shebele Restaurant)
Follow Up Flag: Follow up
Flag Status: Red

From:

✓ **New Kent Road**
LONDON
SE1 4YS

The Licensing Service
c/o Southwark Environmental Health and Trading Standards
The Chaplin Centre
Thurlow Street
LONDON
SE17 2DG

3rd November 2010

Dear Sir/Madam

Review of Licence No 833172 for Wabi Shebele Restaurant in Name of Mustafa Arif

We have been resident at the above address for some ten years. The Wabi Shebele Restaurant
We are concerned to hear that there may
be an extension of the licence for the restaurant and would be grateful if the Licensing Service would
take the following into consideration when conducting its review.

1. There is frequent loud noise from the restaurant, often well beyond midnight, which interferes with the sleep of those in bedrooms on the street side of the house. Given that we have some secondary glazing which provides a certain amount of shielding we dread to think what it must be like for those of our neighbours without it. While we appreciate that there are bound to be occasional bouts of noise, it seems to happen with an unreasonable regularity.

2. Part of the problem is that the customers of the restaurant often gather on the pavement outside to continue their partying with a complete disregard for any neighbours. On some occasions this partying has descended into loud and bitter arguments resulting in occasional fights. Indeed, on one occasion there was clearly a serious incident involving an assault as the police were at the scene. This is of particular concern to us as our young son (18 years old) often has to return home from work late. He has sometimes had to cross the road without using the pedestrian crossing to ensure that he does not become embroiled in whatever was going on outside the restaurant. The pedestrian crossing is right next to the restaurant.

We would be most grateful if the Council would take these serious concerns into account when considering whether to allow the license to continue as we believe that the way the restaurant is conducting its business shows an unreasonable lack of regard for the well-being and safety of its neighbours.

Yours sincerely,

03/11/2010

PARM G

Omojomolo, Alex

From: [redacted]@gmail.com]**Sent:** 02 November 2010 20:07**To:** Regen, Licensing**Subject:** Licence 833172

Dear Sirs

I would like to lodge an objection to this application

I had not read the notice attached to the post by the crossing next to the venue, having assumed it was something to do with the crossing itself. Had it been on the door of Wabi Shebele I would have noticed it sooner.

I live at

[redacted] off the New Kent Road.

I object to the application for the following reasons.

- 1 The noise is already appalling. I do not know how the people living next door cope. Neither can I guess what it is like for people living opposite in the flats at Edison House or in the houses. It regularly wakes me up - and I am tucked away behind and am usually a very strong sleeper.
- 2 There are regular fights, and people blocking the pavement making it difficult to get to the crossing to get to the safety of other side.
- 3 The smell of illegal substances is sometimes plainly noticeable.
- 4 There is frequently rubbish scattered around the bins which is distinctly smelly.

Thank you for your consideration. Will you notify me of the decision once made?

Yours faithfully