

APPENDIX A

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

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.

RECEIVED
28 SEP 2012

I Philipp Ulbrich

(Insert name of applicant)

apply for the review of a premises licence under section 51 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 K and F UK Ltd 39-45 Camberwell Road SE5 0EZ	
Post town London	Post code (if known) SE5 0EZ

Name of premises licence holder or club holding club premises certificate (if known) Kolawole Adeleye
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Number of premises licence or club premises certificate (if known) 838323
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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

Ulbrich

First names

Philipp

I am 18 years old or over

Please tick yes



Current post address if different from premises address

[Empty box for current post address]

Post town

[Empty box for post town]

Post Code

[Empty box for post code]

Daytime contact telephone number

[Empty box for daytime contact telephone number]

E-mail address (optional)

[Empty box for e-mail address]

(B) DETAILS OF OTHER APPLICANT

Name and address
Kristine and Anthony Fox

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

Please state the ground(s) for review (please read guidance note 1)
On the night between 18th and 19th of August 2012 a statutory nuisance due to noise has been witnessed by Noise & Nuisance Team officers (incident ref.: 650342, call ref.: 8007102181), along with confirmed significant breaches of the conditions/objectives of the Premises License as detailed in the next section below.

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

Observed breaches of the license conditions on the night of the 18/19 August. The relevant license conditions/objectives are listed below and are followed by a comment by the applicants.

158 - a. The Licensee / Duty Manager shall ensure that no nuisance is caused by noise emanating from the premises or by vibration transmitted through the structure of the premises. b. If required, legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

Applicants' note: No such signs appear to be evident and - considering the noise by patrons leaving the establishment - whether announcements to this effect have been made is in question.

311 - That 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.

Applicants' note: See 158a.

341 - That a means of artificial ventilation adequate to avoid the need to open external windows and doors shall be installed prior to the use of the premises for regulated entertainment and maintained thereafter. A report is to be provided on the ventilation system to the Noise Team satisfaction. The ventilation system should aim to achieve 12 litres per second per person air input (I.S.P)

Applicants' note: The backdoor was kept open to cook a barbecue and serve clients. On other nights the doors are opened various times throughout the night and sometimes left open for minutes to dump waste in the back of the restaurant.

42 - That all external doors and windows will remain closed whilst regulated entertainment is taking place. Where a door is used for patrons to enter or leave the premises the door will be fitted with a self-closing device and staff told to ensure that it is not propped open.

Applicants' note: See 341.

343 - That the fire door leading to the back seating area to be connected to the Music cut out device.

Applicants' note: There does not seem to be such a device, otherwise the music would not have continued in the above cases.

355 - All doors and windows to remain closed at all times.

Applicants' note: See 341

356 - The fire door leading to the back seating area is to be connected to the music cut out device.

Applicants' note: See 343

Further observations:

Calls made to the Noise Team/licensing Team due to nuisance from K and F UK Ltd:

13.04.2012: Call ref.: 828940

21.04.2012 at 12.41am: Call ref.: 8006872679

05.05.2012 at 4.11am: Call ref. n/a

13.05.2012 at 1.30am: Call ref.: 8006914190, also called Police at 4.32am: Police ref.: 2229

12.08.2012 at 3.20am: Call ref.: 8007089938

18/19.08.2012: various calls (at least 4 residents called)

The applicants would like to add that patrons have been and continue to be observed urinating or even defecating in front of Hitard Court and cars are being parked in the prohibited zone at the entrance of Hitard Court in Boyson Road. Especially considering that children are living in Hitard Court, it is suggested that the presence of urine and faeces in front of Hitard Court has a significant effect on public health. It is perceived that the cars being parked illegally in Boyson Road limit access of emergency services (fire engines may not be able to enter Boyson Road from Red Lion Row).

It is further important to note that the above instances of public nuisance are only the recorded cases which culminated in the Noise Team's intervention on 18/19th August. There have been and continue to be numerous other nights of nuisance which are not recorded. This is because in these cases the duration of incident was/is too short to report (e.g. a urinating patron who then walk off, people shouting while getting into their cars in red Lion Row, or into their illegally parked cars in Boyson Road, and driving off, the back door being opened to dump rubbish in the establishment's backyard - and loud music emerging, waking up residents - and then being closed again). As recently as on the 27th of September there has been a fight between patrons in Red Lion Row with residents of Hitard Court witnessing the disturbances on their balconies. The nuisance caused by patrons is even known to at least one other establishment in Walworth Road.

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

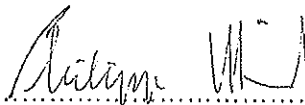
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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



Date 28/09/2012

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
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.