

Application for Review of Premises License at:-

**K&F UK Ltd.,
39-45 Camberwell Road,
London,
SE5 0EZ.**

Information to support the application

Shortly after the current license holder took over the premises complaints regarding noise nuisance began to be received by LB Southwark Noise and Nuisance Team. The first complaint regarding this particular licensee was received on 18/12/11. The premises has received several written warnings from both the Noise & Nuisance Team and the Licensing Team at LB Southwark.

The premises management have been given detailed advice both verbally and in writing and efforts have been made to ensure that there has been understanding and clarity with regard to the requirements of the premises license. There have been periods where the impact of the premises has lessened, however, these periods have not lasted long and the situation has repeatedly deteriorated with nearby residents continuing to be subject to statutory nuisance due to noise making activities at the premises.

To date there have been 34 complaints regarding noise and breach of licensing conditions from many different complainants. This is an average of almost 4 complaints per month. This is a very high level of complaint to be received from one licensed premises.

A brief summary of the case history and of LB Southwark interventions

Date	Notes
18/12/11	Statutory nuisance due to noise witnessed by Noise Officer, Licensee and DPS spoken to, warning letter sent.
30/12/11	Statutory nuisance due to noise witnessed by Noise Officer, DPS spoken to, noise abatement notice served on 02/01/12.
19/02/12	Statutory nuisance due to noise witnessed by Noise Officer, Licensee spoken to, warning letter sent regarding prosecution.
23/4/12	Statutory nuisance due to noise witnessed by Noise Officer, no DPS or Licensee present at time of inspection.
02/05/12	Meeting with premises management, Licensing Officer, Environmental Protection Officer and Police regarding many issues to do with the license including noise nuisance, public order and general management control over activities and patrons at and around the premises.
13/05/12	Noise Officer spoke to DPS and had music turned down at 01.39hrs.
14/05/12	Noise Officers spoke to Licensee and had music turned down at 00.32hrs.
23/05/12	Warning letter sent to premises management from Licensing Team regarding breaches of Premises License conditions.
01/06/12	Noise limiter checked and set by Environmental Protection Officers.
16/08/12	Noise limiter checked for tampering by Environmental Protection Officers.
19/08/12	Statutory nuisance due to noise witnessed by Noise Officer.

As can be seen there have been many occasions on which the premises management have been advised of their responsibilities with regard to the prevention of nuisance, both in person and in writing. They have persistently ignored the advice of the officers of the LB Southwark and, even with noise limiters fitted, persistently shown that they are unable to ensure that the conditions on the premises license are adhered to and have had little regard to the fact that the premises is in close proximity to residential neighbours.

It is clear that, with the current premises management, it is not suitable to permit licensable activities that cause noise on the ground floor of the premises and that these activities should be removed from the license. This includes:-

Entertainment similar to live/recorded music – indoors
Facilities for dancing – indoors
Facilities for making music – indoors
Live music – indoors
Provisions similar to making music and dancing – indoors
Recorded music – indoors

The premises can be permitted to have recorded music at background levels to support the restaurant function as this activity does not require to be licensed.

Alternatively, the noise making activities could remain permitted by the license but the hours of the activities, which are currently permitted until 03.00am on all days of the week, could be tightened. The Environmental Protection Team would recommend that the activities cease at 23.00hrs Sunday – Thursday and at 0.00 on Friday and Saturdays. It should be noted that this will not ensure that the residents will not continue to suffer from Statutory Nuisance due to noise during the hours when these activities are permitted. However, if the noise limiter was linked to cut out if the doors to the premises were opened this would encourage better management of noise making activities.



Sarah Newman
Principle Environmental Protection Officer
LB Southwark

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	SARAH NEWMAN ENVIRONMENTAL PROTECTION TEAM LONDON BOROUGH OF SOUTHWARK PO BOX 64529 160 Tooley Street London SE1 5LX
Telephone number (if any)	0207 525 4320
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This application to review relates to the following licensing objective(s)

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

Please tick one or more boxes ✓

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MEMO: Licensing Unit

To Licensing (JMT) **Date** 22 Oct 2012

Copies

From Kristie Ashenden **Telephone** 020 7525 5754 **Fax** 020 7525 5705

Email Kristie.Ashenden@southwark.gov.uk

Subject Review: K&F UK Ltd, 39 – 45 Camberwell Rd, London SE5

I write in reference to the review application made by a local resident relating to the premises licence for K&F UK Ltd, 39 – 45 Camberwell Rd, London SE5.

I wish to support the review of the premises licence, relating to the prevention of public nuisance.

I have reviewed our records relating to the premises and it is evident that there are serious noise issues and a distinct lack of management control. The majority of complaints are received after midnight, therefore I am looking for a reduction in hours for licensable activities.

As of 12th October 2012 a s80 noise abatement notice was contravened and there have been consistent calls to the noise teams since the current management have been in place.

There are several noise containment conditions in place on the licence yet the premises is still a steady source of nuisance due to lack of management. Officers from licensing and environmental protection have spoken to management on several occasions yet the nuisance has not abated.

I support the review and request the following:

- That the sound limiting device be linked to the doors so that the music is cut should the doors be open
- That the hours for **all licensable activities** be reduced as follows:
 - Sunday – Thursday 23.00hrs terminal hour; premises to be closed 23.30hrs
 - Friday & Saturday 00.00hrs; premises to be closed at 00.30hrs.

Kristie Ashenden
Principal Licensing Officer