

APPENDIX B

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Wednesday, August 10, 2016 3:19 PM
To: Regen, Licensing
Subject: RE: RE: The Empire - Unit 2 777 Old Kent Road LDO 11/08/16

To whom it may concern:

Re: The Empire, Unit 2 777 Old Kent Road, London SE15 1NZ

On behalf of the Acting Director of Public Health for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

The representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

General Comments

The applicant requests a license for the sale of alcohol on and off the premises between the hours of 11:00 and 23:30 Mondays to Thursdays, 11:00 and 01:30 Fridays to Saturdays and 11:00 – 00:00 on Sundays.

I have concerns regarding the closing time for alcohol sales as these fall outside the hours recommended in the Southwark Statement of Licensing Policy. I also have concerns regarding the request for off-sales of alcohol as the nature of this establishment is to be a restaurant.

Recommendations

- I recommend the closing time for alcohol sales to be 23:00 daily
- I recommend all off-sales of alcohol to be sold ancillary to a take-away meal
- I recommend all off-sales of alcohol to be sold in sealed containers to be consumed away from the premises

If you have any further questions, please do not hesitate to contact me.

Yours faithfully,

Carolyn Sharpe
on behalf of Dr Jin Lim, Acting Director of Public Health



MEMO: Environmental Protection Team

To Regen.licensing; **Date** 11 August 2016

Copies Wesley McArthur

From Ken Andrews **Telephone** [REDACTED] **Fax** [REDACTED]

Email [REDACTED]

Subject **The Empire Unit 2- 777 Old Kent Road SE15 1NZ APP 836741
(EPRA) representation**

EPRA have considered a new premises licence application for the above address, and would like to make representation under the prevention of public nuisance licensing objectives.

The premises is within a commercial building, but there are a few residential properties within proximity to the unit. The application is for the sale of alcohol for consumption both on and off the premises between 11.00-23.30 Monday to Saturday and Sunday 11.00-24:00.

Recorded music will be played on Friday 11:00-24:00 and Saturday and Sunday 11:00-02:00

EPRA consider that the proposal to have recorded music up to 02:00 is very late and as a result has to be satisfied that the control measures are effective

. The application indicated that the music sound levels will be monitored on the premises and that members of staff will be trained to ensure that patrons leave the premises quietly.

While these stated objectives are applicable for the prevention of nuisance, EPRA would suggest that the applicant considers an earlier closing time on Saturday and Sunday and to submit a more specific plan to prevent noise escape and avoid causing a statutory nuisance to nearby residents.

Ken Andrews - Principal Environmental Health Officer

MEMO: Licensing Unit

To Licensing Unit **Date** 11 August 2016

Copies

From Jayne Tear **Telephone** [REDACTED] **Fax**

Email [REDACTED]

Subject Re: The Empire, Unit 2, 777 Old Kent Road, London, SE15 1NZ

Application for a premises licence

I write with regards to the above application for the grant of a premises licence submitted by George Nwachukwu under the Licensing Act 2003 which seeks the following licensable activities:

- Recorded music (indoors) on Saturday and Sunday from 11:00 to 02:00 the following day
- Provision of late night refreshment (indoors & outdoors) on Sunday to Thursday from 23:00 to 00:00 and on Friday and Saturday from 23:00 to 02:00 the following day
- The supply of alcohol (on and off the premises) on Monday to Thursday from 11:00 to 23:30; Saturday and Friday from 11:00 to 01:30 the following day and on Sunday from 11:00 to 00:00
- Overall opening times shall be from Sunday to Thursday from 11:00 to 00:00; Friday and Saturday from 11:00 to 02:00 the following day

Non Standard Timings:

- On new years eve, christmas eve, and all days preceding bank holidays recorded music, supply of alcohol, and opening hours shall be from 11:00 to 02:00 the following day
- On new years eve, christmas eve, and all days preceding bank holidays late night refreshment shall be from 23:00 to 02:00 the following day.

The premises is situated in a residential area and under the Southwark Statement of Licensing Policy 2016 - 2020 the appropriate closing times for Restaurants, Public Houses, Wine bars or other drinking establishments in this area is **23:00 daily. Night Clubs (with sui generis planning classification) are not considered appropriate for this area.**

The premises is described as '*restaurant with some takeaway*' within the application.

I am submitting this application with regards to the prevention of crime and disorder and public nuisance as the applicant has failed to adequately address these licensing objectives within the operating schedule and people leaving the premises later at night could impact upon local residents living nearby and in the surrounding streets. The management would have no control of patrons that have left the premises and the possible impact of any rowdy and anti-social behaviour or crime and disorder.

To help address my concerns I ask the applicant to consider providing an accommodation limit to the premises. Dependant on the accommodation limit, how it will be controlled and what kind of dispersal policy will the premises operate?

I also ask that the finishing times of the licensable activities are amended to allow the opening times to be brought in line with what is considered appropriate for the area and type of premises as described within the licensing policy.

Recommended amendments to the application:

- Recorded music (indoors) to cease at 23:00 on Friday and Saturday.
- Late night refreshment (indoors) to remove the activity as not required up to 23:00.
- Supply of alcohol (on the premises) on Monday to Sunday shall to cease at 22:30
- Supply of alcohol (off the premises) on Monday to Sunday shall to cease at 23:00
- Overall opening times shall cease on Monday to Sunday at 23:00

Furthermore to retain the premises operation a restaurant and to help prevent patrons drinking on the street, I ask for the following conditions to be added to the licence

- Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal
- Any 'off sales' of alcohol shall be sold in closed containers and taken away from the Premises

I therefore submit this representation and welcome any discussion with the applicant to consider the above representation.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 -
_southwark_statement_of_licensing_policy_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

Jayne Tear
Principal Licensing officer
In the capacity of the Licensing Responsible Authority



Chief executive's department

Planning division
5th floor, hub 2
PO Box 64529
LONDON SE1P 5LX

EH & TS Licensing Unit
Hub 2 3rd Floor Tooley Street

X

Your Ref: 854368
Our Ref: 16-CE-00670
Contact: Matthew Lambert
Telephone: [REDACTED]
Fax: [REDACTED]
E-Mail: planning.enquiries@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 11/08/2016

Dear Sir/Madam

Premises Licensing re:
UNIT 2, 777 OLD KENT ROAD, LONDON, SE15 1NZ

Summary description: Type of Application Sought: A new premises licence applicati

Date Received: 15/07/2016

Thank you for you memo regarding an application for a new premises licence at the above site.

Planning permission was granted for "Change of use of vacant retail unit (Class A1) to hot food takeaway (Class A3 and Class A5)" at the above site under ref 14/AP/2547. A condition (no 6) was attached which restricted the hours of use of the premises to 0700 to 2300 on Monday to Saturday and 0800 to 2200 on Sundays/Bank Holidays.

Two subsequent applications have been submitted to vary this condition and the hours of use:
16/AP/0647 sought to vary the hours of use to "07:00 to 23:00 on Monday to Saturday to 07:00 to 05:30 on Monday to Saturday and 08:00 to 04:30 on Sunday/Bank Holidays"
16/AP/1539 sought to vary the hours of use to "07:00 to 23:00 on Monday to Saturday to 11:00 to 01:30 on Monday to Thursday, 11:00 to 04:00 on Friday and Saturday and 11:00 to 02:00 on Sunday/Bank Holidays"

Both of these application were refused

The hours of use detailed in the license application exceed the permitted hours stating that the premises will be open until 00:00 Monday to Thursday and until 02:00 on Friday and Saturday. In addition the presence of door supervisors also suggest an element of an A4 (drinking establishment) use rather than a restaurant and takeaway use.

The upper floors of the application site are partly used by places of worship. Two of these places of worship have hours of use conditions attached to planning permissions (to finish by between 20:00 and 21:00). The planning department monitors the use of the upper floors of the application site and compliance with hours conditions, as use over these hours has a detrimental impact on the residential properties to the rear of the site on Sylvan Grove (Sylvan Terrace), through associated noise, and disturbance through parking and congregation of people visiting the property on Sylvan Grove.

The planning department has also taken enforcement action in relation to air conditioning units attached to the adjacent premises (Iceland) in relation to noise and the impact on residential neighbours.

Therefore at the hours proposed, the planning department objects to the application for a premises licence on the grounds of public nuisance.

Yours faithfully

Matthew Lambert



Planning Enforcement Officer